

Conduct matter Operation Turton 2

Investigation into six Metropolitan Police Service officers' failure to challenge or report the taking and sharing of inappropriate photographs from the scene of a double murder

> Independent investigation report

> Investigation information

Investigation name:	Operation Turton 2
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IOPC office:	Croydon
Lead investigator:	[REDACTED]
Case supervisor:	Steven Foxley
Director General delegate (Decision maker):	Graham Beesley
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> Introduction

> The purpose of this report

1. On 7 June 2020, sisters Ms Nicole Smallman and Ms Bibaa Henry were murdered in Fryent Country Park, North London. A number of Metropolitan Police Service (MPS) officers, including officers from the North East command unit, assisted with scene cordon duties at Fryent Country Park in the days following the murders.
2. On 19 June 2020 the Independent Office for Police Conduct (IOPC) started an independent investigation into allegations that inappropriate photographs were taken at the homicide crime scene in Wembley and subsequently shared with a small number of people (Operation Turton 2020/138174). The investigation related to the conduct of two MPS officers. Both officers were arrested on 22 June 2020 on suspicion of Misconduct in Public Office (MIPO).
3. Following the arrest of the two officers in Operation Turton, evidence came to light which suggested six officers from the North East command unit were either aware of, viewed or received photographs of the murder victims. I was therefore appointed by the IOPC to independently investigate allegations that six MPS officers failed to challenge or report the taking and sharing of inappropriate photographs from the scene of a double murder.
4. This matter was declared an independent conduct investigation on 22 July 2020.
5. Following an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, who I will refer to as the decision maker for the remainder of this report. The decision maker for this investigation is Regional Director Graham Beesley.
6. In this report, I will provide:
 - an accurate summary of the evidence and attach or refer to any relevant documents. I will provide sufficient information to enable the decision maker to determine whether to refer any matter to the Crown Prosecution Service (CPS)
 - sufficient information to enable the decision maker to form a provisional opinion on the following:

- a) whether any person to whose conduct the investigation relates has a case to answer for misconduct or gross misconduct, or no case to answer
 - b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour)
 - c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person
 - d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP)
- sufficient information and evidence to enable the decision maker to identify whether a paragraph 28ZA recommendation (remedy) or referral to the Reflective Practice Review Process (RPRP) is appropriate
 - sufficient information to enable the decision maker to determine whether to make a recommendation to any organisation about any lessons that may need to be learned
7. The IOPC will send a copy of this report and the decision maker's provisional opinion to the MPS. The appropriate authority must provide comments within 28 days if it chooses to do so. Where the appropriate authority disagrees with the content of the report or the decision maker's provisional opinion, the appropriate authority should set out the reasons in their response as fully as possible and provide any supporting information. Having considered any views of the appropriate authority, the decision maker is required to make the final determination and to notify the appropriate authority of it.
 8. The decision maker may also make a determination concerning any matter dealt with in the report. This may include a decision that a matter amounts to Practice Requiring Improvement (PRI) and as such should be dealt with under the RPRP or a recommendation under paragraph 28ZA (remedy).
 9. Where Articles 2 or 3 of the European Convention on Human Rights (ECHR) are engaged, this investigation is also intended to assist in fulfilling the state's investigative obligation by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.

> Other investigations

10. The MPS launched '*Operation Saxonstreet*', an investigation into the murder of sisters Ms Henry and Ms Smallman, on 7 June 2020.
11. The IOPC investigation '*Operation Turton*' was a separate, independent investigation into the conduct of two North East command officers' conduct at the scene of the murders; Police Constable (PC) Jamie Lewis and PC Deniz Jaffer. The initial investigation was completed in August 2020.

> Background information about Ms Henry and Ms Smallman

12. Ms Henry and Ms Smallman were celebrating Ms Henry's 46th birthday with friends in Fryent Country Park on the evening of Friday 5 June 2020. Ms Smallman and Ms Henry were sisters.
13. Ms Smallman, aged 27, was due to start a new job the week following her death. She had previously worked as a freelance photographer and as a manager in the hospitality industry. Ms Henry had worked as a senior social worker in children's services.

> The investigation

> Terms of reference

14. Graham Beesley initially approved the terms of reference for this investigation on 19 August 2020. The terms of reference were revised and again approved on 24 November 2020. The terms of reference can be seen in full at appendix 2, however, in brief they are:
 - To investigate the conduct of PC D, PC E, PC A, PC B, PC F and PC C, specifically:
 - a. Whether they were aware of, received or viewed the photographs of the deceased victims Ms Smallman and Ms Henry and failed to report or challenge the conduct of their colleagues in line with the Code of Ethics and Standards of Professional Behaviour (SoPB).
 - Whether PC D breached the SoPB by moving from her fixed cordon point in Fryent Country Park on the morning of 8 June 2020, without a legitimate policing purpose and whether she failed to challenge and/or report her colleagues' movements at the scene.

> Subjects of the investigation

15. There was an indication that persons serving with the police listed below may have:
- (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings.
16. Where there is such an indication for any police officer, police staff member or relevant contractor, they are categorised as a subject of the investigation. All subjects are served with a notice of investigation, informing them of the allegations against them.
17. They are also informed of the severity of the allegations. In other words, whether, if proven, the allegations would amount to misconduct or gross misconduct, and the form that any disciplinary proceedings would take.
18. The following people have been categorised as subjects of this investigation:

Name	Role	Severity	Interviewed	Were criminal offences investigated? If so, please list these below
A	Police Constable (PC)	Misconduct	Written account provided (21 August 2020)	No – conduct only
F	Police Constable (PC)	Misconduct	Written account provided (21 August 2020)	No – conduct only
E	Police Constable (PC)	Misconduct	Written account provided (10 September 2020)	No – conduct only
C	Police Constable (PC)	Misconduct	Written account provided (17 September 2020)	No – conduct only

B	Police Constable (PC)	Misconduct	Written account provided (11 September 2020)	No – conduct only
D	Police Constable (PC)	Misconduct	Written accounts provided (1 September 2020 and 23 December 2020)	No – conduct only

19. **PC A**

PC A was served with a Regulation 17 notice informing her there was an indication her conduct may have breached the SoPB. The notice outlined the following allegations, that she may have:

- Been aware that her colleague PC Jamie Lewis held inappropriate and sensitive images from a murder scene on his personal mobile phone, without a valid policing purpose, and she failed to report or challenge his improper conduct.
- Viewed the images of the murder victims on PC Jamie Lewis' personal mobile device without a legitimate policing purpose and subsequently failed to report or challenge PC Lewis' improper conduct.
- Witnessed colleagues viewing inappropriate and sensitive images from a murder scene on PC Jamie Lewis' personal mobile phone, without a valid policing purpose, and failed to report or challenge their improper conduct.

20. The Regulation 17 notice served to PC A alleged a breach of the following SoPB:

- *'Challenging and reporting improper conduct'* - officers are expected to report, challenge or take action against the conduct of colleagues which has fallen below the SoPB.

21. **PC F**

PC F was served with a Regulation 17 notice informing her there was an indication her conduct may have breached the SoPB. The notice outlined the following allegations, that she may have:

- Been aware that her colleague PC Jamie Lewis held inappropriate and sensitive images from a murder scene on his personal mobile phone, without a valid policing purpose, and she failed to report or challenge his improper conduct.

- Viewed the images of the murder victims on PC Jamie Lewis' personal mobile device without a legitimate policing purpose and subsequently failed to report or challenge PC Lewis' improper conduct.
 - Witnessed colleagues viewing inappropriate and sensitive images from a murder scene on PC Jamie Lewis' personal mobile phone, without a valid policing purpose, and failed to report or challenge their improper conduct.
22. The Regulation 17 notice served to PC F alleged a breach of the following SoPB:
- *'Challenging and reporting improper conduct'* - officers are expected to report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.
23. **PC E**
- PC E was served with a Regulation 17 notice informing him there was an indication his conduct may have breached the SoPB. The notice outlined the following allegations, that he may have:
- Been aware his colleague PC Deniz Jaffer had taken inappropriate and sensitive photographs of two murder victims without a valid policing purpose while on duty to protect the cordon of the murder crime scene and he failed to report or challenge his improper conduct between 8 and 25 June 2020.
 - Been aware his colleague PC Deniz Jaffer held inappropriate and sensitive images from a murder scene on his personal mobile phone, without a valid policing purpose, and failed to report or challenge his improper conduct between 8 and 25 June 2020.
24. The Regulation 17 notice served to PC E alleged a breach of the following SoPB:
- *'Challenging and reporting improper conduct'* - officers are expected to report, challenge or take action against the conduct of colleagues which has fallen below the SoPB.
25. **PC C**
- PC C was served with a Regulation 17 notice informing her there was an indication her conduct may have breached the SoPB. The notice outlined the following allegations, that she may have:
- Been aware her colleague PC Deniz Jaffer held inappropriate and sensitive images from a murder scene on his personal mobile phone, without a valid policing purpose, and she failed to report or challenge his improper conduct.

- Viewed the images of the murder victims on PC Deniz Jaffer's personal mobile device without a legitimate policing purpose and subsequently failed to report or challenge PC Deniz Jaffer's improper conduct.
26. The Regulation 17 notice served to PC C alleged a breach of the following SoPB:
- *'Challenging and reporting improper conduct'* - officers are expected to report, challenge or take action against the conduct of colleagues which has fallen below the SoPB.

27. **PC B**

PC B was served with a Regulation 17 notice informing her there was an indication her conduct may have breached the SoPB. The notice outlined the following allegations, that she may have:

- Been aware her colleague PC Jamie Lewis held inappropriate and sensitive images from a murder scene on his personal mobile phone, without a valid policing purpose, and she failed to report or challenge his improper conduct.
 - Viewed the images of the murder victims on PC Jamie Lewis' personal mobile device without a legitimate policing purpose and subsequently failed to report or challenge PC Jamie Lewis' improper conduct.
 - Witnessed colleagues viewing inappropriate and sensitive images from a murder scene on PC Jamie Lewis' personal mobile phone, without a valid policing purpose, and failed to report or challenge their improper conduct.
28. The Regulation 17 notice served to PC B alleged a breach of the following SoPB:
- *'Challenging and reporting improper conduct'* - officers are expected to report, challenge or take action against the conduct of colleagues which has fallen below the SoPB.

29. **PC D**

PC D was served with a Regulation 17 notice informing her there was an indication her conduct may have breached the SoPB. The notice outlined the following allegations, that she may have:

- Been aware her colleague PC Deniz Jaffer had taken inappropriate and sensitive photographs of two murder victims without a valid policing purpose while on duty to protect the cordon of the murder crime scene and she failed to report or challenge his improper conduct between 8 and 24 June 2020.
- Been aware her colleague PC Deniz Jaffer held inappropriate and sensitive images from a murder scene on his personal mobile phone, without a valid

policing purpose, and she failed to report or challenge his improper conduct between 8 June and 24 June 2020.

- Viewed the images of the murder victims on her personal mobile device without a legitimate policing purpose and subsequently failed to report or challenge PC Deniz Jaffer's improper conduct in sharing these images with her between 8 June and 24 June 2020.
30. The Regulation 17 notice served to PC D alleged a breach of the following SoPB:
- *'Challenging and reporting improper conduct'* - officers are expected to report, challenge or take action against the conduct of colleagues which has fallen below the SoPB.
31. On 28 November 2020 PC D was issued with a further, revised Regulation 17 notice. The notice outlined the following allegations, that she may have:
- Failed to show diligence as a police officer by moving from her fixed cordon point while at the scene of the murders on 8 June 2020, without a legitimate policing purpose.
 - Deviated from the orders and instructions provided to her by moving from her fixed cordon point while at the scene of the murders on 8 June 2020, without a legitimate policing purpose.
 - Failed to challenge and/or report the conduct of PC Jamie Lewis and PC Deniz Jaffer as they moved from their fixed cordon posts on 8 June 2020.
32. The notice informed PC D there was an indication her conduct may have also breached the following SoPB:
- *'Duties and responsibilities'* - officers must be diligent in the exercise of their duties and responsibilities.
 - *'Orders and instructions'* – officers will give and carry out lawful orders only, abide by police regulations and follow all reasonable instructions.
 - *'Challenging and reporting improper conduct'* - officers are expected to report, challenge or take action against the conduct of colleagues which has fallen below the SoPB.

> Summary of the evidence


33. I have presented a summary of the evidence in order for the decision maker to reach their opinion. A volume of evidence was gathered during this investigation. After thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my

investigation. As such, not all of the evidence gathered in the investigation is referred to in this report.

> Chronological summary of events

34. The following chronology will set out details of the officers attending the scene of the murders on 8 June 2020 and the evidence which then came to light following the arrests of PC Jamie Lewis and PC Deniz Jaffer on 22 June 2020. The officers' individual accounts have been analysed alongside the evidence in the 'Analysis of the evidence' section.

> Attendance at the murder crime scene on 8 June 2020

35. On 7 June 2020, Ms Smallman and Ms Henry were murdered in Fryent Country Park, Wembley, London. Their bodies were discovered together at the same deposition site. The murders occurred in the MPS's North West Command unit area.
36. Police Sergeant (PS) Andrew Marsh was the first police supervisor on the scene. He said he arrived during the early stages of the investigation and his main investigative strategy was to preserve evidence and set up the initial cordons. He provided a statement to the IOPC along with two aerial maps which showed the fixed cordon points where officers were expected to guard the crime scene.
37. The map  provided by PS Andrew Marsh marked points 'A' to 'O' within and around Fryent Country Park where cordon officers were placed. He confirmed the points were 'fixed points' and *"...officers were expected not to move from the fixed points as they remained in each other's line of sight and created a 'barrier' to prevent any people or wildlife getting into the scene"*. PS Andrew Marsh confirmed point 'A' was a distance of approximately ten metres from the bodies of Ms Smallman and Ms Henry. This was one point where it was expected an officer would stand and guard the scene.
38. The photograph below shows an aerial view of part of Fryent Country Park. The area where Ms Smallman and Ms Henry's bodies were placed within a hedgerow is marked 'X':



39. PS Barry Rookard provided a statement to the IOPC along with a copy of his day book. He was the supervisor assigned to manage the crime scene for the night duty 7 - 8 June 2020. PS Barry Rookard stated officers were briefed and advised to maintain their cordon points and maintain the integrity of the scene. He recalled being sent officers from three other command units to assist with scene cordon duties, including officers from the North East Command unit. He stated *“my expectations were made clear that the scene's integrity was to be maintained and that officers were expected to act in a professional manner.”*
40. PC Deniz Jaffer, PC Jamie Lewis, PC E and PC D were among the officers drafted in from the North East Command unit to assist with the scene cordon duties on the night of 7 - 8 June 2020.
41. The officers were on scene from the early hours of the morning on 8 June 2020. PC Jamie Lewis [REDACTED] and PC Deniz Jaffer [REDACTED] were placed in the inner cordon close to the hedgerow deposition site. PS Barry Rookard's day book showed PC Jamie Lewis and PC Deniz Jaffer were in area 'A' and 'A1' whereas PC D [REDACTED] was further away from the deposition site at point 'C'. PC E [REDACTED] was placed at point 'H'.
42. PC D and PC E provided statements to the IOPC. They both confirmed they were asked to assist at the scene during their night shift on 7 - 8 June 2020.
43. PC D recalled being placed on a cordon point further away from PC Jamie Lewis and PC Deniz Jaffer. PC D said she could see where PC Jamie Lewis and PC Deniz Jaffer were posted from where she was positioned and that they were talking and walking backwards and forwards to one another. PC D could not see PC E.

44. PC E recalled being placed on the other side of the field, further away from his colleagues. PC E stated he had no contact with his colleagues while at his posting. He said he remained at his standing post for a number of hours before he was relieved by colleagues.
45. PC D stated at one stage both PC Jamie Lewis and PC Deniz Jaffer walked over to where she was posted and spoke to her. She stated around 40 minutes later PC Deniz Jaffer came over to her and she went to his posting. While there, PC Jamie Lewis shone his torch into an opening in the bushes and far down into the overgrowth she could make out the back of one of the victims. PC D said she returned to her post and PC Deniz Jaffer to his. She recalled her phone vibrating and receiving four images from PC Deniz Jaffer which showed the victims laying in the bush, one of which she believed was a 'selfie' style image showing PC Jamie Lewis' face.
46. The officers were relieved for a refreshment break during their shift. PC E said while on a refreshment break with his colleagues, PC Deniz Jaffer handed his mobile phone to him and showed him a photograph. PC E viewed the image which he said looked like two victims laying in a wooded area.
47. The officers returned from their refreshment break and were posted at different cordon points within the scene. They returned to their home borough at the end of their shift on the morning of 8 June 2020.

> The arrest of PC Jamie Lewis and PC Deniz Jaffer on 22 June 2020

48. PC Jamie Lewis was arrested on suspicion of MIPO on 22 June 2020 following an anonymous allegation he had taken inappropriate photographs at the scene of the murders of Ms Smallman and Ms Henry and shown the images to others. Evidence came to light which suggested PC Deniz Jaffer may have also taken inappropriate photographs at the scene and he was also arrested on suspicion of MIPO on 22 June 2020. The allegations related to the officers' attendance at Fryent Country Park, while on scene cordon duties, on 8 June 2020.
49. In his criminal interview on 22 June 2020 PC Jamie Lewis stated he had shown the images of Ms Smallman and Ms Henry to his colleague PC F in the yard of Forest Gate police station several days after his scene attendance, following his rest days. He said PC F asked if he had photos of the victims and he showed them to her. PC Jamie Lewis said PC F took his phone and scrolled through the photographs. He stated he did not know how PC F was aware that he had the photographs from the scene. PC Jamie Lewis stated PC F was standing with two colleagues, PC A and PC B, who may have also seen the photographs.

50. PC Jamie Lewis stated PC F was a 'PoISA' (Police Search Adviser) search officer who was due to search Fryent Country Park. He said he initially showed her the photographs so she could understand the scene and the size of the area. PC F's duties showed her assigned to training in Forest Gate police station on 11 June and PoISA aid on 12 June 2020. The training on 11 June was cancelled however and staff were expected to assist the response teams or catch up on their administration.
51. PC F provided a statement to the IOPC in which she confirmed on an unknown date following 8 June 2020, while inside Forest Gate police station, a discussion had taken place about the murder scene between officers. PC F stated while talking to PC Deniz Jaffer, PC Jamie Lewis came over to her and handed her his mobile phone. She said she could not make out the image on his phone as she did not have her glasses on. PC F gathered the image was from the crime scene. PC F recalled thinking the photo was possibly in "*bad taste*" and wondered why PC Jamie Lewis would be taking photos while working at the crime scene.
52. Following this, while in the yard at Forest Gate police station, PC F said she called PC Jamie Lewis over and asked about his phone. She stated her intention was to tell PC Jamie Lewis she did not think it was appropriate for him to have anything from the crime scene on his mobile phone. PC F said PC Jamie Lewis went to show her his phone again, but she waved her arms to gesture that she did not wish to see it. PC F said "*... I believe I was interrupted by an immediate response call...*"
53. PC A provided a statement to the IOPC. PC A recalled being shown an image outside Forest Gate police station while standing in the vicinity of PC F. PC A had a conversation with PC Jamie Lewis regarding him getting off late from his shift after he had attended the murder crime scene. PC A stated PC Jamie Lewis appeared "*jovial and a bit child like*" as he produced his mobile phone and showed her an image of a face wearing a flat police cap which may have been a selfie image.
54. PC A said it appeared to be dawn in the background. She did not state she saw the bodies of the victims in the photograph. PC A said PC Jamie Lewis laughed as he showed the image to her. PC A said she could not see the image and rather than ask for clarification she nervously laughed.
55. PC B provided a statement to the IOPC. She stated she had no knowledge of photographs taken by her colleagues at the murder crime scene and she never viewed the photographs.
56. On 24 June 2020, following the arrest of her colleagues, PC D advised a manager that she was sent a picture from the crime scene in Fryent Country Park by PC Deniz Jaffer via WhatsApp. An 'MM1' form was completed. The

'Assessment and Advice Form – Conduct, RPRP and Performance' is an internal MPS form with reference number 'MM1'. It is to be completed by a manager when an incident is reported to them which may relate to an officer's conduct or performance. It can also be used to seek further advice (RPRP stands for 'Reflective Practice Review Process').

57. The phone download evidence obtained in Operation Turton showed PC D received four images from PC Deniz Jaffer via WhatsApp on the morning of 8 June 2020 at 4.49am, while still on cordon duties at the scene.
58. Three photographs showed the bodies of Ms Henry and Ms Smallman laying in a wooded area. The fourth image appeared to be a superimposed 'selfie' style image of a police officer in front of the bodies of Ms Smallman and Ms Henry.
59. On 24 June 2020, PC D also advised a manager that PC C had viewed the images of the victims but on PC Deniz Jaffer's handset. A further 'MM1' form was completed by the manager with the details provided by PC D.
60. PC C provided a statement to the IOPC. She stated she was on a three day training course at the time of her colleagues' arrest and returned to duty on 25 June 2020. Once PC C became aware of her colleagues arrest she said she informed Acting PS G that PC Deniz Jaffer had shown her an image of the victims.
61. PC C confirmed in her statement that while on parade at Forest Gate police station, on an unknown date, PC Deniz Jaffer, who was PC C's mentor at the time, asked to show her something. When PC C turned around, PC Deniz Jaffer held out his mobile phone to show her an image. PC C said she did not immediately register what she was being shown and then she realised she was being shown "*..an indecent image of two deceased female bodies.*" PC C said she "*..immediately and directly*" expressed her disapproval to PC Deniz Jaffer. PC C stated she saw one image which was "*..of two lifeless females, draped across one another on the floor of what appeared to be the shrubbery of a park.*"
62. PC C recalled PC Deniz Jaffer had recently been posted at a crime scene in North London where he would have been posted to protect the scene. She said she believed his behaviour to be inappropriate and "*...used words to the extent of 'Den, I don't really think you should be doing that. That is really bad'...*" PC C said she was shocked and unsettled upon being shown the image and she would never have consented to viewing the image.
63. PC E provided an account to the IOPC. He stated on 25 June 2020 he became aware of the investigation into PC Deniz Jaffer and PC Jamie Lewis' conduct. PC E approached a manager and stated he was aware of PC Deniz

Jaffer taking photographs at the scene of the murders. An 'MM1' form was completed and sent to the IOPC.

> CCTV evidence obtained from the yard of Forest Gate police station

64. The IOPC obtained CCTV footage covering the yard of Forest Gate police station between 11 and 22 June 2020 as part of Operation Turton.
65. The footage was reviewed between 11 and 12 June 2020 in line with PC Jamie Lewis' shift pattern in order to identify evidence of PC Jamie Lewis showing PC F, PC A and PC B the photographs from the crime scene on his mobile phone.
66. While there were many gatherings of officers in the yard at Forest Gate police station throughout 11 and 12 June 2020, the video is too pixilated to confidently identify people and objects at a distance. As such, it was not possible to identify the officers or event detailed above.

> Policies and guidance considered

67. During the investigation, I have examined the SoPB for police officers, as set out below. This material will enable the decision maker and the appropriate authority to consider whether the police officers named in this report complied with the Code of Ethics and SoPB.

> Code of Ethics - Standards of Professional Behaviour

68. The officers' actions were examined in relation to a number of standards of professional behaviour.
69. The Police (Conduct) Regulations 2020 set out the SoPB police officers are expected to adhere to:

Challenging and reporting improper conduct

"Police officers report, challenge or take action against the conduct of colleagues which has fallen below the SoPB."

Officers *"must never ignore unethical or unprofessional behaviour by a policing colleague, irrespective of the person's rank, grade or role"*.

The standard also notes if officers feel they cannot question or challenge a colleague directly, they should report their concerns through a line manager, a force reporting mechanism or other appropriate channel.

Duties and responsibilities

“Police officers are diligent in the exercise of their duties and responsibilities. Take full responsibility for, and be prepared to explain and justify, your actions and decisions.

Police officers have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness.”

Orders and instructions

“I will give reasonable instructions only and will follow all reasonable instructions.”

There may be instances when failure to follow an order or instruction does not amount to misconduct. For example, where a police officer reasonably believes an order is unlawful or has good and sufficient reason not to comply. Any decision to not obey orders or follow instructions, or that transgresses policing policies and other guidance, must be able to withstand scrutiny.

> Analysis of the evidence

70. The report has set out all the relevant evidence for the decision maker. I will now analyse that evidence to assist the decision maker in making his decision as to whether or not there is an indication that PC D, PC E, PC A, PC F, PC B or PC C may have breached the SoPB. The issues have been set out and analysed in relation to the conduct of each officer under a separate heading below.

> PC D’s conduct

71. PC D acknowledged in her statement she had received four images of Ms Smallman and Ms Henry on her personal mobile phone from PC Deniz Jaffer on the morning of 8 June 2020. The admission by PC D is supported by the phone evidence obtained in Operation Turton (1) whereby it showed PC Deniz Jaffer sent four images to PC D at 4.49am on the morning of 8 June 2020. When considering whether PC D viewed the images sent to her by PC Deniz Jaffer, it is noted she was able to describe the images of the victims and also recalled seeing an image with PC Jamie Lewis’ face on it which she described as *“particularly insensitive”*. PC D stated she immediately deleted the images and she did not forward them on.
72. The Code of Ethics sets out the SoPB expected of police officers. Under the SoPB *‘challenging and reporting improper conduct’* police officers are

expected to “..report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.” PC D stated she knew the photographs should not have been taken and she should have reported the event to a supervisor immediately. While PC D reported her concerns to a manager on an ‘MM1’ form, this was only undertaken after the arrest of her colleagues, on 24 June 2020, several weeks after her attendance at the scene on 8 June 2020.

73. In her account of 1 September 2020 PC D said she was new in service and was scared of reporting her colleagues as she feared she would be ostracised. However, the SoPB ‘*challenging and reporting improper conduct*’ also states officers should not ignore unethical or unprofessional behaviour irrespective of the person’s rank or role. Furthermore, where an officer feels they cannot question or challenge a colleague they have the option to report their concerns through a line manager or a force reporting mechanism. It is noted the initial report of PC Jamie Lewis’ conduct was made anonymously to the MPS. PC D has not suggested she was the officer who reported her colleague’s conduct anonymously.
74. On 28 November 2020 PC D was issued with a revised Regulation 17 notice which alleged she had failed to show diligence at the scene by moving from her fixed cordon point. PC D disclosed in her statement of 1 September 2020 that she had swapped cordon posts with PC Deniz Jaffer and PC Jamie Lewis had shone his torch into the overgrowth so she could see the murder victims. The SoPB ‘*duties and responsibilities*’ expects officers to be diligent in their duties and take full responsibility for, and be prepared to explain and justify their actions. PC D was asked to provide her reason for swapping cordon posts with PC Deniz Jaffer. PC D stated when she initially attended the scene she believed Ms Smallman and Ms Henry’s bodies were covered by a tent elsewhere within the scene, but when she became aware this was not the case she wanted to get a better understanding of the scene she was guarding.
75. The SoPB ‘*orders and instructions*’ states officers will follow all reasonable instructions. Any decision that transgresses policy must be able to withstand scrutiny. PS Barry Rookard provided evidence to suggest staff attending Fryent Country Park were briefed on the ‘fixed’ nature of the cordon points at the scene, however he does not refer to any specific officer’s briefing including PC D’ briefing. PC D stated she could not recall the exact detail of her briefing, but she was not aware that she could not move from her post. PC E however described his cordon post as a “*standing post*” but he paced up and down to keep warm while on duty at the scene. PC D highlighted that she only had two months’ service in the team and said “..I now realise that I should not move between posts when on a cordon..”.

76. The evidence provided in PC D' statement of 1 September 2020 therefore suggested she may have also failed to challenge and/or report the conduct of PC Jamie Lewis and PC Deniz Jaffer as they moved from their fixed cordon posts on 8 June 2020, contrary to the SoPB '*challenging and reporting improper conduct*'. When asked whether she had considered reporting the conduct of her colleagues, PC D stated she did not consider challenging two well established colleagues. She believed the officers knew the rules of a crime scene themselves. PC D also stated she has learned a valuable lesson from the experience and now understands the importance and seriousness of challenging inappropriate behaviour. PC D maintained that she was new on team and had little experience. PC D started her employment with the MPS as a police constable in August 2019. PC D did however have previous service in the MPS as a DDO (Designated Detention Officer).
77. In summary, the decision maker may wish to consider the following factors when providing his opinion on whether PC D breached the SoPB, specifically '*challenging and reporting improper conduct*', '*duties and responsibilities*' and '*orders and instructions*':
- The phone evidence and admission by PC D is strong evidence that she received four images on her personal mobile phone from PC Deniz Jaffer on 8 June 2020 which showed the murder victims Ms Smallman and Ms Henry.
 - PC D only reported the images to a manager after the arrest of PC Deniz Jaffer.
 - PC D did not challenge or report the conduct of PC Jamie Lewis or PC Deniz Jaffer between 8 and 24 June 2020, nor did she suggest she had anonymously reported her colleagues.
 - PC D moved from her fixed cordon point on 8 June 2020 in order to view the bodies of Ms Smallman and Ms Henry from PC Deniz Jaffer's cordon post.
 - PS Barry Rookard stated officers were briefed and advised to maintain their cordon points and maintain the integrity of the scene.
 - PC D could not recall the briefing provided to her at the scene of the murders and did not recall being told she could not move from her cordon post.
 - PC D stated she was inexperienced with only two months service in the team when she attended the scene on 8 June 2020. Police records show PC D started her employment with the MPS in August 2019 and she started in the response team in April 2020.
 - PC D says she now understands she should not move from a cordon post. She stated she has learned a valuable lesson and she now understand she

needs to report improper conduct. PC D stated she immediately deleted the images and she did not forward them on.

- PC D apologised for her actions.

> PC E's conduct

78. PC E acknowledged in his statement that PC Deniz Jaffer had shown him a picture of the murder victims. While on a refreshment break from the scene at Fryent Country Park, PC Deniz Jaffer passed his mobile phone to PC E and he saw an image of two people positioned in a wooded area. PC Deniz Jaffer told him the photo was of the murder victims.
79. Under the SoPB '*challenging and reporting improper conduct*', police officers are expected to "*..report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.*" PC E reported PC Deniz Jaffer's actions after he became aware of his colleague's arrest on 25 June 2020. PC Deniz Jaffer was arrested on 22 June 2020 but PC E stated he was on leave between 16 and 24 June 2020.
80. There is no suggestion from PC E in his statement that he believed PC Deniz Jaffer had taken the photograph of the victims for a policing purpose. PC E said he realised he should have challenged PC Deniz Jaffer and reported his conduct to a manager sooner than he did. PC E apologised for his actions and reflected he felt he had let the MPS down but "*..most importantly the family of the TWO (2) girls..*". PC E stated he did not wish to make excuses for his actions but highlighted a number of personal stresses he was dealing with at the time of the incident.
81. It is noted that the initial report of PC Jamie Lewis' conduct was made anonymously to the MPS. PC E has not suggested he was the officer who reported his colleague's conduct anonymously. The SoPB '*challenging and reporting improper conduct*' states where an officer feels they cannot question or challenge a colleague they have the option to report their concerns through a line manager or a force reporting mechanism.
82. In summary, the decision maker may wish to consider the following factors when providing his opinion on whether PC E breached the SoPB, specifically '*challenging and reporting improper conduct*':
 - The admission by PC E in his statement that he was shown an image of Ms Smallman and Ms Henry's bodies on PC Deniz Jaffer's mobile phone on 8 June 2020.
 - PC E reported the actions of PC Deniz Jaffer to a manager after the arrest of PC Deniz Jaffer on 22 June 2020.

- PC E did not challenge or report the conduct of PC Deniz Jaffer between 8 and 25 June 2020, nor did he suggest he had anonymously reported his colleague.
- PC E acknowledged he should have challenged and reported PC Deniz Jaffer's conduct and apologised for his actions.

> PC F's conduct

83. PC F confirmed on an unknown date following 8 June 2020 that PC Jamie Lewis handed his mobile phone to her but she could not make out the image on his phone as she did not have her glasses on. She gathered the image was from the crime scene and it was possibly in "*bad taste*" but she does not clarify what led her to believe this. PC F also recalled wondering why PC Jamie Lewis would take photographs while at the crime scene.
84. PC F said PC Jamie Lewis went to show her his phone again, while in the yard of Forest Gate police station, but she waved her arms to gesture that she did not wish to see it. PC F does not state whether or not she witnessed any colleagues view the images but states she was interrupted by an immediate response call. Under the SoPB '*challenging and reporting improper conduct*', police officers are expected to "*..report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.*" The IOPC is not in possession of an 'MM1' form or any information which suggests PC F had reported PC Jamie Lewis' actions either prior to or after his arrest on 22 June 2020. PC F stated she felt the images PC Jamie Lewis held were inappropriate but she was unclear why. PC F said she had no idea that PC Jamie Lewis had taken photos of the murder victims, but had she been aware, she would have reported her concerns immediately.
85. Though in her statement PC F said she could not make out the image on PC Jamie Lewis' phone, she had sufficiently reasoned that the image was in "*bad taste*" and subsequently wished to challenge him in the yard of Forest Gate police station. PC Jamie Lewis said PC F took his phone and scrolled through the photographs. It has not been possible to obtain evidence of PC Jamie Lewis or PC F's actions from the CCTV obtained of the yard at Forest Gate police station.
86. In his account, PC Jamie Lewis said PC F asked to see the images while in the yard of Forest Gate police station as she was due to work as a PoISA officer at the scene. PC F also stated "*..I believe I was interrupted by an immediate response call..*" when talking to PC Jamie Lewis. PC F was listed as being on training duties on 11 June 2020 and PoISA duties on 12 June 2020. PC F's shoulder number 'PC2984NE' was not listed against any 'I'

grade calls on 11 or 12 June 2020. While it was noted she may have been asked to assist colleagues in the emergency team or operated under a call sign despite being assigned to training duties, there is no evidence available to support this. PS H, PC F's line manager, confirmed the training on 11 June 2020 was cancelled and officers were expected to assist on the response team, catch up on administration and have one-to-one meetings with their managers. PC F did attend a one-to-one meeting with her line manager in Forest Gate police station on 11 June 2020. Furthermore, PC Jamie Lewis was unsure whether his conversation with PC F occurred on 11 or 12 June 2020 and PC F could also not recall the date. PC F suggested in her statement she had been working as a search officer at the scene.

87. PC F has not suggested she was the officer who reported her colleague's conduct anonymously. The SoPB '*challenging and reporting improper conduct*' states where an officer feels they cannot question or challenge a colleague they have the option to report their concerns through a line manager or a force reporting mechanism.
88. PC F is a long serving MPS officer with over 19 years' service. She acknowledged in her statement that PC Jamie Lewis held inappropriate images, she wished she had reported his actions to a supervisor, and apologised for not doing so.
89. In summary, the decision maker may wish to consider the following factors when providing his opinion on whether PC F breached the SoPB, specifically '*challenging and reporting improper conduct*':
 - PC Jamie Lewis stated PC F viewed the images from the murder scene on his mobile phone while in the yard of Forest Gate police station.
 - It has not been possible to obtain evidence of PC Jamie Lewis or PC F's actions from the CCTV obtained of the yard at Forest Gate police station.
 - PC F recalled PC Jamie Lewis showing his mobile phone to her. She said she could not make out the image on his phone but gathered the image was from the crime scene and it was possibly in "*bad taste*".
 - PC F said she planned on challenging PC Jamie Lewis while in the yard at Forest Gate police station but she believed she was interrupted by a response call.
 - PC F stated she "*forgot about the matter..*". She did not report the event to a manager when she returned from taking calls.
 - It has not been possible to obtain evidence of an 'I' grade call attended by PC F's shoulder number on 11 or 12 June 2020.

- PC F did not report the actions of PC Jamie Lewis nor did she offer information to be recorded in an 'MM1' form. PC F has also not suggested she anonymously reported her colleague.
- PC F acknowledged she should have challenged and reported PC Jamie Lewis' conduct and apologised for her actions.
- PC F attended a one-to-one meeting with her line manager on 11 June 2020 and this provided PC F with the opportunity to promptly report PC Lewis' conduct.

> PC A's conduct

90. PC A provided a statement to the IOPC. PC A recalled being shown an image outside Forest Gate police station while standing in the vicinity of PC F. PC A could not recall how PC Jamie Lewis joined their conversation but when she asked PC Jamie Lewis how late he had finished his shift at the murder crime scene he presented his phone to her. PC A stated the image appeared to be a 'selfie' but that was all she could see. PC A did not state she could see Ms Henry or Ms Smallman's bodies in the image. PC A said PC Jamie Lewis laughed as he showed the image to her. PC A said she could not see the image and rather than ask for clarification she nervously laughed. Under the SoPB *'challenging and reporting improper conduct'* police officers are expected to *"..report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour."* PC A stated she has reflected on her conduct and whether she should have challenged or reported PC Jamie Lewis' conduct. PC A stated she did not see an image which caused her concern and she would have only been able to report that she had been shown a picture of a white face wearing a flat cap. She stated she cannot report something she has not seen. There is also no suggestion from PC A that she anonymously reported her colleague. The image in which PC Jamie Lewis was wearing the police flat cap does have the bodies of Ms Smallman and Ms Henry in the background. The victims are not fully visible and PC Jamie Lewis' head and shoulder area covers a large proportion of the bottom section of the photo, with the back of one of the victims in the upper right section. It is therefore not possible to definitively determine either way whether PC A would have seen the victims in the background. It is however noted that PC A stated she was standing within the vicinity of PC F at the time of this encounter. PC F, according to her own account, had already been shown the photograph by this point. PC F also stated it was while in the yard that she had gestured to PC Jamie Lewis that she did not wish to see anything on his phone.
91. PC Jamie Lewis' account in criminal interview was that PC A may have seen the photographs as she was standing with PC F when she viewed the

images. PC Jamie Lewis stated he did not recall any reaction from PC A to suggest she had seen the image(s) whereas PC A's account suggests PC Jamie Lewis proactively showed her an image on his phone and as she could not see the image, rather than ask for clarification, she nervously laughed. PC A stated had she seen the image and understood what it depicted, she would have immediately reported this to a supervisor.

92. It has not been possible to obtain evidence of PC Jamie Lewis or PC A's actions from the CCTV obtained of the yard at Forest Gate police station.
93. In summary, the decision maker may wish to consider the following factors when providing his opinion on whether PC A breached the SoPB, specifically '*challenging and reporting improper conduct*':
 - PC Jamie Lewis stated PC A may have viewed the images from the murder scene on his mobile phone while in the yard of Forest Gate station.
 - It has not been possible to obtain evidence of PC Jamie Lewis or PC A's actions from the CCTV obtained of the yard at Forest Gate police station.
 - PC A recalled PC Jamie Lewis showing his mobile phone to her. She stated the image appeared to be a 'selfie' but that was all she could see.
 - The photo with PC Jamie Lewis wearing a flat cap is a selfie style image which has the bodies of Ms Smallman and Ms Henry in the background. The image showed the back of one of the victims with her clothing raised.
 - PC A stated she was standing within the vicinity of PC F at the time. PC F in her account suggested she had already viewed the image by this point and it was while in the yard of the police station that she gestured to PC Jamie Lewis that she did not wish to see his phone.
 - PC A stated had she seen the image and understood what it depicted, she would have immediately reported this to a supervisor.
 - PC A did not report the actions of PC Jamie Lewis nor did she offer information to be recorded in an MM1 form. PC A has also not suggested she reported her colleague anonymously.

> PC B's conduct

94. The evidence provided by PC B in her statement suggested she had no knowledge of inappropriate photographs being taken by her colleagues at the murder crime scene and she did not view the photographs. PC B said she had never spoken to PC Jamie Lewis about the murders and only had a brief conversation with PC Deniz Jaffer regarding his attendance at the scene. PC Jamie Lewis stated in his criminal interview that PC B may have seen the photographs from the murder scene as she was standing with PC F in the

yard at Forest Gate police station, but he was not certain that she had. He stated he did not recall any reaction from PC B to suggest she had seen the images. There is no CCTV evidence to support PC Jamie Lewis' account that PC B may have seen the images.

95. In summary, the decision maker may wish to consider the following factors when providing his opinion on whether PC B breached the SoPB, specifically '*challenging and reporting improper conduct*':

- There have been no admissions by PC B to support PC Jamie Lewis' account that she may have seen the images of the victims.
- The CCTV does not provide any evidence to show PC B had sight of the images of Ms Smallman and Ms Henry on PC Jamie Lewis' phone.

> PC C's conduct

96. PC C provided a statement to the IOPC in which she acknowledged PC Jaffer showed her an "*..indecent..*" picture of the murder victims while at Forest Gate police station. PC C said she would never have consented to viewing the image but it was shown to her without warning. Under the SoPB '*challenging and reporting improper conduct*', police officers are expected to "*..report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.*" PC C said she "*..immediately and directly*" expressed her disapproval to PC Deniz Jaffer. PC C stated that PC Deniz Jaffer was her mentor and mentors were considered established PCs who were respected and good role models.

97. PC C stated though it is not an excuse, she had only 12 weeks service in the team with five months service in a response team and her inexperience impacted on how she dealt with the situation after directly challenging PC Deniz Jaffer. She stated he was her mentor meaning they were posted together at least twice a set shift pattern. PC C stated "*...I was concerned that should I raise the issue any further than having challenged him personally that he may of proceeded to make my life difficult...*". PC C believed PC Deniz Jaffer was respected on the team and he would not do anything to damage that image "*...therefore I was incredibly taken a back when I became witness to what he had done.*" PC C said she was unsettled and could not believe what she had viewed on his "*personal phone.*" The SoPB '*challenging and reporting improper conduct*' states however that officers should not ignore unethical or unprofessional behaviour irrespective of the person's rank or role. Furthermore, where an officer feels they cannot question or challenge a colleague, they have the option to report their concerns through a line manager or a force reporting mechanism.

98. In her statement PC C confirmed she had reported seeing the image of Ms Smallman and Ms Henry to a manager once she learned of PC Deniz Jaffer's arrest on her return to work on 25 June 2020. PC C stated PC Deniz Jaffer showed no sensitivity or empathy towards the victims and their families and she was *"..devastated that he had carelessly dragged me down to his level by showing me the image, displaying absolutely no regard for my feelings, nor my career.."*
99. It is noted that the initial report of PC Jamie Lewis' conduct was made anonymously to the MPS. PC C has not suggested she reported PC Deniz Jaffer's conduct anonymously. The SoPB *'challenging and reporting improper conduct'* states where an officer feels they cannot question or challenge a colleague they have the option to report their concerns through a line manager or a force reporting mechanism.
100. PC C apologised and expressed remorse in her statement. She stated she was proud that she had challenged PC Deniz Jaffer directly, but she had let herself down and exercised poor judgement by not escalating the matter further.
101. In summary, the decision maker may wish to consider the following factors when providing his opinion on whether PC C breached the SoPB, specifically *'challenging and reporting improper conduct'*:
- PC C confirmed she viewed an image of Ms Smallman and Ms Henry on PC Deniz Jaffer's personal mobile phone.
 - PC C was able to describe the image of the victims.
 - PC C said she challenged PC Deniz Jaffer directly on the inappropriateness of possessing the images of the victims.
 - PC C stated upon learning of her colleague's arrest she reported PC Deniz Jaffer's conduct to a senior manager.
 - PC C did not report her colleague's conduct until learning of his arrest on 25 June 2020.
 - PC Deniz Jaffer was acting as a mentor to PC C at the time and she was in her first 12 weeks of service with the team. PC C had over a year's service with the MPS and five months experience on a response team overall.
 - PC C has expressed remorse and apologised for not escalating the matter further.

> Learning

102. Throughout the investigation, the IOPC has considered learning with regard to the matters under investigation. The type of learning identified can include improving practice, updating policy or making changes to training.

The IOPC can make two types of learning recommendations under the Police Reform Act 2002 (PRA):

- Section 10(1)(e) recommendations – these are made at any stage of the investigation. There is no requirement under the Police Reform Act for the appropriate authority to provide a formal response to these recommendations.
- Paragraph 28A recommendations – made at the end of the investigation, which do require a formal response. These recommendations and any responses to them are published on the recommendations section of the IOPC website.

103. **Section 10 learning recommendations made during the investigation**

During the investigation into Operation Turton 1, the following section 10 recommendations were made which are also relevant to Operation Turton 2. The decision maker may wish to consider whether any of these should now be issued as Paragraph 28A recommendations:

- The MPS should take steps to make sure all officers within a single police station in the North East command conform to the expectations of their behaviour under the Code of Ethics, whilst on and off duty, and are aware that failure to do so could severely damage the public's confidence in policing.
- The MPS should review whether supervisors and senior management at that police station are taking personal responsibility to identify and eliminate patterns of inappropriate behaviour, whilst simultaneously promoting a safe and open culture which makes clear to officers and staff that they are dutybound to challenge and report behaviour that does not align with the Code of Ethics.

104. **Potential learning to be considered by the decision maker**

I have identified the following areas of potential learning for the attention of the decision maker, to inform any recommendations they may wish to make:

- The MPS should review the training provided to new recruits with specific regard to undertaking scene cordon duties and responsibilities in light of this investigation.

> **Next steps**

105. The decision maker will now set out their provisional opinion on the investigation outcomes. The decision maker will record these on a separate opinion document.
106. The decision maker will also identify whether a paragraph 28ZA recommendation (remedy) or referral to the RPRP is appropriate.

> Criminal offences

107. On receipt of my report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related.
108. They must decide whether it is appropriate to refer the matter to the CPS if they decide there is such an indication.
109. If this was a criminal investigation into a recordable offence and the decision maker is of the view, on or after 1 December 2020, there is no indication or it is not appropriate to refer the matter to the CPS, the Victims' Right to Review (VRR) may apply. If so, the decision maker's decision will be provisional and any victim, as defined by the Victim's Code, will be entitled to request a review of that provisional decision.

Further information on the availability of the VRR is available here:

https://policeconduct.gov.uk/sites/default/files/Documents/appeal_forms/IOP_C_victims_right_to_review_policy.pdf

Conduct matter Operation Turton 2

Investigation into six Metropolitan Police Service officers' failure to challenge or report the taking and sharing of inappropriate photographs from the scene of a double murder

- > Independent investigation report
- > Appendices

> Appendix 1: The role of the IOPC

The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

> The investigation

At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the Crown Prosecution Service (CPS) and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation is also subject to a quality review process.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation.

> Investigation reports

Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will reach a provisional opinion on the following:

- a) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer
- b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour)
- c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person
- d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP)

The decision maker will also decide whether to make individual or wider learning recommendations for the police.

> **Misconduct proceedings**

Having considered any views of the appropriate authority, the decision maker is required to make the final determination and notify the appropriate authority of their determinations, as follows:

- a) whether any person to whose conduct the investigation has related has a case to answer for misconduct or gross misconduct or has no case to answer
- b) whether the performance of any person to whose conduct the investigation related is unsatisfactory
- c) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take

The decision maker may also make a determination as to any matter dealt with in the report. This may include a decision that a matter amounts to Practice Requiring Improvement (PRI) and as such should be dealt with under the RPRP or a recommendation under paragraph 28ZA (remedy).

> **Unsatisfactory performance procedures**

Unsatisfactory performance procedures (UPP) is defined as an inability or failure of a police officer to perform the duties of the role or rank the officer is currently undertaking to a satisfactory standard or level.

The decision maker can recommend and, where necessary, direct an appropriate authority to refer an officer to any stage of the UPP. The appropriate authority must comply with a direction from the decision maker and must ensure proceedings

progress to a proper conclusion. The appropriate authority must also keep the decision maker informed of the action it takes in response to a direction concerning performance proceedings.

> Practice requiring improvement

Practice requiring improvement (PRI) is defined as underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service as set out in the policing Code of Ethics.

Where PRI is identified the RPRP is followed. However, there may be instances where PRI is identified, but for a variety of reasons the RPRP process is not instigated, for example on the grounds of officer wellbeing.

RPRP is not a disciplinary outcome but a formalised process set out in the Police (Conduct) Regulations 2020. It is more appropriate to address one-off issues or instances where there have been limited previous attempts to address emerging concerns around low-level conduct. In some instances it may be appropriate to escalate the matter to formal UPP procedures where there is a reoccurrence of a performance related issue following the completion of the RPRP.

The IOPC cannot direct RPRP: it can only require the appropriate authority to determine what action it will take.

> Criminal proceedings

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

> Publishing the report

After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.

> Appendix 2: Terms of reference

Investigation into six Metropolitan Police Service (MPS) officers' failure to challenge or report the taking and sharing of inappropriate photographs from the scene of a double murder.

Investigation name:	Operation Turton 2
Investigation type:	Independent
Appropriate authority:	MPS
IOPC Reference:	2020/139739
Director General (DG) delegate (decision maker):	Graham Beesley
Lead investigator:	[REDACTED]
Target range:	3 - 6 months

Summary of events

This summary is presented on the basis of information presently available to the IOPC. The veracity and accuracy of that information will be considered as part of the investigation and will be subject to review.

On 7 June 2020, Ms Nicole Smallman and Ms Bibaa Henry were murdered in Fryent Country Park, Wembley, North London.

A number of MPS officers, including PC D and PC E, were required to assist with scene cordon duties at Fryent Country Park in the days following the murder.

On 19 June 2020 the Independent Office for Police Conduct (IOPC) commenced an independent investigation into allegations that inappropriate photographs were taken at the homicide crime scene in Wembley and subsequently shared with a small number of people (Operation Turton 2020/138174). The investigation related to the conduct of two MPS officers. Both officers (Officer 1 and Officer 2) were arrested on 22 June 2020 on suspicion of Misconduct in Public Office (MIPO).

Following the arrest of their colleagues, PC E and PC D approached senior MPS colleagues with information regarding their conduct. The information provided suggested PC E was aware that Officer 2 had taken photographs of the victims at the scene of the murder. The information provided by PC D suggested she was sent a photograph of the murder victims by the same colleague without a valid policing purpose. There is evidence to suggest Officer 2 sent four images showing the murder victims to PC D via WhatsApp on 8 June 2020. In PC D's written response to the allegations she also disclosed she had moved from her fixed point on the scene cordon and moved to Officer 2's fixed point while posted in Fryent Country Park. PC D stated

while at Officer 2's post, Officer 1 pointed at an opening in the bush and shone his torch. PC D stated she could then see one of the victim's backs.

Further information was provided which suggested another colleague; PC C had viewed the images of the murder victims on Officer 2's mobile phone on a date between 8 and 22 June 2020.

Evidence gathered as part of the original IOPC investigation also suggested PC B, PC A and PC F were aware that Officer 1 possessed inappropriate, sensitive images of the murder victims on his personal mobile phone and they may have viewed those images in the yard of Forest Gate police station between 8 and 22 June 2020, without a valid policing purpose.

Terms of reference

1. To investigate the conduct of PC D, PC E, PC A, PC B, PC F and PC C, specifically;
 - a) Whether they were aware of, received or viewed the photographs of the deceased victims Ms Smallman and Ms Henry and failed to report or challenge the conduct of their colleagues in line with the Code of Ethics and Standards of Professional Behaviour (SoPB).
2. Whether PC D breached the SoPB by moving from her fixed cordon point in Fryent Country Park on the morning of 8 June 2020, without a legitimate policing purpose and whether she failed to challenge and/or report her colleagues' movements at the scene.
3. To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP). On receipt of the final report, the decision maker shall determine whether the report should be sent to the DPP.
4. To enable an assessment as to whether any subject of the investigation has a case to answer for misconduct or gross misconduct or no case to answer.
5. To consider and report on whether there may be organisational learning, including:
 - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated
 - whether the incident highlights any good practice that should be shared

The decision maker responsible for oversight of this investigation is Graham Beesley, Regional Director. The decision maker has approved these terms of reference. At the end of the investigation they will decide whether or not the report

should be submitted to the DPP. They will also consider the appropriate authority's views on the content of the report, before making a final determination.

These terms of reference were approved on 24 November 2020.