

## FOI Disclosures January 2021

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This month we have responded to questions relating to the following topics:

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If you require a full copy of any of the embedded attachments, please contact [Requestinfo@policeconduct.gov.uk](mailto:Requestinfo@policeconduct.gov.uk) quoting the reference number from the relevant response.

| <b>Ref</b><br><b>1008826</b><br><a href="#">Back to top</a> | <b><u>IOPC policy and guidance on incapacitant sprays</u></b>  |
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| <b><u>Request</u></b>                                       | <ol style="list-style-type: none"><li>1. <i>Do you have a written policy, practice, order, direction or other document which sets out your policy on the use of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray by your service members and/or staff? If the answer is in the affirmative, please provide copies of the current policy version, as well as copies of any version which has been in force at any time from 1 January 2018 to 28 November 2020.</i></li><li>2. <i>Do you provide or arrange training (of any form, and delivered by any means) for your service members and/or staff, on the use of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray? If the answer is in the affirmative, please provide copies of the current version of the training syllabus/particulars etc. which is delivered as of 28 November 2020. Please note, I am not seeking disclosure of specific training materials or course content, but rather a relatively concise précis of the subject matter/content of the training.</i></li></ol> |

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|                               | <p>3. <i>Do you provide or arrange training (of any form, and delivered by any means) for your service members and/or staff, on first aid etc. to be given following the use of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray in the event that the subject or any other person suffers an adverse reaction to the administration of the noxious substance (such as an allergic reaction, or the loss of or reduction in vision or visual acuity which does not correct promptly and without intervention, or difficulty with breathing, or anaphylaxis, or any other similar adverse reaction)? If the answer is in the affirmative, please provide copies of the current version of the training syllabus/particulars etc. which is delivered as of 28 November 2020, as well as complete copies of all course materials which are deployed/used before, during or after the training.</i></p> <p>4. <i>Do you keep records of incidents involving the deployment of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray where the subject or any other person has suffered an adverse reaction which has required the administration of any first aid etc. referenced in your answer to (3) and/or attention from a registered healthcare practitioner, such as a paramedic, doctor, or nurse? If the answer is in the affirmative, please provide full particulars of the record media/content which would be completed and retained in such circumstances, as well as copies of any document templates etc. which are in use.</i></p> |
| <p><b><u>Response</u></b></p> | <p>Our responses take into account the fact that IOPC staff do not use and are not issued with CS gas or PAVA spray within their roles.</p> <ol style="list-style-type: none"> <li>1. No. As explained above, IOPC staff are not issued with either of these incapacitant sprays.</li> <li>2. As explained, IOPC staff are not issued with either of these incapacitant sprays or use them as part of their roles. As part of their training our investigators are invited to attend a training session with a police force which includes reference to how police officers use incapacitant sprays. The course content is designed and provided by the police and there are no relevant training materials held by the IOPC.</li> </ol> <p>We do however reference the use of CS /PAVA sprays in the use of force training as one of the tactical options available to officers. The following points are covered:</p> <ul style="list-style-type: none"> <li>• What PAVA spray is, how it works and how it should be deployed</li> <li>• Physical effects of the sprays</li> <li>• Cons associated with use of CS gas and PAVA spray</li> <li>• Aftercare &amp; monitoring</li> <li>• Advice on how to establish if an incapacitant spray has been used</li> </ul>   |

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|   | <p>3. We do not consider that we hold any relevant information. First aid training for IOPC staff does not include specific training on treatment following the use of these sprays because IOPC staff do not use and are not issued with it. First aid training for IOPC designated first aiders includes standard training on response to anaphylactic shock for people with type one allergies such as to latex or peanuts, but it does not focus on CS or PAVA spray specifically.</p> <p>4. As explained, our staff are not issued with CS gas or PAVA spray and are not trained to use or deploy it. The nature of our work means that our investigators would not be on the scene at the time that such incapacitant sprays were discharged by police officers. We therefore consider that we do not hold any relevant information in response to this part of your request.</p>   |
| <p><b><u>Ref</u></b><br/><b>1008849</b><br/><a href="#">Back to top</a></p> | <p><b><u>Operation Ector GMP – Abuse of position for a sexual purpose</u></b></p>   |
| <p><b><u>Request</u></b></p>  | <p><i>Operation Ector in Greater Manchester Police relates to an investigation of a police officer who was arrested for abusing their position for a sexual purpose involving cadets.</i></p> <ol style="list-style-type: none"> <li>1. <i>In 2018, the IOPC released a statement following the arrest of a police officer which stated "The conduct of a police sergeant is also being examined, regarding how they dealt with the reports of alleged abuse by the PC.". What was the outcome of this investigation from the IOPC?</i></li> <li>2. <i>In October 2018, GMP released a statement which stated "GMP referred the matter to the IOPC who will be considering whether to take control of the ongoing investigation". Therefore, did the IOPC take control of this investigation, and if not, what were the reasonings for not doing so?</i></li> <li>3. <i>The investigation is now 2 years old, with the main suspect being arrested in October 2018. This is considerably long for an investigation, and as such, have the IOPC been chasing up the investigating officers to understand why there are such delays.</i></li> </ol> |
| <p><b><u>Response</u></b></p>   | <ol style="list-style-type: none"> <li>1. The conduct of the police sergeant was subject to an IOPC managed investigation and is linked to other managed investigations which are still ongoing. We have decided that we are unable to share information regarding the outcome until such a time that the linked investigations are concluded.<br/>We consider that releasing information in isolation without the context of the other associated investigations will not be meaningful and could even be misleading. Additionally it is important not to cause any prejudice to the ongoing linked investigations. We have therefore decided that responding to this question engages an</li> </ol>   |

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|  | <p>exemption under section 30 of the FOIA and is not in the public interest at this time.</p> <p>2. The matter was subject to a managed investigation by the IOPC which is still ongoing.</p> <p>3. We are fully up to date with how the investigation has progressed and await the CPS charging decision.</p>   |
| <p><b><u>Ref</u></b><br/><b><u>1008863</u></b><br/><a href="#">Back to top</a></p> | <p><b><u>Memoranda of Understanding</u></b></p>  |
| <p><b><u>Request</u></b></p>   | <p><i>The most recent versions of several protocols/Memoranda of Understanding and any current protocols/Memoranda relating to the Police Federation, NPCC and Police and Crime Commissioners.</i></p>   |
| <p><b><u>Response</u></b></p>  | <p>The concordat between the College of Policing, Her Majesty's Inspectorate of Constabulary and the IOPC is available <a href="#">here on the HMICFRS web site</a>.</p> <p>The protocol between the Association of Police and Crime Commissioners and IOPC is available under 'Working with other agencies' on <a href="#">this page of our web site</a>.</p> <p>There are two current protocols agreed between the IOPC and the NPCC. Our media protocol with NPCC is available on our web site <a href="#">here</a> and we attach our protocol regarding the use of advisors during investigations into armed policing operations.</p> <p>The following protocols have not been updated:<br/> Coroner's Society<br/> Crown Prosecution Service<br/> Victims Code / PHSO</p> <p>There is no protocol/memorandum for the Police Federation.</p> |
| <p><b><u>Ref</u></b><br/><b><u>1008870</u></b><br/><a href="#">Back to top</a></p> | <p><b><u>Criteria for cases subject to IOPC independent investigation</u></b></p>  |
| <p><b><u>Request</u></b></p>   | <p><i>What are the circumstances in which the IOPC will independently investigate a police complaint.</i></p>  |
| <p><b><u>Response</u></b></p>  | <p>We would refer you to our <a href="#">Core Indicator Guidance – Assessing IOPC referrals</a>. This sets out our criteria for identifying cases with a sufficient level of seriousness and public interest that they require independent oversight by the IOPC.</p>  |

| <b><u>Ref</u></b><br><b>1008890</b><br><a href="#">Back to top</a> | <b><u>Equality and Diversity training</u></b>  |
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| <b><u>Request</u></b>  | <p><i>Under the FOI, I request details of what external or internal training is given on equality and diversity, the email work contact detail of the Non-Exec Director leading on equality and diversity and the work contact detail of the Line Manager for the Director of People.</i></p>  |
| <b><u>Response</u></b>   | <p>This response covers the mandatory training in this area. As part of induction, every employee completes Diversity &amp; Inclusion training which, at the time of your request covered the following areas:</p> <ul style="list-style-type: none"> <li>○ Equality, diversity and inclusion in the Civil Service</li> <li>○ Introducing Unconscious bias</li> <li>○ Unconscious bias in the workplace</li> <li>○ Unconscious bias in recruitment decisions</li> <li>○ Tackling our unconscious bias</li> <li>○ Our inclusive workplace</li> <li>○ Our customers</li> <li>○ The legal framework</li> </ul> <p>Since January 2021 this training has changed and no longer includes the modules on unconscious bias. A review of all training designed to improve equality, inclusion and diversity is planned over coming months to assess their efficacy and identify where interventions should be retired or revised.</p> <p>All investigators, as part of their core training, also complete training modules on Discrimination under the Equality Act covering the following areas:</p> <ul style="list-style-type: none"> <li>○ Describe the different protected characteristics and types of prohibited conduct under the Equality Act</li> <li>○ Explain the history and concepts behind the IOPC Discrimination Guidelines.</li> <li>○ Recognise the difference between unlawful versus unfair discrimination</li> <li>○ Explain the concept of unconscious bias and how to analyse it in an investigation</li> <li>○ Apply the guidelines when investigating allegations of discrimination.</li> </ul> <p>We roll out ad-hoc learning on topics that would fit under the broad heading of Equality &amp; Diversity, recent examples include: Trans awareness, race based discrimination, equality impact assessments.</p> <p>We are about to launch a new Equality, Diversity and Inclusion Strategy underpinned by a new Learning and Development programme in 2021.</p> <p>There is not a specific non-executive Director who is singularly responsible for this work. The Human Resource and Remuneration Committee has</p> |

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|  | <p>oversight of all our People Directorate related work, which incorporates Equality, Diversity and Inclusion. The non-executive Directors who sit on this committee are Andrew Harvey (chair), Geoffrey Podger and Manjeet Gill. Details of how to contact IOPC colleagues, including non-executive Directors can be found on our <a href="#">website</a>.</p> <p>The Director of People reports to Deputy Director General Tom Whiting. Communications should be sent via the contact details found on our <a href="#">website</a> in the first instance.</p> |
| <p><b><u>Ref</u></b><br/><b><u>1008922</u></b><br/><a href="#">Back to top</a></p> | <p><b><u>Northumbria Police non recording appeals</u></b></p>   |
| <p><b><u>Request</u></b></p>   | <p><i>How many Appeals of non-recording decisions have been made to the IOPC about complaint decisions made by Professional standards in Northumbria Police between 2016-2021?</i></p>  |
| <p><b><u>Response</u></b></p>  | <p>We publish data regarding appeals annually and the information you require can be found at pages 17 onwards in our <a href="#">Annual Complaints Statistics Report</a> on our website.</p> <p>Appeals information for previous years can be found on <a href="#">this page</a> of our website.</p>   |
| <p><b><u>Ref</u></b><br/><b><u>1008889</u></b><br/><a href="#">Back to top</a></p> | <p><b><u>Operation Nori</u></b></p>   |
| <p><b><u>Request</u></b></p>   | <p><i>Your request relates to Operation Nori and is as follows:</i></p> <p><i>The total cost of the operation incurred by the IOPC. Can I have an analysis of the budget headings for these costs and the total number of staff deployed to Operation Nori throughout its lifetime.</i></p>   |
| <p><b><u>Response</u></b></p>  | <p>Our accounting system only records investigation costs for known expenses and purchases. We do not record other costs incurred in carrying out an individual investigation meaning that items such as investigator time, organisational overheads, media handling or work undertaken after completion of the report are not included.</p> <p>The total known expenses and purchases by calendar year for this investigation are as follows:</p>  |

| T&S record                  | 2015         | 2016            | 2017            | 2018            | 2019          | Grand Total     |
|-----------------------------|--------------|-----------------|-----------------|-----------------|---------------|-----------------|
| Employee reimbursed mileage | -            | 41.40           | 320.81          | 350.55          | -             | 712.76          |
| Hire Car Running Costs      | -            | -               | -               | 28.76           | -             | 28.76           |
| Incidental Expenses         | 5.00         | 224.56          | 110.94          | 97.10           | 58.00         | 495.60          |
| Parking Expenses            | 8.00         | 133.30          | 299.59          | 254.38          | 95.40         | 790.67          |
| Subsistence                 | 5.20         | 1,420.00        | 915.00          | 900.64          | 180.00        | 3,420.84        |
| Taxi                        | -            | 19.30           | 47.74           | -               | 5.60          | 72.64           |
| Train Fares                 | -            | 55.60           | 14.80           | 9.40            | -             | 79.80           |
| Vehicle Fleet Running Costs | -            | 94.64           | -               | 56.00           | 191.20        | 341.84          |
| <b>Grand Total</b>          | <b>18.20</b> | <b>1,988.80</b> | <b>1,708.88</b> | <b>1,696.83</b> | <b>530.20</b> | <b>5,942.91</b> |

You should be mindful therefore that the figures provided are solely the known costs and are not fully representative of the true cost of the investigation.

The IOPC staff members involved in Operation Nori had other duties to perform during the life of the investigation, including other investigative responsibilities. There is no recording of the time committed by individual staff members to different investigations or duties. Therefore we do not hold the information you require about numbers of persons involved in the investigation at any given time.

The investigation was carried out by a team including a Lead Investigator, Operations Team Leader, Operations Manager and other investigators, including other Lead Investigators, who carried out specific tasks, for example exhibit management.

The investigation was supported by a HOLMES Team (including a reader/receiver and indexers) and members of the Investigation Support Unit and disclosure team.

Additional resources were deployed according to operational need and included the following:

- Investigation staff from all other IOPC offices – Canary Wharf, Croydon, Cardiff, Sale, and Wakefield
- Intelligence analysts
- Specialist Survivor Engagement Managers
- Specialist Victim Liaison Officers
- Legal representation
- Media representation
- Report Writing Team
- External resources as required e.g. forensics, victim support,

Numbers evolved over the lifetime of the investigation dependent on demand and operational need but the investigation was always adequately staffed.

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| <p><b><u>Ref</u></b><br/><b><u>1008899</u></b><br/><a href="#">Back to top</a></p> | <p align="center"><b><u>Referrals of MPS Commanders</u></b></p>   |
| <p><b><u>Request</u></b></p>   | <ol style="list-style-type: none"> <li>1. <i>During the year 2020. How many police officers of Commander rank and currently in the Metropolitan Police Service (MPS) have been referred to the IOPC by the MPS regarding misconduct?</i></li> <li>2. <i>During the year 2020. Have any police officers of Commander rank and currently in the Metropolitan Police Service (MPS) been referred to the IOPC by the MPS for refusing to take a drug(s) test and, if so, how many?</i></li> <li>3. <i>During the year 2020. Have any police officers of Commander rank and currently in the Metropolitan Police Service (MPS) been referred to the IOPC by the MPS for cannabis misuse and, if so, how many?</i></li> </ol>   |
| <p><b><u>Response</u></b></p>  | <ol style="list-style-type: none"> <li>1. One.</li> <li>2. And 3. We can neither confirm nor deny any details relating to the specific contents of the referral involving a Commander by virtue of an exemption provided at section 40(5B)(a)(i) of the FOIA.</li> </ol>  |
| <p><b><u>Ref</u></b><br/><b><u>1008900</u></b><br/><a href="#">Back to top</a></p> | <p align="center"><b><u>Complaints against about IOPC staff</u></b></p>   |
| <p><b><u>Request</u></b></p>   | <ol style="list-style-type: none"> <li>1. <i>The number of complaints against all IOPC staff in each of the last 12 months please?</i></li> <li>2. <i>The number of these complaints for each of the last 12 months against a) managers and those against b) non-managers please?</i></li> <li>3. <i>For each of these 2 categories in the last individual 12 months, the number of complaints that were upheld please?</i></li> </ol>  |
| <p><b><u>Response</u></b></p>  | <p>As of 6 January 2021:</p> <ol style="list-style-type: none"> <li>1. There was a total of 315 complaints made against IOPC staff. This includes 40 complaints made against IOPC departments where no individual staff member was named and 43 complaints made against the IOPC as an organisation.</li> <li>2. We have interpreted the term '<i>managers</i>' as referring to members of staff with line management responsibility. There was a total of 38 complaints about '<i>managers</i>'. There was a total of 194 complaints about non-managers.</li> <li>3. There were 5 upheld complaints against staff with line management responsibility; this number includes partially upheld complaints.</li> </ol> <p>There were 28 upheld complaints against non-managers, which includes partially upheld complaints.</p> |

| <b><u>Ref</u></b><br><b><u>1008597</u></b><br><a href="#">Back to top</a> | <b><u>Body worn video footage</u></b>  |
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| <b><u>Request</u></b>   | <p><i>What proportion of cases - for the most recent year in which you have figures - was there a body-worn camera on the officer(s) the complaint related to, but the footage could not be viewed (either because the camera was not switched on, did not work or the footage was not subsequently able to be viewed for any other technical reason)?</i></p>   |
| <b><u>Response</u></b>  | <p>The most recent year for which we could provide some relevant data is the year to 31 March 2020. While your request seeks the “<i>proportion of cases</i>” such data cannot be provided in isolation from the other parts of your original request. Therefore, and in line with the advice we gave in our letter of 28 August 2020, we have understood your request as seeking the <i>number</i> of IOPC investigations completed in 2019/20 involving a complaint against police in which footage from the BWV camera of the officer subject of complaint could not be viewed.</p> <p>We have carried out two searches of our case management data using automated queries.</p> <p>First, we searched for IOPC investigations completed from 1 April 2019 to 31 March 2020 in which the case factors ‘Body worn camera’ and ‘use of force’ have been selected. This produced a list of 88 cases. Second, we searched for investigations completed from 1 April 2019 to 31 March 2020 with the ‘Use of force’ factor selected in which the incident description recorded on the system contained one or more of the following key words:</p> <ul style="list-style-type: none"> <li>• BWV</li> <li>• Video</li> <li>• Camera</li> </ul> <p>This identified 23 further cases where BWV may be a factor.</p> <p>The 111 potentially relevant cases produced by these searches included complaint, conduct and ‘Death or Serious Injury’ (DSI) case types. Therefore, not all of these cases included a public complaint against a police officer.</p> <p>We then manually searched the incident descriptions in each of these 111 cases to determine whether they indicated that body worn footage was unavailable either for a technical reason, including a malfunction of the device, or because the camera had not been switched on.</p> <p>None of these incident descriptions indicated that the case fitted the criteria set out in your request. We did find cases in which footage of certain parts of an incident did not exist because this was not within view of a camera at the relevant time but there was no suggestion from the incident description that this gave cause for concern.</p> |

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|  | <p>While we have been unable to identify any relevant cases by checking this data, we have not excluded the possibility that one or more of these cases would be confirmed as meeting the particulars of your request if we carried out further searches.</p> <p>Please note that:</p> <ul style="list-style-type: none"> <li>• Most complaints involving use of force and body worn video would not meet the criteria for mandatory referral to the IOPC and thus would have been dealt with by the relevant police force without any IOPC involvement.</li> <li>• Whereas the incident description is taken from the initial report to the IOPC, the subsequent investigation may identify other issues, which could include problems with BWV evidence.</li> <li>• We estimate that the cost limit under section 12 of the FOIA would be exceeded by the work involved in carrying out a comprehensive assessment of these cases in order to find out whether they may be relevant to your request.</li> </ul> |
| <p><b><u>Ref</u></b><br/><b><u>1008906</u></b><br/><a href="#">Back to top</a></p> | <p><b><u>IOPC membership of Stonewall UK Diversity Champions programme</u></b></p>  |
| <p><b><u>Request</u></b></p>   | <ol style="list-style-type: none"> <li>1. <i>The first date in which IOPC became a member of Stonewall UK Diversity Champions Programme</i></li> <li>2. <i>The amount of membership fees paid to Stonewall UK since joining their Diversity program.</i></li> <li>3. <i>Benefits received by IOPC from this Membership.</i></li> </ol>  |
| <p><b><u>Response</u></b></p>  | <ol style="list-style-type: none"> <li>1. This was on 25 June 2018.</li> <li>2. £9000 has been paid in membership fees.</li> <li>3. These are: <ul style="list-style-type: none"> <li>• Support to complete the Stonewall Workplace Equality Index submission in 2019.</li> <li>• Introduction meeting held with newly elected Encompass Staff Network members and Stonewall account managers in 2020.</li> <li>• Monthly membership newsletter</li> <li>• Access to membership area on the Stonewall website for resources</li> <li>• Individual Encompass members may have accessed available remote seminars and events, but this is not something we track centrally. .</li> </ul> </li> </ol>  |

