

DC Robert Ferrow

Investigation into the actions of DC Robert Ferrow in obtaining a witness statement for the murder investigation into Lucy-Anne Dyson's death.

> Independent investigation report

> Investigation information

Investigation name:	DC Robert Ferrow
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Investigation type:	Conduct
IOPC office:	Croydon
Lead investigator:	Emma Nicholls
Case supervisor:	Victoria Peregrine
Director General delegate (Decision maker):	Catherine Hall
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> Introduction

> The purpose of this report

1. I was appointed by the IOPC to carry out an independent investigation into the actions of Detective Constable (DC) Robert Ferrow in obtaining a witness statement for Hampshire Constabulary's murder investigation into the death of Ms Lucy-Anne Dyson on 23 June 2019. This came to the attention of the IOPC on 2 August 2019 as a conduct referral.
2. Following an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, who I will refer to as the decision maker for the remainder of this report. The decision maker for this investigation is Operations Manager Catherine Hall.
3. In this report, I will provide an accurate summary of the evidence and attach or refer to any relevant documents. I will provide sufficient information to enable the appropriate authority and decision maker to determine:
 - whether any person serving with the police has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was unsatisfactory
 - whether disciplinary proceedings should be brought against any person to whose conduct the investigation related, and the form of any such proceedings
4. I will also provide sufficient information to enable the decision maker to determine:
 - whether to refer any matter to the Crown Prosecution Service (CPS)
 - whether to make a recommendation to any organisation about any lessons that may need to be learned
5. On receipt of the report, the decision maker will record their opinion as to whether any person serving with the police has a case to answer for misconduct or gross

misconduct (or no case to answer), whether their performance was unsatisfactory, and any other matters dealt with in the report.

6. The IOPC will then send a copy of this report and the decision maker's opinion to Hampshire Constabulary, who must advise the decision maker what action, if any, it will take in response to it. If the decision maker does not agree with Hampshire Constabulary, she may make recommendations and ultimately directions for any further actions or determinations.

> The investigation

> Terms of reference

7. Operations Manager Catherine Hall approved the terms of reference for this investigation on 20 August 2019. In brief, they are to investigate the decisions and actions of DC Ferrow in relation to obtaining a witness account, specifically:
 - a) the allegation he requested and obtained signed blank statements pages
 - b) the allegation some of the statement pages did not bear the original signature of Mr Grace-O'Neill
 - c) the allegation he submitted the statement as evidence in the murder investigation without providing the witness with the opportunity to view and/or endorse the account
 - d) whether DC Ferrow's actions were compliant with national and local policies and procedures.

> Subjects of the investigation

8. There was an indication DC Ferrow may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.
9. Where there is such an indication for any police officer, police staff member or relevant contractor, they are categorised as a subject of the investigation. All

subjects are served with a notice of investigation, informing them of the allegations against them.

10. They are also to be informed of the severity of the allegations. In other words whether, if proven, the allegations would amount to misconduct or gross misconduct, and the form that any disciplinary proceedings would take.
11. DC Ferrow is the subject of this investigation. On 23 August 2019, DC Ferrow was served with a notice of investigation outlining the following allegations:
 - He requested and obtained signed blank statement pages from Mr Grace-O'Neill in order to complete the statement on his behalf while not in his presence.
 - He forged the signature of Mr Grace-O'Neill on more than one occasion within the statement.
 - He did not provide Mr Grace-O'Neill the opportunity to view and/or endorse the statement as a true representation of his account before submitting it as evidence into the murder investigation.
12. On 24 September 2019, DC Ferrow was interviewed and provided an account for this investigation.
13. On 26 February 2020, DC Ferrow attended a second interview. DC Ferrow produced a prepared statement during interview and following which, he declined to answer any further questions.

> Summary of the evidence

14. In order for the decision maker to reach their opinion, I have presented a summary and analysis of the evidence. During this investigation, a volume of evidence was gathered. After thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all the evidence gathered in the investigation is referred to in this report.

> Chronology

15. On 23 June 2019, DC Ferrow was working a day shift (8am-5pm) in the 'Operation Amberstone' department, based out of Portsmouth Police Investigation Centre. Operation Amberstone is a unit within the criminal investigation department, which investigates the most serious sexual offences.
16. DC Ferrow told the IOPC during his shift he received a call to assist the major crime team regarding an incident in Basingstoke. He said he later learnt there had been a murder and the major crime team were responsible for investigating the death of Ms Lucy-Anne Dyson. DC Ferrow explained staff were often borrowed from different departments, to assist when a major incident occurred, if there were not enough staff available in the major crime unit.
17. DC Ferrow told the IOPC he had previous experience working in major crime, having spent five of his 18-year police career to date working there.
18. DC Ferrow said after receiving the call, he drove to Basingstoke Police Investigation Centre where he was given further instruction to attend Andover Police Station to meet a witness named Mr Ashley Grace-O'Neill.
19. Mr Grace-O'Neill was in contact with Mr Shaun Dyson, the murder suspect, throughout the day following the death of Ms Dyson. Numerous Facebook messages were sent and received and telephone calls made between the two of them in the hours after Ms Dyson's death and before Mr Dyson's arrest. DC Ferrow was tasked to obtain a statement concerning the communication.
20. In interview, DC Ferrow told the IOPC he was very experienced in taking statements.
21. DC Ferrow told the IOPC he was also tasked to seize Mr Grace-O'Neill's mobile phone for examination to obtain evidence of the relevant contact.
22. DC Ferrow said he drove to Andover Police Station to meet Mr Grace-O'Neill as requested. Upon arrival, he learnt Mr Grace-O'Neill was with two negotiators, in

communication with Mr Dyson. DC Ferrow said he had to wait until Mr Dyson had been arrested before he could meet with Mr Grace-O'Neill.

23. Once Mr Dyson had been arrested, DC Ferrow said the negotiators met him and introduced him to Mr Grace-O'Neill. DC Ferrow told the IOPC he did not know Mr Grace-O'Neill, or any other person involved in the investigation.

> Meeting with Mr Grace-O'Neill

24. Both DC Ferrow and Mr Grace-O'Neill agreed, after the negotiators left, they were alone in an interview room at the police station. IOPC enquiries confirmed there were no CCTV cameras in the interview room and DC Ferrow did not have a body worn video camera.
25. DC Ferrow said he introduced himself to Mr Grace-O'Neill and explained he was there to take a statement from him and seize his mobile phone for examination.
26. DC Ferrow recalled Mr Grace-O'Neill did not appear happy to provide his phone for examination when he mentioned it initially, so DC Ferrow moved on to start the statement.
27. DC Ferrow stated he went through a declaration of truth on the front page of the statement with Mr Grace-O'Neill. Mr Grace-O'Neill also recalled this, although not the details. DC Ferrow said he explained the statement could be used in court and he felt satisfied Mr Grace-O'Neill understood the implications of the declaration. In interview, DC Ferrow stated when signing the declaration of truth, the witness is confirming the statement is true to the best of their knowledge and belief. DC Ferrow explained if a witness lied and the statement was tendered in evidence, they would be committing an offence for which they could be prosecuted.
28. DC Ferrow said at approximately 5pm, he started writing the statement. DC Ferrow stated he did not recall taking any notes, stating he wrote Mr Grace-O'Neill's account straight onto statement paper. DC Ferrow said he started by obtaining background information from Mr Grace-O'Neill in relation to Mr and Ms Dyson.

29. Mr Grace-O'Neill described providing an account to DC Ferrow in relation to what he had done that day in the lead up to his friend Mr Dyson being taken into police custody.
30. DC Ferrow stated whilst he was trying to take the statement, Mr Grace-O'Neill's mobile phone was receiving phone calls and text messages throughout. He did not believe Mr Grace-O'Neill was concentrating on the statement.
31. Mr Grace-O'Neill told the IOPC his family were ringing him asking what was happening and how long he would be.
32. DC Ferrow described Mr Grace-O'Neill's demeanour changing with him becoming agitated the longer they were together, and the more questions DC Ferrow asked. DC Ferrow said Mr Grace-O'Neill was not happy to be there.
33. Both DC Ferrow and Mr Grace-O'Neill agreed once the background part of the statement was complete, Mr Grace-O'Neill read through it, confirmed he was happy with it and signed each page.
34. Mr Grace-O'Neill stated the background part of the statement went onto page six of the statement. He confirmed he signed these six pages and explained pages one to five were complete and written in his presence. Mr Grace-O'Neill stated page six was partly written in his presence, but around half of the page was blank when he signed it. Mr Grace-O'Neill stated he believed none of the messages between him and Mr Dyson had been written onto the statement at this stage.
35. They both also recalled DC Ferrow then told Mr Grace-O'Neill they would have to go through all of the messages between him and Mr Dyson during the course of the day since Ms Dyson's death.
36. DC Ferrow said he asked again if Mr Grace-O'Neill would provide his mobile phone for examination so the communication could be evidenced faster. DC Ferrow said he offered to arrange for another officer to meet them at the police station to complete the action the same day, whilst they were finishing the statement. However, he said Mr Grace-O'Neill declined to provide his mobile phone, and stated he needed it for work.

37. DC Ferrow said he told Mr Grace-O'Neill, if his phone was examined, he would have his mobile phone returned either that same evening or the following day.
38. Mr Grace-O'Neill told the IOPC he declined to provide his mobile phone because he knew the police were at the start of a big investigation and he did not believe his mobile phone would be returned for a month or so.
39. Instead, DC Ferrow agreed Mr Grace-O'Neill would email him details of all the correspondence Mr Grace-O'Neill had that day with Mr Dyson.
40. At 5.27pm, DC Ferrow received an email from Mr Grace-O'Neill containing screenshots of all the messages sent and received between Mr Grace-O'Neill and Mr Dyson. DC Ferrow explained they did not come through in the correct order and therefore Mr Grace-O'Neill took individual screenshots of the communication and emailed them to DC Ferrow one at a time.
41. At 5.32pm, DC Ferrow received an email from Mr Grace-O'Neill containing screenshots of the call log from his mobile phone detailing calls between Mr Grace-O'Neill and Mr Dyson.
42. DC Ferrow said he then told Mr Grace-O'Neill he would need to write all of the correspondence out onto the statement paper.
43. DC Ferrow said Mr Grace-O'Neill asked how long it would take and stated all he wanted to know was how long he was going to be at the police station. DC Ferrow said he told Mr Grace-O'Neill he did not know how long it would take, but there were numerous messages. At this, DC Ferrow said Mr Grace-O'Neill told him he wanted to go because he had been at the police station all day.
44. Mr Grace-O'Neill said he thought he was approaching the end of his statement when DC Ferrow explained he would need to copy out all of the messages in time order onto the statement. Mr Grace-O'Neill believed it would take another couple of hours, which he was reluctant to stay for, in light of having provided the screenshots and spent the day trying to help the police locate Mr Dyson. Mr Grace-O'Neill explained he was feeling tired.

45. Mr Grace-O'Neill said he asked DC Ferrow why the messages needed to be written in the statement when he had the screenshots.
46. At this point DC Ferrow said he told Mr Grace-O'Neill if he wanted to go somewhere else to complete the statement, DC Ferrow could go with him. DC Ferrow said Mr Grace-O'Neill declined, saying he wanted to finish the statement there and then.
47. Mr Grace-O'Neill told the IOPC he asked if he could leave and re-attend the police station the next day to complete the statement and was told by DC Ferrow it would be better to complete it in one go.
48. When asked in interview, DC Ferrow said he did not suggest completing the statement another time because he did not work on the major crime team. DC Ferrow explained he would be going back to his usual role in Portsmouth the next day and would have no further involvement with the investigation.
49. When asked if it could have been possible to arrange a new time for Mr Grace-O'Neill to make a statement another day, with a different officer in major crime, DC Ferrow stated it was a possibility, but Mr Grace-O'Neill was initially happy to make a statement there and then.

> **Signing blank statement pages**

> **Mr Grace-O'Neill's account**

50. Mr Grace-O'Neill stated he asked DC Ferrow if he could go home, leaving DC Ferrow to complete the statement from the screenshots. Mr Grace-O'Neill said he would go back to the police station the following day to check the statement, against the screenshots, and then sign the statement to say he agreed it was right.
51. Mr Grace-O'Neill told the IOPC DC Ferrow offered to write the messages out onto the statement so Mr Grace-O'Neill could leave, if Mr Grace-O'Neill signed the pages first. Mr Grace-O'Neill said he agreed but told DC Ferrow, he still wanted to

attend the police station another time to read the completed statement. Mr Grace-O'Neill said DC Ferrow confirmed it would be fine.

52. Mr Grace-O'Neill told the IOPC he agreed to sign the blank statement pages because DC Ferrow was simply going to copy out messages, which he intended to check afterwards.
53. Mr Grace-O'Neill could not remember how many pages he signed but believed it was between five and ten pages. He recalled DC Ferrow did not have many blank statement pages left.

> DC Ferrow's account

54. DC Ferrow said he told Mr Grace-O'Neill the messages in the statement needed to be written onto the statement. He said Mr Grace-O'Neill suggested he could sign the bottom of some blank statement pages because all that was left to do was copy out the messages.
55. DC Ferrow was asked in interview if he was surprised Mr Grace-O'Neill suggested this course of action, DC Ferrow said he was not because Mr Grace-O'Neill was keen to leave.
56. DC Ferrow said he agreed to this after confirming Mr Grace-O'Neill was happy with the course of action because it was just the copying of messages which was outstanding.
57. DC Ferrow said he gave Mr Grace-O'Neill a bundle of blank statement pages and Mr Grace-O'Neill signed the bottom of each one. DC Ferrow could not recall how many blank pages were signed.
58. DC Ferrow could not remember how many pages had been written in the presence of Mr Grace-O'Neill. DC Ferrow stated he had started to write out the messages between Mr Dyson and Mr Grace-O'Neill, but he could not recall how far he had got before Mr Grace-O'Neill made the suggestion to sign blank pages.
59. DC Ferrow was asked what his thoughts were when Mr Grace-O'Neill asked to sign some blank statement pages. DC Ferrow said the investigation was time

critical as the suspect was in custody and the interview team needed the statement by the morning. DC Farrow stated for this reason he went along with it.

60. DC Farrow said he thought it would be better to obtain the evidence that way, rather than having no evidence and therefore he made a judgement call to agree to Mr Grace-O'Neill's request. He explained Mr Grace-O'Neill's knowledge of Mr Dyson and the messages were a vital part of the investigation.
61. DC Farrow confirmed he had taken statements previously where suspects were in custody but stated he had never taken a statement from a witness who had been in a rush before.
62. DC Farrow stated it was the first time in his career a witness had suggested signing blank pages. DC Farrow said he had never asked anyone to sign blank statement pages as it was not standard procedure.
63. When asked if he made a policy decision around doing this, DC Farrow confirmed he did not record the decision anywhere or discuss it with anybody.
64. When asked if Mr Grace-O'Neill signing the blank statements pages was compliant with the declaration of truth at the beginning of the statement, DC Farrow responded at the time he did not see there was an issue with it.
65. DC Farrow stated in hindsight, allowing a witness to sign blank statement pages should not have happened and it was not best practice. He stated it was not an appropriate thing to do and in hindsight, he understood it was not in accordance with the declaration of truth, but he made the call at the time in order to provide the evidence required for interview. DC Farrow said he would have made a different decision were it not for the time pressures associated with Mr Dyson's presence in police custody.
66. DC Farrow stated he would have made the same decision if another officer was present with him.
67. DC Farrow was asked if he considered stopping the statement at the point Mr Grace-O'Neill expressed he wanted to leave and instead produce the screenshots sent to him by Mr Grace-O'Neill, rather than adding them to the

statement without the witness being present. DC Ferrow said he did not consider this and explained he would not be in a position to state all the messages sent and received were captured in the screenshots if he produced them. DC Ferrow stated Mr Grace-O'Neill would be able to confirm this in his own statement.

68. DC Ferrow stated he did not look at the messages on Mr Grace-O'Neill's phone. DC Ferrow did not consider checking to verify all the messages had been sent because he trusted Mr Grace-O'Neill had sent them all.
69. When asked if it was an option to check the phone for this purpose, DC Ferrow responded the best option would have been to have taken Mr Grace-O'Neill's mobile phone for examination.
70. DC Ferrow was asked if he considered finishing the statement once Mr Grace-O'Neill had left and inviting him back to the police station in the morning to read through the additional pages before signing. DC Ferrow said he did not because Mr Grace-O'Neill was satisfied when he signed the pages and left. DC Ferrow confirmed they did not discuss this option and said he did not know whether Mr Grace-O'Neill would come back. DC Ferrow did not ask Mr Grace-O'Neill if he would return.
71. Once the pages had been signed, DC Ferrow stated he told Mr Grace-O'Neill he would call him once he had completed the statement to see if Mr Grace-O'Neill was happy with it, and whether there was anything else he had recalled.
72. DC Ferrow stated he then showed Mr Grace-O'Neill out of the police station.

> **Actions post-meeting**

73. DC Ferrow stated he returned to the interview room and completed the statement by opening each screenshot of the messages one at a time and copying the content verbatim onto the pre-signed, blank pages.
74. DC Ferrow remembered upon completion of the statement there were two spare signed blank pages, which he disposed of by tearing them up and placing them in the confidential waste bin.

75. DC Ferrow was asked what he would have done if he had run out of pages and he stated he would have called Mr Grace-O'Neill to make him aware. He also said he would have had to go and see Mr Grace-O'Neill in order to get additional pages signed.
76. DC Ferrow stated once he had finished the statement, he called Mr Grace-O'Neill as promised. His work mobile phone showed he called Mr Grace-O'Neill at 8.21pm. DC Ferrow stated during the call, he asked Mr Grace-O'Neill for his occupation firstly to add to the statement, and then asked if Mr Grace-O'Neill could recall anything else he wanted to add to the statement, which he did not.
77. DC Ferrow stated he did not read the statement out to Mr Grace-O'Neill on the phone because he had already read it prior to leaving the police station.
78. DC Ferrow stated he then asked if Mr Grace-O'Neill was happy with the way it went, to which he confirmed he was. DC Ferrow said he thanked Mr Grace-O'Neill for his time and ended the call. DC Ferrow stated Mr Grace-O'Neill did not raise any issues or make any representations about the way the statement was concluded.
79. DC Ferrow stated he did not arrange a time for Mr Grace-O'Neill to come back and see the statement and said they did not have a discussion around that, and Mr Grace-O'Neill did not suggest he wanted to see the statement afterwards.
80. Mr Grace-O'Neill confirmed DC Ferrow called him the same evening to inform him the statement had been completed. Mr Grace-O'Neill could not remember full details of the conversation but was sure he asked if he could go to the police station to check it and was told he could. Mr Grace-O'Neill stated DC Ferrow did not mention any additional pages which needed signing.
81. After the call, DC Ferrow stated he drove to Basingstoke Police Investigation Centre where he handed the statement to the major crime team and explained Mr Grace-O'Neill would not surrender his mobile phone for examination.
82. DC Daniel Hunt was part of the investigation team. He informed the IOPC the statement had been put into the major crime receiver's tray. DC Hunt said he received the statement and marked it as an '*evidential statement*', before passing

it on to a colleague for registering onto the crime management system for use in the investigation.

83. DC Ferrow admitted he submitted the statement of Mr Grace-O'Neill into the evidence of the murder investigation without Mr Grace-O'Neill having seen it in its entirety.
84. DC Ferrow stated he was asked by the major crime team to make a statement himself, producing the screenshots of the correspondence sent to him by Mr Grace-O'Neill, which he did. The IOPC has received a copy of this statement.
85. DC Ferrow said he then drove back to Portsmouth and had no further communication with Mr Grace-O'Neill.
86. DC Claire Boakes was one of the interviewing officers on the major crime team. She reviewed the statement of Mr Grace-O'Neill and subsequently used the contents of it in the criminal interview of Mr Dyson on 24 June 2019.
87. Mr Grace-O'Neill said he went to Andover police station the next day to check his statement. Mr Grace-O'Neill explained he was unable to see his statement on that occasion. Therefore, he also went to the police station again a couple of days later as he wanted to see his statement to make sure he agreed with the content. Mr Grace-O'Neill said he went to the police station three or four times in total.
88. Evidence shows on 5 July 2019, front counter staff at Andover Police Station emailed an officer in the major crime unit to inform them Mr Grace-O'Neill had attended the police station seeking to view his statement. The email stated Mr Grace-O'Neill had attended the station for the same reason a few days before, but no one had got back to him.
89. On 12 July 2019, front counter staff emailed the major crime unit stating Mr Grace-O'Neill had attended the police station again as he had not heard back from anyone. The email described Mr Grace-O'Neill as '*not at all happy*' because no one had got back to him. It also said Mr Grace-O'Neill understood he could not have his statement, but he wanted to read it through.

90. On 13 July 2019, the officer in charge of the murder investigation, DC Luke Donovan, received the messages regarding Mr Grace-O'Neill's attendance at the police station and called him at 9.23am. DC Donovan recorded his interaction with Mr Grace-O'Neill in a report.
91. The account of Mr Grace-O'Neill as recorded by DC Donovan was whilst making a statement, DC Ferrow was writing each message out, which was taking ages. Mr Grace-O'Neill informed the officer he wanted to continue and/or sign the statement the next day. Mr Grace-O'Neill said DC Ferrow asked him to sign blank statement paper. Mr Grace-O'Neill also explained he had sent screenshots of the messages to DC Ferrow and it was agreed DC Ferrow would write them out onto the signed pages. Mr Grace-O'Neill told DC Donovan he wanted to check the messages and the content of the statement.
92. Following the call, arrangements were made for Mr Grace-O'Neill to attend Andover police station to view his statement alongside the screenshots.
93. At 2pm on 16 July 2019, Mr Grace-O'Neill met with DC Boakes and DC Hunt. DC Hunt wrote a report following the meeting, in which he noted a similar account from Mr Grace-O'Neill. The main difference was DC Hunt stated Mr Grace-O'Neill confirmed he left the police station before any of the messages were written onto the statement.
94. In his witness interview with the IOPC, Mr Grace-O'Neill stated when he read through the completed statement, he believed the content was true and accurate, although he did have concerns around some of the signatures purporting to be his on the statement. He said when he got to the part of the statement concerning the correspondence between himself and Mr Dyson, it became evident there were more pages present than he recalled signing. Mr Grace-O'Neill said he was shocked by the number of pages.
95. Mr Grace-O'Neill's completed statement consisted of 23 handwritten pages. Mr Grace-O'Neill stated he signed the first six pages after reading them before he left the police station. He also believed he signed an additional five to ten blank pages for DC Ferrow.

96. Mr Grace-O'Neill said he understood when signing something to say it is a true account, you are agreeing to it. It appeared to Mr Grace-O'Neill there was a number of pages where he could clearly identify signatures which were not his. He described them as fraudulent copies of his signature.
97. In interview, DC Ferrow described Mr Grace-O'Neill signing the pages as fast and rushed. DC Ferrow stated Mr Grace-O'Neill did not do '*nice*' signatures.
98. Mr Grace-O'Neill explained when a signature is written a number of times, it can get a bit sloppy or look slightly different, but there were some signatures which he felt sure were obviously not his. He said there are certain characteristics he knew in his own signature, and these were not done. Mr Grace-O'Neill said even if he was being lazy in writing his signature, he would still do those characteristics.
99. Mr Grace-O'Neill looked at a copy of his original statement and confirmed the signatures on pages seven to 14 were written by him.
100. He said the signature on page 15 definitely was not his signature. He described it as '*miles out.*'
101. In relation to pages 17 and 18 of the statement, Mr Grace-O'Neill described the signatures as similar to his but more like an imitation. He did not think they were his but could not be sure. He described the signatures as good attempts at his if he did not write them.
102. Mr Grace-O'Neill stated he was '*pretty confident*' the signature on page 19 was not written by him. He described the signature as '*appalling.*'
103. Mr Grace-O'Neill felt confident the signature on page 20 was his.
104. He thought the signature on page 21 might not be his, because he thought there were not enough '*squiggles*' in the signature to be his. He described the signature as ambiguous, but not a bad attempt.
105. Mr Grace-O'Neill said the signatures on pages 22 and 23 were quite clearly not his.

106. Mr Grace-O'Neill described to the IOPC how he writes his signature and provided documentary examples spanning a period of time from several years in the past up to the present for this investigation.
107. When asked how consistent Mr Grace-O'Neill considered his signature to be, he said he was quite consistent. He explained there could be very slight variations, but certain characteristics of his signature would always be present.
108. In summary, Mr Grace-O'Neill said he could be certain the signatures on pages 15, 22 and 23 were not his because of how bad they were.
109. He said page 20 did look like his. He said all others did not (16-19, 21), but he could not be certain.
110. Mr Grace-O'Neill told the IOPC he noticed there was a change in the page numbers written at the top of the statement on some pages from page 15 onwards. He felt this was odd, because page 15 onwards was where he felt the signatures started to change.
111. DC Ferrow was asked to account for the amended page numbers in interview. DC Ferrow said he could not recall why the numbers had been amended but stated he must have made an error.
112. In interview DC Ferrow denied he forged Mr Grace-O'Neill's signature.
113. On 24 July 2019, DC Hunt located two further statements which had been taken by DC Ferrow during the murder investigation. He met with the witnesses concerned who confirmed the statements were written in their entirety, read through and signed by them whilst with DC Ferrow.
114. DC Hunt provided an email and report to the IOPC which showed as a result of what Mr Grace-O'Neill told him, his original statement taken by DC Ferrow was removed from the evidence in the murder investigation. A subsequent statement was taken by DC Hunt on 17 July 2019 which superseded the first and Mr Grace-O'Neill agreed to have the communication between himself and Mr Dyson downloaded from this phone.

> Forensic analysis

115. The statement of Mr Grace-O'Neill was forensically examined for the purpose of carrying out handwriting and fingerprint analysis. The examinations were conducted by separate forensic providers.
116. Handwriting analysis compared all of the signatures on Mr Grace-O'Neill's original witness statement with specimen signatures provided by Mr Grace-O'Neill.
117. The forensic examiner was also provided with copies of Mr Grace-O'Neill's signatures taken from a further statement he made to police on 17 July 2019.
118. The analysis results found signatures on pages one to 14 and page 20 were similar in construction to the specimen signatures of Mr Grace O'Neill, and there was strong evidence to show he signed these pages.
119. Analysis showed signatures on pages 15 to 19, 22 and 23 of the statement differed in certain aspects from the specimen signatures attributed to Mr Grace-O'Neill. The forensic examiner stated, in his opinion, there was strong evidence to show Mr Grace-O'Neill did not write these signatures.
120. The evidence was stated to be inconclusive in relation to whether Mr Grace O'Neill signed page 21, with the examiner having found both similarities and differences with the specimen signatures.
121. The fingerprint analysis involved examining pages 14, 15, 19, 22 and 23 of Mr Grace-O'Neill's statement for palm or fingerprints belonging to Mr Grace-O'Neill. Page 14 was examined as a comparator to the others due to the fact the handwriting analysis results indicated Mr Grace-O'Neill had likely signed that page.
122. Fingerprint analysis of these five pages showed no palm or fingerprints belonging to Mr Grace-O'Neill were found on either the back or front of the pages.
123. DC Ferrow was re-interviewed on 26 February 2020 following the forensic examinations. In interview DC Ferrow provided the IOPC with a prepared statement which said he disputed all allegations against him and he did not intend

to answer any questions in interview. The statement further stated he would listen to the questions and consider providing an additional statement at a later date, if he had anything further to add.

124. DC Ferrow was then asked numerous questions regarding the results of the forensic examination, to which he declined to respond.

125. At the time of this report, no further statement has been forthcoming from DC Ferrow.

> Policies, procedures and legislation considered

126. During the investigation, I have examined relevant national and local policies and legislation, as set out below. This will enable the decision maker and the appropriate authority to consider whether the officers, staff and relevant contractors named in this report complied with the applicable guidance and legislation, and whether the existing policies were sufficient in the circumstances.

> Section 9 Criminal Justice Act (CJA) 1967

127. In any criminal proceedings, Section 9 (1) and (2) CJA provides a written statement is admissible in evidence to the same extent as oral evidence if certain conditions are met. These are:

- The statement purports to be signed by the person who made it;
- The statement contains a declaration by the witness that it is true to the best of their knowledge and belief, and
- The statement was made knowing that, if it were tendered in evidence, the witness would be liable to prosecution if they wilfully stated anything in it which they knew to be false or did not believe to be true.

128. Part 16 of The Criminal Procedure Rules govern the use of Section 9 CJA where a party wants to introduce a witness statement into evidence.

> Section 26 Criminal Justice and Courts Act (CJCA) 2015

129. An offence under Section 26 (CJCA) is committed when a police constable:

- exercises the power and privileges of a constable improperly; and
- knows or ought to know that the exercise is improper

130. A police constable exercises the powers and privileges of a constable improperly when:

- He or she exercises a power or privileges (which includes performing or not performing the duties) of a constable for the benefit of himself or herself or another person or the detriment of another person; and
- A reasonable person would not expect the power or privilege to be exercised for the purpose of achieving that benefit or detriment.

131. Benefit or detriment means any benefit or detriment, whether or not in money or other property and whether temporary or permanent.

> Section 1 Forgery and Counterfeiting Act 1981

132. Section 1 of the Forgery and Counterfeiting Act 1981 states a person is guilty of forgery if:

- He makes a false instrument,
- With the intention that he or another shall use it to induce somebody to accept it as genuine, and
- By reason of so accepting it to do or not do some act to his own or any other person's prejudice.

133. An instrument is defined as any document whether formal or informal. There are various ways in which an instrument can be false. Section 9 (1)(a) states an instrument will be false if *“it purports to have been made in the form in which it is made by a person who did not in fact make it in that form...”*

> Analysis

> Obtaining signed blank pages and submitting the statement into evidence

134. An offence under Section 26 of the Criminal Justice and Courts Act (CJCA) 2015 is committed when a police constable exercises the power and privileges of a police constable improperly; and knows or ought to know the exercise is improper. The exercise of these powers and privileges must be for a benefit to oneself/another or for the detriment of another. Finally, for the offence to be made out, a reasonable person would not expect the power or privilege to be exercised for that purpose.
135. Part of the duties of a constable is gathering evidence for an investigation. DC Ferrow was obtaining evidence from a witness, which was part of his duties. It could be considered, he was therefore exercising the powers and privileges of a constable.
136. Section 9 of the Criminal Justice Act (CJA) 1967 provides a written statement is admissible as evidence in criminal proceedings only if certain conditions are met. These include the statement contains a signed declaration by the witness the account is true to the best of their knowledge and belief, and the statement is made knowing that, if it were tendered in evidence, the witness would be liable to prosecution if they wilfully stated anything in it which they knew to be false or did not believe to be true.
137. The evidence shows both DC Ferrow and Mr Grace-O'Neill were aware of this declaration and its meaning prior to making the statement. Mr Grace-O'Neill signed the declaration following an explanation of its importance given to him by DC Ferrow.
138. DC Ferrow admitted he obtained signed blank pages from Mr Grace-O'Neill, completed Mr Grace-O'Neill's witness statement and submitted it into evidence without Mr Grace-O'Neill having viewed the finished document.

139. The first part of this analysis will set out the evidence to assist the decision maker in deciding whether the actions of DC Ferrow, in respect of agreeing to use pre-signed statement paper had any impact on the admissibility of Mr Grace-O'Neill's statement and whether there is a case to answer for DC Ferrow for corrupt or other improper exercise of police powers and privileges. This will be considered, along with the standards of professional behavior to allow the decision maker to determine whether there is a case to answer for any breaches of these standards.

> Obtaining signed blank pages

140. Both DC Ferrow and Mr Grace-O'Neill agreed Mr Grace-O'Neill signed a number of blank statement pages.
141. Both accounts also agreed once the '*background information*' part of the statement was complete, Mr Grace-O'Neill read and signed the partially completed statement. Mr Grace-O'Neill recalled he signed six pages, five of which were completed entirely in his presence. He recalled the sixth page had been partly written when he signed it, leaving blank space on the page. The completed statement showed the top part of page six pertained to the background information, with the rest of the completed page consisting of the text messages.
142. The accounts of Mr Grace-O'Neill and DC Ferrow did not agree regarding who proposed the signing of blank statement pages. DC Ferrow maintained it was Mr Grace-O'Neill's suggestion, whereas Mr Grace-O'Neill stated DC Ferrow made the suggestion. There is no independent evidence to confirm the conversation between the two individuals, who were alone in an interview room.
143. Irrespective of whose suggestion it was, as the police officer taking the statement DC Ferrow was in the position of authority and ultimately made the decision to continue in this manner. DC Ferrow said he agreed to this because it was just the copying of messages which was outstanding.

144. DC Ferrow made efforts to obtain Mr Grace-O'Neill's phone in order to arrange for the evidence to be extracted from the device. This would have been evidentially the best method of recording the communications evidence.
145. Mr Grace-O'Neill agreed he declined to provide his phone to DC Ferrow as he believed the police would keep it for a long time. Faced with Mr Grace-O'Neill's refusal to part with his phone, DC Ferrow stated he needed to obtain the evidence by writing each message down in Mr Grace-O'Neill's statement. As Mr Grace-O'Neill wanted to leave the police station, DC Ferrow said he made a judgement call that obtaining blank signed pages was a better course of action than having no evidence. When asked if he considered alternative methods to obtain the evidence, such as exhibiting the messages himself or inviting Mr Grace-O'Neill to return the following morning to read the additional pages before signing, DC Ferrow said he did not. There is no evidence to suggest alternative options were not available to DC Ferrow. DC Ferrow's account suggested he either discounted or did not consider alternative options.
146. Both Mr Grace-O'Neill and DC Ferrow agreed they did not know each other prior to meeting at Andover Police Station. While the evidence indicates DC Ferrow did complete the statement as agreed with Mr Grace-O'Neill, signing the declaration and blank pages left Mr Grace-O'Neill not knowing what would be added to the statement. Mr Grace-O'Neill was reliant on DC Ferrow to ensure the remainder of the statement was an accurate representation of the messages.
147. DC Ferrow told the IOPC he was experienced in statement taking as he had worked for several years on investigations into serious offences. DC Ferrow, by his own admission knew the importance of collecting evidence in the correct manner. DC Ferrow stated he did not see an issue with this course of action at the time. Although, DC Ferrow stated he would have made a different decision were it not for the time pressures associated with Mr Dyson's presence in police custody.
148. DC Ferrow told the IOPC, the statement and phone evidence was required by the police interview team on the morning of 24 June 2019. DC Ferrow described this evidence as vital to the investigation. However, there is nothing to suggest the

interview of Mr Dyson could not have been conducted without Mr Grace-O'Neill's statement. DC Ferrow was in possession of screenshots of the communication between Mr Grace-O'Neill and Mr Dyson which could have been evidenced instead. DC Ferrow was subsequently required to make a statement producing the screenshots for the murder investigation team upon arrival at Basingstoke Police Investigation Centre.

149. DC Ferrow's evidence was he did not consider this during the meeting with Mr Grace-O'Neill. DC Ferrow explained if he had produced the screenshots of the messages rather than Mr Grace-O'Neill, he would essentially be confirming every message had been captured. DC Ferrow said he felt it would be best for Mr Grace-O'Neill, as a party to the communication, to confirm this himself. To a third party, unaware of the process by which this statement was obtained, it would appear Mr Grace-O'Neill had confirmed the number and content of the messages. However, in reality Mr Grace-O'Neill did not see the completed statement and therefore could not genuinely have known whether all of the messages were included or whether the content was accurate and true.
150. DC Ferrow stated it was the first time in his career he had obtained a witness statement in this way, because it was not standard procedure. DC Ferrow did not make a record of his decision to depart from normal procedure and complete the statement in this way. He did not discuss this with anyone in the murder investigation team.
151. DC Ferrow indicated he has learnt from this incident. He stated in hindsight, allowing a witness to sign blank statement pages should not have happened and it was not an appropriate thing to do. In interview, DC Ferrow recognised completing the statement in this way was not in accordance with the declaration of truth.
152. Evidence indicates DC Ferrow obtained other statements for the murder investigation in the approved manner, which suggests DC Ferrow was aware of the correct way to take a statement.

> Submitting the statement into evidence

153. Upon completion of the statement, DC Ferrow drove to Basingstoke Police Investigation Centre and submitted the statement to the murder investigation team, who then marked it as evidential.
154. DC Ferrow stated he did not consider asking Mr Grace-O'Neill to return later that day or the following day to read through the statement once it had been completed. DC Ferrow stated one reason for this was because he was unsure if Mr Grace-O'Neill would return. DC Ferrow has not stated why he felt this way. Mr Grace-O'Neill was reluctant to stay through the evening but there was no evidence to suggest Mr Grace-O'Neill would not have returned to Andover Police Station if required. The evidence shows Mr Grace-O'Neill did attend the police station the next day.
155. DC Ferrow told the IOPC, Mr Grace-O'Neill said nothing to him which suggested he wanted to see the statement again. Mr Grace-O'Neill's evidence was he asked to check the statement and was told by DC Ferrow he could. There is no available independent evidence in relation to this matter. The signing of the blank pages by Mr Grace-O'Neill removed the requirement for him to see his statement, for his signature, again for that purpose. Additionally, Mr Grace-O'Neill had DC Ferrow's work mobile number and email address but did not contact him and ask to view his statement. However, Mr Grace-O'Neill did make repeated efforts to view the completed statement by attending the police station with this request.
156. DC Ferrow stated he perceived it was fine at the time to submit the statement as evidence without Mr Grace-O'Neill having seen it, as Mr Grace-O'Neill had read and agreed to the '*evidential*' part of the account. DC Ferrow was asked in interview if he considered the text messages were also an evidential aspect of the statement. DC Ferrow stated he did, but what he meant by '*evidential*' was the background information regarding Mr and Ms Dyson provided by Mr Grace-O'Neill at the beginning of the statement.
157. When the murder investigation team became aware of the concerns of Mr Grace-O'Neill regarding his statement, they made the decision to remove it from the evidential chain of the murder investigation.

158. The decision maker may wish to consider whether the action taken by DC Ferrow was in accordance with the legislation and whether the departure from normal procedure in taking the statement had any bearing on the admissibility of the statement in the criminal proceedings which followed. The decision maker may wish to consider whether DC Ferrow's behaviour fell short of the standards of professional behaviour expected of him, particularly in relation to honesty and integrity.
159. DC Ferrow confirmed to the IOPC he understood the declaration of truth and the implication to a witness if a statement had not been written in accordance with it. DC Ferrow confirmed he knew obtaining signed blank statement pages and submitting a statement as evidence without affording a witness sight of its entirety first, was not the standard procedure or compliant with the declaration of truth. The decision maker may wish to consider whether DC Ferrow's action in this regard amounted to an improper exercise of his powers.
160. Evidence suggests DC Ferrow was returning to Portsmouth the next day and would have no further involvement with the murder investigation. Obtaining signed blank statement pages in order to complete and submit the witness statement, without having to meet with Mr Grace-O'Neill again, would have benefitted DC Ferrow in that it saved him time and avoided him having to return to the area. DC Ferrow stated he wanted to get the statement completed in time for the suspect interview of Mr Dyson the next morning. The decision maker may wish to consider if this is a benefit covered by the legislation.
161. As mentioned above, the implications of obtaining a witness statement not in accordance with Section 9 CJA 2015 was the evidence could be rendered inadmissible in subsequent criminal proceedings. DC Ferrow acknowledged Mr Grace-O'Neill was a significant witness with vital evidence and therefore losing his evidence and having the method by which the statement was taken become known in court, could have had a negative impact on the trial. Additionally, the method employed by DC Ferrow on this occasion left Mr Grace-O'Neill in a vulnerable position, liable for the content of a statement he had not seen.

162. It is for the decision maker to decide whether a reasonable person would expect the powers or privileges of a constable to be exercised in this way for the purpose of achieving any benefit, taking into consideration the potential repercussions.

163. The honesty and integrity standard of professional behaviour requires police officers to not put themselves in a position where their integrity could be called into question. The decision maker may wish to consider whether DC Ferrow has placed himself in a vulnerable position due to his actions in completing the statement on pre-signed pages.

164. In summary, it may assist the decision maker to consider the following:

- DC Ferrow knew the usual procedure in order to take a statement.
- DC Ferrow decided to depart from this procedure.
- DC Ferrow understood the declaration of truth.
- DC Ferrow said he felt pressured to complete the statement quickly due to custody time limits.
- DC Ferrow felt this was important evidence.
- Mr Grace-O'Neill signed blank statement pages with the agreement of DC Ferrow.
- DC Ferrow used the blank signed pages.
- The statement contained the information agreed by DC Ferrow and Mr Grace-O'Neill.
- Mr Grace O'Neill wanted to see the contents of the statement and visited the police station to see it at a later date.
- DC Ferrow submitted it in evidence before Mr Grace-O'Neill had seen it.
- DC Ferrow did not tell anyone else about the method he used to complete the statement.

> Signatures

165. It is alleged DC Ferrow forged the signature of Mr Grace-O'Neill on more than one occasion in the statement completed on 23 June 2019.
166. Section 1 of the Forgery and Counterfeiting Act 1981 (FCA) states a person is guilty of forgery if he makes a '*false instrument*' with the intention of it being accepted as genuine, and the action is to his own or any other person's prejudice.
167. In addition to Section 1 FCA, Section 26 CJCA and Section 9 CJA as described above are also relevant to this allegation. This part of the analysis will set out to assist the decision maker in deciding whether DC Ferrow has a case to answer in respect of this allegation. This will be considered along with the standards of professional behaviour to allow the decision maker to determine whether there is a case to answer for any breaches of these standards. In particular, the standards of professional behaviour state police officers should act with honesty and integrity and should not place themselves in a position where their integrity could be questioned.
168. Section 1 FCA provides a '*false instrument*' must first be a formal or informal document. A witness statement could fall within this definition as a formal document. To be false, the document will purport to have been made in the form in which it is made by a person who did not in fact make it in that form. In other words, the document will tell lies about itself. If pages of Mr Grace-O'Neill's statement were falsely signed by DC Ferrow in order to make the document appear as though it was made by the witness, those pages could be regarded as a false instrument.
169. The offence requires an intention to induce somebody to accept the document as genuine. DC Ferrow was tasked with obtaining Mr Grace-O'Neill's witness statement. DC Ferrow said the statement was needed for the suspect interview of Mr Dyson. In submitting the statement, DC Ferrow intended for the murder investigation team to use the statement believing it to have been written and signed by Mr Grace-O'Neill.
170. The offence also requires the action to be to his own or any other person's prejudice. DC Hunt received the statement from DC Ferrow and filed the statement as evidence. Additionally, DC Boakes used the statement by

questioning Mr Dyson on its contents during his criminal interview. If the statement was a false instrument, DC Boakes, DC Hunt and others within the investigation team could have been prejudiced because they used the document in performance of their duties as police officers.

171. DC Ferrow consistently disputed the allegation he forged any signatures on Mr Grace-O'Neill's statement. DC Ferrow stated he had 'spare' signed pages left over after having completed the statement.
172. There is no evidence to suggest any individual aside from DC Ferrow had access to Mr Grace-O'Neill's statement from the point of his attendance at Andover Police Station, to the submission of the statement as evidence at Basingstoke Police Investigation Centre.
173. DC Ferrow recalled Mr Grace-O'Neill signed the pages in a rushed manner. DC Ferrow felt this could explain some disparity in the signatures of Mr Grace-O'Neill across the statement.
174. Upon first viewing his statement, Mr Grace-O'Neill felt some of the signatures were obviously not his own and was shocked at there being more pages than he remembered signing. Mr Grace-O'Neill's immediate observation was there were certain characteristics missing in some of the signatures on the statement.
175. Handwriting analysis found strong evidence that at least seven of the signatures purporting to belong to Mr Grace-O'Neill on the original statement were not written by him. The seven signatures identified by the handwriting analysis included four which Mr Grace-O'Neill felt strongly were obviously not his and three of the four signatures Mr Grace-O'Neill thought were not his, but less strongly. The handwriting analysis also agreed with Mr Grace-O'Neill's belief the signature on page 20 was written by him. This evidence supports Mr Grace-O'Neill reliably recognised his own signature.
176. The forensic evidence also raised concerns around the order of the statement pages. The evidence indicates the pages containing the signatures of concern were mixed in with those believed to have been written by Mr Grace-O'Neill. Additionally, the page numbers of some of the statement pages completed after

Mr Grace-O'Neill left the police station were altered. When asked about this in interview, DC Ferrow stated he must have made an error.

177. Fingerprint analysis indicated Mr Grace-O'Neill did not have physical contact with pages 14, 15, 19, 22 and 23. Four of those pages were also identified by the witness and handwriting analysis to display signatures which were unlikely to have been written by Mr Grace-O'Neill.
178. Mr Grace-O'Neill and the handwriting analysis provided evidence to support page 14 was signed by Mr Grace-O'Neill. However, the fingerprint analysis found no prints belonging to Mr Grace-O'Neill on that page. The reason for this is not clear.
179. DC Ferrow admitted to obtaining signed blank pages due to the time pressures involved in the murder investigation. The evidence therefore suggests DC Ferrow had already made a decision to deviate from standard procedure and accepted practice in obtaining the statement. The decision maker may wish to consider whether DC Ferrow has placed himself in a position where his integrity could be called into question.
180. DC Ferrow was provided with a further opportunity to give an account in light of the forensic results. DC Ferrow declined this opportunity, choosing to maintain the answers given previously.
181. It is for the decision maker to decide whether it was likely DC Ferrow falsely signed pages of Mr Grace-O'Neill's statement. If the decision maker considers this may have occurred, as an experienced detective it is expected DC Ferrow would have known that forging the signature of a witness would be a breach of the standards of honesty and integrity and an improper exercise of his powers.
182. If DC Ferrow ran out of signed statement pages whilst copying out the text messages, it may have been of benefit to DC Ferrow to falsify additional signatures in order to save him time and for him not to have to return to the area. In light of the decision regarding the likelihood of any signatures being falsified by DC Ferrow, and whether saving time was a benefit covered by the legislation, it is for the decision maker to decide whether a reasonable person would expect a

constable to exercise their powers in that way for the purpose of achieving any benefit.

183. The decision maker may wish to consider whether the action taken by DC Ferrow was in accordance with this legislation and whether the departure from normal procedure in taking the statement had any bearing on the admissibility of the statement in the criminal proceedings which followed. The decision maker may wish to consider whether DC Ferrow's behaviour fell short of the standards of professional behaviour expected of him, particularly in relation to honesty and integrity.

> Next steps

184. The decision maker will now set out their views about the investigation outcomes. The decision maker will record these on a separate opinion document.

185. The decision maker will also decide whether any organisational learning has been identified that should be shared with the organisation in question.

> Criminal offences

186. On receipt of my report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related.

187. If they decide that there is such an indication, they must decide whether it is appropriate to refer the matter to the CPS.

DC Robert Ferrow

Investigation into the actions of DC Robert Ferrow in obtaining a witness statement for the murder investigation into Lucy-Anne Dyson's death.

- > Independent investigation report
- > Appendices

> Appendix 1: The role of the IOPC

The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

> The investigation

At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the CPS and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation also passes through a series of reviews and quality checks.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation. However, any such advice will usually be considered to be confidential.

> Investigation reports

Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will also reach an opinion about whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was

unsatisfactory. The decision maker will also decide whether to make individual or wider learning recommendations for the police.

> **Misconduct proceedings**

The report and decision maker's opinion must be given to the appropriate authority (normally the police force) responsible for the individuals to whose conduct the investigation related. The appropriate authority must then inform the decision maker whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was unsatisfactory, and what action they propose to take, if any. The decision maker must consider whether the appropriate authority's response is appropriate, and has powers to recommend or ultimately direct it to bring misconduct proceedings or unsatisfactory performance procedures (UPP).

Unsatisfactory performance will be dealt with through the police force's UPP. UPP is generally handled by the person's line manager and is intended to improve the performance of both the individual and police force.

> **Criminal proceedings**

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

> **Publishing the report**

After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.