

OVERSIGHT

newsletter

Welcome to our monthly newsletter which provides updates about the work of the Independent Office for Police Conduct (IOPC). The newsletter is for complaint handlers in forces and local policing bodies (LPBs).

Change to target for referral decisions

Since spring 2021, referrals demand has increased by a third, meaning the IOPC is now receiving and processing an additional 1500 referrals per year. Since its inception in 2014, the Assessment Unit has worked towards a target of making 80% of all Mode of investigation (MOI) decisions within three working days. Because of the increasing demand, that target has now changed with the Assessment Unit working towards making all MOI decisions within an average of five working days. To ensure this change has a minimal impact on PSDs, all referrals will still be triaged upon receipt and any priority referrals identified will be allocated first and, in most cases, the same day they are received. Priority referrals include those where urgent actions are required or where there is an increased public interest / seriousness. Straightforward / low-risk referrals will be identified for fast-tracking and a more proportionate response will be provided.

Why have we done this?

- The IOPC Assessment Unit has seen its referral demand increase significantly by a third in the space of two years. The three-day target was defined in 2014, when we received approx. 3,200 referrals per year. In 2022/23 we received in excess of 6,200 referrals, and we have had a further 26% rise in the first four months of this financial year. This, against a backdrop of a reduced IOPC budget, means the three working day target is no longer practical.
- The new target allows us to prioritise the most urgent and important decisions now that demand is consistently high and rising. The original pass/fail target did not allow for this and put equal pressure on all decisions, regardless of their urgency. The new target means we will be able to maintain the quality of the Assessment Unit's work by allowing it enough time to obtain all the key information before making decisions.

What does this mean for PSDs?

- There should be little change in the amount of time taken to process priority referrals, however, other referrals will take longer when demand is high. Fast track referrals are now being processed faster due to changes made in our process.
- As priority and fast track referrals can be processed quicker, PSDs will receive MOI decisions back out of date order.
- As some MOI decisions will take longer to come back – it is important that PSDs take all urgent action necessary to secure and preserve evidence after submitting a referral and while awaiting an MOI outcome.

How can PSDs help?

- Please ensure that all key information, including body worn video and CCTV footage, is provided at the point of referral to avoid delay.
- We would be grateful if you did not chase MOI decisions within the five working day timeframe as this may cause additional delay
- Only submit voluntary referrals where the gravity of the subject matter or exceptional circumstances justify referral.

What are we doing to improve?

We continue to review our processes to identify efficiencies and implement improvements to both timeliness and quality, and to ensure that service users' needs are prioritised. We are currently exploring all opportunities to increase capacity in the short and long term by transferring tasks to other IOPC teams, to help reduce the backlog of cases. The team are also exploring ways of increasing productivity and managing demand to ensure the right matters are being referred.

Learning the Lessons issue 42 - custody

On 23 August 2023, we released issue 42 of our Learning the Lessons magazine on custody.

Those working in custody have an extremely important and challenging role to play in policing. In 2022/23, 23 people died in, or soon after, police custody. The nine case studies included in this issue of the magazine highlight key risks in the custody environment, alongside reflective questions for readers in policing – ranging from frontline officers and staff to policy makers, managers and trainers, to unpick learning opportunities to help mitigate those risks.

Some of the key themes explored in the case studies are substance abuse, deaths and near misses in custody, provision of mental and physical healthcare, and children and young people.

The magazine also includes:

- Insights from Tony Maggs, the College of Policing's lead for custody, who discusses new national training designed to raise awareness of key risks in custody.
- An article from the National Appropriate Adults Network, which outlines their new vulnerability identification tracker and other resources designed to help forces.
- A summary by HMICFRS that highlights key focus areas for custody suites from their recent force inspections.
- Reflections from Louise King, Director of the Children's Rights Alliance for England, on the impact of police detention on children, and their call to action for police forces nationally.
- An article by the Independent Advisory Panel that discusses the significance of learning from police-related deaths in custody.
- An introduction by Dr Miranda Bevan to a new video designed for family members acting as appropriate adults in custody.

- Reflections from Sherry Ralph from the Independent Custody Visiting Association, who shares concerns on anti-rip clothing, and the action forces can take now.
- A question-and-answer session with a detention and escort officer and a healthcare professional working in custody, that shares insights about how learning informs their work.

Please click [here](#) to read Learning the Lessons issue 42.

We welcome any feedback about the magazine either through email to learning@policeconduct.gov.uk or via our [feedback survey](#). The feedback survey is open until **Friday 29 September** and only takes five minutes to complete.

Violence against women and girls and police perpetrated domestic abuse referrals

In light of the feedback received from forces and the experience gained through the IOPC's current dip sampling programme on violence against women and girls (VAWG) and police perpetrated domestic abuse (PPDA), together with our involvement in the Centre for Women's Justice (CWJ) super-complaint, we want to share more insight on referring cases and the considerations we want forces to exercise.

We do recognise that there will be scenarios where the referral criteria are not met on the basis of an initial allegation, but we ask forces to be vigilant in continuing to review whether referral is required. Viewed in isolation, allegations amounting to matters such as section 39 assault, coercive and controlling behaviours or economic abuse may not obviously require referral.

However, we do expect forces to be alive to looking at the behaviours identified in the allegations beyond any simple referral / non-referral classification and assess whether it highlights other behaviours which may require referral. We encourage forces to use voluntary referral, taking this option only where the gravity of the subject matter or exceptional circumstances are serious and justify referral. We also remind forces that undue weight should not be given to the fact that conduct occurred off duty when making assessments.

As a reminder, the CWJ super-complaint found that adequate assessments did not always happen and referrals were not made where required. The evidence gathered identified issues such as:

- Allegations were not identified as complaints or conduct matters, which impacted on the subsequent actions and decisions.
- There were flawed rationales around recording decisions, which impacted on subsequent actions and outcomes – for example, concluding that matters did not amount to misconduct despite allegations involving offences such as stalking, a reliance on the outcome of criminal allegations rather than an independent assessment of conduct, or reaching decisions focused on the absence of violence.
- There was a lack of consistency in recording where a series of related allegations were made – for example, recording assault as a conduct matter while later allegations of coercive and controlling behaviour and witness intimidation were not. This practice, if not specific scenario, occurred across multiple cases reviewed where the initial allegation may not meet the referral criteria in itself, but later allegations should have resulted in these

decisions being reviewed and, where necessary, changed.

- More than half of the cases reviewed by the IOPC for the super-complaint met the referrals criteria, but had not been sent to us, and within the sample there were rationales for non-referral in only a small proportion of cases.

Recent information

Briefing document on abuse of power for sexual purpose cases

On 26 July 2023 we wrote to forces and shared a briefing document, prepared by the IOPC's Survivor Engagement Manager (SEM) team, about the issues identified within independent and directed investigations, involving vulnerable witnesses and abuse of power for sexual purpose (APSP).

We asked you to pass this document on to your specialist teams, who may investigate allegations of APSP and engage with vulnerable people. It may assist them in supporting victims and witnesses through the daunting investigation process.

If you would like a copy of this briefing document, please contact Oversight@policeconduct.gov.uk.

Discrimination workshops

To improve police handling of complaints involving race discrimination, the IOPC Oversight team will hold a series of virtual workshops later this year.

While these will *not* be training workshops, they will provide a safe space to embed IOPC guidance in this area and allow complaint handlers to discuss handling-related matters with their peers.

The aim of the workshops will be to:

- consult on draft revisions to the IOPC Discrimination Guidance. These discussions will inform any further revisions that may be required
- share best practice of complaint handling
- review case studies of race discrimination complaints
- discuss engagement, handling, learning and outcomes

Alongside discussion about the potential signs of discriminatory bias and stereotypes, the workshop will also consider areas of race discrimination, such as adultification.

We have emailed forces, Heads of PSDs and OPCCs to offer a limited number of places for appropriate authority decision makers, complaint handlers well versed in handling complaints involving discrimination and review handlers.

We have also asked for a coordinated response confirming who will be accepting the places offered, by **Friday 8 September 2023**.

? Common questions from forces and LPBs

Q: Would the death/serious injury (DSI) referral criteria apply if the deceased or injured person was a police employee who had attempted to or had taken their own life, while under investigation by their force?

A: The referral criteria applies to the police as it does for members of public, unless the death or serious injury occurs in the course of their duty.

So, the death or serious injury of a police officer resulting from their pursuit of a speeding vehicle would not be referable, but the death or serious injury of a police employee during an investigation into their conduct could be, if a causal link cannot be ruled out.

There is a case example in [Focus issue nine on Referrals](#), case study seven, that assists with this type of scenario.

Corporate news

IOPC statement on review of Taser discharges on children under 18

The Independent Office for Police Conduct has completed a [six-month national review of all Taser discharges on children](#). It follows a thematic review we published in 2021, which highlighted the increasing use of Taser on children in cases investigated by the IOPC.

We reviewed 40 incidents where Taser was discharged on children between May and November 2022. It is important to acknowledge that these incidents must be taken into context on a case-by-case basis. Our review found that:

- 17-year-olds were the most affected group with 23 of the children (57.5%) aged 16 or older
- 6 incidents involved children aged 13-14
- More than half of the children (55%) were in possession of a weapon and 32 of the 40 incidents (80%) resulted in an arrest
- Over a quarter of incidents (27.5%) involved Taser discharge on a Black child
- Children experiencing a mental health episode represented over a quarter of incidents (27.5%)
- Almost half of the incidents (42.5%) involved a Taser being discharged to prevent escape

We have concluded from our review that changes to the referral criteria are not required because the most serious cases are already referred to us, including those involving children, and where a complaint has been made, a conduct matter has arisen, or there's been a death or serious injury.

Where an incident doesn't meet the mandatory referral criteria, forces are also able to make voluntary referrals to the IOPC. Under existing legislation, the IOPC also has unique powers to investigate matters where there are concerns around officers' conduct and where no referrals have been made by the force.

Last year we issued 17 recommendations to policing organisations to improve their Taser guidance and training for officers, particularly when it comes to dealing with vulnerable people, including children, and disproportionate use on Black people.

Following these recommendations, the NPCC is implementing new guidance and technology to facilitate instant review of Taser use on a child at a force level. The College of Policing has also commissioned an independent programme of research on disproportionality in Taser use that will inform any further changes that are needed to policy and practice. This work is ongoing and will be vital in improving public confidence.

We will now be meeting with policing representatives, members of the community, and non-policing stakeholders to identify how local scrutiny of the use of Taser on children can be further strengthened.

Latest news

Keep up to date on our investigations and other work to increase public confidence in the police complaints system. You can find our [latest IOPC news](#) on our website.

[South Wales Police officer due in court accused of perverting the course of justice for unauthorised access of computer systems](#)

[British Transport Police officer faces assault charges relating to arrest of a 17-year old boy](#)

[Greater Manchester Police officer dismissed over use of CS incapacitant spray during arrest](#)

[IOPC to reinvestigate death of woman following road traffic collision involving Thames Valley Police vehicle](#)

[Gross misconduct allegations not proven against West Midlands Police sergeant for treatment of Sikh man in custody](#)

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If you have any questions, please get in touch with your Oversight Liaison or a member of the Oversight team.

