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United Nations
in Geneva

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Note No 065

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit the attached response to Allegation Letter AL GBR 8/2017 to Ms. Beatriz Balbin, Chief, Special Procedures Branch, OHCHR on behalf of the UK Government.

The Permanent Mission of the United Kingdom avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

United Kingdom Mission
Geneva

16 March 2018

Office of the High Commissioner for Human Rights

The UK Government reiterates our strong support for the work of the UN Human Rights Council, the UN Treaty Bodies and the Special Rapporteur mandate holders.

The UK has a long-standing commitment to supporting human rights and we continue to play a leading role on this issue. Ensuring non-discriminatory behaviour by individuals operating on behalf of the State continues to be the focus of much Government scrutiny and attention – to help ensure fair and just treatment for all. As such, we want to offer reassurance that issues such as those raised in your letter are taken extremely seriously.

This response will focus primarily on the activity of the police, in keeping with your letter citing this as an area of particular concern.

Due to the special nature of the role that police officers perform in serving the public, there are occasions when it is essential for them to use physical force, such as restraint. The UK Government is clear, however, that when police are required to use force to achieve a lawful objective, such as making an arrest, acting in self-defence or protecting others – which can include acting upon their duty of care to prevent a person from self-harming – all force used must be necessary, proportionate and reasonable in the circumstances.

We are in full agreement that law enforcement officials, in accordance with the UN Basic Principles on the Use of Force and Firearms, shall, as far as possible, apply non-violent means in carrying out their duty before resorting to the use of force and firearms. In fact, the historic British model of 'policing by consent' is underpinned by long-standing principles, including that officers must use only the minimum degree of physical force necessary on any particular occasion for achieving a legitimate police objective. This is a model of policing we are rightly proud of and want to see maintained – to help ensure the public have trust and confidence in the police.

It is important to also make clear from the start that despite making important and often time-critical decisions, police officers are still accountable through the law for their actions. There is recognition that respect for an individual's human rights should be the central focus throughout the entire policing process. The use of force by police officers therefore can, and does, result in judicial proceedings in both the criminal and civil courts.

Many of the conflict situations the police are required to deal with are resolved through well-chosen and appropriate words and by managing human interaction using de-escalation techniques. However, there are occasions where it is not possible to resolve a situation, and help ensure public and officer safety, without the use of force. When these occasions lead to a

serious injury or a death, such as a death in police custody, this is considered a tragedy and a priority area of focus for the UK Government.

We published a major independent review in October 2017 focused on deaths and serious incidents in police custody. The review was commissioned by the Prime Minister, Rt Hon. Theresa May MP, in July 2015 during her tenure as Home Secretary, following her meetings with bereaved families. The findings of the report and the Government's response can be found here: https://www.gov.uk/government/publications/deaths-and-serious-incidents-in-police-custody

The independent review, carried out by Dame Elish Angiolini DBE QC, is thorough and identifies room for improvement at every stage of the procedures and processes surrounding deaths in police custody. It makes 110 recommendations, regarding the use of restraint, the custody environment, training for officers and making it easier for families facing inquests into deaths in police custody to access legal aid. The review gives a central role to the perspective of bereaved families, and demonstrates beyond doubt that their experiences offer a rich source of learning for the police, investigatory bodies, coroners and many others with a role to play when these incidents occur.

We note your letter raises a direct question on steps to implement recommendations contained within this review, along with a number of other specific questions, which have been considered fully and addressed in turn below.

Questions 1, 2 and 3: Allegations and investigations into individual cases

Within your letter you request information on a number of specific individual cases. The UK Government considers all loss of life a tragedy and has focused much work on reviewing processes in custody to ensure deaths are prevented and, where such tragedies do occur, investigated effectively.

The Independent Office for Police Conduct (IOPC) takes its decisions entirely independently of both the Government and the police – as did the Independent Police Complaints Commission (IPCC), as the IOPC was previously known. An independent organisation such as this must be able to make its decisions impartially and free from political influence. For these reasons, the Government cannot comment directly on investigations or decisions by the IOPC (or the IPCC). Similarly, the Crown Prosecution Service (CPS) takes its decisions on whether to bring a prosecution independently of government.

We recognise the importance of the IOPC as an independent "police watchdog" and have reformed the organisation, introducing changes to streamline its decision-making processes and improve accountability. Further changes to increase the IOPC's independence from the police and increase its powers will be introduced in early 2019. The reforms include a power of initiative, so that the IOPC can investigate matters immediately without having to wait for referral from the police and new powers for the IOPC to present cases at police disciplinary hearings in certain circumstances. Further background on IOPC processes which you may find helpful can be found at Annex A.

Within your letter you raise concerns regarding 'a lack of effective investigations into these cases leading to impunity'. In fact, in a number of the cases that you have mentioned, police officers have been subject to investigation and subsequent legal processes including trial by jury. The judiciary is also independent from the UK Government and it would therefore be inappropriate to comment on the outcome of individual cases. However, in order to assist where we can, please refer to Annex B for information on the status of these cases.

Turning to consider other types of officers in the UK criminal justice system, we can offer reassurance that Her Majesty's Prison and Probation Service (HMPPS) mandates that all use of force in custody must be lawful and compliant with policy. To be lawful, the use of force must be necessary, proportionate and reasonable in the circumstances.

HMPPS is conducting a revision of use of force policy in England and Wales to ensure that all use of force is consistent with the latest evidence and best practice, responsive to the needs of its staff and those in its care, and supportive of its safeguarding and equality priorities.

Question 4: Preventing racially discriminatory interventions, investigations, and holding law enforcement to account

The UK Government takes allegations of police racism very seriously and condemns racism and racists in any form. We are clear that such allegations must be investigated thoroughly and, when and where required, perpetrators must be dealt with robustly. There are measures in place to investigate such allegations and deal with such misconduct where it is found.

We are in the process of strengthening public confidence and trust in the police through implementing the radical reforms in the Police and Crime Act 2017, designed to improve and simplify the police complaints and disciplinary

systems, including providing an enhanced role for elected Police and Crime Commissioners (PCCs) and greater protection for police whistle-blowers.

One major reform to police perspective on race has been driven by Sir William Macpherson's report of the Stephen Lawrence Inquiry, which has been instrumental in securing police reform; police are more representative in terms of ethnic minority and female officers than ever before and the police approach to hate crime is unrivalled anywhere in the world. However, there is of course more work for the police to do, with equality and diversity being vitally important in the context of policing diverse communities.

In Scotland, where policing is a devolved matter, a Race Equality Action Plan[1] published on 11 December 2017 states that the Scottish Government will:

- work with the Scottish Police Authority and Police Scotland to promote positive action to increase the number of minority ethnic entrants to the police workforce, and to improve opportunities for development and promotion, to reflect the minority ethnic population in Scotland; and
- work with the Scottish Police Authority and Police Scotland to promote effective equality and intercultural competency training within initial training from the police workforce, combined with appropriate CPD for those already in post.

It is important to also mention the important work carried out by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), an independent inspectorate whose role is vital in shining a light on police performance. HMICFRS' inspection reports provide information for the public, evidence for PCCs to hold forces to account and for Chief Constables to use to deliver improvements in policing.

The annual PEEL (Police Effectiveness, Efficiency and Legitimacy) inspections include questions around the extent to which forces treat people with fairness and respect. This includes: whether the workforce understands how to use coercive powers fairly and respectfully; how well the workforce understand unconscious bias and how to avoid it; as well as questions about the use of stop and search, discrimination and complaints. There are also inspection questions about police understanding of, and engagement with, communities. It is for PCCs and operational policing bodies to ensure that action is taken to address failings identified and recommendations made by the inspectorate.

With regards to ensuring equal treatment and outcomes for Black, Asian and Minority Ethnic (BAME) individuals in the criminal justice system more

[1] http://www.gov.scot/Publications/2017/12/8700

broadly, the Government has accepted and fully supports the relevant recommendations for custodial establishments set out by David Lammy MP's Review[2] into this issue. We are committed to ensuring all those in our care are treated equally, whatever their race or ethnicity, and are determined to tackle aspects of our work which appear to show poorer outcomes for BAME individuals. HMPPS has agreed an agency-wide delivery plan to ensure a swift response to the Lammy Review's recommendations.

The UK has an obligation to ensure regular and independent inspection of all places of detention, under the scrutiny requirements of the UN Optional Protocol against Torture. To meet this requirement, HMICFRS and Her Majesty's Inspectorate of Prisons have established a programme of inspections of custody conditions in all police forces and London Borough commands.

At an average of 12 inspections per year, the programme is expected to take five to six years to deliver. Each year will be a mix of announced and unannounced inspections, with individual reports for each inspection and periodic thematic reports – those covering a particular subject or theme across more than one force – on emerging trends or findings of particular importance. The inspections look not only at the implementation of statutory requirements, but also at the conditions of detention and the treatment of detainees.

In Scotland, Her Majesty's Inspectorate of Prisons for Scotland (HMIPS) has published *Standards for Inspecting and Monitoring Prisons*[3]*.* These set out what is expected of a well-run prison. Standard 9 relates specifically to equality, dignity and respect and looks at whether prisons employ fair processes whilst ensuring they meet the distinct needs of all prisoner groups irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation. HMIPS inspections undertaken since the Standards were introduced have assessed prisons as performing to a generally acceptable performance or above.

Question 5: Post-mortem actions and recommendations

You request information on the oversight frameworks through which compliance with post-mortem actions and recommendations are monitored, audited and enforced. In the judiciary system of England and Wales, coroners are independent judicial officers and are therefore not subject to direct

[2] https://www.gov.uk/government/publications/lammy-review-final-report
[3] https://www.prisonsinspectoratescotland.gov.uk/publications/standards-inspecting-and-monitoring-prisons-scotland

oversight. They are appointed and paid for by individual local authorities, and are subject to discipline (purely on matters of conduct) by the Lord Chancellor and Lord Chief Justice.

Coroners are required under paragraph 7 of schedule 5 of the Coroners and Justice Act 2009 to make a report to a person, organisation, local authority or government department or agency where the coroner believes that action should be taken to prevent future deaths. All reports and responses must be sent to the Chief Coroner. In most cases the Chief Coroner will publish the reports and responses on the Courts and Tribunals website[4].

In Scotland, the Lord Advocate is ultimately responsible for the investigation of deaths, and in this role he is entirely independent of any other person.

Pathologists are directed by coroners, or, in Scotland, the Crown Office & Procurator Fiscal Service, of which the Lord Advocate is the head, to conduct post-mortem examinations and provide a report. The professional bodies who supervise the work of all medical professionals in the UK are responsible for supervising the professional work or assessing the professional competence of pathologists. In Scotland pathologists are appointed and paid by the University of Glasgow and the National Health Service (NHS). When engaged to conduct post-mortems they do so as independent experts.

Question 6: Independent review of deaths and serious incidents in police custody

The Government response to Dame Elish's independent review addresses its recommendations thematically, according to Dame Elish's own categorisations. It sets out progress to date, including since the review's commission, as well as next steps. The Government response addresses many of the concerns that are raised in your letter.

The response sets out how the Government has strengthened safeguards in the custody environment. We are clear that police custody is no place for children. The Policing and Crime Act 2017 makes it unlawful to use a police station as a place of safety for anyone under 18 years of age in any circumstance, and regulations were implemented in December 2017 to restrict the use of police stations as a place of safety for people aged 18 and over. Alongside the Government response, the Government also published the Concordat on Children in Police Custody[5] to help ensure that children are

[4] https://www.judiciary.gov.uk/related-offices-and-bodies/office-chief-coroner/pfd-reports/
[5] https://www.gov.uk/government/publications/concordat-on-children-in-custody

transferred to local authority accommodation once charged instead of being held in a police cell.

The response also sets out how transparency and accountability in police use of force has been improved through better data collection.

The Government recognises, however, that further improvements are needed and has commissioned the Ministerial Council on Deaths in Custody to develop solutions on three key areas: healthcare in police custody, inquests and legal aid and support for families. An outline work programme is provided in the Government response. The work stream on healthcare in police custody will explore alternatives to the use of prolonged physical restraint against detainees, both at the initial point of arrest in the street and in the custody suite – as well as other issues. The co-chairs of the Ministerial Board have committed to reporting on progress in autumn 2018.

Question 7: Death in custody statistics and use of TASER®

Within your letter you request data on the race and ethnicity of individuals who died in custody as well as of individuals who have been subject to TASER® use, including in psychiatric settings.

The IOPC publishes statistics on deaths during or following police contact in England and Wales which can be found here: https://policeconduct.gov.uk/research-and-learning/statistics/annual-deaths-during-or-following-police-contact-statistics

Since the 1990s, there have been large reductions in the number of deaths in or following police custody. This likely reflects improved training and practice in a number of areas, but most significantly in suicide prevention. Between 2004 and 2010 on average 24 people died in police custody each year. Since 2010 this number has fallen to 15. In 2016/17, there were 14 deaths in or following police custody.

You may also wish to note that the research report commissioned by Dame Elish in the independent review, found that deaths in custody are representative of the detainee population – and the proportion of black people who die in police custody is lower than the proportion arrested for notifiable offences (6% and 8% respectively).

Additionally, in 2011 the IPCC published the results of a 10-year study that it had carried out into deaths in custody from 1998/99 to 2008/09. This found that 22 (7%) of the deaths were of black individuals. The report noted that the

ethnicity of the deceased in police custody was broadly in line with the ethnic demographic of detainees.

In Scotland, a 'death in police custody' is considered to be any instance where an individual is in the care and control of the police and no longer free. Deaths in police custody in Scotland will result in mandatory Fatal Accident Inquiry (FAI), where there will be judicial consideration of the circumstances with power to issue recommendations. They will also be the subject of independent investigation by the Crown Office and Procurator Fiscal (COPFS) and the Police Investigations and Review Commissioner (PIRC) will be involved.

With regard to psychiatric settings, in Scotland the Mental Welfare Commission for Scotland protects and promotes the human rights of people with mental illness, learning disabilities, dementia and related conditions. This includes monitoring the use of the mental health and incapacity law and providing guidance on the use of compulsory measures, seclusion and restraint. There is a Ministerial review underway under section 37 of the Mental Health (Scotland) Act 2015 of the arrangements for investigating the deaths of patients who, at the time of death, were detained in hospital or voluntarily admitted to hospital for the purposes of receiving treatment for mental disorder. The review is due to report by 25 December 2018.

In recognition of the importance of ensuring transparency in how police officers use force, particularly against vulnerable people and minority groups, the UK Government asked the National Police Chiefs' Council to lead the Use of Force Data Review[6]. The Review recommended that police forces across England and Wales record and publish a range of data each time force is used, including the reason force was used, injury data, the gender, ethnicity and age of the subject involved, and the location and outcome of the incident. The data will include TASER® use in a mental health setting.

These findings of the Review were welcomed by the Government and on 2 March 2017 the then Minister for Policing and the Fire Service made a Written Ministerial Statement announcing the implementation of the Review's recommendations. Police forces across England and Wales commenced recording their use of force data from 1 April 2017. The Government will publish the first report on this data in September 2018.

These changes bring unprecedented transparency and reinforce the British model of policing by consent. Improved transparency will help deliver a real

[6] http://www.npcc.police.uk/documents/uniformed/2016/Use%20of%20Force%20Data%20Report%20to%20Home%20Sec.pdf

commitment by the police to respond to genuine public concerns, and improve public trust, in relation to this complex area of modern-day policing. In the longer term, it will also provide an evidence base to support the development of tactics, training and equipment to enhance the safety of all.

We are committed to giving the police the necessary tools to do their job and TASER®, a form of conducted energy device (CED), provides officers with an important tactical option when facing potentially physically violent situations. Any less lethal weaponry being used by the police will have been subject to a stringent process before being authorised for use by the Home Secretary, including extensive technical and medical evaluations, as well as operational trials. The Home Secretary has authorised CEDs to be used by specially trained officers, based on each force's assessment of threat and risk. Officers who use them have to pass a comprehensive training process. This includes training officers to factor in the potential vulnerability of the person and factors such as age and physical build when assessing each situation.

Question 8: Preventing institutional racial biases

Police forces that reflect the communities they serve are crucial to cutting crime in a modern diverse society. Equality and diversity are important – people across all communities want the police to fight crime while having confidence that their needs will be understood and respected. That is fair and effective policing. In addition, we are clear that the police need to understand communities if they are to tackle crimes that affect them. More than ever, diversity is an important part of operational effectiveness.

The police have made real improvements in diversity – there are a greater proportion of women and black and other ethnic minority officers than ever before and the police approach to hate crime is unrivalled anywhere in the world. However, we have been clear that there is more for forces to do. The Government's reforms will allow for faster progress on equality and diversity; PCCs and the College of Policing will play a key role in this.

Increasing diversity in our police forces is not regarded by the Government as being an optional extra. It goes right to the heart of this country's historic principle of policing by consent. We must ensure that the public have trust and confidence in the police, and that the police reflect the communities they serve. While there is more to be done, we are encouraged by the fact that the officer workforce is more representative in terms of gender and ethnicity than it has ever been[7].

[7] Source: Police Workforce England and Wales, 31 March 2017

Ethnicity

- At 31 March 2017, there were 7,572 BAME officers representing 6.3% of all police officers (compared with 4.7% in 2010, 3.6% in 2006 and only 2.2% in 2000).

Gender

- At 31 March 2017, there were 35,844 female officers, representing 29.1% of all police officers (compared with 25.7% in 2010, and only 16.5% in 2000).

In terms of addressing potential racial bias in healthcare facilities in particular, as referred to in your letter, the UK Government is clear that everyone should be able to access quality health and mental health care services according to need, and there is a strong framework of anti-discrimination legislation in place in England to ensure equitable access to health services for all. The Equality Act 2010 legally protects people from discrimination on grounds of nine protected characteristics including race. In addition, all public authorities, including NHS organisations, are required to have due regard to the aims of the public sector equality duty of the Equality Act 2010 in exercising their functions.

The Health and Social Care Act 2012 introduced additional legal duties on health inequalities on NHS commissioners and the Secretary of State for Health, requiring them to have regard to the need to reduce inequalities between patients in access to health services and the outcomes achieved.

You may also wish to refer to page 13 of the Government response to Dame Elish's independent review which provides further relevant information on healthcare.

Question 9: Ensuring use of force and restraint are not used in a discriminate manner

The College of Policing is responsible for setting the standards to which the police operate. Equality and diversity is an essential standard of professional behaviour under the College of Policing Code of Ethics[8], which every UK police officer must follow and supports them to deliver the highest professional standards in their service to the public.

There has been a lot of work undertaken to ensure that use of force and restraint are not used in a discriminatory manner. The improved collection of

[8] http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Documents/Code_of_Ethics.pdf

police use of force data previously mentioned will aid transparency and accountability. The College of Policing has also published[9] a Valuing Difference and Inclusion Strategy to ensure that policing is inclusive not just of all the protected characteristics but also other perspectives and points of difference.

The College of Policing has taken a number of concrete measures to bolster activity in forces, including:

- published advice on the pro-active use of lawful positive action;
- published case studies from nine forces showing what can be achieved using positive action;
- delivered fast track positive action workshops to over 500 officers from under-represented groups;
- consulted forces on a review of initial police recruitment with recommendations designed to ensure forces can attract a diverse workforce with the right skills to meet modern policing challenges in the future;
- disseminated research findings on unconscious bias through a conference;
- delivered a Stonewall programme for LGBT officers and staff; and
- assessed diversity action plans from all forces outside the Metropolitan Police Service (MPS); and begun to pilot a reverse mentoring programme with chief officers in six forces.

Question 10: Use of force and restraint of people with a mental health condition

Turning to consider the use of force on individuals with a mental health condition, police officers are highly trained in dealing with people with a mental health condition and much work has been done to combat institutional biases both within the police force and wider settings. Police practice makes clear that the use of force in mental health settings should only be used as a last resort, where possible de-escalation techniques should always be the first response.

All officers receive comprehensive training in assessing the potential vulnerabilities of a person including training on awareness of mental health issues, skills for managing people at the point of contact, de-escalation and understanding the potential dangers of using restraint techniques with vulnerable people. Guidance on the use of force and restraint by the police is

[9] http://www.college.police.uk/About/Documents/College_of_Policing_Workforce_Summary_2017.pdf

set out in the College of Policing Authorised Professional Practice (APP), which can be found here: https://www.app.college.police.uk/

To give some background on the police approach to dealing with someone with a mental health condition, where a person detained for an offence is identified as having possible mental health or substance misuse issues they may be referred to Liaison and Diversion workers for advice and onward referral to support services. These schemes now provide support across 80% of police custody suites and courts in England with the expectation that 100% coverage will be achieved by 2021. Liaison and Diversion teams can refer offenders to mental health or substance misuse assessments – particularly where individuals have not previously engaged with support services – to help address behaviours that might influence their offending behaviour. Workers can also advise the police and courts on the impact of such underlying issues and potential support options to help to inform the most appropriate charging or sentencing decisions.

In October 2016 the College of Policing published its revised APP in respect of mental health. This is the primary reference source for police on legal obligations and the appropriate response to incidents involving people with mental ill health, autism, learning disabilities and other vulnerabilities. It provides a list of behavioural indicators for police staff as to when there may be health or mental health issues underlying opponent behaviours to assist better and more appropriate decision making, on how to manage any particular situation.

This is backed up by a range of training modules. Training on mental ill health is integrated throughout the initial police learning programme which all new recruits must complete. The personal safety training programme for all operational police officers includes modules relating to acute behavioural disorder and the restraint of agitated people. The Personal Safety Training Manual requires annual refresher training. Training also encompasses a range of techniques for dealing with volatile situations including de-escalation techniques. Many individual forces have also developed their own training programmes, including joint training with partner agencies.

To conclude, the Government is clear that there is no room for complacency and efforts must continue to further improve existing arrangements. We will continue to work closely with external organisations, including the College of Policing and National Police Chiefs' Council, to build on the progress made in recent years to prevent deaths in police custody and ensure appropriate use of force. We will also continue to engage regularly with civil rights organisations to ensure we understand any concerns and make further improvements to transparency and fairness for all.

Annex A

Further background on IOPC processes

The forty three territorial police forces in England and Wales and various other UK law enforcement bodies (including the National Crime Agency and Border Force) fall within the jurisdiction of the Independent Office for Police Conduct (IOPC).

The IOPC was previously known as The Independent Police Complaints Commission (IPCC). The organisation was reformed in January 2018. Its commission structure was replaced by a new Director General who is the single head of investigations. A unitary board provides corporate governance.

Like the IPCC before it, the IOPC carries out its own independent investigations into the most serious and sensitive matters involving the police and other law enforcement bodies that exercise policing powers. Like the IPCC before it, the IOPC also has a statutory duty to maintain confidence in the police complaints and discipline systems; it provides oversight and acts as the appellate body for police complaints in England and Wales.

Similar functions to the IOPC are carried out by the Police Investigations and Review Commissioner (PIRC) for Scotland and by the Police Ombudsman for Northern Ireland (PONI) in the UK's devolved administrations.

By law, police forces and such bodies must refer certain matters to the IOPC, for instance:

- certain complaints made to their force – such as those that include an allegation of serious corruption or serious assault or allegations of racially aggravated criminal offences or misconduct;
- indications of misconduct by police officers and staff – for example an indication that a criminal offence has been committed or that a serious injury has been caused; and
- every time someone had direct or indirect contact with the police when, or shortly before, they were seriously injured or died.

An investigation may include forensic analysis; the use of experts to provide independent evidence; liaison with the Coroner, Crown Prosecution Service (CPS) and/or other agencies - for example, the Health and Safety Executive.

At the end of the IOPC investigation, it produces a report that sets out:

- what happened;
- what and how it investigated;
- what evidence the investigators found; and

- the IOPC's analysis of the evidence.

The report is sent to the police force. The report also provides the IOPC opinion about what should happen to those involved in the incident – for instance, they may need further training, or they may face disciplinary proceedings.

The police force then provides its view about what should happen. If the IOPC disagrees with the force, it has the power to recommend that it takes appropriate action, such as holding a misconduct meeting or hearing. Ultimately, the IOPC can direct the force to do that and under the scheduled reforms, this process will be further streamlined, so that IOPC will make the decision that there is a case to case answer for misconduct or gross misconduct and the form that disciplinary proceedings should take.

It is the police force that carries out any disciplinary action. They can hold disciplinary hearings (for gross misconduct or where dismissal is a possible outcome) or meetings (for misconduct).

The IOPC provides a copy of the investigation report to the relevant police force and also to:

- the person who complained or was injured;
- in cases involving a death, the family of the person who died;
- the CPS, but only in cases where the IOPC is referring the case to the CPS on the basis that the police officer or member of staff may have committed a criminal offence – the CPS will then decide whether to prosecute; and
- the Coroner, but only in cases where someone has died. If an inquest is to be held, it will consider the evidence contained in the report.

Annex B

Further information on individual cases

- Sean Rigg – the CPS announced in December 2017 that the officers involved in Mr Rigg's death would not face prosecution. A decision on whether they should face misconduct proceedings is awaited from the IOPC. https://policeconduct.gov.uk/investigations/sean-rigg-metropolitan-police-service

- Olaseni Lewis – in October 2017, misconduct hearings of six MPS officers involved in his death concluded with findings of no case to answer for all the officers involved on all counts.

- Kingsley Burrell – in October 2017, a jury delivered not guilty verdicts in the trial of three West Midlands Police officers for perjury and perverting the course of justice in relation to the inquest into the death of Mr Burrell.

- Mark Duggan – in March 2017, three Court of Appeal judges rejected the case brought by Mr Duggan's mother asking that the lawful killing finding of the inquest into his death in 2014 be quashed. She had argued the jurors should also have been directed by the Coroner to consider whether the 'honestly held belief' of the police officer who shot Mr Duggan that he was holding a gun at the time of his death was reasonable.

- Philmore Mills – in July 2015, the Thames Valley Police officers were cleared of breaching standards of professional behaviour at a misconduct hearing. In March 2016, an inquest jury found that Mr Mills died from a cardiorespiratory collapse, hypoxia, and severe lung and heart disease in association with restraint.

- Leon Briggs – the CPS is still considering whether to charge anyone over Mr Briggs' death. The then IPCC (now IOPC) referred the case to the CPS after it found there was "an indication" that five officers - two constables and three sergeants - and a member of staff "may have committed criminal offences".

- Jermaine Baker – in November 2017, following the CPS's initial decision in June 2017 not to charge the police officer involved in Mr Baker's fatal shooting, his family exercised the Victim's Right to Review (VRR) of that decision i.e. asked for the decision to be reconsidered by a new prosecutor. The CPS is currently considering the matter under the VRR

and a decision is awaited. Decisions in relation to an inquest into Mr Baker's death will follow a decision in relation to charge.

- Sarah Reed – died at Holloway prison in January 2016. The independent Prisons and Probation Ombudsman's investigation found that some processes in respect of managing the risk of suicide or self harm had not been adhered to, and that Ms Reed's family had not been able to raise concerns with the prison about her wellbeing. The inquest into Ms Reed's death concluded on 19 July 2017. The jury found that she had taken her own life while the balance of her mind was disturbed but they were not sure that she had intended to take her own life[10]: http://www.bbc.co.uk/news/uk-england-london-40901814

- Dalian Atkinson – ongoing IOPC investigation: https://policeconductgovuk2255-ek7a7hthcfyhsgm.cwatchcdn.com/investigations/dalian-atkinson-west-mercia-police

- Edir Da Costa – ongoing IOPC investigation: https://policeconduct.gov.uk/investigations/edir-frederico-da-costa-metropolitan-police-service

- Shane Bryant – ongoing IOPC investigation: https://policeconduct.gov.uk/investigations/shane-bryant-leicestershire-police

- Darren Cumberbatch – ongoing IOPC investigation: https://policeconduct.gov.uk/investigations/darren-cumberbatch-warwickshire-police

- Rashan Charles – ongoing IOPC investigation: https://policeconduct.gov.uk/news/update-investigation-death-rashan-charles

[10] The coroner issued a Regulation 28 Prevention of Future Deaths report in which he expressed concerns which included the speed with which court ordered psychiatric reports were obtained, the cancellation of visits and the management of processes in respect of those at risk of self harm or suicide. The Chief Executive Officer of Her Majesty's Prison and Probation Service (HMPPS) wrote to the coroner to assure him that work was underway to review the procedures for obtaining and providing psychiatric reports. The response also said that the document used to manage those at risk of self harm or suicide was being redesigned and confirmed that establishments were expected to adhere to national policy. The visits policy is also being reviewed.

- Terrell Decosta Jones-Burton – ongoing IOPC investigation: https://policeconduct.gov.uk/news/teenager-interviewed-part-investigation-metropolitan-police-officer-pushing-him-from-his-bicycle

- Nuno Cardoso – ongoing IOPC investigation: https://policeconduct.gov.uk/investigations/nuno-cardoso-thames-valley-police

In cases for which there is an ongoing IOPC investigation, it would not be appropriate for the Government to comment.