



Q&A – IOPC investigation into the fatal shooting of Chris Kaba

IOPC Investigation into the fatal shooting of Chris Kaba

Why wasn't the officer in this case named earlier if he had been charged?

In accordance with the principles of open justice, the IOPC usually names officers and staff charged with a criminal offence when charges are laid. In this instance, as Mr Blake made an application to the court to protect his identity, we were unable to publish the officer's name until a judge reached a final decision on the anonymity application. A final decision was made on Mr Blake's application in March 2024 this permitted him to be named but not otherwise identified.

As the officer has been acquitted, why doesn't that automatically result in no case to answer for gross misconduct?

At the conclusion of any investigation, the IOPC decides whether any officers should face disciplinary proceedings for potential breaches of the police standard of professional behaviour. These proceedings are usually arranged after criminal matters have concluded.

As the officer has been acquitted, we will now review whether disciplinary proceedings remain appropriate, taking into account the evidence at the trial and any further representations made by the Met. This review process is standard practice for investigations where an officer is acquitted of criminal charges.

What is the purpose of a misconduct hearing?

The purpose of misconduct proceedings is to maintain public confidence in and the reputation of the police service, uphold high standards in policing and deter misconduct, and protect the public. Misconduct hearings are held to present the facts of the case and allow the person to give an explanation of their conduct and the circumstances surrounding the allegation. Witnesses may also be called to give evidence.

The decision the IOPC must make for misconduct is whether there is a case to answer for a breach of the standards of professional behaviour of sufficient severity to warrant at least a written warning. This is different to the decision the Crown Prosecution Service must make in a number of ways:

- The burden of proof in misconduct proceedings is the balance of probabilities; for a case to go forward to misconduct proceedings the IOPC must consider whether a panel *could* find misconduct.
- The test for self-defence in misconduct proceedings is different to criminal proceedings. The panel test not just whether the belief of a threat was honestly held, but also whether the belief was reasonable in the circumstances that were presented.

The purpose of a public hearing is to show that the police disciplinary system is open and transparent. It seeks to demonstrate that police forces do hold officers where misconduct is found proven, accountable for their actions.

Members of the public are allowed to apply to attend and observe misconduct hearings, you can do that on the MPS website [here](#).

Who makes up the panel in misconduct proceedings:

Misconduct proceedings are convened by the relevant police force and the make-up of the panel depends on the type of proceeding. In misconduct hearings, for most ranks, the panel comprises a Chair, who will be a chief officer from the force concerned (although it may be delegated to chief officer from another force or one who is retired), a legally qualified panel member drawn from a list held by the local policing body and a lay member drawn from a list held by the local policing body.

Whilst the IOPC can make representations, any considerations around conflicts of interest are for the Chair to consider.

How is an IOPC criminal investigation different to a police investigation (i.e., when a member of the public is suspected of killing someone)?

The police are given powers that members of the public do not have, including to carry firearms. But they must justify any use of force as reasonable, proportionate, and necessary in the circumstances. This is what our investigation considered.

So, when a member of the public shoots and kills someone, the starting point for that investigation is usually that a criminal offence may have been committed. That may not be the case when an authorised firearms officers shoot and kill someone in their line of duty.

And while it is not always the case in a police homicide investigation, in an IOPC investigation we will usually know from the outset who has done the shooting.

The IOPC investigates fatal police shootings because human rights law means an effective investigation must be done by an independent official body in these circumstances.

The starting point is that the incident must be investigated but not that it is a criminal one. (The police on the other hand, largely only conduct investigations of deaths which may be suspicious.)

What was your reasoning for referring the matter to the CPS?

The case was referred to the CPS for a charging decision having applied the relevant legal tests of whether the evidence indicated an offence may have been committed.

At the conclusion of our investigation in March 2023, we provided a file of evidence to the Crown Prosecution Service to consider whether Martyn Blake should be charged with a criminal offence. In September 2023, the CPS authorised the murder charge.

Why was the officer not charged with manslaughter?

The charging decisions are a matter for the CPS. Where someone is tried for murder a judge can direct a jury to consider an alternative verdict of manslaughter but only if there is a legal basis for doing so.

When can we read the IOPC investigation report on this case?

In line with our publication policy, we are unable to consider any publication of our report until the conclusion of all external proceedings. This includes disciplinary proceedings and an inquest, if held.

You can find out more about how we decide on whether to publish a final report [here](#).

IOPC related FAQs

What is the role of 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 entirely independently of the police and government.

We investigate the most serious matters, including deaths following police contact, and set the standards by which the police should handle complaints.

Police forces deal with the majority of complaints against police officers and police staff however, they must refer the most serious cases to us. If there is an indication there may have been misconduct by officers or staff which justifies disciplinary proceedings or a criminal offence committed, then that must be recorded and in serious cases referred to the IOPC, whether or not someone has made a complaint.

We use learning from our work to influence changes in policing.

Find out more about us by visiting our website [here](#).

What complaints are referred to the IOPC?

Most people's complaints are handled locally - with the police following the rules that the IOPC sets.

However, the police must refer the most serious incidents to the IOPC - even if no one has made a complaint.

Forces have a legal responsibility to refer certain cases to us – such as a death or serious injury following police contact, serious corruption, or serious assault

Forces can also voluntarily refer cases to us where they would like our input or have concerns about staff conduct.

We also have the legal power to make forces refer issues to us if they haven't done so. When we know that something has happened that is causing a lot of community concern, there's a need to act quickly, and there are grounds to do so we can also use our power of own initiative where we don't need to wait for a force to make a referral to us.

The IOPC has an Assessment Unit team who review the information we have received and decide whether an investigation is necessary and what form it should take.

There are three types of investigation:

- Independent – we investigate the matter using our own investigators
- Directed – we direct and control the investigation using police resources
- Local – the police force PSD (police standards department) investigates, with no involvement from us

Information about making a complaint about the police

If you have a problem or you're unhappy about something which is happening to you which involves the police, this can usually be sorted out by speaking to the police force. But if they can't put things right for you, then you can make a complaint.

You can complain if:

- You are unhappy about the way you are treated by the police
- You feel that nobody is listening to you

How can you complain about the police?

- You can make a complaint to the police force involved
- You can send your complaint to the IOPC and we will send this to the police force for you

What can you expect if you complain?

- The person dealing with the complaint will contact you to get the details
- They should ask you what you want to happen
- You can expect to be listened to and treated fairly
- You will be kept updated about the progress of your complaint
- You must receive an update every 28 days

When your complaint is finalised, you will be contacted about the outcome and any action that will be taken as a result and if you are not happy about the outcome, you may be able to appeal.

What are the possible outcomes?

- The police may give you an explanation for what happened
- The police may provide you with an apology
- The officers involved could be given training and development
- The police force may change their policy or procedures
- The officers involved could face disciplinary action

If you are unsure about anything, you can contact the IOPC by email to enquiries@policeconduct.gov.uk

You can make a complaint to us via our [website](#)

© IOPC 2024

OGL This is licensed under the Open Government Licence v3.0
except where otherwise stated.

This does not include material on this site as belonging to third parties.
Authorisation to use such material must be obtained from the copyright holders concerned.

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:

Independent Office for Police Conduct (IOPC)
10 South Colonnade Canary Wharf London E14 4PU

Tel: **0300 020 0096**

Email: enquiries@policeconduct.gov.uk

Website: www.policeconduct.gov.uk

Text relay: **18001 020 8104 1220**

We welcome telephone calls in Welsh

Rydym yn croesawu galwadau ffôn yn y Gymraeg

