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Dame Diana Johnson MP
Chair, Home Affairs Committee
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28 June 2022

Dear Dame Diana,

Update on the work of the IOPC

It was good to meet you on the 24 May and thank you for your feedback and advice. In advance of the Westminster Hall debate on the Police Complaints and Discipline Inquiry report on 30 June I wanted to update you on some of the issues we discussed and provide you with some further information.

Update on Current Performance.

Our Annual Report and Accounts for the financial year 2021/22 will be laid before Parliament by the Home Secretary in due course. However, I thought it would be helpful to share our end of year performance with the Committee.

Since becoming the IOPC in January 2018 to the end of May this year, 90% of all independent investigations that we started were completed within 12 months.

This compares favourably to the 68% of investigations completed within 12 months in the final year of the IPCC.

For the last financial year (21/22) we:

- Completed 90% of independent investigations, excluding major investigations, within 12 months; 62% within 9 months and 35% within 6 months. (against a target of 85% within 12 months; 66% within 9 months and 35% within 6 months.)
- Completed 82% of our mode of investigation decisions within three working days (against a target of 80% within three working days)
- Completed reviews within 78 working days (against a target of 50 working days)
- Upheld 33% of reviews where members of the public were unhappy with the way the police dealt with their complaint.

In addition:

- 53% (193 out of 367) of the investigations we started fell within one of our current thematic areas
- We made 171 learning recommendations which were shared with all forces in England and Wales, or directed to national organisations, such as the National Police Chiefs' Council (NPCC) and the College of Policing.
- Of these, 117 were issued under Paragraph 28A of Schedule 3 of the Police Reform Act 2002.
- Where a learning recommendation is issued under this power the recipient is required to provide a response. Out of the 96 recommendations issued where a response has been received, 94% (90) were accepted.

IOPC Witness Guidance:

As you know, the issue of co-operation with investigations by police officers was raised by your Committee and we outlined in our response to your report that we were in the process of revisiting our guidance for police witnesses to provide greater clarity of our expectations. I am pleased to update you that we have completed drafting our amended witness guidance and sought the views of the relevant staff associations. Following consideration of their comments, we will now publish our amended guidance on our website in early July.

The guidance sets out what we consider co-operation to look like in general terms, and what police witnesses can expect from us. The early provision of sufficiently detailed witness accounts is key to our completing timely and robust investigations, which is in the interests of everyone.

Data regarding IOPC investigations:

In our response to the Committee's report, we provided yourselves with the number of cases awaiting a decision from the Crown Prosecution Service, and specifically the number of cases awaiting a decision for more than twelve months. We also provided your Committee with a snapshot of the number of cases awaiting misconduct hearings, and the number that had been awaiting a misconduct hearing for more than twelve months.

Your letter to the Director of Public Prosecutions regarding these issues has helpfully brought about a greater focus and collaborative effort between our respective organisations to better understand the root causes of possible delays. We are clear there is a shared responsibility to work towards improved timeliness in decision making post investigation. To this end we are collating additional information on our cases with the CPS and agreeing how we might put in place better systems for sharing information and escalating cases. Senior colleagues from both organisations are meeting to discuss these ideas and take things forward.

As part of this work we are now looking closely at the detail of these cases. Unfortunately this has identified some errors and/or omissions. We are therefore conducting a full data cleanse of our Outcomes Tracker, which is a live operational system we use to record outcomes. This will ensure we will have the latest and most accurate picture to inform our discussions with the CPS and to better understand the reasons for any delays and how we can best reduce them. When concluded we are happy to update the Committee on the latest position.

National Stop and Search Recommendations:

As part of our ongoing thematic work examining discrimination on the grounds of race, we issued eighteen learning recommendations to a range of bodies, including the National Police Chiefs Council, the Home Office and the College of Policing on 20 April 2022.

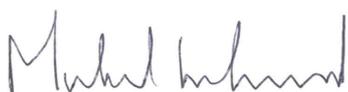
Recommendations made to England and Wales Police forces include:

- The NPCC and College of Policing work together to develop guidelines on how to safeguard people from a Black, Asian or other minority ethnic background from being stopped and searched because of decision-making based upon assumptions, stereotypes and racial bias, and mitigate the risks of indirect discrimination.
- The NPCC and College of Policing work together to develop guidelines on how to safeguard people from a Black, Asian or other minority ethnic background from experiencing disproportionate use of force during stops and searches due to stereotypical assumptions and biases affecting the policing response.
- The NPCC, College of Policing and Home Office consider commissioning research into the trauma caused predominantly to people from a Black, Asian and other minority ethnic background, including children and young people, by the use of stop and search.
- The Home Office reviews what constitutes reasonable grounds for suspicion for cannabis possession. The review should consider whether smell of cannabis alone provides reasonable grounds for a stop and search and whether any changes are required to PACE Code A to ensure the stop and search tactic is used lawfully.

We consulted extensively with external stakeholders on the learning recommendations we included in our report, taking on board their feedback. Members of our Youth Panel, academics, Police and Crime Commissioners, HMICFRS, National Black Policing Association, NPCC, College Of Policing, the Home Office, members of local independent and community scrutiny groups and independent advisory groups all reviewed and provided comments to our report to ensure a wide-cross section of communities had a voice.

I hope this is helpful update.

Yours sincerely,



Michael Lockwood
Director General
Independent Office for Police Conduct

CC: Minister of State for Crime and Policing

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