

FOI Disclosures June 2021

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This month we have responded to questions relating to the following topics:

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If you require a full copy of any of the embedded attachments, please contact Requestinfo@policeconduct.gov.uk quoting the reference number from the relevant response.

<u>Ref</u>	<u>IOPC Governance</u>
<u>1009254</u> Back to top	
<u>Request</u>	<i>Provide contact details for your overseeing authority if you have one.</i>
<u>Response</u>	<p>Our Director General is not directly accountable to any other body or person for our operational decisions. However, there are several different aspects to IOPC accountability.</p> <p>In terms of how we carry out our functions in relation to police complaints and misconduct, the IOPC is operationally independent of the government, the police and interest groups. We are accountable to the law and all our decisions can be judicially reviewed; we can also be investigated by an external police force, for example, where it is suspected that a criminal offence may have been committed.</p> <p>In regard to our Governance, the Director General, in his role as accounting officer, is personally accountable to parliament for the expenditure of public money. As the Home Office is our sponsor department, the Director General is also answerable to the Home Secretary for the IOPC's expenditure and performance.</p> <p>Information about our governance framework is available on this page of our web site. The Director General leads the executive team and chairs the Board of the IOPC, which has a majority of six non-executive members. The lead non-executive member can raise concerns with the Home Secretary.</p> <p>As with any public body, members of the public can raise concerns with their Member of Parliament who can then ask the relevant Minister to respond. For further information please see our annual report and the complaints and feedback page of our web site.</p>
<u>Ref</u>	<u>Cost of Judicial Reviews</u>

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<p><u>Request</u></p>	<p><i>In relation to information previously disclosed regarding Judicial Reviews undertaken by the IOPC between 1 December 2018 and 30 November 2020, you asked for the following:</i></p> <ol style="list-style-type: none"> 1. <i>The cost of mounting the JR, to include all IOPC legal costs in mounting the challenge, including IOPC costs, other sides legal costs which the IOPC may have been required to pay and court costs.</i> 2. <i>The nature of the Judicial Review challenge, what was being challenged/what was the court being asked to consider?</i>
<p><u>Response</u></p>	<p>We have decided that we are unable to release the cost of the individual cases, which would include individual barrister fees and costs paid to claimants, because this amounts to the personal data of those individuals.</p> <p>We consider that the level of detail requested regarding the costs, when combined with the other details released into the public domain, could potentially identify the particular case and thus indirectly identify the claimant and the barrister.</p> <p>Consequently we consider this information to be exempt from disclosure by virtue of Section 40(2) of the FOIA.</p> <p>In relation to the second part of your request we include further details of the nature of the Judicial Reviews in the attached appendix.</p> <p>This information is taken from free text fields on a specific report that is completed by the IOPC lawyers on assessment of the case and therefore the level of detail varies. To provide any further detail would require manual scrutiny of individual legal case files, which are complex in nature.</p> <p>The time required to locate, retrieve and extract any more details from those files would be highly likely to exceed the cost limit as prescribed by the FOIA and associated regulations.</p> <p>We have removed information from the details sections that could directly or indirectly identify the individuals involved in these cases by virtue of the exemption at section 40.</p>
<p><u>Ref</u> 1009289 Back to top</p>	<p><u>Detainees taken straight to cell</u></p>
<p><u>Request</u></p>	<p><i>I am particularly interested in those detainees, by way of their non-compliance, who are taken directly to their cells, usually by force, bypassing the normal police risk assessment, administered by the custody sergeant. Such people are considered to be at much greater medical risk and yet are held in the cell with the greatest medical uncertainties. I'm wondering if you have any data or information regarding these detainees, or could do going forward and what the IOPC's position might be?</i></p>
<p><u>Response</u></p>	<p>Custody and detention are key areas of work for the IOPC and we recognise the various challenges for police forces, particularly when dealing with vulnerable</p>

people. It is vital that thorough risk assessments are carried out to ensure that people are treated appropriately and receive any support they need.

You can read more about the Authorised Professional Practice on Detention and Custody on the [College of Policing Website](#). Authorised Professional Practice is developed and owned by the College of Policing. Police officers and staff are expected to have regard to Authorised Professional Practice in discharging their responsibilities. Under the section [Response arrest and detention](#), you will find point 3 relates to 'Booking into custody'. There is also an additional section on [Risk assessment](#). You may also find additional relevant content in some of the other sections.

Through our work as the IOPC, and previously the Independent Police Complaints Commission (IPCC), we have seen various cases where an individual is taken directly to their cell due to non-compliance. These can be in instances where the individual is actively resisting or being violent, and when an individual is considered to be incapable through drugs and/ or alcohol.

The IOPC have produced a [custody focused issue of the Learning the Lessons](#) magazine (issue 35) which covers some of the cases and key themes we have seen arising from our work. The Learning the Lessons magazine aims to share the learning coming from our investigations. Each issue focusses on a particular area of policing and includes anonymised case studies as well as articles from our policing and non-policing stakeholders. You can access previous editions of the magazine on our [website](#).

Within the custody edition (issue 35) case 3 outlines an IOPC investigation relating to the actions of the police when dealing with a vulnerable woman in custody. In this case, the woman was considered unfit to complete a risk assessment and was taken straight to a cell. The IOPC investigation identified a number of opportunities for learning for the police force. These related to ensuring appropriate sizes of clothing and equipment, sharing and reviewing information between officers, reviewing working practices for agency nurses, appropriate of custody forms and the storing of audio/ visual files. You can read the full case study and learning report on our website.

A previous edition (issue 34) of Learning the Lessons focussed on [mental health](#). In this issue, we outlined our investigation into officers' actions when dealing with a man in custody with learning difficulties. The man was handcuffed during his arrest and became violent and aggressive. On arrival into custody, he had an initial risk assessment but was not able to complete most of the questions as the man was violent and not engaged. He was taken straight to a cell. A note was made on the record detailing that the man had ADHD and autism. The Inspector did not reassess the risk or care plan as they were not aware of this entry. Our investigation found that all entries made on the custody record were not reviewed by staff. You can read the full case study and learning report on our website.

More broadly, you may find it interesting to note some further research we conducted in relation to custody, while operating as the IPCC. In 2008 we published a collaborative study ['Near Misses in Police Custody'](#), which includes some discussion on risk assessments and the custody environment. In 2010, we published a study ['Deaths in or following police custody'](#) that assessed 11 years of data on deaths in police custody.

<u>Ref</u> <u>1009277</u> Back to top	<u>Former police officers working for the IOPC</u>
<u>Request</u>	<p><i>How many ex-police officers, ex-police staff and ex-staff from the Office of the Police and Crime Commissioner are currently (or previously) employed by the IOPC specifically in the following roles:</i></p> <ul style="list-style-type: none"> • <i>Investigation</i> • <i>Management of investigations</i> • <i>Assessing/deciding appeals</i> • <i>Management of appeals</i> • <i>Senior management/strategic roles</i> <p><i>Please include whether these staff retired from their previous roles or whether they were dismissed.</i></p> <p><i>Please can you include these statistics for each calendar year, commencing from 8 January 2018 to present date”.</i></p>
<u>Response</u>	<p>The IOPC does not hold comprehensive information about the career histories of its staff. We request and report on data about the policing backgrounds of our employees in terms of whether they have been police officers, civilian staff or both. Other than this we collect and retain only such information as is required by the recruitment process, taking into account the principles and guidelines for fair recruitment and the restrictions on the collection and retention of personal data imposed by the UK GDPR. This means we do not systematically collect and report on any other aspect of the previous employment of our staff and cannot provide the data you require as to the number of our employees who have been employed by an Office of the Police and Crime Commissioner, or the circumstances under which an individual may have left any previous employment.</p> <p>Data as to the policing background of our staff is published annually in our staff diversity report. We would refer you to page 12 for the position as it was on 31 March 2020.</p> <p>Information about the career backgrounds of the IOPC Board and Executive Team is available on this page of our web site.</p> <p>The particular data you have requested as to the policing backgrounds of other IOPC employees is set out in the tables below. Please note that there are numerous roles associated with IOPC investigations. The job titles for investigations staff in the tables below have been selected to maintain consistency with the data in our staff diversity report and relate to the persons who are most actively involved in carrying out and managing our investigations.</p>

8 January 2018

Role	Category	Ex Police Officer	Ex Police Civilian	Both	Total
Investigator / Lead Investigator	Investigations	70	38	10	118
Operations Team Leader / Deputy Senior Investigator	Investigations	19	1	2	22
Operations Manager / Senior Investigator	Investigations	8	1	1	10
Assessment/decision making on appeals and reviews	Appeals & reviews	5	5	1	11
Management of appeals and reviews	Appeals & Reviews		2		2

8 January 2019

Role	Category	Ex Police Officer	Ex Police Civilian	Both	Total
Investigator / Lead Investigator	Investigations	60	35	13	108
Operations Team Leader / Deputy Senior Investigator	Investigations	17	3	2	22
Operations Manager / Senior Investigator	Investigations	8	1	1	10
Assessment/decision making on appeals and reviews	Appeals & reviews	3	6		9
Management of appeals and reviews	Appeals & Reviews		2		2

8 January 2020

Role	Category	Ex Police Officer	Ex Police Civilian	Both	Total
Investigator / Lead Investigator	Investigations	56	32	8	96
Operations Team Leader / Deputy Senior Investigator	Investigations	18	5	2	25
Operations Manager / Senior Investigator	Investigations	8	1	1	10
Assessment/decision making on appeals and reviews	Appeals & reviews	2	6		8
Management of appeals and reviews	Appeals & Reviews		2		2

8 January 2021

Role	Category	Ex Police Officer	Ex Police Civilian	Both	Total
Investigator / Lead Investigator	Investigations	53	31	7	91
Operations Team Leader / Deputy Senior Investigator	Investigations	16	5	1	22
Operations Manager / Senior Investigator	Investigations	8	1	1	10
Assessment/decision making on appeals and reviews	Appeals & reviews	1	5		6
Management of appeals and reviews	Appeals & Reviews		3		3

9 June 2021

Role	Category	Ex Police Officer	Ex Police Civilian	Both	Total
Investigator / Lead	Investigations	52	32	6	90

Investigator					
Operations Team Leader / Deputy Senior Investigator	Investigations	14	3	2	19
Operations Manager / Senior Investigator	Investigations	8	1	1	10
Assessment / decision making on appeals and reviews	Appeals & reviews		4	1	5
Management of appeals and reviews	Appeals & Reviews		4		4

**Ref
1009261**

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Deaths in or following police custody

Request

Please provide details of all investigations by the IOPC/IPCC which relate to a death during or after police custody - and where information about the investigation has not been posted on the IOPC / IPCC website.

Please provide this information for deaths from 2015 until as recent as is possible.

Please provide:

1. *The name of the deceased (where this is possible and appropriate).*
2. *The age, gender and ethnicity of the deceased.*

	<ol style="list-style-type: none"> 3. <i>The police force involved.</i> 4. <i>The date of incident/death.</i> 5. <i>A brief description of the circumstances</i> 6. <i>Status of the investigation - with a link to any finding/summary/report/recommendations.</i>
<p><u>Response</u></p>	<p>The Independent Office for Police Conduct (IOPC) (and previously the Independent Police Complaints Commission) is responsible for producing annual national statistics on deaths during or following police contact in England and Wales. The statistics include deaths that have occurred across a number of circumstances that are grouped into five categories. We have used the category of 'deaths in or following police custody' for your request.</p> <p>The annual statistics are reported on a financial year basis. As such, the timeframe we have considered under your request is deaths occurring between 1 April 2015 and 31 March 2020. We have been unable to look at any more recent deaths as the reporting of deaths within this category would be included in our 2020/21 annual death report. These cases are still in the process of being verified and checked.</p> <p>As per your request, only those cases subject to an independent investigation have been included. As some deaths may have been subject to local investigation by a police force the data provided does not give a count of all fatalities within the 'deaths in or following police custody' category.</p> <p>On 1 June 2021 you clarified that you were seeking information only on cases where there was no IOPC press release. We have assessed whether we are able to provide a dataset that exactly meets this requirement. However, there would be a considerable level of manual scrutiny of case files required to provide this data. We have decided that the activities involved would exceed the cost limit, as prescribed by section 12 of the FOIA and associated regulations. As such, we have provided the details requested for all cases falling within the parameters of your request insofar as we are able to publicly release this information.</p> <p>At point 1 you have requested the names of the deceased. The enclosed spreadsheet does not provide the name of the individual who died where the IPCC/IOPC involvement has not been made public (whether by the IOPC or by another organisation). In some instances, the IOPC investigation is ongoing and we have not yet released the name of the individual. The names have also been omitted in these situations. We are relying on exemptions under sections 30 (investigations and proceedings) and 40 (personal data) of the FOIA to refuse this information.</p> <p>In the case of information falling within the terms of section 30, we are refusing your request because the public interest in maintaining the exemption outweighs the public interest in disclosure.</p> <p>The data requested at points 2, 3 and 4 of your requests have been provided for all deaths in or following contact between 1 April 2015 and 31 March 2020 that were subject to an independent investigation.</p> <p>For point 4 of your request, for all IOPC investigations falling within the</p>

requested timeframe we have provided both the date of the incident that led to the individual's death and the date that the individual's death occurred. In some instances, the exact date of death may not be known; in these cases, the date is recorded as the apparent date of death, based on when an individual was last known to be alive.

For **point 6** of your request, the spreadsheet provides information on whether the IOPC's investigation is completed, or whether it is still ongoing. Under point 6 you have also requested '*a link to any finding/summary/report/recommendations*'. For each death a link to a press release on the case has been provided where this is known. Please note that not all of these are IPCC/IOPC press statements. Their inclusion does not indicate our verification of the information they contain.

Where a link to a press release has been provided, this will give a brief description of the circumstances of the case as requested under **point 5** of your request. It would not be possible to provide a case description that is suitably anonymised so as not to fall under the exemptions within sections 30 (investigations and proceedings) and 40 (personal data) of the FOIA whilst also falling within the cost limit, as prescribed by section 12 of the FOIA and associated regulations.