ipcc
independent
police complaints
commission

Ellis Downes

Investigation into the actions taken by Thames Valley Police following a report that Ellis Downes had disappeared whilst swimming across the river Thames.

Independent investigation report

Investigation information

Investigation name:	**Ellis Downes**
IPCC reference:	**2016/065938**
Investigation type	**Multiple complaint with special requirements**
IPCC office:	**Birmingham**
Lead investigator:	**Tracey Bennett**
Case supervisor:	**Tim Godwin**
Commission delegate:	**Guido Liguori**

Status of report:	**Final v1.0 Redacted**
Date finalised:	**8/06/2017**

The primary purpose of this report is to provide information to the AA and Commission delegate to allow them to perform their obligations under the PRA. Although this report may be disclosed to other parties, its primary audience is stakeholders who have knowledge of the complaints system. Therefore, IPCC/police responsibilities or the detail of the misconduct system will not be explained in this document. For cases using this template, complainants and interested parties will be updated separately in a plain English outcome letter supported by a document explaining the IPCC and the complaints system processes.

In complaints subject to special requirements, the role of the designated investigator is to analyse the evidence to give an opinion regarding whether there is a case to answer. Findings of fact have not been reached, such findings are the responsibility of any subsequent misconduct hearing or meeting. This will not be reiterated throughout this report.

This reports sets out the designated investigator's opinions. **These do not necessarily reflect the opinions of the Commission delegate. The Commission delegate will make their CPS referral decision (if required), and upon receipt of the appropriate authority's proposals will make their other determinations in accordance with the legislation.**

The Investigation

Key issues to be addressed by the report

1.	The terms of reference for this investigation set out the following points that the investigation has addressed:
2.	To investigate the decisions and actions taken by Thames Valley police officers and staff between 7 to 9 May 2016 in locating Ellis Downes after he was reported missing whilst swimming in the river Thames, specifically; a. The availability of appropriate resources and expertise and whether adequate steps were taken to secure these promptly. b. The contact between police officers, police staff and the volunteer dive team, the family and other witnesses. c. Whether the actions of police officers and police staff were taken in line with force and national policies, procedures and guidelines.
3.	Each of these points will be addressed in this report.

Complaints

Complaint	
1	The police failed to deploy a dive team to search for Ellis Downes.
2	The police officers failed to update the family appropriately overnight from 7 to 8 May 2016.
3	That three CID officers (Officer 1, Officer 2 and Officer 3) were unprofessional and insensitive in their interactions with Emma and Darren Downes (Ellis's mother and father); their actions included making inappropriate comments, demonstrating inappropriate behaviour and failing to show empathy towards them.
4.	Officer 4, was notified at the scene by a passing member of the public that a body had been found, but failed to act on the information.

Name and role	Brief description of alleged conduct/breach of Standards of Professional Behaviour	Severity	Date notified
Officer 2	Complaints received during the investigation indicate that whilst on duty, Officer 2 may have breached the standards of professional behaviour. His alleged actions include	Misconduct	19/09/2016

	inappropriate and abusive language and behaviour, lack of empathy towards the parents of Ellis Downes when transporting them from the scene to the police station and later to their home address on 7 May 2016 and driving at high speed, exceeding the speed limit. Examples of language used by Officer 2, or Officer 1 included: *"of course we're bloody CID", "I'll just go for a piss and then drive you back", "we all had to do that, bollock 15 year olds" and "fuckin' hell, bollocks, have to go through the villages".*		
Officer 1	Complaints received during the investigation indicate that whilst on duty, Officer 1, may have breached the standards of professional behaviour. His alleged actions include inappropriate and abusive language and behaviour, lack of empathy towards the parents of Ellis Downes, when transporting them from the scene to the police station and later to their home address on 7 May 2016. Examples of language used by Officer 1 or Officer 2, included: *"of course we're bloody CID", "we all had to do that, bollock 15 year olds" and "fuckin' hell, bollocks, have to go through the villages".*	Misconduct	21/09/2016
Officer 3	Complaints received during the investigation indicate Officer 3 may have breached the standards of professional behaviour between 8 and 9 May 2016, during his interactions with Mr and Mrs Downes, whilst at their home address. It is alleged that Officer 3 was rude and insensitive *(e.g. "the body will wash up eventually, although it may be up to 6 weeks and some are never found"; acting as if Ellis was already dead),* using inappropriate language and behaviour, including behaviour which amounted to incivility and unprofessionalism, failing to explain his actions, i.e. when asking to see Ellis Downes bedroom, discussing possibility of Ellis	Misconduct	19/09/2016

	committing suicide; having no knowledge of the family liaison role.		

Chronology of events/Timeline

	Approx. Time/date	Event
5.	**Saturday 7 May 2016** 9.03pm 9.08pm	Thames Valley Police (TVP) and Oxfordshire Fire and Rescue Service (OFRS) were both notified that a 16 year old male, Ellis Downes, had entered the River Thames and whilst swimming back to the bank, he disappeared under the water and had not been seen since. Superintendent Paine issued the instruction that police officers should be informed they were only allowed to enter the river following a risk assessment by themselves, as per force policy.
6.	9.10pm 9.32pm	TVP and OFRS arrive at the scene; on arrival they initially and jointly took control, loosely co-ordinating the actions to be done. National Police Air Service (NPAS) on scene. Armed Response Vehicle (ARV) officers on scene with low light intensity goggles (night vision). Station Manager (SM) Paul Malloy, the OFRS Incident Commander arrived at the scene, aware that it was a '**rescue incident'.** Police officers conducted the bank searches and OFRS conducted the water search with boats. OFRS service trucks only have a line, reach poles (which are not very long), dry suits, life jackets and rescue boats. The poles are used to try and hook a person out of the water. Thermal imager and large dragon lights deployed to be used in search.
7.	9.32pm 9.45pm – 10.00pm	Mr Downes informed by a neighbour that his son Ellis had gone missing in the river. Mr and Mrs Downes arrive near to the scene where they were refused access past the road block which had been set up by the police. An officer stated they were not wanted at the scene, and they would be updated when the police knew something; the officers' approach caused them distress.

		Spencer Jeffries (Mrs Downes' brother) and his wife attended the scene at his sister's request. A police officer at the scene informed him that the police were doing all they could to locate Ellis; he assumed that divers would be in the water and helicopters used.
	9.27pm	Police considered calling out a Family Liaison Officer (FLO)
8.	10.04pm	Duty Police Search Team Advisor (PolSA) PS Turner, notified Inspector Hookham, the Critical Incident Inspector, who in turn notified Duty Superintendent Paine of the incident.
9.	10.27pm	Supt. Paine reviewed the National Decision Model (NDM) after checking all the fast track actions had been put into place. Ellis was classified as a high risk missing person. The incident remained in the rescue phase. It was not deemed a critical incident at this time as the police response had been effective and there was no suggestion of a loss of confidence in the police. Single point of contact (SPOC) to be allocated to update and support the family. On taking command, Supt. Paine did not consider deploying the Specialist Search and Recovery Team (SSRT) to dive for Ellis Downes, because the operation was in the rescue phase, not the recovery phase. Supt. Paine explained that he was primarily concerned with locating Ellis alive and he had considered a range of hypotheses (e.g. Ellis was floating in the river face upwards or he had exited the river unseen and collapsed). OFRS had primacy (lead) for the operation, supported by the police, as OFRS had water rescue (sub-surface) training and equipment which the police did not. SSRT do not have a rescue capability, they provide recovery capability only. This capability can take many hours or days to arrive and therefore deployment is not appropriate to rescue someone. SSRT are required to attend only at the point when it becomes a recovery operation because it is believed that a rescue is no longer possible. Whilst the police stated OFRS take primacy for rescue (i.e. take command), SM Malloy stated that they did not have primacy for control of the scene, only the search and control of the inner cordon (immediate scene). At no point did he state to TVP that OFRS or he would take primacy. The OFRS sometimes assume primacy because of the limited kit they carry, but it is not a formal process, and it is not automatic at a water rescue.
10.	approx. 10.45pm	CID officers, Officer 1 and Officer 2 were deployed to the scene to speak to witnesses regarding Ellis Downes entering

		the water. Whilst at the scene DS Henley asked them to speak to Ellis' parents in a temporary FLO capacity. Before doing so they liaised with PC Foster and PC Dobie who already had some interaction with Mr and Mrs Downes at the scene. The uniformed officers had already completed a missing person's form completed by the parents. Mr Jefferies said the officers didn't introduce themselves, and they lacked compassion for the family in their approach and attitude, believing that they just wanted to remove his sister and brother in law from the scene. Officer 2 stated he informed Mr and Mrs Downes who he was and said they (the police) would update them with any news when they had some, and that Ellis was being treated as a high risk missing person. Officer 2 stated he felt helpless in the situation. Officer 2 informed the parents that OFRS would decide when the search would have to be halted that evening and then it would recommence in the morning. The control room had requested that the CID officers obtain pictures of Ellis, his tooth brush and other relevant items in a high risk missing person incident; he refused to do so at that point believing it was not a priority and to ask at that stage would be too distressing for the family. DS Henley asked the officers to try and persuade Mr and Mrs Downes to go to Abingdon Police Station where they would be more comfortable; Mr and Mrs Downes refused to leave the scene.
11.	11.00pm	Detective Sergeant (DS) Henley notified duty Detective Inspector (DI) Brooks of the incident. Fire Duty Officer (FDO) Gamer arrived at the scene. All the agencies present met (TVP, fire, (Hazardous Area Response Team, HART) and discussed the situation, making the decision when the search would be halted for the night as there were serious concerns for the 'search officers' safety due to failing light conditions. SCAS stated that the 'window' for Ellis to be located and an attempt to bring back life was 90 minutes after Ellis went under the water. Therefore the decision was made to stop the search at midnight, double the normal 90 minutes; the search would resume at 5.30am the following morning. FDO Gamer informed TVP officers that at midnight, once the search was halted, the incident would be under the control of the police, and TVP would be responsible for press releases and media interest. At midnight the incident would move to the "recovery" phase.

	(approx. 11.00pm)	Simon Fisher from the Environmental Agency (EA), was contacted by TVP, requesting his attendance with a patrol boat to attempt recovery of Ellis' body. Mr Fisher attended with his colleague, Paul Barnes, and commenced a search of the river within 100 to 200 yards of where Ellis had last been seen. Mr Fisher stated that 'quite early in the search, it was established they were attempting to recover Ellis' body, not rescue him.'
12.	11.55pm	David Woodgate from Oxford Search and Rescue (OxSAR) was contacted by the PolSA for help. In turn he rang a colleague, Mr R at 00.21am, who turned the rest of the OxSAR team out.
13.	0.00am	**Recovery phase** of incident commenced. OFRS left the scene by 00.15am.
14.	approx. 00.00am	Mr Downes stated his wife was asked to complete a missing person form by CID officers, including Officer 1 and Officer 2, which she did on a car bonnet, in public. These times contradict Officer 2's evidence.
15.	**Sunday 8 May** approx. 00.30am	Officer 1 and Officer 2 again spoke to Mr and Mrs Downes about returning to the Police Station to have a hot drink, whilst they attempted to get some timescales for what would happen overnight, before they transported them home. Mr and Mrs Downes were then driven to the police station by Officer 2 (who was driving) and Officer 1. After approximately 15 minutes at the station, the officers then drove them home; Mrs Downes stated she wanted to stay at the station, but the officers told her she was "better off getting home". Mr Downes stated that whilst in the company of the two CID officers he was shocked and upset by their behaviour and language throughout; he felt they lacked compassion, were inappropriate and unprofessional, having no consideration for he and his wife's situation, even appearing callous in their attitude. Mr Downes felt the officers were in a rush to take him and his wife home so they could go off duty at 1am. The officer driving them home did so at high speed, in excess of 70 miles per hour through Drayton village, saying *"fuckin' hell, bollocks, have to go through the villages"* due to the presence of road works on the journey. Officer 2 stated whilst at the station, Mrs Downes was on her phone in constant communication with her children at home; because of this he genuinely felt that Mr and Mrs Downes and

		her children would benefit from all being at home together, hence the decision to take Mr and Mrs Downes home. He stated he explained this to Mr and Mrs Downes, with words to the effect "…I think it's better you go home, be with your other children, and we will update you….". Officer 2 said that at no point did Mr or Mrs Downes express a wish to stay at the station, and despite being due to finish work at 1am, he would have sat with them all night at the station, if that is what they wanted to do. Mr and Mrs Downes informed the officers they felt helpless at the station and might as well be at home. Officer 1replied, "well maybe, you know, that would be a better place for you to be." Mr Downes stated the language used by the officers in his presence also included; *"of course we're bloody CID"* (to another officer); *"I'll just go for a piss and then drive you back"; "yeah we all had to do that, bollock 15 year olds"*. Officer 1 and Officer 2 stated during the journey home they spoke to Mr and Mrs Downes appropriately at all times, and had a good rapport with them. Mr and Mrs Downes arrived home at approximately 1.15am; the officers left without providing any contact details for the police to obtain updates. Mr Jefferies stated that on arriving home Mr and Mrs Downes were emotional wrecks, and they informed him that the two CID officers had been rude and unprofessional. The incident log states parents are to be updated when there is any change in the situation.
16.	00.45am 1.30am	OxSAR team mobilised and bank search commenced. Mr R requested approval for the "drown victim search dog" that belonged to Boulton Mountain Search and Rescue Team, and boats were made available for later.
17.	2.55am and 5.33am	Mrs Downes contacted police for an update; very distressed. Mr Downes contacted police for an update; he was provided with a telephone landline to use to obtain future updates, as opposed to phoning 999.
18.	5.30am	OFSR arrived back at scene, Oxfordshire Search and Rescue (OxSAR) and HART (Hazardous Area Response Team) teams also arrived, including SM Malloy. OFSR commenced a 'fingertip search' using their long poles, which were unsuitable for searching the whole width of the

		river, as the poles were 3m long and only reached the river bed near to the river bank. The river was still open to normal public traffic at this time.
19.	6.03am	PolSA requirements were discussed with DI Brooks.
20.	7.00am	Duty Supt. Paine handed the incident over to Chief Inspector (CI) O'Ryan
21.	Time not known	Multiagency meeting held with OFSR, OxSAR, TVP Inspector and HART Teams. DO Gamer stated he would try and get Norfolk Fire and Rescue Service Recovery Team to come and help, and OxSAR stated they had a 'Cadaver' Dog; the decision was made to request the dog's attendance.
22.	7.50am	OxSAR boat team mobilised and the search recommenced.
23.	8.00am 9.00pm	Coroners officer to be notified of the incident (notified at 12 noon), and DI Brooks allocated officers to obtain statements from the witnesses who had seen Ellis Downes enter the water. PS Ward arrived at the scene; as the Police Search Advisor (PolSA) was not at the scene, he rang PS Turner, the duty PolSA from Hampshire. PS Ward queried why the scene was not cordoned off and items had not been seized. CID informed PS Ward it was because the location had not been designated as a crime scene.
24.	9.30am 2.30pm	Mr Jefferies and his son returned to the scene with his cousin. The search was ongoing when they arrived, but Mr Jeffries felt it was ineffective as poles that were only 3m long were being used, and the river depth was 6m in the centre. PS Ward updated them on the search, informing them that TVP had not had a dive team for last 4/5years, due to government cuts in funding. Mr Jefferies stated PS Gavin referred to Ellis as a 'body' which he found distressing, especially when he explained what happened to bodies when a person drowned, and how long it takes until the body floats to the surface. Mr Jefferies stated there was a complete lack of compassion and empathy for the family, and that PS Ward was 'hard faced' and aggressive in his behaviour. The PolSA, PC Turner, also spoke to Mr Jefferies and explained about the underwater scanning camera equipment that would be deployed. Mr Jefferies believed the search with the equipment used by the fire service was ineffective as the poles were too short and the underwater camera was deployed in the wrong area.

		He tried to discuss these issues with PS Turner, but he stated the PS would not listen and he too lacked any compassion. However, the search poles used by EA were 6ft and adequate.
25.	9.23am 10.30am	Detective Sergeant (DS) Gorman, the duty DS deployed Officer 3 to liaise with Mr and Mrs Downes to update them of current situation. Mr Downes has complained that Officer 3 was uninformative, insensitive and unprofessional in all his visits and communication with them throughout the incident. Officer 3 attended their home address, initially in company with PC Sheryl Philpots; he apologised for the lack of police contact overnight. Officer 3 provided his contact details on a post it note as he did not have any business cards with him he told the family to call him anytime, and that he would keep them updated; he also discussed a possible police press release. Officer 3 informed the family that he had some difficult questions to ask, that he could return later to ask, but if the family could answer some there and then it would aid the police to search for Ellis and with the police investigation that had commenced. Mr Downes asked the officers if the police had a 'dive' search team. PC Philpott explained that TVP did not have a dive team anymore, but that it was possible to use one from another police force. Mr Downes asked if the family could go down to the river. The officers said that the police would not stop them from doing so, but as it was currently the scene of an incident, they may not be able to reach the actual riverbank, and that it may not be the best place for them to be. Officer 3 explained the police required access to Ellis' phone, to see if there was anything to aid in their investigation on it; he did not discuss what he was looking for in detail, as he did not want to upset the family with possible explanations for why Ellis entered the water. He asked if the family knew Ellis' password to access the phone. Mr Downs stated Officer 3 gave no explanation for why the police wanted access to Ellis' phone. Mr Downes stated that Officer 3 asked if Ellis would have taken his own life, and that he did so in a manner Mr Downes found very upsetting and shocking; Officer 3 asked to see Ellis' bedroom without explaining why. DC Ellis however stated he did not ask this question until the following day

		(Monday). Officer 3 stated the family were extremely distressed at this time and in shock. Whilst he was not a trained FLO, he was an experienced detective who had dealt with numerous deaths and the families involved. Mr Downes stated he asked Officer 3 if they would be allocated an FLO; Officer 3 replied, he did not know what an FLO was. Officer 3 stated that this conversation never took place, and as an experienced CID officer he knew what an FLO was. Mr Downes, felt that Officer 3 didn't explain what the police were doing to find Ellis or how the situation would be dealt with, and that he showed a lacked of compassion. Mr Downes said his wife's brother Mr Jefferies was at the scene and it was he who updated him on what actions were being taken to find his son every couple of hours by phone.
26.	10.05am	The EA arrived with Sonar; they arranged for the river to be closed to all public boats/traffic from 9.00am. EA also used an 8 foot pole to feel the bottom of the river bed. Sonar and pole methods failed to locate Ellis. Mr Fisher stated that a boat and man with a stick had been 'hired' by Ellis' family, but this hampered the EA's search as the man's actions had simply been a duplication of the ones that had already been carried out. Mr Fisher stated that TVP had disbanded their dive team 18 months before the incident.
27.	11.15am (Not known)	The PolSA advisor PS Turner, arrived at the scene; he liaised with PS Ward regarding the search of the river banks by officers. PC Philpott, attended the scene. At some point she asked an unidentified police officer if members of the public could 'dive' to search for Ellis. She was told no, as the scene had become a Health and Safety site, whilst the police and fire services were searching; i.e. Health and Safety legislation had come into power.
28.	12.54pm	CID were leading on the police investigation. Duty Supt. and CI O'Ryan were updated on search. OxSAR's (cadaver) dog arrived on the scene to search the river's surface, whilst on a boat. The dog had the ability6 to smell the water and detect a trace of where a person had been.
29.	1.00pm	An interagency meeting was held again, chaired by PS Turner (PolSA), with NPAS, OFRS, EA, SCAS and TVP. Thermal imaging, sonar and the police had all failed to locate Ellis.

		During the meeting it was agreed that EA would continue to search on the water whilst the HART team would search the river up to chest height; the EA would direct the HART team to search any area highlighted by the sonar. During the meeting, consideration was given to the poor visibility of the water; if a dive team was deployed, they would have to use fingertips to search the riverbed, which could take a number of days. PolSAR, in consultation with OFRS and EA, advised such a search by a dive team would not be successful in finding Ellis. Therefore a team would not be requested due to the large area to be searched. EA advised TVP that if someone is dragged below the water, it could be months before their body would be located. DC Gorman confirmed in the meeting the incident was now deemed to be a recovery operation and no longer a rescue operation. All searches apart from NPAS were continued. The forensic strategy was discussed by TVP. DS Gorman was to be notified when Ellis was found. All searches were to be halted by 7.00pm for the night, unless significant developments occurred. SM Malloy stated that he was surprised by PS Turner's attitude in the meeting, who he felt was blasé, using language such as, "the body will pop up at some time" and "someone walking their dog on Monday may find the body popped up"" PS Turner then spoke to the family at the scene and informed them of the activities and options that were being taken or considered to locate Ellis. Officer 3 stated that the conversation with the family at the scene was heated and the family were very agitated. Officer 3 stated he was shocked when PS Turner informed the family that bodies do stay under the water and sometimes are never found.
30.	1.51pm	The search dog was deployed and indicated an area of interest however the search was negative, and divers were not available to search underwater at the location.
31.	2.00pm	Hampshire Marine unit informed TVP they were on route from Netley and would arrive in one hour.
32.	2.30pm	The family contacted Officer 3 for an update via phone. Officer 3 explained that witness statements were being obtained. Officer 3 believes he informed Mr Downes that TVP

		believed Ellis had drowned, but they were still searching for him.
33.	3.00pm	OFRS stopped their involvement and left the scene. EA suspended their search as their boat broke down.
34.	3.45pm 4.15pm	PS Turner spoke with Duty DI Brooks with a proposed strategy to locate Ellis over the forthcoming days and weeks. CI O'Ryan reviewed the search parameters with DI Brooks. PS Turner authorised PS Ward to stand down all the police officers present, to stop searching and to leave the scene. PS Ward notified the duty inspector, who agreed police officers could leave the scene.
35.	5.07pm	Duty Supt. Paine and DI Brooks made the decision not to deploy any further search teams on the water after the incident closed at midnight, following liaison with PS Turner and EA advice.
36.	6.20pm (time not known) 7.45pm	Officer 3 fully updated the family, and informed them that OxSAR would conduct a search operation on the weekend of 14 May. The family were not informed that a dive team had been considered to avoid giving them false hope. Mr Downes said Officer 3 had rung him saying "I take it your brother in law updated you!" and that Officer 3's attitude was appalling. Officer 3 explained to the family that an ex-police diver was going to be asked to assess the area and situation. Officer 3 stated he said to Mr Downes, "have you spoken to your brother-in-law?" to which Mr Downes said yes. He believes he heard Mr Jefferies' voice in the background when talking to Mr Downes, and he sounded very angry. Officer 3 stated he was professional at all times. CI O'Ryan reviewed the search parameters with DI Brooks. PC Jones was contacted by a colleague PC Pitcher, who had been asked to review the incident and review PS Turner's actions of the previous few days. PC Pitcher felt PC Jones had more experience to deal with the incident, and was located closer to the scene. PS Turner liaised with PC Jones, to seek professional advice, as PC Jones was an ex-police diver; it was agreed that a day's dive in the area Ellis was last seen was feasible. PC Jones was to attend the scene the next morning and investigate the possible options to action this.

		The family were updated that a boat search and marine unit had stopped searching for the night. Bank searches continued until midnight.
	8.28pm	Sharon Russell, a family friend attended the scene as the search was halted for the night. On arrival a police dog handler informed her that the Metropolitan Police (Met) dive team would unavailable and there was nothing more to be done that night with his dog, so he was leaving. Ms Russell was annoyed that there was a few hours light left to search and yet all the police and other agencies had left the scene. She stated she only saw one Police Community Support Officer (PCSO), who cannot be identified, at approximately 9pm, and he explained he was only there until 10.30pm. The family friend questioned the PCSO what would happen if Ellis' body floated up and no one was present; the officer said he would, "shit his pants if that happened."
37.	**Monday 9 May** 5.30am 7.43am	OFRS attended the scene. Alex Downes appealed for help to search for Ellis via Facebook. Police aware of Facebook appeal.
38.	approx. 8.00am	PC Jones arrived at the scene and reviewed the incident; he concluded that providing the search efforts on Sunday (previous day) had not moved Ellis' body, he would be on the river bed, a short distance downstream from where he was last seen. PC Jones' recommendation was that a dive team should be contacted as soon as possible to search for Ellis, as he was sure they would locate him. PC Jones left the scene to attend the police station and liaise with the officer in charge of the enquiries.
39.	8.00am 9.15am approx. 9.00am	Force CID handed the incident over to DI Roddy. Supt. Freeman met with PC Jones, DI Roddy and Officer 3. Officer 3 was tasked with a number of questions to ask the family and with managing the family's expectations. PC Jones recommended deployment of a dive team for the day; it was agreed there was value in an underwater search team. PC Jones informed the group that when a person drowned, the body would often sink to the riverbed, very close to where they went missing. Three family's friends returned to the scene, and noticed a boat had broken down. The three friends decided to hire a

	9.25am 10.00am	boat; PS Ward informed them they could not go on/in the water or use prodding sticks along the water's edge. At the scene Mr Jefferies was informed a dive team had been authorised. Supt. Freeman authorised the callout of a dive team, to be deployed on Tuesday 10 May 2016. TVP do not have a dive team capability, so another force would be contacted to provide a team on mutual aid. PC Jones made a formal request for a mutual aid dive team.
40.	11.00am	PS Ward, with a team 14 police officers and PCSO's, was tasked to search the river banks where Ellis disappeared and the Weirs which were approximately one mile away. PS Ward was notified that a dive team had been requested; he spent the day liaising with the family and public at the scene.
41.	11.10am	A member of the public walking her dog complained to TVP, that she was angry at how they had handled the incident and that a police officer had failed to take action when being told by the EA man a body had been found. (Following the incident and attendance to make a complaint at the police station, the dog walker refused to engage with IPCC or aid in this investigation. The investigation has shown that at the time the dog walker states the complaint took place, Ellis' body had not been recovered).
42.	11.10am 11.20am	PC Jones received a call from Doug Thompson, the Met dive team supervisor, stating his team were on a rest day, and only had 4 officers on duty to conduct a dive. Police regulations state a minimum team of 5 is required, but 6 is considered best protocol. Only in extreme conditions can a dive be undertaken with 4 staff. Therefore Mr Thompson said his team would attend the next morning (10 May) by 9.30am, provided he received approval from his Commissioner to release the team from their normal duties (permission obtained at 12.05pm) PC Jones updated Officer 3 and DI Roddy about the Met team, and he updated the family at the scene at 11.30am.
43.	11.30am	Officer 3 visited the family and discussed a media release, maps of the search area and informed them that a dive team would be deployed the following morning (10 May); support agencies were available if the family required them.

		DC 3 stated he informed the family that TVP believed Ellis was still in the water and was believed to have drowned based on the witness statements obtained. He informed the family that from Sunday, the police operation was now to recover Ellis' body. Officer 3 stated he told the family that TVP did not feel Ellis had managed to climb out of the water onto the river bank, due to the searches that had been conducted. Officer 3 stated he did not say it was not known when and where Ellis's body would be discovered, as he felt it was inappropriate at that time. He confirmed that when talking to the family he always referred to Ellis by his name, and never used the term 'body'; this contradicts Mr Downes' evidence. Mr Downes stated that during this conversation it was the first time he was aware that divers had not been already been deployed; Officer 3 was unable to answers his query why this was the case. Officer 3 stated that on Sunday 8 May, he had not told the family a dive team was being deployed and in the water searching. Officer 3 stated that his relationship with the family was good during this meeting as with his previous meeting with them. Due to the family being distraught Officer 3 stated he was very careful about what he said and the words he used. He explained why a police dive team would not be available until the next morning. Officer 3 stated that during this visit, he asked Mr and Mrs Downes general questions about Ellis in an attempt to get some background information as to why he went into the river. His questions included whether Ellis was being bullied at school and if he was happy? Officer 3 confirmed that he explained that whilst the police believed Ellis has suffered a tragic accident, they had to investigate all possible options, including whether Ellis would have taken his own life, although he stated he had informed the parents he did not think this was the case. Officer 3 agreed that he asked to see Ellis' room at this stage, just to see if anything could help with the police investigation; he kept his words open, not referring to the possibility of a suicide note, explaining it was standard procedure. At this Officer 3 stated Mr And Mrs Downes responded asking him if he thought Ellis was actually in his room hiding. Mrs Downes did not want the police in Ellis' room, so Officer 3 respected her wishes, explaining he was just trying to piece together why Ellis had entered the water.

44.	12.10pm	PC Jones ensured that dive teams from other forces were contacted to see if they could deploy that day; to avoid waiting another day for the Met team to arrive, if possible.
45.	12.15pm	PS Ward notified the control room that a friend of the Downes' family went onto river in a canoe – PS Ward gave advice to the friend, but did not prevent him from going into the river as he did not have any authority to prevent him.
46.	12.32pm 12.43pm	Tony Tennant from Specialist Group International (SGI) contacted the police to offer their diving team services free of charge; he stated they worked for Surrey Fire and Rescue and supported various police, fire and army searches. Avon and Somerset dive team was also requested by TVP.
47.	1.00pm 1.03pm 2.00pm 2.03pm 3.00pm	Mr Downes contacted Officer 3 to say SGI had contacted the family. Officer 3 asked Mr Downes to allow the police, who were trained to undertake underwater searches, to do their job and recover Ellis; he explained he was trying to advise Mr Downes that SGI was unknown to the police and that their son needed to be recovered properly. Officer 3 was aware that a senior officer was going to contact 'ACPO (now known as NPCC) and see if SGI were accredited to undertake the dive search. Officer 3 believes the checks were made and that SGI were not accredited. TVP were informed that they needed to use the Marines or Navy to attempt to locate Ellis. Avon and Somerset Police dive team notified TVP they were already deployed on a job elsewhere. PC Jones was informed SGI had contacted the police control room; he called Peter Folding, Head of SGI, who said they had public liability insurance and all the required equipment needed. PC Jones asked Mr Folding (whom he thought was called Tim Barnes) to meet him and the Supt. Paine at the Police Station first to discuss the situation and their qualifications. PC Jones informed Mr Folding that he could not dive to search for Ellis as it was a crime scene. Mr Folding disagreed it was a crime scene. DI Roddy liaised with PS Turner (PolSA) regarding the feasibility of the dive team mobilising. PS ward had notified Supt. Freeman that there was an escalating situation with the family. Supt Freeman met with PC Jones to discuss SGI's involvement. PC Jones advised

		SGI were not to go into or on the water as he believed TVP could not allow an organisation unknown to them enter the water and work for TVP, having considered health and safety regulations. PC Jones also believed that TVP would not be able to guarantee the integrity of Ellis' body or the scene, nor did he want to set a precedent for other incidents where members of the public wanted to enter the water in future searches. Mr Folding rang PC Jones before 4pm and informed him that SGI would be going straight to the scene.
48.	3.47pm 3.50pm approx. 4.00pm 4.03pm 4pm to 4.15pm 4.55pm	Peter Folding from SGI arrived at the scene. Officers had been informed no one was to enter the river. Incident log states "This is a crime scene and no one is to enter the crime scene". Mr Folding asked PS Ward's permission to enter the water and search for Ellis Downes. PS Ward informed him that he needed to speak to Supt. Freeman or PC Jones; at this Mr Folding walked away. PC Jones met SGI just after 4pm at the scene and asked them to refrain from getting involved in the search. Mr Folding stated he would complain to TVP's Chief Constable and the Prime Minister. Mr Folding rang Jo Parish, Data Base Advisor at National Crime Agency (NCA), and explained the situation. Jo Parish then spoke to PC Jones stating SGI were approved to work with TVP. PC Jones informed her that he was unable to corroborate who she was; Ms Parish stated she would get Colin Hope, the National Lead for Search in UK, who PC Jones knew, to call him and authorise the use of SGI. Mr Folding returned, informing PS Ward that he could not search/dive. Mr Folding asked PC Jones if he would stop SGI entering the water, and asking if he would arrest him or any of his team. PS ward said he would do neither. Mr Folding stated he and his dive team were threatened with arrest if they entered the water, and informed family members of this. PC Jones insisted he never said that any members of SGI would be arrested if they entered the water. Mr Folding then went down to the river, returning with a large crowd of the public, asking if they could enter the river. Inspector Simpson, dive contractor for the MET police, rang PC Jones to review the dive plan for next day. PC Jones informed the inspector he was with the company SGI. Insp. Simpson advised TVP not to use SGI, and that Inspector Corcoran from ACPO Marine and Dive and Assistant Chief

		Constable Sheed had both stated police forces were not to use SGI. PC Jones informed Mr Folding he could not dive. Supt. Houghton, PolSa, Hampshire Police, contacted PC Jones for an update on the day's activities. He agreed with PC Jones' decisions.
49.	4.59pm	Mr Jefferies informed Mr Downes that the police deemed SGI as unsuitable to conduct the type of search required and he did not want them to start a search. Mr Downes, on the phone whilst at home, informed Officer 3 he refused to wait until police dive team arrived the following morning, and he would enter the water himself if necessary to recover his son. Officer 3 offered to attend the home address of Mr Downes with PC Turner, to explain why the volunteer dive team were requested not to enter the water. Mr Downes refused the offer, stating he never wanted Officer 3 at his home again. Mr Downes then went to the scene himself Officer 3 when interviewed, stated that he didn't tell anyone they would be arrested if they entered the water. He does state he referred to the scene, but was unsure if he ever used the phrase 'crime scene'. Officer 3 knew the scene was not a crime scene.
50.	Time not known 6.05pm 6.45pm	The three family friends were finally given permission to hire a boat and go on the river, they hired a boat and spent the rest of the day searching for Ellis. Supt. Freeman declared a Tier 1 critical Incident, due to the family's loss of confidence in the police search operation. TVP reconsidered allowing SGI dive team to enter the water. Advice was taken from operations and a senior search manager in relation to the current situation. Supt. Freeman notified PC Jones and PS Ward that TVP would/could not physically stop people entering the water, it was too dangerous to both the police and public. However if people attempted to do enter the water TVP could not provide assistance. However, Supt. Freeman stated it was TVP's preferred option that the private dive team and public did not go into the water and dive, as it might interfere with evidence and affect the recovery of Ellis.

	7.10pm 7.40pm	SGI's equipment was unloaded onto the river banks by friends and Downes' family members. A family friend complained the police failed to provide any help or assistance. The Operations Department were contacted to provide lighting and tents for the scene. Supt. Freeman agreed the equipment requested could be brought to the scene, but instructed it was not used to assist SGI in any way.
51.	7.24pm (8.30pm)	Emergency response, Henley Search and Rescue Team (HSRT) notified TVP they were are en route to the scene to provide aid in the search. TVP advised them that the police were not advocating volunteers to enter the water, but they would not stop them. HSRT stated they would attend and search until 11.00pm and then return at 7.30am the following morning if Ellis' body had not been found. Checks revealed HSRT did not have dive capability, but only surface search capability.
52.	8.20pm 9.39pm 9.50pm 9.55pm 10.56pm 11.45pm.	SGI diver entered the water. Ellis' body was found. Mr Jefferies saw Ellis' body being recovered where the dive dog had indicated something was in the water, but unable to search below the water, due to a dive team not being available. Ellis was recovered and removed to the riverbank by SGI who used a rope attached around Ellis' chest, pulling him in behind the divers. PS Ward notified Mr and Mrs Downes that he believed Ellis had been found; he asked Mr Downes if he wanted to go and see Ellis. After chatting about this to PS Ward, Mr Downes decided he did not want to at this time. PS Ward confirmed he would not have prevented Mr Downes from seeing Ellis' body, nor did he tell Mr Downes not to see his son, because of the state he was in. Police Operations arrived and set up police tents. Ellis' body was transferred to a tent. Water sample obtained by SGI, using a used water bottle, from river bank, not where Ellis was recovered. Ellis was formally declared deceased by the attending doctor, Victoria Reeves. PC Jones cancelled the Met dive team.

53.	11 May 2016	Mr C, a male family friend submitted a complaint to TVP regarding the lack of action taken in relation to the search for Ellis Downes who had gone missing in the river Thames. His complaint centred around the police failing to provide a dive team to conduct the search and refusing to allow the volunteer professional dive team access to enter the water to search for Ellis, threatening to arrest them if they did so.
54.	22 June 2016	Ms Russell submitted a complaint to TVP, concerning the actions and behaviours of TVP officers during the incident and the actions taken to locate Ellis Downes. During her interview she stated when she visited the scene on both 8 and 9 May 2016, there were no more than six police officers at the scene at any one time, who were always in pairs, laughing and chatting to one another as they walked along occasionally looking at the river. She stated their behaviour under the circumstances was inappropriate, their searching ineffective and she was disgusted by what she witnessed. Her complaint included TVP failing to deploy a dive team immediately to search for Ellis, their refusal to allow SGI access to the river on their arrival, failing to update Ellis's parents appropriately or deploy a FLO to be with them and preventing her and others access to the river with their own hired boat when members of the public had been allowed to travel on the river the first day Ellis went missing.
55.	2 November 2016	Officer 3 stated in his interview under a misconduct caution, that as far as he is aware, he didn't use inappropriate language when communicating with Ellis' family. He appreciated the family were grieving and very distressed. It is very difficult to ask a family in that situation certain questions that the police are required to ask. He explained that whilst he is not a trained FLO, he always aims to be completely professional, and he didn't intend to cause any offence or further distress to the family. Officer 3 explained he believes the family, in their grief, have taken some of his comments and questions out of context and became confused, which was understandable in the circumstances.
56.	2 November 2016	Officer 1 explained in his interview he was extremely cautious about the language and words he used towards Mr and Mrs Downes and in their presence, as he did not wish to cause them any additional distress. For example he refrained from saying 'body', as he knew the parents were still hoping Ellis was alive.

		Whilst Officer 1 does not remember the conversation he and Officer 2 had with Mr and Mrs Downes, he stated neither of them used inappropriate or abuse language or behaviour. In response to the complaint that the officers nearly hit a cat on the road home and joked about it not being reportable, Officer 1 confirmed a conversation about reporting a road accident took place in the car, where he explained in an appropriate manner that if your vehicle hit a dog you had to report the accident, but not if a cat was hit. He stated the parents were joining in the discussion. Officer 1 stated he was not in a rush to get home; being CID he is used to working long, extended hours, as and when required. Officer 1 stated to his knowledge Officer 2 did not drive at excessive speed when returning the parents home. The decision to take Mr and Mrs Downes home, he thinks, was a mutual decision as the parents had stated they felt useless being at the station. Officer 1 explained that he had to deal with grieving family members as a CID officer, but that he did not have any specific training about how to deal with grieving family members. He felt what happened to Ellis was absolutely dreadful, but under the circumstances both he and Officer 2 had a good rapport Mr and Mrs Downes; therefore he was very shocked they had complained about his attitude and behaviour, and sad the complaint had occurred.
57.	4 November 2016	Officer 2, in his interview, explained that he was not a trained FLO, and that the circumstances were extremely difficult. Officer 2 agreed with the topics that Mr Downes had stated were discussed between the officers and the parents, but at no point did he or Officer 1use inappropriate or abusive language or behaviour in front of Mr and Mrs Downes, or towards them. Officer 2 explained that Mr Downes was very agitated and distressed and would use abusive language in his distressed state, especially when trying to understand why his son would enter the water, being a poor swimmer. During the journey home, he attempted to keep the conversation with the parents going. On reaching their home address and before they left, Mr Downes shook the officer's hands, thanking them for their help. Officer 2 stated it felt the situation was difficult to deal with, as due to the time that had passed they felt Ellis would not be found alive. He felt desperately sorry for Ellis' family,

		especially as he had children of his own, so he felt a great deal of compassion for Mr and Mrs Downes.

Other evidence

	Doc Ref	Event
58.	*S11*	SM Malloy explained that the OFRS do not have a statutory duty to become involved in rescuing people; instead it is something the service "chooses" to do. Fire officers are involved in the rescue of people from the water when they are conscious and on the surface of the water, plus they are trained to 'wade' into the water. Only Fire Service Specialist Rescue Team officers' are allowed to 'enter' the water.
59.	*S15*	PC Jones stated that the procedure to request a dive team is usually to contact South Eastern Regional Incident Centre based in Kent and the circumstances are relayed to them; they provide an email address and then written authorisation from a superintendent or Assistant Chief Constable is sent to the email address given. PC Jones stated the system used is poor and he has never seen a written policy regarding the process; it is just an accepted process the force follow. However in this incident, the decision was made to contact the National Police Operation Centre, where a request for a dive team is sent to the Metropolitan, Avon and Somerset, Devon and Cornwall and South Wales Police forces. An eight hour deployment for the dive team would cost around £6,000.
60.	*S15*	PC Jones believed the integrity of the scene and Ellis' body was vital as he was under the impression that it was a crime scene. He stated that in his experience, every death is suspicious until proven otherwise. As a diver he always treated a scene on the river concerning a missing person as a crime scene, because it was not known what had happened initially. His belief that the scene was a crime scene formed his rationale as to why he recommended SGI did not enter the water. He would have made this decision even if he had been involved in the incident since the day Ellis had gone missing.
61.	*S15*	PC Jones stated that SGI used an inappropriate system of search to find Ellis. He believed a different search method was more appropriate. PC Jones also stated that in his professional opinion, he would have removed Ellis from the water, placing his arms around Ellis' chest, and

		being assisted back to the river bank, whilst carrying Ellis in his arms, so Ellis' body was under his care and control. PC Jones stated water samples should be obtained using sterile jars as near to where Ellis' body was recovered as possible.

Analysis of the evidence

ToR 1a (The availability of appropriate resources and expertise and whether adequate steps were taken to secure these promptly).

62.	Ellis Downes was reported missing to TVP at 9.03pm on the evening of 8 May 2016. TVP officers arrived at the scene within 10 minutes, accompanied by officers from OFRS. Additionally TVP officers from the Armed Response Vehicles and NPAS were deployed to assist. The control room (CR) immediately notified the Duty PolSA officer (PS Turner), who notified the Duty Critical Incident Inspector (Insp. Hookham), who in turn notified Duty Superintendent (Supt. Paine), ensuring a full chain of command and oversight was in place promptly. Officers commenced searching the banks and water's edge upon their arrival, and OFRS deployed boats onto the water.
63.	The incident was classed as a 'high risk missing person', and initially considered to be in the 'Rescue Phase', as Supt. Paine believed there was a possibility that Ellis could be located. In addition to the actions taken to locate Ellis at the scene, CID officers were deployed to commence an investigation into the facts surrounding Ellis entering the water, and they attended the scene to speak to witnesses. TVP contacted the EA an hour after the incident commenced, to request their help to search for Ellis; and approximately an hour later OxSAR were requested. Upon arrival, the EA put a boat onto the river, and used sonar and long poles to search the river bed, whilst OxSAR searched river banks too.
64.	TVP's ability to deploy their own force divers was removed approximately eighteen months prior to the incident. Officers involved in the incident reported this was due to funding issues being experienced by the force. The possibility of requesting a dive team from an external force was still an option. TVP's capability to deploy a dive team was not a consideration in relation to whether such a team would be deployed to search for Ellis. Supt. Paine did not request a Specialist Search and Recovery Team (dive team) when he took command of the incident, as TVP's standard operating procedure (SOP) is to only deploy a dive team to recover a person's body, once the possibility of the person being found alive or resuscitated has ended; known as the 'Recovery Phase'. Whilst the possibility existed that Ellis was still alive, the search for him would be from the surface or banks of the river; known as the 'Rescue Phase'.

	The HART team had been deployed to the scene immediately, in order to provide medical assistance to Ellis should he be found. Within ninety minutes of being submerged the team can attempt to resuscitate a person; however, after this ninety minute window has closed, if a person is found, no attempt to resuscitate will be made.
65.	From the evidence gathered during the investigation, it was identified quite early into the search for Ellis, that the incident would cease being in the 'rescue phase' and become the 'Recovery Phase'; later being formally being declared such at midnight, which was twice the amount of time considered for resuscitation to be attempted. The emergency services at the scene were in constant liaison with each other, and the decision to move to a 'Recovery Phase' was taken, based on advice from the HART team, the PolSA and the negative results from the search actions taken to that point. From the evidence gathered, the actions of the police and other agencies and the decision taken to move to the recovery phase in my opinion were justified under the circumstances. All personnel involved in the search were notified when the incident moved to the recovery phase. A review of TVP and national policies and guidance, in relation to water searches (including health and safety legislation), highlighted the fact that all the guidance focuses on procedures to ensure the safety of the divers involved. The legislation and guidance does not refer to rescue or recovery phases, and at what point an underwater search should be conducted in relation to a missing person. TVP have a clear Standard Operating Procedure (SOP) in relation to when they will consider deploying a dive team, alongside a structured process on how to request an external dive team; however, these have been verbally adopted by TVP, and currently are not reflection within TVP's policies and guidance.
66.	At this point according to TVP's SOP, there was the option to authorise and request an external police dive team. In order to make such a decision Supt. Paine liaised with EA and PolSA to determine the feasibility of deploying a dive team. They advised the Supt. that the poor visibility of the water, coupled with the fact that Ellis' body could have travelled some distance along the river meant a fingertip search of the whole river bed for a large area would be required, which could take weeks. Within that time period it was believed that Ellis' body would resurface naturally and then be recovered. The decision was taken that it was more appropriate and feasible to continue with the surface water search and walking the river bank. The search continued throughout the second day (9 May). At the end of this day, the decision was taken to suspend all searching after 7.00pm, and thereafter maintain bank searches by officers for a few weeks.
67.	On the Sunday evening, PC Jones, a former police diver with relevant experience, was contacted by PS Turner to review the situation and actions taken to date. On attending the scene on the Monday morning, he immediately stated that due to the current of the river, and his knowledge of how a person's body behaves in the water on drowning, Ellis body would be lying on the riverbed, a short distance

	from where he was last seen; provided any searching the previous day had not disturbed Ellis body. Following PC Jones advice, authorisation was given and a police dive team was requested from surrounding forces. Unfortunately, a team was not available to attend until the following Tuesday morning. Meanwhile, Ellis was recovered by SGI, in the location PC Jones stated he would have been.
68.	From the time that Ellis disappeared on Saturday evening until 7.00pm on Sunday evening there was constant activity taken by TVP, including the management and ongoing review of the situation by senior managers. Decisions and actions taken at the scene and by the duty superintendents were based on multiagency discussions, the sharing of resources and information, and with the guidance and advice from the 'experts' involved; Simon Fisher (EA) and PS Turner (PolSA). During this period it would appear the initial police response was prompt and appropriate in the circumstances, given the resources they had available and the advice the senior officers were provided with. The advice PC Jones gave contradicted the advice from EA and PS Turner; if PC Jones' advice had been given the night before, then consideration could have been given to requesting a dive team as soon as the incident moved to the 'Recovery Phase', approximately thirty-two hours previously. This may have led to Ellis Downes' body being recovered more promptly, reducing the distress caused to his family. Senior officers within TVP have to rely on the 'experts' available to them to provide the correct advice under the circumstances. Whilst hindsight indicates the advice given was incorrect, senior officers at the time were not to know this. Whilst it is acknowledged that an officer's opinion can have an element of subjectivity, officers within PolSA need to be adequately trained and experienced to ensure they have a thorough working knowledge and understanding of the situations they are required to provide advice and guidance on. **Recommendation 1:** **A thorough review and update of TVP's policies to reflect their actual SOP's, the differentiation between rescue and recovery phases of a search, the appropriate actions to be taken within each phase, and clearly defined parameters when a 'dive' team will be considered and the process to be adopted to request a dive team.** **Recommendation 2:** **A review of the training and knowledge of PolSA officers with regard to searches in water should be undertaken.**
ToR 1b (The contact between police officers, police staff and the volunteer dive team, the family and other witnesses).	
69.	The complaints made by family and friends clearly show the disappointment and distress caused to Mr and Mrs Downes by their interactions with the police.

	At 9.27pm, less than an hour and a half after Ellis was reported missing the deployment of a FLO was considered. When Supt. Paine reviewed all the fast track (initial) actions at 10.04pm, the allocation of a single point of contact for Ellis' family was requested. Officer 2 and Officer 1were asked to liaise with Mr and Mrs Downes and to try and persuade them to leave the scene and to attend the local police station, for their ongoing welfare. The officers' accounts of the communication and exchanges with Mr and Mrs Downes are different to those experienced and recalled by Mr Downes. The officers' accounts explain all the topic areas highlighted by Mr Downes, providing rational accounts that corroborate each other, for the conversations which took place, where they consider the context of what was discussed with Mr and Mrs Downes was appropriate and professional.
70.	TVP failed to update the family regularly through the night or maintain any contact with them; Mr and Ms Downes had to ring TVP via the 999 system for updates, until finally a call operator gave them a direct line to the station. Under the circumstances, the support provided by TVP was inadequate, and a FLO was not allocated. The following morning a CID officer (Officer 3) was deployed to liaise with the family. His account of his interactions with the Downes family differ to that of Mr Downes. Whilst, Officer 1, Officer 2 and Officer 3 are all experienced CID officers, who deal with serious and highly emotional incidents, they are not trained or qualified in the role of FLO. The officers all stated they displayed empathy for Mr and Mrs Downes situation and the loss of their son Ellis, attempting to ensure their communication was appropriate under the circumstances, however, this conflicts with Mr Downes' account.
71.	There does appear to be a failure in the process to ensure an appropriately trained officer was deployed promptly to support and update Mr and Mrs Downes, throughout the incident, especially during the first night. In this situation, the deployment of an FLO to the family would have been appropriate; and a dedicated officer should have been allocated at the start of the incident, to liaise with the family, until a FLO could be deployed by the police, to prevent the family being left without police support and regular updates. However, investigation has highlighted that if an experienced CID officer can cause additional distress and misunderstandings inadvertently, with a grieving and distressed family, there may be a gap in training.
72.	During the incident the officers who spoke with Mr and Mrs Downes, didn't explain the decision and actions taken to search for Ellis. Mr and Mrs Downes expectations of the police search were clearly mismanaged by TVP. TVP officers failed to explain that the search operation included two distinct phases, 'Rescue' and 'Recovery'. They failed to explain what determined each phase and how this impacted on the search actions taken by TVP and external agencies, including if and when a dive team would be deployed. A lack of clear explanations, both to Mr and Mrs Downes and to the family members at the scene, by the police officers involved, all caused unnecessary

	misunderstandings on the part of the Downes family, which in turn caused additional distress.
73.	When the external dive team from SGI offered their services, TVP initially refused, preventing their access to the scene. The evidence collected during the investigation shows TVP officers were given conflicting information regarding whether SGI were an approved company, suitable to work with TVP. Policies and guidance regarding external volunteer dive teams is clear. Only police and approved commercial dive teams can be used, and this is supported by the Health and Safety Executive. Therefore under the circumstances, TVP acted appropriately, as they requested SGI not to enter the water until TVP could establish and confirm they were approved to do. From the officer's and witness accounts, a review of relevant policies and legislation covering underwater searches, TVP in my opinion acted appropriately in relation to their actions requesting SGI refrain from entering the water. However, TVP officers appeared not to have fully explained the rationale for their decisions and actions to the family at the scene and Mr and Mrs Downes at home, which caused a volatile situation to develop, between the family, SGI and TVP officers at the scene. It is unfortunate, that the confusion created over SGI being authorised to dive for TVP or not, was played out at the scene in the presence of Ellis' family and members of the public, which caused additionally unnecessary address to the family. **Recommendation 3:** **TVP should review and consider the bereavement training that is provided to frontline officers, who are likely to come into contact with grieving relatives' pending the deployment of an FLO.** **Recommendation 4:** **The investigation has identified the need for TVP and the police service as a whole, to review the accreditation and deployment of civilian dive teams in support of the police to prevent similar issues reoccurring in the future.**
ToR 1c (Whether the actions of police officers and police staff were taken in line with force and national policies, procedures and guidelines).	
74.	As discussed under ToR 1a, local and national policies and procedures were reviewed. This investigation has not identified any breach in the policies and guidance in relation to underwater and open searches. It has however identified a lack of clear written policy and guidance as to when and how a dive team is authorised and requested. Clear, written guidance and procedures need to be drafted and implemented within the force, to avoid any misunderstandings in the future.

	A lack of written SOPs, relevant training and poor communication has been identified and highlighted under ToR 1a, above.
Conclusions	
Potential criminal offences the Commission delegate may wish to consider when determining whether to refer the case to the CPS	
75	Having analysed all the evidence, it is my opinion that there is no indication that any person under investigation may have committed a criminal offence.
In your opinion is there a case to answer against the identified subjects for Conduct	
76	I have to give my opinion if there is sufficient evidence upon which a reasonable tribunal properly directed, could find, that the conduct of the person under investigation fell below the standard of behaviour expected of them, in a manner that would justify the bringing of disciplinary proceedings.
77	I consider that the accounts provided by Officer 1 and Officer 2 that their behaviour was professional and appropriate at all times and Mr Downes' account that the two officers were rude, inappropriate and unprofessional in their attitude and behaviour to be of equal evidential weight. As the lead investigator, it is not my role to make factual findings – this is for a panel to do.
78	Therefore on the basis of the evidence presented above, there is sufficient evidence upon which a reasonable tribunal, properly directed, may find misconduct in respect of Officer 2 for his alleged actions which included inappropriate and abusive language and behaviour, lack of empathy, towards the parents of Ellis Downes.
79	On the basis of the evidence presented above, it is my opinion that there is sufficient evidence upon which a reasonable tribunal, properly directed, may find misconduct in respect of Officer 1 for his alleged actions which included inappropriate and abusive language and behaviour, lack of empathy, towards the parents of Ellis Downes.
80	I consider from the account provided by Officer 3 that his behaviour was professional and appropriate at all times and Mr Downes' account that Officer 3 was rude and insensitive and unprofessional in his attitude and behaviour to be of equal evidential weight. As the lead investigator, it is not my role to make factual findings – this is for a panel to do. On the basis of the evidence presented above, it is my opinion that there is sufficient evidence upon which a reasonable tribunal, properly directed, could find misconduct in respect of Officer 3 being rude and insensitive, by using inappropriate language and behaviour, including behaviour which amounted to incivility and unprofessionalism.

Summary for publication

82 The following summaries are of the incident and our investigation. If the decision is made to publish the case on the IPCC website, this text will be used for that purpose.

Section of summary	Text
Summary of incident	On 7 May 2016, Thames Valley Police (TVP) and Oxfordshire Fire and Rescue Service (OFRS) were both notified that a 16 year old male Mr D, had entered the River Thames and whilst swimming back to the bank, he disappeared under the water and had not been seen since. Both TVP and OFRS attended the scene and commenced a search on the river using boats, poles and sonar, whilst Thames Valley Police (TVP) commenced a search of the river banks. The duty Police Search Advisor (PolSA), Environmental Agency personnel and Oxfordshire Search & Rescue, all attended the incident to provide assistance and / or advice in the search for Mr D. Mr D's body was finally recovered by a volunteer dive team on the evening of 9 May 2016, a short distance from where he was last seen alive in the river. Following the incident, Mr D's family and friends submitted complaints to TVP, about specific TVP officers attitude and behaviour towards Mr D's family alleging their language and behaviour was unprofessional and inappropriate during the incident and that TVP failed to deploy a dive team immediately to search for Mr D.
Summary of investigation	During the investigation, a number of witnesses were interviewed; the actions and decisions of the police officers and staff involved were reviewed against relevant legislation, force and national policies, procedures and guidelines. The officer's subject of the complaints were interviewed concerning their alleged behaviour and comments. After reviewing all the evidence available, legislation and policies, the investigator concluded that there was sufficient evidence upon which a reasonable tribunal

		could find misconduct proven on the part of three officers, in relation to their conduct towards Ellis parents.