



Metropolitan Police Service Territorial
Support Group:

A review of complaints data and IPCC
cases 2008-2012

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I: Introduction

Background

In recent years, concern has been expressed in the media, Parliament and elsewhere about the level of complaints made and substantiated against officers on the Metropolitan Police Service Territorial Support Group (TSG). This has included allegations that the TSG has a prevailing culture of aggressive and violent behaviour, particularly towards young black men, and concerns about the level of accountability of individual officers. Concerns have been heightened by a small number of high profile cases which have resulted in criminal prosecutions of TSG officers, including the trial and acquittal of PC Harwood following the death of Ian Tomlinson.

At the same time, TSG officers and their management have expressed concerns that the public has little understanding of the nature of their role, which frequently involves dealing with potentially confrontational situations such as policing protests and performing drug raids.

In the light of this, the IPCC, with the assistance of the Metropolitan Police Service (MPS), decided to undertake a review of complaints and conduct cases involving TSG officers over the period 2008-2012 to provide a detailed analysis of the complaints, to identify any underlying trends and make recommendations for any areas for improvement.

Aim of review

The overall aim of the review was:

To examine the data on complaints and serious cases to better inform understanding of the work of the TSG, to identify any issues and trends and from this make recommendations for future action.

Background to TSG

The TSG was created in January 1987 to replace the controversial Special Patrol Group, which had been formed in 1965 to “provide a centrally based mobile squad for combating serious crime and other policing issues that could not be dealt with by local police”.

Initially the TSG’s role focused on maintaining public order in London; however their role has changed over the years and according to the MPS the TSG now has three main tasks:

- to provide an immediate response to spontaneous disorder anywhere in London
- to provide an anti-terrorism and domestic extremism capability

- to assist borough and specialist units in reducing priority crime such as knife crime.

TSG officers spend approximately 85% of their working time supporting boroughs with local surveillance and providing a visible police presence on the streets. According to the MPS, as at May 2012 the TSG consists of 793 officers and 29 police staff allocated to five geographical bases in London. To put their work in context, according to MPS data, during the period April 2011 to March 2012 TSG officers carried out 37,355 stop and searches, 6,553 of which resulted in an outcome (arrest or cannabis warning). These TSG figures represent 7.4% of all MPS searches and 10.2% of all MPS stop and search outcomes. The TSG outcome rate (17.5%) is 4.8% higher than the MPS average (12.7%) during this period

Roles of IPCC and MPS Directorate of Professional Standards

IPCC

The IPCC is the independent body with statutory responsibility for maintaining public confidence in the police complaints system in England and Wales. It does this by setting standards for how complaints should be dealt with; providing a right of appeal to complainants and by investigating the most serious matters itself.

Parliament did not intend all complaints to be referred to or dealt with by the IPCC and the IPCC does not, and cannot, monitor all complaints. The complaints system relies on police at local level recording and dealing with complaints in the first instance, according to IPCC guidance, with the IPCC acting as an appellate body for some complainants who are dissatisfied with the outcome or process. Only serious matters, that meet set criteria, must be referred directly to the IPCC and may then be independently investigated - although some voluntary referrals have also been made in other high profile cases.

The IPCC will therefore only get sight of complaints against TSG officers if they reach the threshold for either appeal or referral. Most complaints do not meet these criteria, although this report sets out details of a small number of independent and managed investigations involving TSG officers. Thus to achieve the aim of this review, it was necessary to obtain complaints data and other information from the MPS, as described below.

MPS Directorate of Professional Standards

The DPS records all new complaints and does an initial assessment to decide where the complaints should go to be dealt with. Complaints which appear to be 'gross misconduct' (where behaviour if proved could amount to dismissal) are referred to DPS Borough Support Units or DPS Specialist Investigation teams, or referred to the IPCC. Other complaints are referred to the relevant Borough or Operational Command Unit to consider locally. However DPS maintains an oversight of all complaints referred for local action.

The DPS Prevention and Learning Command works within the MPS to put in place systems and processes which are designed to facilitate learning, prevent misconduct and discourage unprofessional behaviour.

Scope

MPS review of complaints data

The MPS analysed recorded complaints against TSG officers from August 2008 to end March 2012, and compared this with data on complaints against officers performing similar duties in borough units.

Analysis of complaints was limited by the datasets available. There were practical difficulties in making comparisons between the MPS TSG and units in other forces, so research was conducted in the MPS to identify a policing role similar to that of the TSG. The DPS Performance Analysis Unit identified 260 officers in Borough Support Units (BSUs) in various MPS boroughs, which employ Territorial Policing (TP) officers in similar policing roles to TSG officers. These officers' complaint profiles were compared both to other borough-based officers carrying out a range of duties, both front facing and office based, and to TSG officers.

IPCC thematic review of supervised cases:

In January 2010 the IPCC sought to obtain further evidence about complaints against TSG officers by lowering the threshold for referral. Until 28 March 2011 all excess force and assault allegations regarding TSG officers, regardless of level of injury, were referred voluntarily to the IPCC. During this period, 28 voluntary referrals were made and the IPCC decided to supervise investigations in 21 cases. This did not mean that the IPCC carried out these investigations, or determined the outcome, unless complainants then appealed. They were dealt with by the MPS, but the IPCC was able to monitor the way those complaints were handled and their outcome as part of this review.

IPCC independent and managed investigations

In the three year period between 01.04.2009 and 31.03 2012, the IPCC also conducted twelve independent investigations and three managed investigations involving TSG officers. Independent investigations are carried out by the IPCC itself. Managed investigations are carried out by the MPS, but under the direction of the IPCC. The IPCC examined the outcomes of the concluded cases as part of this review.

Issues/ data beyond the scope of this review

Consideration was given to examining data from civil claims against TSG officers. However the data available could not be meaningfully interrogated for a group of officers, such as the TSG. Civil claims can also be made up to six years after an incident and usually take lengthy periods to settle, during which time officers involved are likely to move several times to different postings. For these reasons it was not possible to provide a meaningful or complete dataset for this report.

II: Review of complaints data

To assist this report the MPS reviewed three data sets

- Complaints against TSG officers
- Complaints against MPS Borough Support Unit officers
- Total numbers of complaints from the public against officers employed in an MPS borough based policing role

Allegations against TSG officers compared to total allegations against MPS officers August 2008 to March 2012

Chart 1: This chart shows the actual complaint levels and the complaint ‘Trendlines’ against all MPS officers and TSG officers over the period August 2008 when the DPS work commenced with TSG, throughout the period of this study to March 2012. It should be noted that these data are for complaints that were recorded, not all of which would be upheld. Data on upheld complaints is not available.

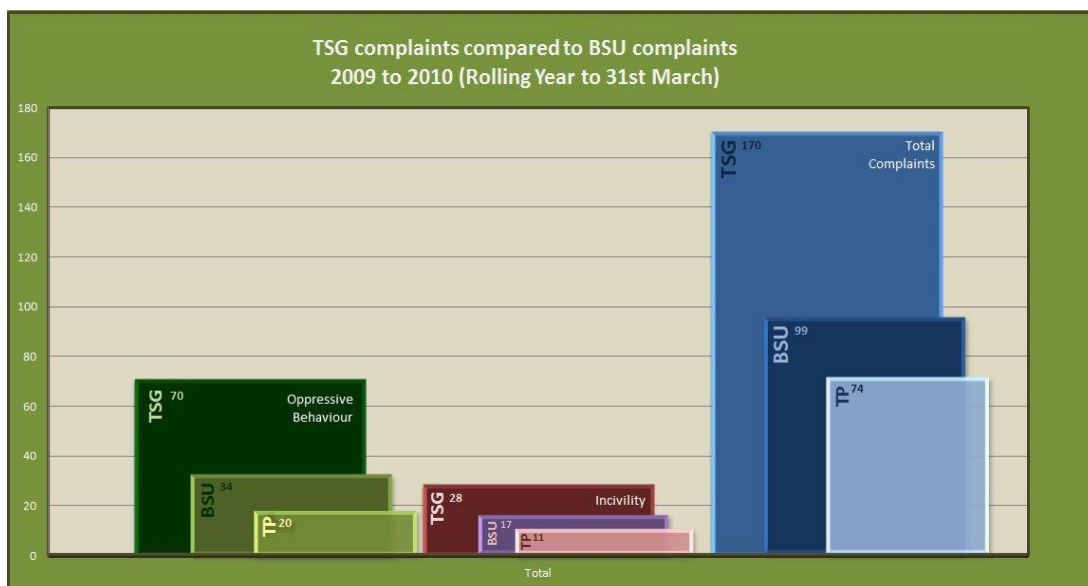
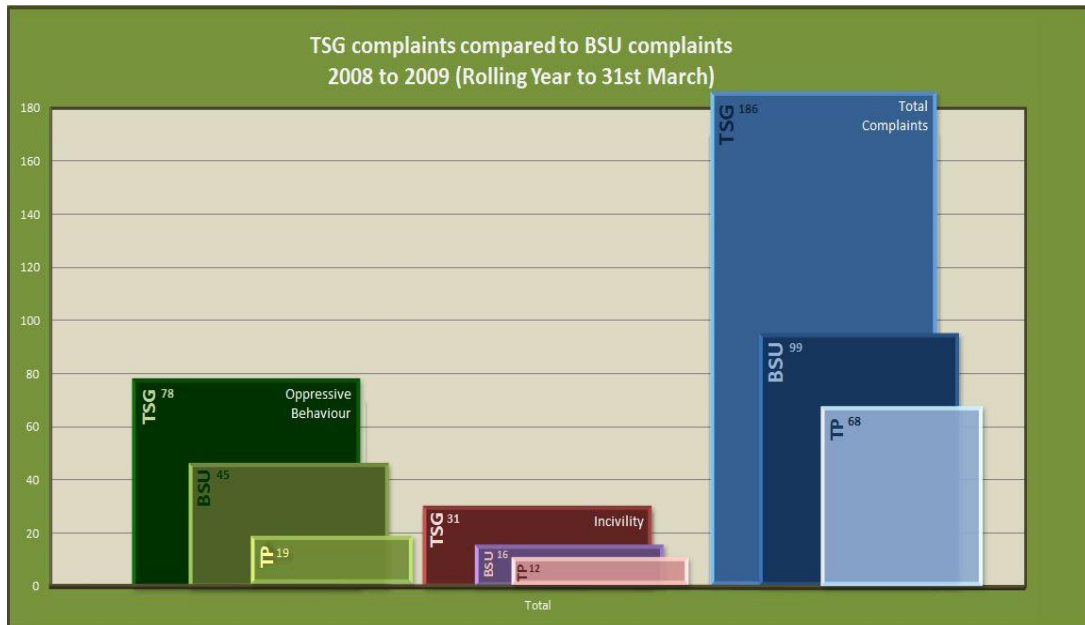


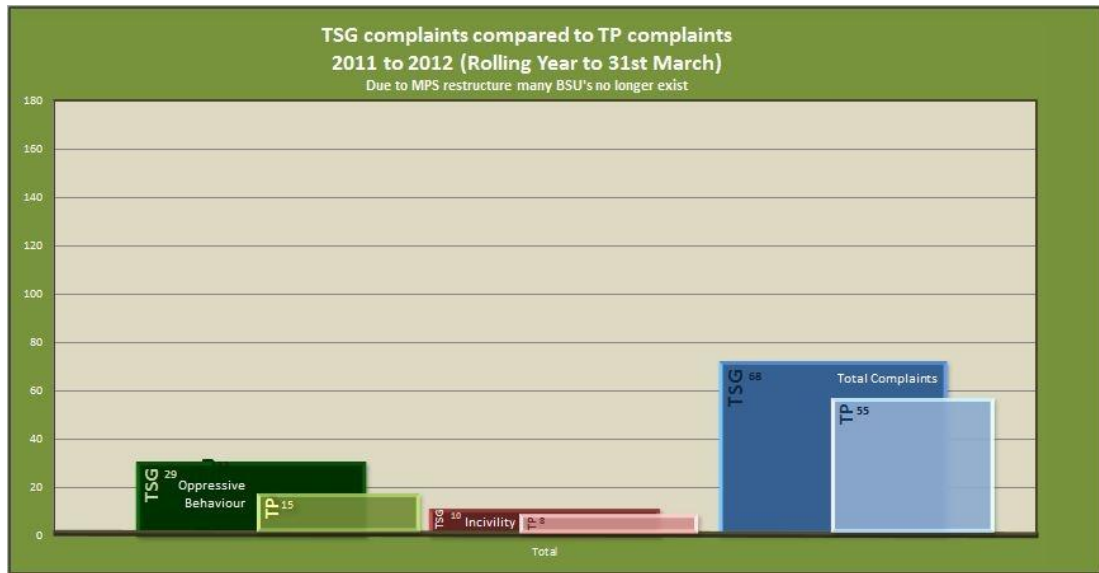
Source: MPS

N.b. SFM = “Support for Managers presentation” given by the PSSP (Professional Standards Support Programme) - part of the MPS Directorate of Professional Standards

Officer allegations per 100 officers for oppressive behaviour (which includes assaults), incivility (swearing, rudeness) and total complaints (all categories):
 The following 4 charts depict the levels of recorded complaints for oppressive behaviour against three groups of officers for comparison over a 4 year period (each year 1st April to 31st March):

- TP (Territorial Policing) officers employed on a range of Borough policing duties;
- TP officers employed on a Borough in a role similar to TSG officers;
- TSG officers.





Complaints from large public order events

Event	Officer Posting	Complaint Cases
G20	TSG	28
	TP	77
Event	Officer Posting	Complaint Cases
Student Demonstrations	TSG	11
	TP	260
Event	Officer Posting	Complaint Cases
TUC March	TSG	0
	TP	48

Source (all charts): MPS

Commentary

Territorial Policing officers (who are predominantly borough-based) typically attract a much higher percentage of 'failure in duty' complaints. Complaints are frequently about officers not delivering a full service to the public (not fully investigating, not updating crime victims, not taking statements etc). However, when these officers are employed in a role similar to TSG officers, i.e. tasked to robbery, stop and search, execution of crime warrants and stop and search patrols, the complaint pattern changes, becoming higher overall and most notably in the oppressive conduct (assault) category. It is apparent from this that certain roles attract a higher level and different kind of complaints.

TSG officers are required to work in demanding policing environments in high crime areas. However, it is apparent from the data that there have been more complaints against them than against their BSU colleagues carrying out a similar role. It is clear that the TSG has, at least historically, generated higher numbers of recorded complaints of excessive force and oppressive behaviour than TP officers.

In the last 36 months of the period, which coincides with the intervention programme described in section V, the overall number of recorded public complaints against TSG officers has reduced substantially, compared with overall MPS complaints figures, which have not fallen. In relation to public order, as the table above shows, it is noticeable that the number and proportion of complaints recorded against TSG officers at the G20 demonstrations in 2009 was higher than those recorded at the student and TUC demonstrations in 2010/11. Some TSG deployments had no recorded complaints, even though complaints were recorded against TP officers.

III: IPCC thematic supervision of TSG complaints

The MPS voluntarily referred 28 cases to the IPCC of complaints against TSG officers between January 2010 and March 2011. Of these, six were referred back to the MPS for local handling, one complaint was withdrawn and 21 cases were supervised by the IPCC. Most of these cases were below the usual threshold for referral, but this process allowed the IPCC to have a better understanding of the nature and outcome of these complaints.

The data was analysed by characteristics of complainant, and nature and outcome of the complaints. The evidence we were able to draw from this data was, however, limited by many complainants' lack of engagement after their complaints were recorded. It was striking that half of the complainants did not fully assist the investigation (e.g. through provision of a statement, medical or witness evidence) – even though the IPCC attempted to make contact with them to assist and encourage them to engage. Those investigations were therefore concluded on the limited evidence available, not surprisingly resulting in findings that the complaints were not upheld or misconduct substantiated. Lack of cooperation may be explained by the fact that the majority of complainants (see below) were young black men, who according to research are among the least likely to have confidence in the complaints system.

Characteristics of complainants

Of the 28 complaints over the period, 22 were from people of BME background. Looking at complainants by age, 19 were 30 or under, 5 of these being 20 or under. The remaining 8 were in the 31 to 50 age bracket. Although the sample size is limited, it is notable that young black males formed the largest category of complainant.

Nature of complaints

All of the complaints involved allegations of excessive force, which was a criterion for inclusion in the thematic review. Bearing in mind the specific role of the TSG, it was noticeable, however, that of the 28 complaints a significant proportion arose from unplanned street encounters, rather than planned operations:

- 20 arose from unplanned street encounters
- 4 from planned operations involving search warrants
- 4 from public order incidents.

Two key themes were identified from these cases:

Allegations of racially discriminatory behaviour

Of the 28 complaints, twelve included allegations of racial discrimination. In ten of these, there was a perception of racial discrimination on the part of the complainant, and in two there were complaints of overt racism: that specific language of a racial nature was used by officers.. This is an issue that is being looked into in more detail in the current IPCC thematic review of the MPS response to allegations of discrimination.

Stop & search

Of the 28 cases reviewed, 23 resulted from stop and search encounters, of which the vast majority (19) were either stops under the Police and Criminal Evidence Act or the Misuse of Drugs Act . Of these 23 cases, drugs (cannabis), weapons (knife and metal bar), and suspected stolen articles (cash & mobile phones) were found on 4 occasions, a seizure rate of about 17%.

While the sample size is too small for generalisation, an examination of the cases reveals that the reasons given by officers when conducting some stop and searches in the first instance were, at best, questionable. In some cases officers did not record in their pocket notebooks that PACE requirements had been complied with.

The stop and search complaints raised questions about the extent to which the TSG has embedded the IPCC's stop and search position (see Appendix) which highlights the importance of stop and search encounters being demonstrably fair, effective and able to carry public confidence. This document also recognises that the complaints system, which focuses on an officer's conduct, does not generally deliver outcomes

that satisfy either complainants or the police. The quality of the resolution as well as the willingness of the police to provide an explanation or apology as appropriate, and learn from complaints, are therefore crucial to public confidence.

Outcome of complaints

Complaints were upheld, or partially upheld, by the MPS in only three of the 21 supervised cases. It is important to note that the decision to uphold is that of the MPS. This would be reviewed by the IPCC only if the complainant decided to appeal, which as noted below happened in only seven cases.

One case was referred to CPS to consider whether there should be a criminal prosecution. The CPS determined that there were insufficient grounds to prosecute against any officers. No officers were subject to disciplinary proceedings, but three officers received management action. Eighteen officers received individual learning recommendations, in the areas of communication, recording, and the legislative basis for actions taken. They also included additional officer safety training and a reminder of the importance of tactical communications.

Organisational learning was identified in several cases, including:

- *Reporting in notebooks (EABs)*. In one case, three officers stated that GOWISELY¹ had been followed in full, yet they had failed to record the fact in their EABs. On this basis the CPS determined that PACE had not been complied with, the stop and search was unlawful and that no further action should be taken against the complainant. The officers were reminded via local training of their responsibilities and reporting standards when making records of stop and search. This matter was also addressed in a learning report to the DPS Prevention and Organisational Learning Command and coordinated with the officers' respective boroughs.
- *Rationale for use of force and understanding of relevant legislation*: In several cases the rationale for use of force and/ or use of stop and search powers was not apparent from the evidence – which raises the question of why the MPS did not consider it appropriate to uphold the complaint.

In comparison, the complaints data for the MPS as a whole data show that over the same 12 month period (April 2010 - March 2011), 51% of complaints were locally resolved, 1.5% (3 cases) were upheld, and the remainder were either unsubstantiated, withdrawn or otherwise discontinued.

The IPCC thematic review also provided an opportunity to consider the effectiveness of the complaints system. As noted above, after making the initial complaint, half the

¹ Grounds for the search, Object of the search, i.e. what is being looked for, Warrant card if in plain clothes, Identification (e.g. PC Smith), Station to which the officer is attached, Entitlement to a copy of the relevant forms, Legal power under which the stop & search is being conducted, You are detained

complainants did not fully assist the investigation, and in only seven of the supervised cases did complainants appeal to the IPCC against the process or outcome of the complaint. The IPCC upheld four of those seven appeals.

A review of the investigation reports of cases not appealed showed that the language and style of the reports was in many instances unsympathetic and unapologetic, and would have been more likely to alienate than to explain. This is likely to raise questions about the impartiality and effectiveness of the process and may well discourage people from pursuing their cases through appeal.

Clearly there is a need to better engage complainants and/or their representatives in the complaints process, although this is a much wider issue. There is also a need for the MPS to do much more work to embed the IPCC statutory guidance – to uphold complaints where the complainant has a legitimate grievance, whether or not misconduct can be evidentially substantiated.

IV: IPCC managed and independent investigations

Types of incident giving rise to referral, and outcomes of investigations

(a) *Public order*

Four independent investigations arose from policing of the G20 protest in April 2009. In the first case, relating to the death of Ian Tomlinson, a TSG officer was charged and acquitted following a 4 week trial for manslaughter. He has subsequently been dismissed without notice, following a misconduct hearing.

Three other complaints relating to G20 were investigated independently. In one of these the complainant declined to pursue the complaint. In another, the IPCC found a case to answer for excessive force, following which a TSG officer was charged with common assault and acquitted at Westminster Magistrates Court. The third case was not substantiated.

In relation to learning, the IPCC investigations did not seek to revisit ground already covered by previous reports into G20 by Her Majesty's Inspectorate of Constabulary, the Home Affairs Select Committee and the Joint Committee on Human Rights, all of which have commented on police tactics, including use of force, and made numerous recommendations. There were however two learning recommendations from one case:

- Officer identification. Although in this case we concluded that there was not a deliberate attempt to hide his identity, this was not the first time that officers on public order duties have worn equipment without identification numbers. The Commissioner's report said: "*Given the importance, both real and symbolic, of identification, and the strength of public feeling when officers in public order situations cannot be identified, this issue must be addressed so as to leave no room for doubt about the police's*

commitment.”

- Working hours. The officer had been on duty for 17 hours and, after 2 hours rest, another 16 hours; we concluded that such hours of work must have an effect on any officer's ability to perform his or her role, including their ability to withstand pressures from the public and protesters. The report recommended that the MPS review planned public order deployment shift patterns to ensure all officers achieve minimum 8 hour rest breaks in order to be in a fit state to perform their undoubtedly demanding duties.

(b) Investigations into incidents following stop and search

Three managed investigations were conducted into two incidents where allegations of use of excessive force were made by individuals following stop and search by TSG officers.

One case was discontinued before a report could be completed, because the complainant did not confirm that he wished the investigation to proceed after it had been suspended pending the conclusion of criminal proceedings against him.

In the remaining two linked cases, a complaint was upheld against a TSG officer for incivility, which was addressed by management action.

Five independent investigations were conducted into two incidents where allegations of use of excessive force were made by individuals following stop and search by TSG officers. In the first two cases, a complaint of unlawful restraint was upheld because the complainant had not been told the reasons for his arrest at the earliest opportunity. These cases were referred to the CPS for consideration, who determined that criminal proceedings should not be brought. There were no findings of misconduct.

In the remaining three cases, which arose from the second incident, one officer was convicted of common assault (see case study below) and immediately resigned. Two complaints (unlawful arrest and incivility) were upheld. One officer has been subject to management action and two officers were subject to a misconduct hearing, one of whom was dismissed.

Independent Investigation Case Study: Stop and Search

The IPCC carried out an independent investigation, following an incident in south east London in which a member of the TSG was prosecuted for an assault on a 16-year-old. The police constable, aged 29, was on duty on Bromley High Street on Saturday 27 February 2010 when he approached a young man to stop and search him.

On approaching the young man, the officer pushed him through a shop window. Fortunately, the young man received only minor injuries but as a result of the IPCC investigation, the officer was found guilty of common assault for pushing him

backwards. The judge commented that she preferred the evidence of the young man, that he had not resisted and that there was no reason for the use of force.

The officer resigned from the Met on the same day as the verdicts. He was sentenced to 150 hours unpaid work and to pay £500 compensation to the young man.

Independent Investigation Case Study: Vehicle stop

A man, his 14 year old passenger and a nine year old boy were returning home from a classic car event in northwest London on 1 March 2011 when their vehicle was stopped by a police van on the approach to the A40 Hanger Lane gyratory. The man, who admitted using his mobile phone while driving, and his passenger were then forcibly removed from their vehicle. The IPCC undertook an independent investigation following a complaint from the driver and his passenger that the three officers had used excessive force. Both complainants sustained cut lips and facial injuries.

An independent investigation was conducted into allegations that TSG officers used excessive force. Three officers were prosecuted for assault. Following a four day trial, two officers were acquitted. One officer, was found guilty of assault and given a 3 month prison sentence suspended for one year, which was later successfully appealed.

(c) Investigation into use of Taser

An independent investigation was conducted into use of a taser by a TSG officer, in circumstances where a distressed woman was threatening to harm herself with a knife. The investigation concluded that use of taser was reasonable in the circumstances and there was no case to answer for misconduct.

Commentary

The use of stop and search powers was an issue in over half of the cases, reflecting the findings in the thematic supervision of cases.

Twelve cases were referred to the CPS for consideration, and the CPS determined that criminal proceedings should be brought in seven of those cases. Two officers have been convicted of assault of young men (aged 16 and 14). Three officers have been acquitted of the same offence, and one officer has been acquitted of manslaughter, although subsequently dismissed from the force.

While the numbers are small, and the outcomes of prosecutions is of course a matter for the courts, the fact that officers can be charged and convicted of criminal

offences does provide evidence that police officers who abuse their power and positions will be held accountable for their actions and reinforces the fact that officers may only use force where it is proportionate and necessary.

V: Actions taken by MPS to improve TSG performance

As reported by the MPS, beginning in August 2008, the key elements of the programme of work are:

Changes to recruitment to the TSG

Changes have been made to ensure the appropriate calibre of officers is considered for selection, including a complaints history check being undertaken on any officer applying for a TSG post. Any conviction, or behaviour considered incompatible is considered by the OCU Commander. In its first 3 years, 49 officers were removed from the application stage as a result. There is also a practical assessment process for TSG supervisors, to test their leadership skills and their ability to challenge unacceptable behaviour.

DPS Professional Standards Support Programme

The MPS Directorate of Professional Standards introduced a rolling programme of work, focused on the TSG, to highlight the professional standards required of MPS officers, reduce public complaints and increase public confidence in policing. The programme is delivered by DPS Prevention and Reduction Team (PaRT) and is informed by public complaints data relevant to the officers involved.

Case study: Complaints Prevention

In August 2008 PaRT held workshops with 5 Unit TSG Sergeants as a pilot project. During the workshops officers discussed supervision and managing a team, and incivility (swearing, rudeness and sarcasm) towards the public, noting that at that time, a high proportion (25%) of TSG public complaints were from members of the public observing a TSG interaction rather than directly involved. It appeared that these workshops were well received and complaints data showed a subsequent downturn in complaints in these 5 areas against TSG officers. In February and March 2009 the same programme was delivered to all MPS TSG Sergeants and Inspectors. Emphasis was placed on TSG supervisors actively managing their officers' interactions with the public. Again there was a downward trend in complaints.

In November 2009 PaRT, with the TSG training Inspector, gave further deliveries to TSG Sergeants and Inspectors in response to feedback that supervisors lacked confidence, due to a lack of knowledge of the misconduct system. These deliveries advised managers how to take positive action to challenge misconduct and uphold the standards of professional behaviour.

These workshops on professional standards issues regarding incivility, public complaints, failures in duty and safer driving have been delivered to all TSG officers during 2009, 2010 and 2011. All officers newly recruited to TSG receive input about professional standards before joining/deployment.

Complaints Intervention Scheme

Any TSG officer who receives three complaints in a rolling 12 month period is subject to the Complaints Intervention Scheme. At this point the officer's line Inspector will review the complaints and consider management action options, in addition to any complaint procedure or investigation. If an officer receives four complaints, these are brought to the Chief Inspector with line management responsibility, who will review current management action and consider further options. If the officer receives five complaints they are scrutinised by the OCU Commander.

Management action involves an in-depth discussion of all the complaints, and may include directed work, such as community involvement. Consideration is also given to any further training the officer may need, additional supervision, appointing a mentor or any other measures to address an officer's under-performance or behaviour that does not meet the required standards. If appropriate, managers will consider the officer's removal from TSG work.

There is an action plan to capture management action decisions; should the officer continue to fail to meet the required standards the action plan can be used as evidence to serve stage one unsatisfactory performance papers on the officer. This process can ultimately end in dismissal.

Case study: complaints intervention scheme

As a further complaints prevention initiative TSG engaged with DPS in a mentoring scheme to support a change in behaviour in officers subject to the CIS. This began in October 2009, and 2 officers with a high number of complaints were placed on a 6 week attachment with DPS. The officers were given a comprehensive development plan by DPS supervisors with expectations of what would be achieved during the attachment. The TSG officers both reported a greater understanding of public complaints and a heightened awareness of their own conduct, which they said they would share with colleagues. They have since given presentations to TSG colleagues about their new insight into these matters. This mentoring program has continued.

TSG Professional Standards Champion

Since March 2009, an enhanced Professional Standards Team has been located at TSG Headquarters headed by a Professional Standards Champion at Chief Inspector rank. All complaints and conduct matters are assessed by this team who, in the case of complaints from the public, will make initial contact with the complainant with a view to early intervention and resolution where appropriate.

Where it is not possible to resolve the matter it will be investigated; the progress of this is monitored by the Professional Standards Team.

If deemed suitable to be dealt with locally, the Professional Standards Champion will appoint an Investigating Officer and on completion of the investigation will determine whether formal discipline proceedings are required (i.e. a Misconduct Meeting) or whether the matter can be dealt with informally without a meeting. Findings to date have resulted in a range of sanctions from informal management action to final written warnings.

In relation to its public order role, the TSG has designed an interactive presentation which aims to explain the planning and policing of public order events, and which is currently being delivered to community and advisory groups at borough and pan-London level to inform and clarify their understanding of the TSG role and the MPS approach to public order policing.

Better communication with the public and communities was identified as a priority. The TSG has now set up a community reference group; its first meeting was held in June.2012. The TSG has also increased its community engagement programmes. Each team is aligned to a London borough for community engagement work and is given time off to take part in community based initiatives. Since April 2009 TSG officers have been involved in over 70 community and school events, including a summer boxing scheme which teaches young people basic boxing skills while dealing with topical issues such as knife crime.

VI: Conclusions and recommendations

The TSG management team itself identified, in 2009, that public complaints against TSG officers were unacceptably high and therefore there needed to be improvement in professional standards performance at all levels.

The sustained decline in recorded complaints against TSG officers, particularly when compared with the rest of the MPS, appears to show that the programme of work to address professional standards performance is having an impact. Over the period of the review, complaints against TSG officers for oppressive behaviour reduced to a level only marginally above TP officers employed on BSUs, who do not carry out all of the roles TSG officers undertake.

Over recent years, there has been a considerable change in the way the TSG deals with and attempts to learn from complaints, and manages those officers subject to complaints. This has included professional standards training, and intrusive supervision, action plans and mentoring. It is vitally important that this is not seen as a crisis response, but, is embedded in “business as usual”.

Close monitoring by TSG senior management and the DPS of patterns of complaints, as well as the Complaints Intervention Scheme, are designed to address the widely aired public concerns expressed about the calibre and behaviour of TSG officers.

The TSG voluntary programme of community engagement, and the establishment of a community reference group is commendable. We believe this work could be further enhanced, as set out below.

While the comparative decline in complaints is also commendable, there are still instances of excessive force and abuse of authority, including unlawful arrests, and they will continue to have a detrimental impact on public confidence. A key theme emerging from the review of IPCC supervised, managed and independent TSG cases is the high proportion of complaints arising from unplanned stop and search encounters. In the cases that were supervised by the IPCC, there were also a number of allegations relating to racist behaviour by officers. This indicates that further work needs to be done to deal with these underlying issues so as to reduce complaints and improve public confidence in these areas.

While we cannot draw firm conclusions from the limited data available, we were concerned at the small number of upheld complaints, including in circumstances where, on IPCC review, the officers' actions were questionable even if they did not meet the threshold for misconduct. The TSG, with the assistance of the DPS, needs to look more closely at its complaints handling to see if it is properly upholding complaints where a member of the public has a legitimate grievance.

In addition to the ongoing work referred to in this report, we recommend that:

- Both TSG and DPS should do more to embed the IPCC's position on stop and search – and indeed the MPS's own Standard Operating Procedure for stop and search - in the TSG. The TSG's new Community Reference Group should be used to assist this process, to ensure that officers understand the importance of the encounter being demonstrably fair, effective and carrying public confidence.
- Where complaints are made, DPS and the TSG Professional Standards Champion should examine the processes currently being applied, including:
 - If the allegation is based on a perception of unfairness, whether reasonable efforts are being made to recognise the complainant's point of view, understand the outcome sought and to resolve the complaint at an early stage;
 - If an allegation is investigated, ensure that the process recognises complainants' legitimate grievances, in particular in unplanned street encounters that do not result in arrest or which appear to escalate as a direct result of police intervention;
 - Ensure that outcome letters fairly reflect the complainant's point of view and use language that is easily understood by complainants.

Appendix 1



IPCC position regarding police powers to stop and search

1. Introduction

1.1. Police powers to stop and search individuals can have a significant impact – positive, where it is effective and negative where it is not – on public confidence in policing. Given the importance of this area, the Independent Police Complaints Commission (IPCC) has developed a policy position on the police use of stop and search powers, based on its experience from cases and guardianship work to date.

1.2. Our experience has identified the following key findings:

- People who are unhappy with stop and search encounters, in particular young people and those from black and minority ethnic backgrounds, have the least confidence both in the police and the police complaints system.² Their experience is therefore likely to feed back into negative perceptions of policing.
- Where complaints are made, they are usually handled at a local level and unsubstantiated due to conflicting evidence given by the complainant and the officer, which is likely to lead to greater individual dissatisfaction both with the police and the complaints system.
- There is little evidence to support the effectiveness of prevention, detection or deterrence of stop and search powers, which play into the community perceptions that stop and search is not effective.
- Both the public and the police are often unsure of the powers associated with the different specific stop and search legislation. **Annex A** provides an overview of a

² The Public Confidence and Perceptions Report published by the Home Office shows that prior to contact with the police Asian, Black and Mixed Race respondents tend to have more confidence in the police than White respondents. However, Black, Asian and Mixed Race respondents' confidence in police fell well below that of White respondents after any form of contact with police.

few of the more common stop and search powers. The confusion can result in an uninformed or even worse, unlawful use of the powers. In some uses of stop and search the police are not obliged to provide individuals with an explanation for why they are being stopped (section 60 of the Criminal Justice and Public Order Act) nor do they need to have reasonable grounds to carry out a stop. However, not all legislative tools used to employ stop and search provide such a wide remit and require the police to have reasonable grounds to carry out a stop and search (section 23 Misuse of Drugs Act).

2. The IPCC position

- 2.1. The IPCC recognises that police powers to stop and search individuals exist and that the police will use them. The IPCC also believes that the use of stop and search powers are highly intrusive and where they are not seen to be fair, effective or carry public confidence may seriously risk undermining individual and community confidence in policing.
- 2.2. The IPCC therefore believes that it is not enough for the exercise of stop and search powers to simply be within the law. Where stop and search powers are used by the police, they should be used in a way that demonstrably meets the following objectives:
 - fairness
 - effectiveness
 - carries public confidence

3. Principles

- 3.1. The IPCC believes that exercising stop and search powers in line with the principles outlined below will best promote the above objectives.
- 3.2. 1. Fairness: the encounter
 - 3.2.1 **Each officer who exercises the power of stop and search – whether or not the law requires the stop to be on reasonable grounds – must be able to answer the question: “Why did you stop me?” It is not enough to say “Because I can”, or “I don’t have to give a reason”.** The officer should be able to respond by explaining the reasons – for example, the intelligence available or problem profile the officer was provided with. Providing an informed explanation is a basic but critical step in helping to improve the quality of the encounter and ensure that it does not lead to reduced confidence or a feeling of unfairness.

3.3. 2. Effectiveness: purposes of the use of stop and search powers

3.3.1 The IPCC believes that the primary purpose of the use of stop and search powers should be for the detection and prevention of crime. We recognise that some forces use the powers for the purposes of disruption and deterrence. **Regardless of the purpose for which stop and search powers are used, the police should be able to demonstrate effectiveness of the powers through regular monitoring,** taking into account the volume of complaints, the number of fixed penalties, cautions, arrests and charges arising from stops, the impact on crime profiles and the level and quality of local intelligence-gathering.

3.4. 3. Fairness and effectiveness

3.4.1 Local police commanders need to ensure that the most appropriate powers are used to achieve the policing objectives. They must also ensure that their officers can differentiate between, and have a good understanding of, the different powers available to them. The use of “blanket” powers – such as those in section 60 of the Criminal Justice and Public Order Act – need to be supported by a focused and specific intelligence package, rather than merely referring to ethnic origin or the reputation of an area.

3.5. 4. Public confidence: engaging with communities

3.5.1 The IPCC believes that communities are more likely to have greater confidence in stop and search powers if they are used properly and are demonstrably effective. Local police commanders therefore need to engage with communities to inform people about the use of the powers within their local policing area, and demonstrate the effectiveness as described in point two above. Communities should also be afforded the opportunity to feedback to police their experience of stop and search and to discuss their concerns about crime in their area.

3.5.2 Communities should be aware of the reasons behind any “blanket” powers, such as those in section 60 or section 44 of the Terrorism Act, as described in point three above. Police commanders need to clearly show the purpose of a specific stop and search operation to both the officers and the communities they serve. For example, in the Police and Criminal Evidence Act Codes of Practice the primary purpose of the stop and search power is: ‘to enable officers to allay or confirm suspicions about individuals without exercising their power to arrest’. But we know that the powers are also used to deter and disrupt – the police should therefore be open with the local community about their intentions.

3.5.3 Local police commanders should also use their community engagement opportunities to inform community members about the roles and responsibilities of

both the police officer who carries out the stop and search and the individual who is stopped. Clarity about what is expected of both parties means that misunderstandings are less likely to occur.

3.6. 5. Public confidence: handling of complaints

3.6.1 The IPCC recognises that the current complaints system, which focuses on an officer's conduct, does not generally deliver outcomes that satisfy either complainants or the police. Stop and search encounters that meet the principles set out above, and which help to avoid complaints, are more likely to deliver public confidence. Police Authorities should monitor their force's use of the powers and play a proactive role to ensure public confidence is not damaged as a result of that use.

3.6.2 When a complaint is made a significant proportion of complaints about stop and search can be dealt with using Local Resolution. The quality of the resolution as well as the willingness of the police to provide an explanation or apology, as appropriate, and learn from complaints are therefore crucial to public confidence. Where the complaint results in an investigation, this should examine the relevant intelligence and authorisations, as well as the individual officer's knowledge of the powers and process, rather than focusing narrowly on the alleged misconduct.

IPCC

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