

## **A PROTOCOL FOR MEDIA RELATIONS DURING INVESTIGATIONS BY THE INDEPENDENT OFFICE FOR POLICE CONDUCT**

### **1. INTRODUCTION**

- 1.1 This protocol has been agreed between the Independent Office for Police Conduct (IOPC) and the National Police Chiefs' Council (NPCC). It updates the protocol agreed by the Independent Police Complaints Commission<sup>1</sup> with the NPCC's predecessor body, ACPO, in 2013.
- 1.2 The police service and the IOPC have a shared responsibility for communication with the media and the public during IOPC independent and managed investigations. This is to ensure public confidence in the investigation and in the police complaints system as a whole.
- 1.3 The protocol sets out the roles and responsibilities of police forces and the IOPC regarding communicating with the media and the public when the IOPC is conducting an independent investigation or managing<sup>2</sup> an investigation under the Police Reform Act 2002. The principles within this protocol relate to information provided to the media and information published digitally (including substantive information shared on social media).

### **2. REFERRALS TO THE IOPC**

- 2.1 Referral to the IOPC should not prevent the police force from commenting or responding to the media or public and referral should not be presented by the police as a justification for a lack of a response to media questions.
- 2.2 Police forces should restrict their comments at this early stage to matters of fact, which cannot become disputed during any IOPC investigation.
- 2.2 In some cases, the decision on whether or not to independently investigate may not happen immediately. There are occasions when incidents referred to the IOPC occur in public places and are witnessed and/or filmed by members of the public and in the absence of any further context, the police force is responsible for issuing factual information including:
  - why something has been referred to the IOPC/reassurance that incident has been referred to an independent body
  - information and circumstances around a pre-planned or intelligence-led operation that has led to a referral to the IOPC/IOPC investigation
  - factually correct information about – (for example) – why police were in the area or numbers of police in the area
  - commentary on any parallel criminal investigation by the police
  - other matters impacting on local people or the wider public interest.

---

<sup>1</sup> The IPCC became the Independent Office for Police Conduct (IOPC) on January 8 2018.

<sup>2</sup> Managed investigations will be replaced by 'directed' investigations, as set out in the Policing and Crime Act 2017 (PCA), at a time to be agreed by Parliament.

### **3. DECISIONS TO PUBLICISE INVESTIGATIONS**

- 3.1 The IOPC undertakes many hundreds of independent investigations every year. It is therefore neither practical, nor desirable to publicise all of them proactively.
- 3.2 The IOPC will decide to publicise investigations based on a number of factors, including the seriousness and profile of the matter, as well as the level of public interest in it.
- 3.3 All investigations that are proactively publicised at their inception will also be publicised at the end of the investigation, irrespective of the outcome, to provide a balanced view of the work of the organisation and the differing outcomes of its investigations.
- 3.4 A decision to publicise an investigation will always be communicated to the relevant police force in advance. It is for the force to then communicate this information to police officers/staff and their representatives.
- 3.5 The IOPC will confirm other investigations on an 'if asked' basis and may choose to publicise an investigation at any stage, should the profile of, or public interest in, the matter change. In either of these circumstances, the police force will be informed in advance, wherever possible. The police force should also confirm an IOPC investigation if asked.

### **4. INDEPENDENT AND MANAGED INVESTIGATIONS**

- 4.1 Once an investigation has been designated as 'independent' or 'managed' the IOPC will take the media lead, but only in relation to its investigation. It is important that forces establish with the IOPC exactly what is being investigated and by whom. This will clarify who has what responsibility for communication.
- 4.2 In the early stages of an IOPC investigation, the information which is available to it is likely to be incomplete and/or not independently verified. The IOPC will only state as fact that information which it has independently verified or is clearly irrefutable.
- 4.3 The IOPC is responsible for all communication in relation to its investigation. The police are also responsible for ensuring that it is clear to the public and media exactly what is being investigated by the IOPC. Not infrequently the IOPC will only be investigating a part of the incident.

Examples:

*Following a referral of a shooting during an armed raid, the IOPC may decide to investigate the shooting but not the raid itself, and questions about the raid should therefore be dealt with by the relevant police force.*

*Following a referral of a death following a police pursuit, the IOPC may decide to investigate whether the police involved in the pursuit followed correct procedures, but not the fatal collision itself.*

- 4.4 The timing of any release will be a matter of judgement in the individual circumstances of each case. The IOPC will aim to ensure that neither the police force nor interested parties such as complainants, affected families and the relevant Police and Crime Commissioner, are taken by surprise as a result of IOPC public statements and, so far as practicable, will notify interested parties in advance of any intention to put information into the public domain about an investigation.

- 4.5 The content of IOPC statements will be shared with the police force in advance to verify factual accuracy. Representations on content will be given due consideration, but final decisions rest with the IOPC. Statements are also shared with families in the case of a death.
- 4.5 The police force will often have more extensive local contacts and intelligence than the IOPC. This means that the police are likely to pick up local concerns or misinformation much more quickly than the IOPC. If the police identify material misinformation or areas of concern requiring rebuttal, they should immediately bring them to the attention of the IOPC by contacting the IOPC media team.
- 4.6 The police service is responsible for dealing with public disorder or potential disorder. Where a police force is concerned about the impact of information or misinformation and the need for correction it should bring this immediately to the attention of the IOPC media team, or on call media officer if this occurs outside normal office hours.
- 4.7 Where, as a result of concerns about community impact, tension or potential disorder, the police force wishes to comment or brief the media or public about matters connected to an IOPC investigation, it should provide a copy of the proposed lines/comment to the IOPC in advance. Unattributed comment or off-the record briefings should not be given.
- 4.8 The IOPC will provide representations on any comment about events or individuals within the force's communication which may either prove detrimental to a future criminal or misconduct case, or put its investigative strategy at risk.
- 4.9 In order to maintain public confidence in an IOPC investigation, commentary about the matters under investigation should seek to reinforce the independence of the process. The IOPC may therefore make representations about draft comments from a police force that it believes to be inappropriate or unnecessary and which could undermine public confidence in its investigation. However the timing and content of any statement issued by the police is a matter for them.

## **5. NAMING OF POLICE OFFICERS AND STAFF UNDER INVESTIGATION**

- 5.1 Officers (of all ranks) and staff will not normally be named during an ongoing investigation, unless:
- they are first named by a third party acting on their behalf (eg appropriate authority; membership organisation, solicitor) OR
  - the investigation is unambiguously considering the conduct of a specific senior officer (eg Chief Constable) and announcing the investigation effectively confirms the individual's identity OR
  - having been notified of the announcement of an investigation, the appropriate authority makes representations to the IOPC to confirm an individual's name (for example to avoid speculation).<sup>3</sup>
- 5.2 Officers may be named at the conclusion of an investigation, in line with the IOPC naming policy.

---

<sup>3</sup> The IOPC naming policy lists other factors that can be taken into account which might lead the IOPC to name a police officer during an investigation. However, the three factors listed in paragraph 5.1 are the factors that are most likely to lead to the naming of an officer during the course of the investigation.

- 5.3 Police officers and staff will usually be named in news releases if they are charged or summonsed to answer a criminal offence, as is the case when members of the public are charged or summonsed.

## **6. DISCIPLINARY PROCEEDINGS RESULTING FROM IOPC INVESTIGATIONS**

- 6.1 At the conclusion of misconduct hearings, the police force and/or the IOPC may choose to comment on the outcome. Both parties will ensure the other is sighted in advance on any news release or statement to be issued and ensure any representation made by either party is given due consideration.

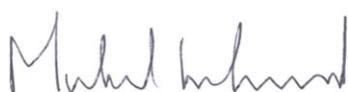
## **7. PUBLICATION OF IOPC REPORTS**

- 7.1 The IOPC believes that the outcome of its investigations should be published wherever possible. This can include publication of the full investigation report, redacted where necessary; publication of an anonymised summary report; or publication of a news release outlining the findings. This promotes transparency and is an important way of securing public confidence in the police complaints system. The AA will be advised by the IOPC in advance of publication of outcomes or reports.
- 7.2 The IOPC's statutory guidance recommends that appropriate authorities also consider publishing the reports or outcomes of their Police Reform Act investigations.

## **8. PUBLICATION OF PROTOCOL AND RELATED GUIDANCE**

- 8.1 The IOPC will publish this protocol on its website [www.policeconduct.gov.uk](http://www.policeconduct.gov.uk)
- 8.2 The NPCC will advise forces to ensure that all relevant staff are familiar with the provisions of the protocol.

Signed on behalf of the IOPC

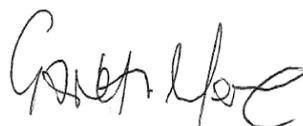


Michael Lockwood, Director General

Signed on behalf of the NPCC



Chief Constable Craig Guildford, NPCC  
Lead for Complaints and Misconduct



Chief Constable Gareth Morgan, NPCC  
Lead for Communications

**June 2018**