

FOI Disclosures June 2020

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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 quoting the reference number from the relevant response.

<u>Ref</u> <u>1008390</u> <u>Back to top</u>	<u>Police Policy on reporting a crime where there is a conflict of interest</u>
<u>Request</u>	<i>According to police policy, where does one direct a crime report (hate or otherwise) where there exists a clear conflict of interest?</i>
<u>Response</u>	<p>The IOPC does not hold this information as it would relate to the reporting and recording of crime generally, while the functions of the IOPC relate only to police complaints and misconduct. Matters of policy are likely to vary between different police forces meaning that you would have to contact them individually in order to request this information.</p> <p>It appears that you may be making a complaint about the conduct of a police officer. The rules relating to the handling of complaints against police are contained in legislation, namely the <u>Police Reform Act 2002</u> (PRA) and associated Regulations. These rules apply regardless whether or not the alleged conduct is criminal.</p>

	In addition to the legislation itself, the IOPC's Statutory Guidance sets out technical guidance as to how the rules should be applied by police forces in practice. Chapter 5 'Complaints' and Chapter 6 'Initial handling and recording of complaints' may be helpful to you. Our web site also contains information for complainants about what they can expect under the police complaints system.
Ref 1008409 Back to top	<u>Lancashire constabulary investigations and referrals</u>
<u>Request</u>	<p><i>The following incident was alleged by Lancashire Constabulary to have been referred to yourselves</i></p> <p>https://www.bbc.co.uk/news/uk-england-lancashire-52358114</p> <p><i>Can you please confirm the incident has been referred</i></p> <p><i>Why the news for Lancashire Constabulary on the IOPC page contains no information of the case or no witness appeal.</i></p> <p><i>Further to the above PC Oliver Norris has no update to his hearing and the LC refuse to publish the outcome as it is your investigation will you be publishing the outcome and when....”</i></p>
<u>Response</u>	<p>In response your first question we can confirm that the incident has been referred and is subject to an independent investigation. A statement confirming our involvement was delayed following changes to our working arrangements and priorities under the Covid-19 pandemic. Information about our progress and our findings will be published on our website at the appropriate time.</p> <p>In relation to the second part of your request, a publication decision regarding our findings in the independent investigation concerning PC Norris will be made once all associated proceedings have been concluded, in line with our Publication Policy. It is not possible to give a specific date at this time.</p>
Ref 1008415 Back to top	<u>Training and development for IOPC investigators</u>
<u>Request</u>	<ol style="list-style-type: none"> 1. <i>Please can you provide any records you hold on the training syllabus for new investigators/lead investigators upon commencement of service with the IOPC</i> 2. <i>Please can you also provide any information on additional/continuing professional development provided</i>

	<i>to IOPC Officers.”</i>
<u>Response</u>	<p>Question 1. IOPC investigators, regardless of their background, complete a BTEC level 5 bespoke qualification in IOPC investigations. Temporary investigators employed on a fixed term basis are provided with bespoke training based on their existing skills and experience and are not required to complete the BTEC accreditation.</p> <p>The IOPC Investigator development programme consists of six weeks of core investigative training in addition to workplace assessment and accreditation followed by completion of a BTEC Level 5 bespoke qualification in IOPC investigations.</p> <p>Lead Investigators receive an additional weeks’ classroom training</p> <p>The BTEC Level 5 qualifications are bespoke qualifications developed for the IOPC and awarded by Pearson, the UK’s largest Awarding Body. It is a mandatory requirement for all operational investigators to achieve accreditation.</p> <p>There are two qualifications:</p> <ul style="list-style-type: none"> • Investigators and Trainee Investigators are registered onto the BTEC Level 5 Professional Certificate and expected to complete within 18 months. • Lead Investigators are registered onto the BTEC Level 5 Professional Diploma in Leading Investigations and expected to complete within 24 months. <p>The core training programme covers key aspects of the role, including:</p> <ul style="list-style-type: none"> • powers of an IOPC investigator, • interviewing skills, • scene management, • post incident procedures, • principles of disclosure and • report writing. <p>Lead Investigators receive additional training covering all aspects of leading an investigation including:</p> <ul style="list-style-type: none"> ○ strategy, ○ decision making ○ policy writing. <p>A full list of the core training programme and qualification units can be found at Annex 1.</p>

Annex 1
IOPC 2018/19 Curriculum (Core Training)

The Core training programme consists of the following units (for all investigator grades unless otherwise stated):

BLOCK 1 (1 weeks)	BLOCK 2 (2 weeks)	BLOCK 3 (2 weeks)	BLOCK 4 (1 week)
Recording, referrals, Types/Modes of Investigation	Criminal Law	Investigating allegations of discriminatory behaviour	Death in Custody
Powers and Obtaining Evidence	National Decision Model and use of force	Concluding an investigation/ Writing a final report	Road Traffic Incidents
Basic Exhibits/CCTV	Disclosure (Part 1)	Disclosure (Part 2) and Case Building	Firearms/Post Incident Procedures
Police Misconduct	Exhibit Management and Forensic Awareness	Intelligence	
Resilience training	Document Management, Actions, Policies	Stakeholder Engagement Management	
Witness interviewing and Statements (1 week course)	Subject interviewing (1 week course)	Investigating deaths	
		Scene Management	
		Conflict management and risk awareness	


Additional 1 week (Lead investigators only)
Leading Investigations (Consisting of a 4-day real time serious incident focusing on strategy, decision making and policy writing; in addition to role play with a bereaved parent)

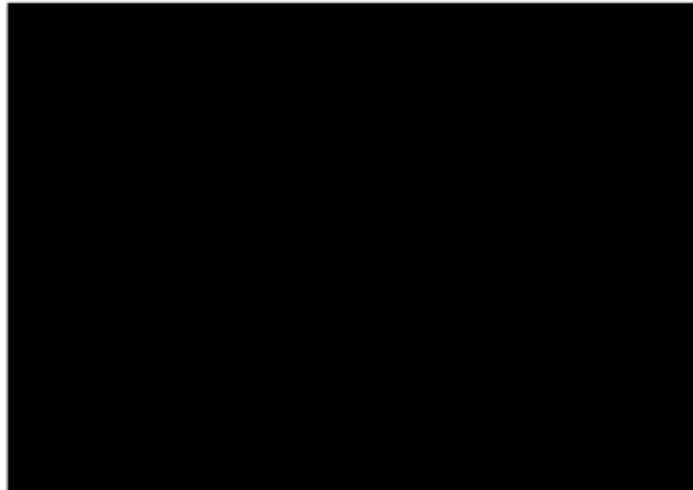
IOPC 2018/19 (BTEC Level 5 qualifications)


The BTEC Level 5 qualifications consists of the following units:

UNIT 1	UNIT 2	UNIT 3 CERTIFICATE (Units 1-3)	UNIT 4 DIPLOMA (Units 1-4)
INVESTIGATIONS LEGAL KNOWLEDGE	INVESTIGATION SKILLS	INVESTIGATION PROCESSES & PRINCIPLES	LEADING INVESTIGATIONS (Lead Inv only)
1.1 Police Misconduct system	2.1 Exhibits Handling	3.1 Referral process	4.1 Plan IOPC investigations
1.2 Criminal offences	2.2 Witness Interviews	3.2 Agencies within remit of IOPC	4.2 Manage and Lead IOPC investigations
1.3 Key Evidential Principles	2.3 Subject Interviews	3.3 Equality Act 2010/ investigating discriminatory behaviour	4.3 Communicate effectively during IOPC investigations
1.4 Court processes	2.4 Disclosure	3.4 National Decision Model/ Police Code of Ethics	4.4 Conclude and manage outcome of IOPC investigations
1.5 Human Rights	2.5 Scene Management		
1.6 Police Powers	2.6 Evidential opportunities (CCTV, digital, H2H, witness appeals)		

	<p>Question 2. We have assumed that by 'IOPC officers' you are referring to IOPC investigators and Lead Investigators in alignment with your first question.</p> <p>An annual Learning Needs Analysis exercise helps the Learning and Development Team identify what key investigative areas or themes may be relevant to all investigators, and this will form part of the national programme of continuous professional development. The programme differs every year. Last year's programme featured:</p> <ul style="list-style-type: none"> • Achieving Best Evidence (ABE) interviewing (interviewing vulnerable persons), • Safeguarding and • Digital Investigations. <p>On a local level, the Learning and Development teams support investigations teams in identifying areas that are relevant to them. Learning interventions are informal and localised and can cover anything, examples being: giving evidence in coroner's court, interview refreshers, force visits</p> <p>Investigators are also responsible for their own continuing professional development and maintaining competence as applicable to their role. Personal and professional development is supported by the annual Personal Development Review and supervisory process.</p>
<p><u>Ref</u> <u>1008416</u> Back to top</p>	<p><u>Equipment issued to IOPC investigators</u></p>
<p><u>Request</u></p>	<p><i>Please can you provide any records you hold about equipment issued to operational IOPC investigators upon commencement of their service with the organisation?</i></p>
<p><u>Response</u></p>	<p>All investigators are issued with the following equipment:</p> <ul style="list-style-type: none"> • 1 x Microsoft Surface Pro, a Surface Pro keyboard, dock and travel power adapter • 1 x USB headset for managing calls / audio • 1 x bluetooth mouse • 1 x iPhone <p>Staff can request additional equipment as part of reasonable adjustments.</p> <p>Personal protective equipment can be requested by investigators as required but is not issued to every investigator as standard.</p>

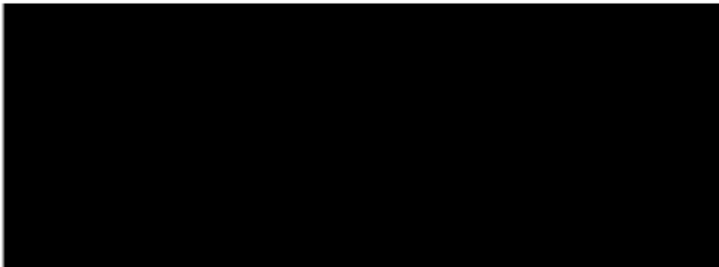
Ref 1008417 Back to top	<u>Operation Embley Terms of Reference</u>
<u>Request</u>	<ol style="list-style-type: none"> 1. Please provide me with a copy of the initial and final terms of reference of Op EMBLEY. 2. Please provide me with a copy of the list of the appointment holders to whom the draft Op EMBLEY TORs were circulated. 3. Please provide me with copies of the comments by appointment holder on the draft Op EMBLEY TORs 4. Is there any update on when we may see any output?
<u>Response</u>	<p>Questions 1 and 3. You are entitled to be provided with the information contained in the attached files, consisting of a redacted version of the final terms of reference and a schedule of non-exempt comments on the drafts.</p> <div style="text-align: right; margin-bottom: 20px;">  </div> <p>Terms of Reference</p> <p>Investigation into discrimination and corruption amongst senior officers in the Metropolitan Police Service (MPS) Directorate of Professional Standards (DPS).</p> <p>Investigation Name: Operation Embley Investigation Type: Independent Appropriate Authority: MPS IOPC Reference: 2017/094215 Director General (DG) Delegate (decision maker): Steve Noonan Lead Investigator: [REDACTED] Target Range: 15+ months</p> <p>Summary of events</p> <p>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.</p> <div style="background-color: black; width: 100%; height: 100%; margin: 10px 0;">[REDACTED]</div> <p>Terms of Reference</p> <ol style="list-style-type: none"> 1. To investigate whether the following officers were involved with corruption [REDACTED] specifically in relation to the cases detailed below: [REDACTED]



2. To investigate whether there is a systemic problem with the removal of the restrictions of officers under investigation, without following process, with specific reference to the following cases:
Cases 3, 5, 11, 13, 16 and 17
3. To investigate whether 
 - a) Was involved with investigations prematurely, in order to give officers under investigation preferential treatment in case 5 and;
 - b) Removed restrictions of an officer in case 16 following pressure to do so from the officer's management.
4. 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.
5. To identify whether any person serving with the police may have behaved in a manner which would justify disciplinary proceedings and to enable an assessment as to whether such persons have a case to answer for misconduct or gross misconduct or no case to answer or in the case of civilian police staff the equivalent process.
6. 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 Steve Noonan, Director of Major Investigations. 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 Director of Public Prosecutions, and whether they agree with the appropriate authority's proposals in response to the report.

These terms of reference were approved on 5 November 2018.

Comments on the terms of reference by appointment holder (all contained in emails)

Date	Appointment holder	Comment
17/05/2018	Investigator	There are 3 cases on the Annex that are not directly referred to in the ToR but form part of general patterns reported [REDACTED]. To remove these cases and renumber would cause confusion as all the cases are referred to by number in [REDACTED] statement so for consistency I have kept them in. They are cases 1, 21 and 24.
13/06/2018	Director of Major Investigations	I have amended these slightly. It seemed to make more sense to introduce the table before we started to talk about the case numbers.
13/06/2018	Director of Major Investigations	This looks fine to me. Just a thought, does [REDACTED] need one last look over these before they get to the MPS?
05/11/2018	Operations Team Leader	Please see attached amended terms of reference following the conduct assessment.
05/11/2018	Director of Major Investigations	I have made some tracked changes – they are only style guide amendments and inserted today's date for approval by me as DM.

Redactions relate to information that is exempt from disclosure under sections 30(1)(a)(i), 30(2), 40(2) and 42(1) of the FOIA. In the case of the exemptions under sections 30(1)(a)(i), 30(2) and 42(1) we are refusing your request after concluding that the public interest in maintaining the exemption outweighs the public interest in disclosure.

Section 40(2) is an 'absolute' exemption meaning that there is no requirement to consider the balance of the public interest before concluding that the information can be refused.

We have compared the contents of the draft and final versions of the terms of reference and have found that the only non-exempt content that was amended was the title. In earlier draft versions the title was: "Investigation into discrimination and corruption amongst senior officers in the DPS". In the final version and later drafts the title was changed to "Investigation into discrimination and corruption amongst senior officers in the Metropolitan Police Service (MPS) Directorate of Professional Standards (DPS)".

In this context "senior officers" is meant in a more colloquial sense so should not be understood as referring only to officers above the rank of Chief Superintendent.

Question 2. Within the IOPC, the following were involved in drafting the terms of reference:

Steve Noonan, Director of Major Investigations
Chris Mahaffey, Lead Senior Investigator

	<p>1 Lawyer 2 Operations Team Leaders 4 Investigators</p> <p>The terms of reference were also shared with Deputy Assistant Commissioner Richard Martin of the Metropolitan Police and solicitors representing the reporter of wrong doing. We can confirm that these are all of the persons to whom the draft Terms of Reference were circulated, including their job titles where applicable.</p> <p>Question 4. The final strand of 9 investigations that make up Operation Embley is nearing conclusion. In the coming months we will decide what it is appropriate to publish and will provide a further update later this year.</p>
<p><u>Ref</u> <u>1008418</u> Back to top</p>	<p><u>Operations Manual</u></p>
<p><u>Request</u></p>	<p><i>I'd like to make a request for the Operational Handbook. I am particularly interested in IOPC guidance for caseworkers and the IOPC guidelines to which they assess complaints and appeals.</i></p>
<p><u>Response</u></p>	<p>The IOPC does not hold an operational handbook. However, we can consider the disclosure of specific guidance if you are able to specify the topic in which you are most interested.</p> <p>Our operational guidance covers all aspects of our operational work. This includes related activities such as communications, information management, data recording and template documents, as well as guidance on the extensive rules and procedures relating to our police complaints functions as defined in Schedule 3 of the Police Reform Act 2002.</p> <p>Please find attached our operational guidance to Casework Managers and Assessment Analysts relating to the assessment of appeals under the Police Reform Act 2002. Our Casework and Assessment teams do not assess complaints other than in the context of appeals.</p> <p>Please note that as a result of legislative changes introduced by the Policing and Crime Act 2017 these procedures do not apply to complaints recorded on or after 1 February 2020. Our internal guidance relating to the new procedures is under development but our 2020 Statutory Guidance to police professional standards departments is based on the new rules.</p>
<p><u>Ref</u> <u>1008450</u> Back to top</p>	<p><u>Percentage of BAME employees</u></p>
<p><u>Request</u></p>	<p><i>I would like to know the percentage of IOPC employees who are BAME?</i></p>
<p><u>Response</u></p>	<p>The data you have requested is as follows:</p>

As of 31/3/2020	All ethnicities	Black	Asian	Minority Ethnic	Unknown	Total BAME	Total BAME (minus white Irish/white other)
No. of staff	1032	58	91	54	30	203	168
% of staff	100%	6	9	4	3	20	16

Ref
1008422
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Investigations following death or serious injury

Request

In the past 5 years for cases involving a death or serious injury:

1. *How many investigations in total?*
2. *The timeline for each case i.e. the date of the incident and the date that a decision was made and what that decision was?*
3. *Of all officers charged with an offence relating to a death or serious injury, how many were convicted?*

Response

Question 1. To monitor trends and themes in the cases we deal with, we record 'factors' on our case management system. A factor is a theme that might apply in the given circumstances of a case. It may be relevant to the incident to which the complaint relates but may not be what the complaint is about.

The factors relevant to your request are 'Death' and 'Serious injury'. The 'death' factor is applied to any case where there is a death of a person/people. It may include road traffic incidents, shooting incidents, deaths in or following custody, suicides following release from custody and deaths during or following other types of police contact.

The 'serious injury' factor is applied to any case involving or alleging a serious injury. Serious injury is defined as '*a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function.*'

Since case factors are manually selected by operational staff to help identify the nature of the circumstances of a case, they should not be relied on to provide definitive data as application of case factors is reliant on individual discretion. Therefore, the data presented here should be used only for illustrative purposes.

Table 1 provides the number of Independent Investigations started and completed by the IOPC in the period 1 April 2015 to 31 March 2020, by the factor applied.

Independent investigations started and completed - by factor

Factor	Number Started	Number Completed
Death	858	845
Serious Injury	939	886
Death and Serious Injury	132	127
Total	1,929	1,858

Question 2. Section 12 (1) of the Freedom of Information Act sets out that a public authority need not disclose data requested if the authority estimates that the cost of complying with the request would exceed the appropriate limit. Regulations set out that the appropriate limit for the IOPC is £450. Time for staff to undertake manual searches to locate, identify and retrieve information is calculated at £25 per hour. This means that the limit is 18 hours.

Based on an average of 10-15 minutes to locate, review and retrieve the details of each relevant case, we estimate that identifying the information you have requested for the 1,858 cases and, where necessary, the supporting documents, would take approximately 460 hours to complete. To provide this information would breach the cost limits and therefore we are not obliged to comply with this part of your request.

However, table 2 sets out the average duration of completed IOPC independent investigations by financial year. (The duration of an investigation varies due to the complexity of the circumstances or factors of each individual case)

Duration of completed independent investigations by financial year

	2015/16	2016/17	2017/18	2018/19	2019/20
Average Duration (Working Days)	226	239	223	210	236

Question 3. Information relating to investigation outcomes is recorded manually by operational staff. Therefore, the data provided is the most recent available and is subject to change. As such, the information provided should not be considered definitive and should be used for illustrative purposes only. It should also be noted that in more recent cases we may not hold information because the relevant processes, such as disciplinary proceedings, may not yet have taken place.

This information is recorded at subject (the officer or police staff under investigation) level rather than case level. All dates referred to below are

the period in which the investigation was completed. Proceedings may have taken place outside of this period.

In the period 1 April 2015 to 31 March 2020, the IOPC completed 1,858 independent investigations which related to 2,024 individual subjects. Of these, 203 were referred to the CPS for consideration of criminal charges. The CPS decided to prosecute 35 of these subjects, 31 of which have attended criminal proceedings to date. Of these 11 were found guilty and convicted, the sentence for which are presented in table 3.

Sentence Types

Sentence Type	Number of Subjects
Absolute Discharge	1
Community Sentence	2
Conditional Discharge	1
Custodial sentence	2
Fine	3
Fine & Community Sentence	1
Suspended Sentence	1
Total	11

Ref
1008423

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Outcomes of investigations

Request

1. *How many investigations into officers' conduct have been launched by the IOPC in each of the last five years, broken down by year. Broken down by year, how many of the investigations were launched by the IOPC without an initial referral from the relevant force, and how many were launched by the IOPC following a referral from the force.*
2. *What was the outcome of those investigations, broken down by consequence (e.g. cleared, upheld, management advice, disciplinary proceedings, dismissal, criminal charges, etc), broken down by year.*
3. *In each of the last five years, broken down by year, how many of your investigations in officers' conduct have assessed their use of Taser?*

Response

Question 1. Regardless of whether there has been a complaint, police forces are required to refer certain matters to the IOPC, for example, incidents involving death or serious injuries. These are known as mandatory referrals.

A referral can originate from one of three possible sources - a complaint, a death or serious injury, or a recordable conduct matter. In addition:

- a police force can choose to refer a matter voluntarily to the IOPC
- the IOPC may instruct a police force to record and refer a matter
- the IOPC may initiate an investigation without the matter being referred

An independent investigation can also be started:

- when the IOPC decides to independently investigate a case that had previously been dealt with by the IOPC as an investigation appeal
- when the IOPC decides to re-investigate a case that had previously been investigated independently

Table one sets out the number of independent investigations started by the IOPC, by referral type and financial year.

Table 1

Independent Investigations Started by financial year

Referral Type	2015/16	2016/17	2017/18	2018/19	2019/20
Mandatory referral	387	455	621	605	464
Voluntary referral	104	88	63	58	37
Called in by IOPC	9	10	2	3	1
MOI after appeal	19	37	19	21	5
Re-investigation referral	0	0	0	0	1
Total	519	590	705	687	508

Question 2. Information relating to investigation outcomes is recorded manually by operational staff. Therefore, the data provided is the most recent available and is subject to change. As such, the information provided should not be considered definitive and should be used for illustrative purposes only. It should also be noted that in more recent cases we may not hold information because the relevant processes, such as disciplinary proceedings, may not have not yet taken place.

This information is recorded at subject (the officer or police staff under investigation) level rather than case level. All dates referred to below are

for the period the investigation was completed. Proceedings may have taken place outside of this period.

In the period 1 April 2015 to 31 March 2020, the IOPC completed 2,847 independent investigations. Of these, we have recorded 2,805 cases to date that concern 3,632 individual subjects.

Table two sets out the IOPC findings from completed independent investigations. At the conclusion of an IOPC independent investigation, we can make a finding that an individual under investigation (a 'subject') may have a case to answer (CTA) for Misconduct or Gross Misconduct. In these instances, we can instruct that the relevant police force holds disciplinary proceedings to decide if the case to answer is proven. If the force disagrees with our findings, we can make a formal recommendation or, ultimately, direct them to hold such proceedings.

Table 2

Investigation Findings by Financial Year.

Investigation Findings	2015/16	2016/17	2017/18	2018/19	2019/20	Total
No CTA	321	410	603	442	330	2106
CTA Gross Misconduct	98	155	164	107	117	641
CTA Misconduct	139	178	288	136	107	848
CTA Not specified - Staff*	15	3	3	0	2	23
Not known*	1	3	1	3	6	14
Total	574	749	1,059	688	562	3,632

* We are unable to make a finding of misconduct or gross misconduct for police staff; we can only record whether the investigation found a case to answer.

** All processes must be completed before the final decision can be recorded. This means there can be a delay in updating final investigation outcomes on our case management system.

The following tables provide data on whether subjects will attend disciplinary proceedings, such as a misconduct meeting or a gross misconduct hearing, and the outcomes of those proceedings. We are not able to provide this data by year. Our reporting is based around the date the investigation is completed but owing to processes outside of the control of the IOPC, proceedings may be held in following years.

Table 3: **Proceedings attended/to be attended**

Proceeding Attended	Total
No	632
Yes - misconduct meeting / gross misconduct hearing	795
Yes - Unsatisfactory Performance Procedures hearing	23
Not known*	62
Total	1,512

*This may not have been recorded at the time this data was extracted from our system

Table 4: **Proceeding Outcomes (where concluded)**

Was Conduct Proven?	Total
No	247
Yes	363
Total	610

Table 5: **Sanctions (where conduct was proven)**

Sanctions	Total
Dismissed without notice	54
Final written warning	63
Management advice	105
N/A: Long term illness / died / redundant etc	1
N/A: Retired/Resigned	16
NFA	22
Other	13
Written warning	88
Not Known*	1
Total	363

* This may not have been recorded at the time this data was extracted from our system

Of the 3,632 subjects recorded, we referred 391 matters to the Crown Prosecution Service (CPS) for consideration of criminal prosecution. To date, the CPS has decided to prosecute 69 of these subjects. The following tables present verdicts where criminal proceedings are concluded, and sentences where subjects were found guilty at trial.

Table 6

Trail Verdicts (where criminal proceedings have concluded)

Trial Verdict	Total
Guilty	22
Hung jury	1
Not guilty	33
Not known*	2
Total	58

* This may not have been recorded at the time this data was extracted from our system

Table 7

Criminal sentences

Sentence Type	Total
Absolute Discharge	3
Community Sentence	2
Conditional Discharge	1
Custodial sentence	4
Fine	6
Fine; Community Sentence	1
Fine; Community Sentence; Other	1
Suspended Sentence	2
Suspended Sentence; Community Sentence	1
Not known*	1
Total	22

* This may not have been recorded at the time this data was extracted from our system

Question 3. We record 'factors' on cases so that we can monitor trends and themes in the cases we deal with. A factor is a theme that might apply in the given circumstances of a case. However, as we are not responsible for the initial recording of complaints, we collect only limited information about those made directly to us. The majority of these complaints do not have factors recorded on our case management system.

Since case factors are selected manually by operational staff to help identify the nature of the circumstances of a case, they should not be relied on to provide definitive data, as application of case factors is reliant on individual discretion. A factor selected on a case involving a complaint

may be relevant to the incident to which the complaint relates, but may not be what the complaint is about. Therefore, the data presented here should only be used for illustrative purposes only.

The case factor relevant to your request is 'Taser'. This factor is recorded in relation to any incident that involves the deployment of Taser, including instances where it is drawn, and the individual is 'red-dotted' or if used in stun mode.

Table 8 provides the number of independent investigations started and completed that have the Taser factor recorded, by financial year.

Table 8

Independent Investigations with Taser Factor Recorded by Financial Year

	2015/16	2016/17	2017/18	2018/19	2019/20
Independent investigations started	18	22	26	15	17
Independent investigations completed	9	14	34	19	24

**Ref
1008426
[Back to top](#)** **Caroline Flack case**

Request *Please provide copies of all communications and correspondence with the Met Police in relation to the Caroline Flack case.*

Please provide a copy of the IOPC's recorded decision making, following the MPS's referral.

Response This information is held by the IOPC but we have decided that we are not obliged to comply with your request. This is because the information engages the exemptions under sections 31(1)(c) 40(2), 41 and 42(1) of the FOIA.

We are refusing information under sections 31(1)(c) and 42(1) after concluding that the public interest in maintaining the exemption outweighs the public interest in disclosure.

Sections 40 and 41 are absolute exemptions, meaning that there is no requirement to consider the balance of the public interest before deciding that the information can be refused.

Ref 1008434 Back to top	<u>Police vehicle incident data recorders and telematics</u>
<u>Request</u>	<p>The following two statements contradict each other regarding telemetry could you confirm the press release is truthful as Lancashire Constabulary are stating no vehicles they own have this ability it appears worryingly that your press release contains falsehoods regarding your recovering of data form a fatal crash.</p> <p>https://www.policeconduct.gov.uk/recommendations/fatal-collision-following-pursuit-lancashire-constabulary-september-2018</p> <p>https://www.whatdotheyknow.com/request/662530/response/1579138/attach/4/0001%20FOI%20APPLICATION%20RESPONSE%20OUR%20REF%201601%200.PDF.pdf?cookie_passthrough=1</p> <p><i>My question is during this investigation did your officers recover data from the police car via on board telemetry or is the press release factually inaccurate?</i></p>
<u>Response</u>	<p>We have contacted Lancashire Constabulary to clarify this issue and do not agree that our summary is contradicted by their FOIA response to you regarding telematics.</p> <p>The data collected for the IOPC investigation was recorded on an Incident Data Recorder (IDR) fitted to the police vehicle. IDRs capture data relating to an incident. This can be activated by the officer pressing a button in the vehicle, or activated by the system due to a collision or harsh incident. Either way, the IDR captures roughly 30 seconds of data prior to the incident. The data collected relates to speed (acceleration and deceleration), movement of the vehicle (either to the left or right), and use of auxiliaries (lights, sirens, indicators). IDRs do not record data relating to where a vehicle has been or how fast it has travelled throughout its journey.</p> <p>Telematics may record similar data in various ways. However, telematics can, depending on the individual system, record other data about entire journeys, including roads travelled on, speeds, fuel use and when the vehicle was in use. IDRs do not record this type of data. Different telematics systems vary in the types of data they collect.</p> <p>Lancashire Constabulary has confirmed that at the time of the incident (September 2018) no telematics devices were fitted to their vehicles and it continues to be the case that they fit only IDRs to their vehicles as standard.</p> <p>The IOPC published summary says “We reviewed data recorded by the police vehicle”. This refers to the data recorded by the IDR, as this was the type of system fitted to the vehicle, and was the source of the data considered under our investigation.</p>

	<p>We note from the ‘WhatDoTheyKnow’ web site that your request to Lancashire Constabulary of 6 May asked “Could you confirm if marked police vehicles are fitted with speed and location tracking?”. Their response was: “Lancashire Constabulary do not fit telematics or speed and location tracking devices to marked police vehicles”. This is correct because IDRs are fitted to their police vehicles but telematics devices are not.</p> <p>We hope this clarifies the distinction between the two different systems which provide data about vehicle use.</p> <p>In answer to your specific question the IOPC recovered data from the police vehicle involved in this incident but this was not from a telematics device. Therefore, the IOPC statement is accurate and is not contradicted by the FOIA response you received from Lancashire Constabulary.</p>
<p><u>Ref</u> <u>1008438</u> Back to top</p>	<p><u>Investigation of Sussex police contact with Ryan Prince</u></p>
<p><u>Request</u></p>	<p><i>Please could I be provided with a copy of the investigation (whether draft or finalised) into the death of Ryan PRINCE following contact with Sussex Police.</i></p> <p><i>Please could I also be provided with the account given of Chief Constable Giles York.</i></p> <p><i>Please advise whether Ryan PRINCE was arrested by Sussex Police and who the arresting officer was.</i></p> <p><i>Finally, please could you tell me whether Mr PRINCE was taken directly to hospital or custody first.</i></p>
<p><u>Response</u></p>	<p>We can confirm that the IOPC holds this information. Ryan Prince was taken directly to hospital from the scene of the incident by ambulance. A brief outline of the investigation and its findings is available on our web site here.</p> <p>All of the information you have requested is contained within the investigation report. We have decided that we are not obliged to disclose the full report because it engages the exemptions under sections 30(1)(a)(i), and 40(2) of the FOIA.</p> <p>We are refusing the report under section 30(1)(a)(i) after concluding that the public interest in maintaining the exemption outweighs the public interest in disclosure. In reaching this decision we have noted in particular that the IOPC will be publishing a summary of the investigation on its web site in the next few weeks. Section 40(2) is an ‘absolute’ exemption meaning that there is no requirement to consider the balance of the public interest before refusing the information.</p> <p>As confirmed in the news release on our web site, the IOPC will be publishing a summary of the investigation in accordance with its ‘Policy on the Publication of final reports and investigation summaries’. We expect this to be available via this page of our web site by the end of July 2020. Applying the six criteria listed in</p>

	<p>paragraph 29 on page 5 of the policy, it has been decided that this investigation does not meet the requirements for publication of a 'level 1' full report. As stated in our existing publicity, all officers were treated as witnesses throughout the investigation. The purpose of a 'level 2' summary is to provide the public with a meaningful and proportionate account of the investigation so as to further the public interest in openness and transparency in respect of this case and the work of the IOPC more generally. In our view the disclosure of the requested information under FOIA would not achieve this aim because it would be necessary to make some very significant redactions to protect the privacy rights of individuals, with the result that it would be difficult to understand.</p> <p>We have also noted that the release of this personal information would not be in accordance with our published 'Policy on naming of police officers and police staff', which sets out the criteria we apply when deciding whether or not to name the subjects of our investigations. You will note from the policy that there is a presumption against naming an officer unless they are subject to a misconduct hearing. Our investigation found no indication that officers breached standards of professional behaviour and all officers were treated as witnesses.</p>
<p><u>Ref</u> <u>1008172</u> Back to top</p>	<p><u>Deaths following police restraint</u></p>
<p><u>Request</u></p>	<p><i>The number of people who have died as a result of being restrained by the police from 2004 - present.</i></p>
<p><u>Response</u></p>	<p>The Independent Office for Police Conduct (IOPC) (and previously the Independent Police Complaints Commission) is responsible for producing annual national statistics on deaths during or following police contact in England and Wales. The statistics include deaths that have occurred across a number of circumstances that are grouped into five categories.</p> <p>There is not a specific category that relates to 'deaths as a result of restraint' as per your request. However, circumstances of deaths that can include restraint, fall into either the 'deaths in or following police custody' or 'other deaths following police contact - independent only' categories. These two categories have been used for your request.</p> <p>The timeframe we have considered under your request is deaths occurring between 1 April 2014 and 31 March 2019. We have been unable to look at any more recent deaths as the reporting of deaths within the 'other deaths following police contact' category would be included in our 2019/20 annual death report. These cases are still in the process of being verified and checked.</p> <p>During the process of compiling the annual statistics, we record information on whether restraint was used during the circumstances of the police contact and the person's death. Please note that in addition to cases involving police officers, we also select 'restraint' on a case where non-police officers have also been involved in restraining a person, for example, where security staff and police have either taken over or assisted</p>

with the restraint. In both circumstances, by noting that restraint has occurred does not necessarily mean that it contributed to the death.

Table 1 details the number of fatalities recorded for all forces, from 1 April 2004 to 31 March 2019, in relation to the two death categories listed above. It also details how many of these cases were identified as including the use of restraint, either by police or both police and non-police, although this does not mean that the restraint necessarily contributed to the death. Cases where there is information to suggest that only members of the public were involved in the restraint of the individual have not been included.

Table 1

	04 /05	05 /06	06 /07	07 /08	08 /09	09 /10	10 /11 ^a	11 /12	12 /13	13 /14	14 /15	15 /16 ^b	16 /17	17 /18	18 /19	Total
Custody	36	28	27	22	15	17	21	15	15	11	18	14	14	23	16	292
Contact	24	40	22	31	35	39	57	47	22	44	43	105	132	175	152	968
Total fatalities	60	68	49	53	50	56	78	62	37	55	61	119	146	198	168	1260
Restraint involving police ^{**}	6	9	6	5	7	4	8	10	6	7	13	9	11	17	12	130

^a Change in definition in 2010/11 to include only cases subject to an independent investigation.

^b Expansion of IOPC investigative resource and capacity to carry out more independent investigations into serious and sensitive matters and this has a direct impact on the number of 'other contact deaths' that are reported.

^{**} The term 'restraint' refers to a range of actions, including physical holds and pressure compliance. It does not include the routine use of handcuffs, unless another use of restraint was also used.

As stated above, the figures in Table 1 represent the number of cases where restraint was used during the circumstances of the police contact and the person's death. The cause of death is formally determined at inquest; in order to know whether death was a result of restraint in these cases, this information would need to be obtained from the inquest verdicts. To assist with this, [the spreadsheet](#) accompanying this letter provides the names of those who have died in circumstances involving restraint by the police, where this information has been reported in the public domain. It also provides the name of the police force involved and a link to an available press statement. Please note that not all of these are IPCC/IOPC press statements. Their inclusion does not indicate our verification of the information they contain. For names not in the public domain only the appropriate authority, financial year and category of case are listed.