



Outcomes following IOPC independent investigations

2018/19

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The data in this report covers the period 1 April 2018 to 31 March 2019. The data may be subject to change as it is taken from a live system. Unless otherwise stated, the figures refer to the outcomes for individual police officers or staff, and not the number of investigations.

Introduction

About the IOPC

The Independent Office for Police Conduct (IOPC) oversees the police complaints system in England and Wales. We are independent, and make our decisions independently of the police, government and interest groups. We investigate the most serious complaints and incidents, including deaths following police contact, and set the standards by which the police should handle complaints. We use learning from our work to influence changes in policing.

Specialist police forces such as the Ministry of Defence Police, Civil Nuclear Constabulary and the British Transport Police also come under IOPC jurisdiction. We also oversee the complaints system for other organisations, such as Her Majesty's Revenue and Customs, the National Crime Agency and the Gangmasters and Labour Abuse Authority. We investigate certain serious complaints and conduct matters relating to staff from these organisations. We also investigate criminal allegations against police and crime commissioners, their deputies and contractors working for the police.

Our investigations have a strong focus on why things happened, and what might prevent them happening again. This means looking at training, management support and organisational culture. You can read about the recommendations we make, summaries of our investigations, and our publications on our website – www.policeconduct.gov.uk

About the police complaints and discipline systems

The police discipline system is the responsibility of police forces and is administered by them. Police force professional standards departments (PSDs) deal with the majority of police complaints and allegations of misconduct. Information recorded by force PSDs about the [outcomes of misconduct and criminal investigations is published by the Home Office](#). This includes information relating to IOPC investigations. PSDs must refer the most serious cases to us, regardless of whether someone has made a complaint.

About this report

This report describes the outcomes following IOPC independent investigations between 1 April 2018 and 31 March 2019. The *Policing and Crime Act 2017* introduced several reforms to the police complaints system. This report covers investigations started (and completed) before the reforms were implemented on 1 February 2020.

The data in this report is presented in two sections: decisions made after our investigations, and the outcomes of misconduct or criminal proceedings.

When we refer to outcomes this means:

- the decision we make about whether someone has a case to answer for misconduct or gross misconduct as a result of our independent investigation. While we consider the views of the appropriate authority about what should happen, we will make the final decision. It is the appropriate authority that carries out any disciplinary action.

The appropriate authority is one of the following:

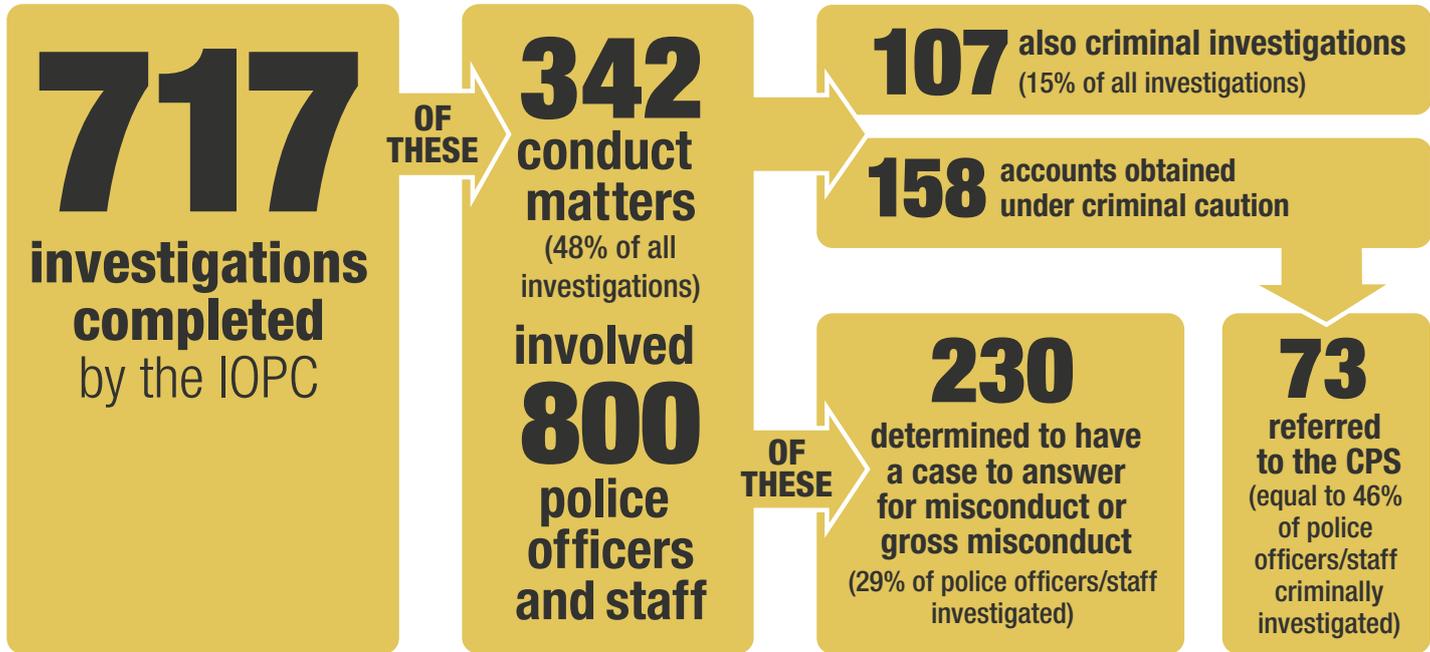
- the chief officer of the police force (or equivalent)
- the police and crime commissioner (PCC) for the police force the complaint is about
- the Mayor's Office for Policing and Crime (if the complaint is about the Commissioner of the Metropolitan Police Service)
- the Common Council for the City of London (if the complaint is about the Commissioner of the City of London Police)
- the decision to make a referral to the Crown Prosecution Service (CPS) where there is an indication someone may have committed a crime
- the results of misconduct or criminal proceedings that took place in 2018/19

The outcomes of proceedings covered in this report may relate to investigations completed during this period. However, they may have been completed before 2018/19 with the resulting misconduct proceedings taking place during 2018/19. This means investigation outcomes and proceedings figures should not be compared. This is because there can be a significant time lag between the end of our investigation and any misconduct proceedings conducted by appropriate authorities or criminal cases prosecuted by the CPS.

Summary of outcomes

1 April 2018 to 31 March 2019

Decisions following completed investigations



Misconduct and criminal outcomes



About our investigations

In carrying out their duties, police officers and staff (including civilian staff, police community support officers, designated officers and traffic wardens) must comply with the standards of professional behaviour set out in Schedule 2 of the Police (Conduct) Regulations 2012. Misconduct refers to a breach of these standards.

Allegations that the standards of professional behaviour have been breached could come from a complaint made by a member of the public, or from a concern raised internally within the police force. Forces are also legally required to refer certain matters to us, such as a death or serious injury (DSI) following contact with the police.

When we receive a referral, we make an assessment to determine whether the matter should be investigated by us or referred back to the police force to investigate.

Our investigations assess all the available evidence and provide an independent opinion on whether there is a case to answer for misconduct or gross misconduct, or whether someone's performance was unsatisfactory.

At the end of an investigation, we produce a final report, which analyses and summarises the evidence collected. These reports set out our opinion on conduct, performance or learning.

We send our report to the police force involved, which then determines whether someone has a case to answer.

If the force does not agree with the opinion set out in our report, we can take the following steps:

- listen to why the force disagrees that a misconduct proceeding should be brought
- recommend that the force holds a misconduct proceeding
- then, if necessary, direct the force to hold a misconduct proceeding

The final decision about whether misconduct is proven and what, if any, sanction should apply is made during misconduct proceedings conducted by the force. A misconduct hearing panel has an independent, legally qualified, chair.

Where an inquest is held, we provide our report and evidence to the Coroner. These are considered during the inquest.

If, at the end of our investigation there is an indication that a crime may have been committed, we refer the case to the CPS to decide if the evidence satisfies the threshold for legal proceedings. It is then for the courts to decide whether the person concerned committed a crime.

Disciplinary action is not the only potential outcome of our investigations. An important part of our work involves looking at what caused the situation we investigated, and how this might be prevented in future. We can make recommendations, which can range from training, to changes in policy, practice, supervision and safety improvements. Our [Impact report](#) shows how our work is making a difference by influencing improvements in policing practice and reducing future risks. You can read summaries of our investigations and details of the recommendations we make on our website: www.policeconduct.gov.uk/investigations/investigation-summaries-and-learning-recommendations.

Decisions following completed investigations

This section summarises decisions made after our investigations are complete.

Decisions about conduct

During 2018/19, we investigated 800 police officers and staff. We determined that 29% of these (230) had a case to answer for misconduct or gross misconduct.

We directed the appropriate authority to hold misconduct proceedings in 12 of these cases.

Of the 230 officers/staff who had a case to answer, 143 involved misconduct and 87 gross misconduct.

Our investigations determined that 570 of the police officers and staff we investigated did not have a case to answer for misconduct or gross misconduct. Further action was taken in response to 34% (193) of these people. This action included management action or advice to improve the conduct of the officer, or unsatisfactory performance procedures.

Referrals to the Crown Prosecution Service

If our investigations find an indication that someone may have committed a crime, we inform those involved. We explain their legal rights and take steps to obtain their account under criminal caution.

During 2018/19, our investigators obtained accounts from 158 police officers and staff who were under criminal caution. This happened as part of 107 investigations.

If, at the conclusion of our investigation, we think a police officer or member of police staff may have committed a criminal offence, we pass our report to the CPS. The CPS then decides whether the person should be prosecuted.

We referred 73 people to the CPS following our investigations. The CPS decided to prosecute 21% (15) of these. The CPS has yet to decide about three of the people we referred.

In deciding whether to refer a case to the CPS we apply a two-part test, which is set out in paragraph 23, Schedule 3 of the *Police Reform Act 2002*. You can read more about this in [Section 12 of our Statutory Guidance \(2015\)](#). The threshold we work to is different to the higher threshold the CPS works to when it decides whether it is appropriate to prosecute someone.

Misconduct and criminal outcomes

The proceedings referred to in this section took place in 2018/19. Our investigation may have been completed in the same period or before this. The IOPC does not determine when proceedings are held; this is determined by the appropriate authority or the CPS. In some cases, proceedings conclude months or years after our investigation has been finalised. This means that investigation outcomes presented in the previous section of this report and the outcomes in this section should not be compared.

Misconduct proceedings

There are two types of misconduct proceedings:

- for gross misconduct, a misconduct hearing is arranged by the police force (or other authority). The highest level of sanction is dismissal without notice
- for misconduct, a misconduct meeting is arranged by the police force (or other authority). The highest level of sanction is a final written warning

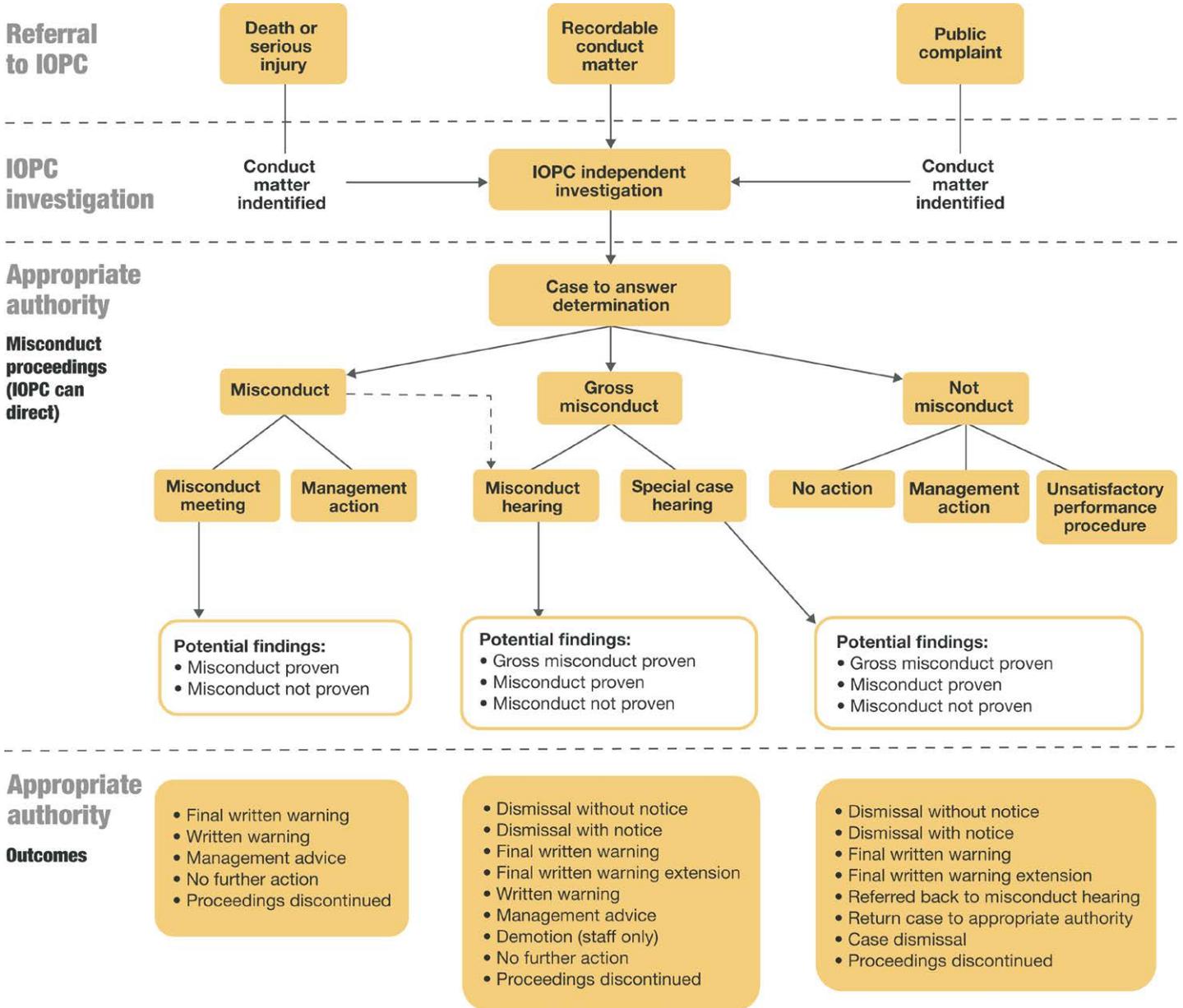
In some situations, where the appropriate authority decides there is a case to answer for misconduct, management action may be considered instead of misconduct proceedings. Under specific circumstances a misconduct hearing may be deemed more appropriate than a misconduct meeting. You can read more about this in [section 12 of our Statutory Guidance \(2015\)](#).

Misconduct meetings and hearings are conducted by a panel that is convened by the police force with an independent legal chair.

There are different discipline systems for police officers and police staff. Police officers and special constables are subject to the regulations set out in the Police (Conduct) Regulations 2012. Complaints and conduct matters involving staff are covered by individual police force policies.

Figure 1 describes the various ways in which misconduct outcomes can be reached after we complete our independent investigations.

Figure 1: How misconduct outcomes are reached



In 2018/19, misconduct proceedings were held for 170 police officers/staff. Panels determined that 61% (103) of these officers/staff were proven to have breached the standards of professional behaviour:

- gross misconduct was proven for 37 of officers/staff
- misconduct was proven for 66 officers/staff
- misconduct was not proven for the remaining 67 officers/staff

In the 37 proceedings where gross misconduct was proven, disciplinary actions imposed were as follows:

- 14 people were dismissed without notice
- 16 people received a final written warning
- one person received a written warning

Figure 2: Outcomes following misconduct proceedings 2018/19

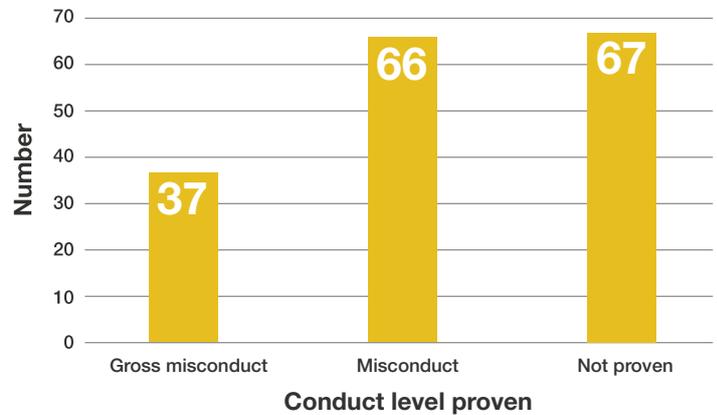
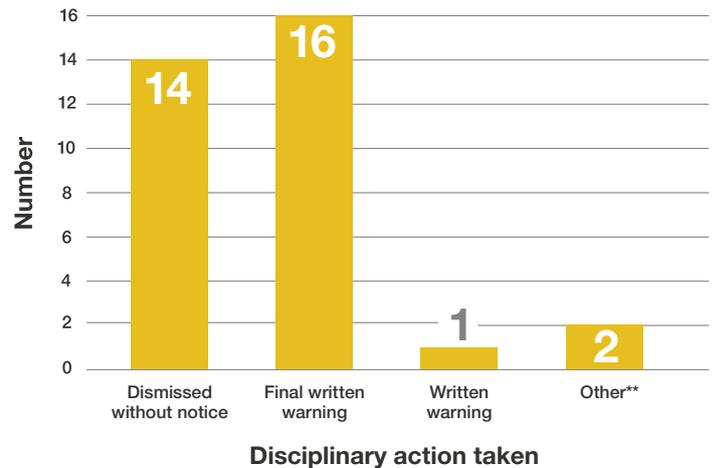


Figure 3: Disciplinary actions following misconduct proceedings where gross misconduct was proven 2018/19 *



* Please note that figures 3 and 4 do not include officers/staff who retired or resigned before the proceeding. Although misconduct (or gross misconduct) may be proven at a misconduct hearing for officers who resigned/retired after December 2017, subsequent disciplinary action is not recorded. Therefore, figures may differ from the total misconduct reported.

** For more information on 'other' disciplinary actions, please refer to Figure 1.

In 66 proceedings, misconduct was proven:

- seven people received a final written warning
- 18 people received a written warning
- 32 people received management advice
- two people received no further action

Appropriate authorities do not always agree with the opinion we reach about whether someone we investigated has a case to answer. In this situation, we have the legal power to recommend and then direct appropriate authorities to hold misconduct proceedings.

Of the proceedings held in 2018/19, we directed appropriate authorities to hold them for 16 police officers and staff. In ten of these cases, the proceedings we directed found it was proven that those involved had breached the Standards of Professional Behaviour.

- one person resigned before their proceeding, where misconduct was proven
- five proceedings proved gross misconduct and all those involved received final written warnings
- four proceedings proved misconduct – two people received management advice and two received a written warning

Figure 4: Disciplinary actions following misconduct proceedings where misconduct was proven 2018/19*



* Please note that figures 3 and 4 do not include officers/staff who retired or resigned before the proceeding. Although misconduct (or gross misconduct) may be proven at a misconduct hearing for officers who resigned/retired after December 2017, subsequent disciplinary action is not recorded. Therefore, figures may differ from the total misconduct reported.

** For more information on 'other' disciplinary actions, please refer to Figure 1.

Criminal proceedings

The fact that criminal proceedings took place during 2018/19 does not necessarily mean that the associated IOPC investigation was completed within the same period.

In 2018/19, the CPS brought criminal proceedings against nine police officers and one staff member following an IOPC investigation. These proceedings resulted in five guilty verdicts (or pleas) and five not guilty verdicts (*Figure 5*).

Where the verdict (or plea) was guilty:

- two people received an absolute discharge. This is given either where the offence was very minor, or the court considers that the experience of being charged and facing court proceedings has been enough of a deterrent. The offender will receive a criminal record and no further action is taken
- one person received a conditional discharge. This is where no further action is taken unless they commit a further offence within a time decided by the court (no more than three years)
- the remaining two were each sentenced to community service and ordered to pay a fine

Figure 5: Table of offences and verdicts 2018/19

Offence charged	Verdict	
	Guilty	Not guilty
Battery	1	0
Careless driving	1	0
Common assault, criminal damage, possession of a bladed article	0	1
Common assault	1	1
Dangerous driving	0	1
Possession of indecent images of a child, police corruption	1	0
Multiple acts of dishonesty	1	0
Perverting the course of justice	0	1
Wounding	0	1

Annexes

Annex A: glossary

Appropriate authority – The organisation that is responsible for assessing how to deal with a complaint. For example – whether it can be handled locally or reaches the criteria for referral to the IOPC. The appropriate authority may be the chief officer of the police force or the PCC for the force. If a complaint investigation finds that someone has a case to answer for misconduct, the appropriate authority is responsible for arranging any misconduct proceedings. If you make a complaint, the appropriate authority for your case will contact you.

Conduct – refers to the way someone behaves and the way they treat others. For example, it can include things they say or don't say and their decisions. Police officers and staff must behave in a way that meets professional standards.

Conduct matter – situations where there is an indication that a person serving with the police may have committed a crime or behaved in a manner that would justify disciplinary proceedings.

Disciplinary action – happens at the end of misconduct proceedings and can include the following:

- (a) management advice
- (b) a written warning
- (c) a final written warning
- (d) an existing final written warning being extended
- (e) dismissal with notice
- (f) dismissal without notice

Final written warning – a final written warning is given when a previous written warning has not been effective or where a matter is considered to be sufficiently serious. A copy of the letter will be placed on the individual's personal file.

Gross misconduct – a breach of the Standards of Professional Behaviour that is so serious that dismissal would be justified.

Management action – steps taken by a manager to improve performance or manage the behaviour of a member of staff. It is an opportunity to learn and improve. It addresses performance and conduct in a timely, proportionate and effective way. Management action is not a formal disciplinary outcome.

Management advice – refers to situations when management action is imposed as a formal disciplinary outcome following misconduct proceedings or an appeal meeting.

Misconduct – a breach of the Standards of Professional Behaviour that would justify at least a written warning.

Misconduct hearing – held to deal with misconduct and can impose disciplinary action up to and including dismissal.

Misconduct meeting – held to deal with misconduct and can impose disciplinary action up to and including a final written warning.

Misconduct proceedings – for a member of a police force or a special constable, misconduct proceedings means a misconduct meeting or a misconduct hearing. For a member of police staff, misconduct proceedings means any proceedings or management process that considers their conduct (as opposed to their performance) in order to determine whether their conduct warrants a sanction.

Unsatisfactory performance procedures

– this process is used to improve someone's performance. It deals with inability or failure to perform to a satisfactory level, but without breaching the Standards of Professional Behaviour.

Written warning – written warnings may be given when a matter is considered to be sufficiently serious. A copy of the letter will be placed on the individual's personal file.

Annex B: data considerations

Outcomes following IOPC investigations are recorded on a bespoke database, which includes the outcomes for individual police officers/staff who have been the subject of an investigation. A single investigation may consider the conduct of multiple people. The figures in this report refer to the outcomes for individual police officers/staff and not the number of investigations (unless otherwise stated).

The data in this report is live. It may be subject to change and may reflect errors with data entry and processing.

The IOPC is committed to improving and reviewing the quality of our data. As data quality improves, there may be variance with figures reported previously.

This report covers the period 1 April 2018 to 31 March 2019. The investigations covered in the first section of this report were completed during this period. However, the results of misconduct or criminal proceedings that took place in 2018/19 may have been as a result of investigations completed before 2018/19. This means investigation outcomes and proceedings figures should not be compared.

This report does not constitute official statistics as defined in the *Statistics and Registration Service Act 2007*.

To find out more about our work or to request this report in an alternative format, you can contact us in a number of ways:

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We welcome telephone calls in Welsh
Rydym yn croesawu galwadau ffôn yn y Gymraeg

May 2021

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