

## Policy on the publication of final investigation reports and report summaries

### A: Introduction

1. This document sets out the IOPC's policy on the publication of investigation report content following the conclusion of an IOPC investigation. An IOPC publication decision maker should follow this policy when making publication decisions about final investigation report content.
2. The Director General of the IOPC has a statutory function to secure and maintain public confidence in the handling of police complaints, conduct matters and death or serious injury matters. A key component of this is ensuring that the handling of these matters, including their investigation and outcome, is as open and transparent as possible. One way we aim to do this is by making information about our investigations available to the public.
3. The level of detail and type of information we publish about particular investigations will depend on a wide range of factors. These include the level of public interest there is in publishing certain information, the rights of individuals named in investigation reports and the need to provide clear and accessible information to website users.
4. In order to promote transparency, and therefore public confidence in the IOPC's work, it is important that decisions about publication are made in a logical and consistent way. This policy sets out who is responsible for making publication decisions, criteria to be applied when making publication decisions and the process to be followed for recording and progressing publication decisions.
5. Nothing in this policy affects the rights of members of the public to request information under the Freedom of Information Act 2000.

### B: What is a final report?

6. A final report is the Police Reform Act 2002 (PRA) compliant document that the lead investigator is required to submit to the Director General at the end of each investigation<sup>1</sup>.
7. The primary purpose of the investigation report is for the investigator to provide the Director General with a summary of the evidence acquired during the investigation to assist the Director General (or their delegate) engage in all the post-investigation decision making (e.g. whether referrals should be made

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<sup>1</sup> Where the person in charge of the investigation is the Director General acting personally, the Director General will complete a report on the investigation.

to the CPS; whether disciplinary (misconduct or performance) proceedings should follow; whether recommendations should be made).

**C: What is an investigation summary?**

8. An investigation summary is a short plain English summary of the entire investigation. The following components will usually be present in an investigation summary:
  - i. A summary of the case facts – this is drafted by the investigator as part of the final report and will usually be lifted directly from the report.
  - ii. A summary of the investigation – this is drafted by the investigator as part of the final report and will usually be lifted directly from the report.
  - iii. A summary of the outcome (our recommendation and the outcomes of any subsequent proceedings) – this information will be drafted by the relevant press officer.
9. All names and other personal information should be removed from investigation summaries prior to publication.
10. Information about any organisational learning recommendations made under the Police Reform Act 2002 should normally be included in a published summary unless there is good reason not to (i.e. under the harm test).

**D: What is a publication decision?**

11. A publication decision is a decision about:
  - i. The format in which investigation report content is published.
  - ii. The level of detail provided in any published report content.
  - iii. The length of time for which published report content remains publicly available.
12. There are three standard levels of final report publication at the IOPC. These are set out in section H below.

**E: Who is responsible for making publication decisions?**

13. The case decision maker is responsible for making publication decisions.

**F: When should a publication decision be made?**

14. A publication decision should be made at the earliest point at which it is possible to rule out future external proceedings. This will normally be either

immediately after a report is finalised or, where there are related external proceedings, at the conclusion of these proceedings.

15. A publication decision can be reviewed by the decision maker at any time following the completion of a final investigation report. It may, for example, become necessary to review a publication decision following representations by any party to an investigation or member of the public, or the discovery of other new information. Every time a publication decision is reviewed the updated rationale should be recorded in accordance with section I below.

**G: When should publication take place?**

16. Subject to the considerations set out in Part L below, reports and investigation summaries should normally be published as soon as possible following the conclusion of all related external proceedings. It is best practice to review the existing publication decision at this time.
17. It is the responsibility of the lead investigator to ensure that the Communications team is aware of the need to publish a report or investigation summary.

**H: Making an initial publication decision**

18. In the majority of cases it is only an anonymised version of the investigation summary (see Section C) that is published on the IOPC external website. However, in certain circumstances it will be in the public interest to depart from this usual position by also publishing the entire report, subject to any necessary redactions. Conversely, in circumstances where the risk of harm is particularly great it may be necessary to refrain from publishing any report content at all. However, it is likely to be quite rare that not even a summary can be safely published.
19. There are three levels of final report content publication:
  - i. Level 1 -- Both the full report and an investigation summary are published on our external website, subject to any necessary redactions. The full report remains publicly available for 6 months and the summary remains available for 5 years.
  - ii. Level 2 – An anonymised investigation summary is published on our external website for 5 years. This should apply to the majority of cases.
  - iii. Non-publication – No investigation summary or investigation report is published. This should only apply in exceptional cases.

20. In determining which level of publication should apply to a particular report the decision maker must consider whether either level 1 or non-publication is appropriate for the particular investigation report. Both of these questions must be considered separately. If the decision maker rejects both level 1 and non-publication the usual position of level 2 publication applies.

#### Publication decision part 1

21. The decision maker should first consider whether non-publication is appropriate for the report in question. A decision to apply non-publication will only be appropriate if the decision maker is satisfied that there is a *real risk* that publication of even an anonymised investigation summary would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure (e.g. potential physical risk to individuals or to future law enforcement operations).
22. Non-publication should be treated as a measure of last resort. Before making a non-publication decision the decision maker should consider whether the risks posed by publication can be mitigated through other means such as further editing, redaction or anonymisation.
23. Non-publication is never appropriate for investigations into the conduct of a Police and Crime Commissioner (PCC) unless contrary legal advice is obtained. This is because we are legally required to publish our reports of these investigations.
24. Best practice will be to obtain legal advice on the viability of other options before making a non-publication decision.

#### Publication decision part 2

25. If non-publication is rejected, the decision maker must decide whether level 1 publication (full publication) is appropriate for the report in question.
26. Level 1 publication will always apply to investigation reports relating to the conduct of PCCs unless contrary legal advice is obtained. This is because we have a legal obligation to publish these reports.
27. The publication of full investigation reports typically carries a greater risk of breaching the privacy rights of individuals than the publication of report summaries. Full investigation reports can also be technical and difficult to read, particularly if redacted. In most cases the facts, findings and outcome

of an investigation can be adequately conveyed by the investigation summary.

28. Before making a level 1 decision the decision maker should consider whether the public interest in publishing the particular investigation report outweighs other considerations, including the privacy rights of individuals.
29. In making this decision the decision maker should consider the following questions:
  - i. Is there a particular need to demonstrate the full detail and context of the investigation rather than just its outcome, in order to maintain and increase public confidence in the police complaints system and/or work of the IOPC?
  - ii. Is there substantial public or media interest in the case, demonstrated for example through high volume of coverage over a sustained period, or through significant direct representations to the IOPC from stakeholder or community groups?
  - iii. Have any significant details of the case been incorrectly reported in the media?
  - iv. Has there been an adverse finding in relation to the conduct of an officer of a senior rank or who was acting in a supervisory role? If the answer is yes this should increase the likelihood of publishing the full report.
  - v. In the case of investigations into potential Article 2 breaches, is there a particular need to demonstrate that an independent, effective, open and prompt investigation took place?
  - vi. Is there any other reason why the full investigation report, rather than just an investigation summary, should be published on the IOPC external website?
30. Legal advice should always be obtained before making a level 1 publication decision.

**I: Recording publication decisions and decision rationales**

31. All publication decisions and decision rationales must be recorded in writing, accompanied by the name of the decision maker, dated and saved to the relevant case file.

**J: Default periods of time to publish report material**

32. Report summaries are published on the IOPC external website for a default period of 5 years, after which they will be archived.
33. Full investigation reports published following a level 1 decision remain on the IOPC external website for a default period of 6 months. The same publication period applies to any additional documents published alongside a full investigation report.

**K: Departure from default publication periods**

34. A decision to depart from the default publication periods is a publication decision and should be recorded, along with the rationale for the decision, as set out in section I above.

Extension of publication period

35. The IOPC will extend the publication period for investigation report content when it is in the public interest to do so. For example, it may be appropriate to extend the publication period of a report which continues to attract significant media and public interest beyond the default 6 month publication period.
36. When extending the publication period of a full report the decision maker should take into account any competing privacy interests of individuals named in the report. A publication period should never be extended beyond that which is necessary to achieve the intended purpose of publication.

Early removal and review of published report content

37. In certain circumstances it will be necessary to remove, edit or update published report content (e.g. in the event of an upheld criminal or disciplinary appeal by an officer named in an investigation report). If a decision maker becomes aware of anything which calls into question whether published report content is up to date, correct and accurate they must review their original decision in light of this new information. In the event that the original decision maker is unavailable, another decision maker of equal seniority will be able to review the publication decision. If necessary a new publication decision should be made and recorded in the manner outlined in section I above.
38. Parties to an investigation and members of the public are able to challenge publication decisions. If this occurs, the decision maker must review their

original decision in light of any representations made or other new information. If necessary a new publication decision should be made and recorded in the manner outlined in section I above.

39. Before removing published report content from our external website entirely the decision maker should consider whether alternatives such as further redaction could sufficiently mitigate any newly identified risks. A decision to alter published report content is a publication decision and should be recorded in the manner outlined in section I above.

**L: Redaction of personal data from published investigation reports and report summaries**

Full reports

40. The redaction of the name of any police officer or member of police staff from a full investigation report prior to publication should be carried out in accordance with the IOPC Naming Policy.<sup>2</sup>
41. If personal data about any other person is to be disclosed in a published report, their consent should be sought. This is especially the case if they had no control about what information was provided to the IOPC about them.
42. Where consent is withheld the data should be removed or redacted from the report prior to publication. The same principles apply where a witness refers to another person who has not provided a statement for the investigation.
43. It is recommended that advice from the Freedom of Information team is sought before a decision to redact information from a report prior to publication is made. This will help ensure that information that is disclosable under the Freedom of Information Act 2000 is not removed from external publications.
44. A decision to redact information from a published report is a publication decision and should be recorded, along with the rationale for the decision, as set out in section I above.

Report summaries

45. As published investigation summaries will normally remain publicly available for an extended period of 5 years, the names of individuals and local place names should normally be removed in order to protect their privacy.

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<sup>2</sup> IOPC policy on the naming of police officers and police staff subject to IPCC investigation, appeal assessment or criminal proceedings.

46. A decision to depart from this approach is a publication decision and should be recorded in the manner outlined in section I above. Legal advice must be obtained before making a decision to name an individual in a published investigation summary.
47. If personal data about any person is to be disclosed in a published report summary, their consent should be sought.
48. Where consent is withheld the data should be removed or redacted from the report. The same principles apply where a witness refers to another person who has not provided a statement for the investigation.
49. A decision to redact information from a published investigation summary is a publication decision and should be recorded, along with the rationale for the decision, as set out in section I above.

**IOPC**  
**January 2018**