



House of Commons  
Home Affairs Committee

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# **Independent Police Complaints Commission**

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**Eleventh Report of Session 2012–13**





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**Eleventh Report of Session 2012–13**

*Report, together with formal minutes, oral and written evidence*

*Additional written evidence is contained in Volume II, available on the Committee website at [www.parliament.uk/homeaffairscom](http://www.parliament.uk/homeaffairscom)*

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## Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

### Current membership

Rt Hon Keith Vaz MP (*Labour, Leicester East*) (Chair)  
Nicola Blackwood MP (*Conservative, Oxford West and Abingdon*)  
James Clappison MP (*Conservative, Hertsmere*)  
Michael Ellis MP (*Conservative, Northampton North*)  
Lorraine Fullbrook MP (*Conservative, South Ribble*)  
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Mark Reckless MP (*Conservative, Rochester and Strood*)  
Karl Turner MP (*Labour, Kingston upon Hull East*)  
Mr David Winnick MP (*Labour, Walsall North*)

The following Member was also a member of the Committee during the Parliament.

Rt Hon Alun Michael MP (*Labour & Co-operative, Cardiff South and Penarth*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/homeaffairscom](http://www.parliament.uk/homeaffairscom).

### Committee staff

The current staff of the Committee are Tom Healey (Clerk), Richard Benwell (Second Clerk), Ruth Davis (Committee Specialist), Eleanor Scarnell (Committee Specialist), Andy Boyd (Senior Committee Assistant), Michelle Garratty (Committee Assistant), Iwona Hankin (Committee Support Officer) and Alex Paterson (Select Committee Media Officer).

### Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 3276; the Committee's email address is [homeaffcom@parliament.uk](mailto:homeaffcom@parliament.uk).

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## Key facts

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- In March 2012 there were 134,101 police officers in England and Wales. A total of 31,771 officers were subject to a complaint during 2011–12.
- During 2011–12, when appeals were made against the way police forces handled a complaint, the IPCC found that the police had been wrong in 31% of all cases. It decided against the police in almost two thirds of appeals where police had decided not to record someone's complaint.
- In 2011–12, the following fatalities occurred involving the police: 18 road traffic fatalities; 2 fatal police shootings; 15 deaths in custody; 47 other deaths following police contact; and 39 apparent suicides following police custody.
- In 2011, 38% of all those who died in police custody were from black or minority ethnic communities.
- Almost half of those who died in, or shortly after leaving police custody in 2011–12 were identified as having mental health problems.
- Since 1990, inquests into deaths in police custody have resulted in 9 unlawful killing verdicts, none of which has yet resulted in a conviction.
- From 2008–2011, 8,542 there were allegations of corruption. 837 were referred to the Commission, which independently investigated 21 cases. 18 officers were prosecuted following IPCC investigation and 13 found guilty.
- Every year, around 200 police officers facing disciplinary panels retire or resign in order to avoid misconduct proceedings.
- The IPCC has a smaller budget than the Professional Standards Department of the Metropolitan Police alone.
- Over the past two years, 63 Commission employees have been made redundant (approximately 15% of the workforce in 2009–10) because of spending cuts.
- About 11% of staff and 33% of investigators are former police officers.

# 1 Introduction

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1. When the public go to the police, they expect each case to be handled quickly, honestly and professionally to get to the bottom of the matter and ensure that justice is done. But when the complaint is about the police, people need to be even more sure that the truth will be told and any wrongs put right.

2. In many cases, people are right to look to Chief Constables and forces' own Professional Standards Departments for a settlement—for example, often a simple apology is all that is needed to set right police misconduct, without tedious and costly bureaucratic procedures. In future, people will also look to Police and Crime Commissioners, especially where a complaint involves a Chief Constable. It will be up to PCCs to ensure that there is exacting public oversight of the way forces operate.

3. However, in the most serious cases—those involving deaths in custody or police corruption for example—it is vital to have a body that is truly independent and competent to get to the truth of the matter and ensure that misconduct and criminality in the police force cannot go unpunished. After all, this is why the IPCC was established.

**4. Police officers are warranted with powers that can strip people of their liberty, their money and even their lives and it is vital that the public have confidence that those powers are not abused. In this report, we conclude that the Independent Police Complaints Commission is not yet capable of delivering the kind of powerful, objective scrutiny that is needed to inspire that confidence.**

**5. Compared with the might of the 43 police forces in England and Wales, the IPCC is woefully underequipped and hamstrung in achieving its original objectives. It has neither the powers nor the resources that it needs to get to the truth when the integrity of the police is in doubt. Smaller even than the Professional Standards Department of the Metropolitan Police, the Commission is not even first among equals, yet it is meant to be the backstop of the system. It lacks the investigative resources necessary to get to the truth; police forces are too often left to investigate themselves; and the voice of the IPCC does not have binding authority. The Commission must bring the police complaints system up to scratch and the Government must give it the powers that it needs to do so.**

6. In this inquiry, we have heard evidence from those involved in police complaints, from the IPCC and from the police themselves. It is the first of a pair of inquiries into police integrity and will be followed by our report on leadership and standards in the police later in the spring.



## 2 The purpose of the IPCC

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7. The police continue to inspire confidence and pride, from their contribution to the Olympic Games to the everyday assurance of seeing officers on the beat. Yet public faith in the police has been tested in recent years: the deaths of Jean Charles de Menezes and Ian Tomlinson, the report of the Hillsborough Independent Panel and the circumstances following officers' altercation with Rt Hon Andrew Mitchell MP are perhaps the most high-profile examples. Behind these highly publicised cases lie thousands more in which members of the public complain about the conduct of police officers for many reasons: oppressive behaviour, assault, malpractice, discrimination, neglect of duty, unfairness, and simple rudeness amongst others.

8. The main purpose of the Independent Police Complaints Commission (IPCC) is to increase public confidence in policing by ensuring that justice is done where the police are accused of this kind of wrongdoing. It does this by:

- i. its oversight of the functioning of the police complaints system;
- ii. considering appeals where people believe that a police investigation has got it wrong; and
- iii. conducting its own investigations into the most serious matters, referred to it by the police or under its own initiative.

9. Our witnesses were sceptical of its record.<sup>1</sup> The Newham Monitoring Project described the Commission oversight as “a system that falls woefully short in its ability to be independent, accessible or effective”;<sup>2</sup> The Police Action Lawyers Group reported that its clients' experiences with the Commission were “rarely positive, often frustrating and sometimes utterly demoralising”;<sup>3</sup> and Doreen Lawrence told the Committee that she had “no confidence in [the Commission] whatsoever”.<sup>4</sup>

10. We heard significant concerns that the processes and procedures maintained by the Commission were not robust enough. As the Police Action Lawyers Group put it, “our clients can expect islands of good practice scattered amongst a sea of ineffective conduct in respect of the IPCC's investigatory, supervisory and appellate functions”.<sup>5</sup> Our inquiry raised the following issues:

- a) failure to locate evidence and propensity to uncritically accept police explanations for missing evidence (including forensic, CCTV and other evidence from the scene);<sup>6</sup>

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<sup>1</sup> Ev w21 [StopWatch], para 10

<sup>2</sup> Ev w15 [Newham Monitoring Project], para 4

<sup>3</sup> Ev 101 [Police Action Lawyers Group], para 2

<sup>4</sup> Q 34 [Doreen Lawrence]

<sup>5</sup> Ev 101 [Police Action Lawyers Group], para 3; Ev 111 [Inquest], para 18

<sup>6</sup> Ev w10 [CAMPAIGN4JUSTICE]; Ev 112 [Inquest], para 29

- b) lack of “investigatory rigour” and “thorough investigation”;<sup>7</sup>
- c) slowness in responding to complaints and conducting investigations;<sup>8</sup>
- d) reliance on scene of crime officers from the force under investigation;<sup>9</sup>
- e) lack of skills and experience of qualified lawyers and prosecutors;<sup>10</sup>
- f) failure to critically analyse competing accounts, even with inconsistencies between officers’ accounts or an compelling account from a complainant;<sup>11</sup>
- g) the Department of Professional Standards in the force being investigated was allowed to summarise the complaint (without consulting the complainant) and then proceed directly to investigating it on these terms;<sup>12</sup> and
- h) the requirement for a complainant to attend the police station where the offence may have taken place, after a traumatic experience in custody.<sup>13</sup>

11. Inquest noted “dismay and disillusionment” at “the consistently poor quality of decision-making at all levels of the IPCC” and unsuccessful attempts to raise concerns through the IPCC Advisory Board, where “follow-up on agreed action points has been pitifully poor”.<sup>14</sup>

12. In an inquiry of this nature, we recognise that we were unlikely to hear many “good news” stories, where complainants were satisfied with the outcome of their contact with the IPCC. It is important to bear in mind that the fact that a complainant was not satisfied with the outcome does not in itself demonstrate that the outcome was wrong.

### The basis of mistrust

13. At the core of public mistrust lies the suspicion that police are getting away with misconduct and criminality. We found three main causes for this mistrust:

- 1. complaints are often investigated by the force about which a complaint or referral has been made;
- 2. the IPCC continues to employ a significant number of former police officers, some who held senior posts in the force, who may naturally favour their former colleagues; and

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<sup>7</sup> Ev w10 [CAMPAIGN4JUSTICE]; Ev 113 [Inquest], para 31; Ev w16 [Newham Monitoring Project], section 5

<sup>8</sup> Ev 112 [Inquest], para 29

<sup>9</sup> Ev 112 [Inquest], para 29

<sup>10</sup> Ev w51 [Anton Venter]

<sup>11</sup> Ev 105 [Police Action Lawyers Group], para 39; Charles Kirk believed the Commission would “rubber stamp” the Police’s version of events “without cursory inquiry or scepticism”, Ev w24 [Charles C Kirk], para 11; Ev w13 [Netpol], para 8

<sup>12</sup> Ev w16 [Newham Monitoring Project], section 5

<sup>13</sup> Ev 95 [BMH UK], para 24

<sup>14</sup> <http://www.guardian.co.uk/politics/2008/feb/25/police.law1> ; Ev 111 [Inquest], para 19

3. the police often do not interview officers after cases involving death and serious injury, although they would routinely do so for ordinary members of the public.

We will return to each of these points in the body of this report, but for now we note that Commissioners themselves ought to be the pillars of trust in the IPCC. The twelve Commissioners who served during 2011–12 are set out in Annex I, along with the five new commissioners who were recently recruited. Most Commissioners received a salary of £75,000–£80,000 and the Chief Executive received a salary of £130,000–£135,000.<sup>15</sup>

14. Nick Hardwick, former Chair of the IPCC, expressed his regret that Commissioners had been given a managerial role and separated from the investigatory process. No one who has served as a police officer can become a commissioner and so oversight by a Commissioner would be a significant guarantee of independence.<sup>16</sup> The Police Action Lawyers Groups agreed that Commissioners should have more direction and control over investigations instead of leaving critical decision making in the hands of investigators who are often *ex-police* officers. It proposed that improved accountability for those Commissioners could be secured through Commissioners being answerable to external reference groups.<sup>17</sup>

**15. The public do not fully trust the IPCC and without faith in the Commission, the damaged public opinion of the police cannot be restored. Unfortunately, too often the work of the Commission seems to exacerbate public mistrust, rather than mend it.**

**16. The independence and oversight offered by Commissioners is at the heart of the role of the IPCC. It is wrong that their day-to-day work is frequently far removed from the cases being investigated. Commissioners should be given a more active role in overseeing major cases and take personal responsibility for ensuring that a clear process and timetable is laid out for anyone involved in a complaint or an appeal.**

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<sup>15</sup> IPCC, *Annual report and statement of accounts 2011/12*, HC 292, July 2012

The terms of six operational Commissioners are coming to an end in 2012. The Commission has recently recruited five new Commissioners to replace those departing. In addition, the Home Office is undertaking a recruitment campaign to appoint both a new Commissioner for Wales and another Commissioner to reflect the increased workload of the Hillsborough investigation.

<sup>16</sup> Q 268

<sup>17</sup> Ev 109 [Police Action Lawyers Group]

### 3 Police complaints procedures

17. In 2011–12, 31,771 police officers were subject to a complaint, out of a total of 134,101 officers in England and Wales. The table below shows the ranks of these officers:

Police Officer Ranks	Number
Senior Officer Ranks (all ranks above Chief Superintendent)	31
Chief Superintendent	41
Superintendent	75
Chief Inspector	152
Inspector	1,024
Sergeant	3,965
Constable	21,567
Other police officer ranks	3,291
Rank unknown	1,625
<b>Total</b>	<b>31,771<sup>18</sup></b>

Source: IPCC, *Police complaints: statistics for England and Wales 2011/12*

18. The Commission only investigates a small proportion of ordinary police complaints (usually when a decision made by a police force is appealed) and deals with automatic referrals of the most serious cases. The vast majority of complaints are investigated by the police force involved or by a neighbouring force: in 2011–12 the Commission completed 130 independent investigations.<sup>19</sup>

19. Of course, the IPCC could not be called upon to investigate all police complaints. However, many of our witnesses believed that the Commission ought to take on a greater proportion of the more serious cases. One witness said that her complaint had been “recycled by the IPCC back to the original people who abused the system in the first place”.<sup>20</sup> Frustration that the police were left to investigate themselves even in relatively serious cases was widespread.

<sup>18</sup> Ev 99 [IPCC]

<sup>19</sup> Ev 73 [Home Office], para 19; IPCC, *Police complaints: statistics for England and Wales 2011/12*

<sup>20</sup> Ev w38 [Donna M Gardner], para 3; Ev w13 [Netpol], para 4

### *Modes of investigation*

When the Commission receives a complaint or a referral, it decides how it should be dealt with. This is referred to as a “mode of investigation” decision.

- a) **Local Resolution**, carried out entirely by the police with the complainant’s consent. There is a right of appeal to the Commission.
- b) **Supervised investigations**, where the IPCC sets out terms of reference for the police. There is a right of appeal to the Commission.
- c) **Managed investigations**, carried out by police forces under the direction and control of the Commission.
- d) **Independent investigations**, carried out by the Commission’s own investigators and overseen by a Commissioner.

### **The IPCC’s ability to get to the truth**

20. It is crucial that the IPCC is able to get to the truth in serious cases involving police corruption or deaths in custody. Many witnesses were concerned that the IPCC’s involvement in death and serious injury cases involving police officers was far too remote. Serious questions were raised about the capacity of the Commission to conduct a proper investigation into the circumstances surrounding the cases referred to it. Without a proper investigation, those involved cannot be confident that the truth has been told.

21. A major obstacle was the IPCC’s access to specialists who could analyse a possible crime scene. Inquest suggested that the Commission should have a panel of independent experts, rather than rely on police investigators and that investigators should be cautious about including untested police versions of events in their instructions and take note of new developments.<sup>21</sup> The Police Action Lawyers Group and Inquest believed that there should be an IPCC team to attend scenes of death very quickly following police contact in order to take control of the scene and begin the process of gathering evidence.<sup>22</sup> Securing evidence quickly and independently is vital in these cases to provide the public with assurance that justice is done.

22. The impact of the IPCC’s lack of investigative resources is illustrated in some of the stories we heard from families like the Riggs. Marcia Rigg told us that her family had “basically been conducting the investigation ourselves because we have absolutely had no faith in the IPCC’s investigation at all from the very outset” and suggested that “the evidence quite clearly showed quite the opposite of what the IPCC’s conclusion was in their report”.<sup>23</sup> Deborah Coles, Director of Inquest, believed that this demonstrated the

<sup>21</sup> Ev 113 [Inquest], paras 38–39

<sup>22</sup> Ev 109 [Police Action Lawyers Group], para 3

<sup>23</sup> Q 95

Commission’s lack of capacity, skills and expertise to run an effective investigation.<sup>24</sup> The IPCC’s announcement of a review of its own investigation in this case is a welcome sign that the Commission is aware of the magnitude of the effects of this kind of investigation for the families of those involved and for improving police practices where fault is found.

**23. More cases should be investigated independently by the Commission, instead of referred back to the original force on a complaints roundabout. “Supervised investigations” do not offer rigorous oversight of a police investigation, nor do they necessarily give the public a convincing assurance that the investigation will be conducted objectively. This kind of “oversight-lite” is no better than a placebo.**

**24. The IPCC owes it to the families of those who die in cases involving the police to get to the truth of the matter—a botched job is an offence to all concerned. When the IPCC does investigate it often comes too late and takes too long. The trail is left to go cold. IPCC investigators should be able to take immediate control of a potential crime scene during the crucial “golden hours” and early days of an investigation into deaths and serious injury involving police officers.**

### Police complaints statistics

25. The following table shows the number of complaints received by each force, along with the percentage change from 2010–11 to 2011–12. A positive value in the fourth column shows that the number of complaints has risen, while a negative value indicates a fall in the number of complaints. Hampshire experienced the highest percentage increase in the number of complaints—26%—while the number of complaints fell in Warwickshire by 37%.

Police force	Complaints in 2010–11	Complaints in 2011–12	% change
Hampshire	648	819	26
Durham	199	243	22
Derbyshire	506	581	15
Lincolnshire	430	490	14
Gloucestershire	314	353	12
Northumbria	608	680	12
Wiltshire	408	421	3
Cleveland	436	443	2
Devon and Cornwall	1,028	1,048	2
British Transport Police	418	419	0
Dyfed-Powys	287	287	0

<sup>24</sup> Q 101

Lancashire	807	795	-1
Merseyside	761	753	-1
Avon and Somerset	924	905	-2
Leicestershire	471	451	-4
Surrey	672	648	-4
Essex	880	838	-5
Kent	778	742	-5
Nottinghamshire	476	452	-5
South Wales	675	640	-5
Sussex	745	706	-5
North Yorkshire	525	496	-6
Norfolk	550	498	-9
Thames Valley	1,147	1,045	-9
City of London	120	108	-10
Dorset	410	363	-11
Cheshire	476	421	-12
Greater Manchester	1,155	1,021	-12
Metropolitan	7,493	6,610	-12
West Yorkshire	940	819	-13
Gwent	387	330	-15
Humberside	526	449	-15
Staffordshire	437	368	-16
West Midlands	1,871	1,536	-18
Hertfordshire	414	326	-21
South Yorkshire	528	419	-21
Cambridgeshire	455	354	-22
North Wales	382	298	-22
Suffolk	336	261	-22
Cumbria	293	216	-26
Northamptonshire	535	376	-30
West Mercia	987	693	-30

Bedfordshire	355	229	-35
Warwickshire	306	193	-37
<b>Total</b>	<b>33,099</b>	<b>30,143</b>	<b>-9</b>

Source: IPCC, *Police complaints: statistics for England and Wales 2011/12*

## The IPCC can't afford to do more

26. In order to take on investigation of the most serious cases, it is necessary for the Commission to have the manpower and finance, but we found that the Commission is currently under-resourced. This was both because of a lack of funding and the severe drain on resources caused by the volume of appeals into decisions made by police forces themselves.

27. Like all public bodies, it is expected that the IPCC should play its part in efforts to reduce public spending, but under current plans the Commission would not have sufficient resources to deal with an increased number of independent investigations.<sup>25</sup> The Commission's activities are primarily funded through Grant-in-Aid from the Home Office. This funding falls from £35.365 million in 2010–11 to £30.741 million in 2014–15, a cut in cash terms of 13%. The Commission calculated that this equated to a real-terms budget reduction in excess of 21% over the Comprehensive Spending Review period.

28. Dame Anne Owers, Chair of the IPCC, and Jane Furniss, its Chief Executive, both denied that resource constraints were currently preventing the Commission from undertaking an independent investigation in cases where it was really necessary. However, they believed that the possibility was not far away, which Dame Anne thought could become a particular concern in cases of alleged corruption or racism.<sup>26</sup> Others believed that funding limitations were already affecting mode of investigation decisions, pointing to inconsistencies in the decision making of the Commission about which cases were suitable to be independently investigated. It appeared to the Police Superintendents' Association that these decisions were often made on the basis of available resources rather than the details of the case.<sup>27</sup>

29. The IPCC provided us with an estimated cost for an independent investigation based on an average investigation. Some independent investigations may cost as little as £45,000 while more complex investigations can reach up to £300,000. The figures provided for managed and supervised investigations relate only to the IPCC cost and do not take account of the majority of costs which fall to the appropriate authority, usually the relevant police force.

<sup>25</sup> Ev 76 [PSAEW], para 3.1; Ev 82 [IPCC], para 21

<sup>26</sup> IPCC, *Annual report and statement of accounts 2011/12*, HC 292, July 2012

<sup>27</sup> Ev 78 [PSAEW], para 9.2



Mode of investigation	Illustrative cost (incurred by the IPCC)
Independent	£120,000
Managed	£14,000
Supervised	£3,000

30. The Commission told us that a backlog of appeals had begun to build since the need to make financial savings had obliged it to reduce its complement of temporary staff.<sup>28</sup> It concluded that “the Commission does not currently have sufficient resources to enable it to meet its statutory responsibility or the public’s growing expectations of its role”.<sup>29</sup> As the Association of Chief Police Officers noted, “any real or perceived delay in holding individuals or the Service to account can undermine confidence in the IPCC, and by association, the Service”, so any delay in responding to cases is damaging to the Commission’s main objective.<sup>30</sup> We note the statement on the IPCC website that it currently takes up to 26 weeks for an appeal to be completed and that the commission is currently processing appeals received before 30 July 2012.

31. Individual forces have significant resources invested in their Professional Standards Departments—the IPCC has a smaller budget than the Professional Standards Department of the Metropolitan Police alone.<sup>31</sup> Rather than rely on forces to conduct their own investigations, or borrow teams of crime scene investigators, in the most serious cases some of those funds could be redirected to fund independent work by the IPCC.

**32. It is deeply worrying that the Commission now feels that its level of resourcing has dropped below a level at which it can properly discharge its statutory functions and meet public expectations, to the extent that a backlog of appeals is now building up. We recognise that it will not be easy to find significant additional resources. We recommend that the Home Office work with the Commission to identify innovative ways in which the backlog might be cleared, for example by using temporary secondments of staff from other public authorities with relevant expertise, such as the Parliamentary Commissioner for Administration or HM Inspectorate of Constabulary. More robust procedures should be put in place at the permission stage of appeals in order to filter out more minor cases in order to allow the IPCC to focus on the most serious.**

**33. Important cases are under-investigated because of a lack of access to independent specialists. The Home Office should provide the IPCC with a specific budget for a serious cases response team. The resources within individual forces for investigating complaints dwarf the resources of the Commission. It is notable that the IPCC is**

<sup>28</sup> Ev 82 [IPCC], para 20

<sup>29</sup> Ev 82 [IPCC], para 21

<sup>30</sup> Ev 120 [ACPO], para 21

<sup>31</sup> Q 87 [Dame Owers]

**smaller than the complaints department of the Metropolitan Police alone. In the most serious cases, therefore, there should be a system for transfer of funds from individual forces to the IPCC to cover an investigation. This model is already in place for the IPCC's investigations into HMRC and UKBA.**

34. These issues particularly affect minorities. There is ongoing concern about racism in the police and the IPCC.<sup>32</sup> Black people account for 2.9% of the population, but 20% of those who die in custody. Over 33% of cases in which a black detainee had died occurred in circumstances in which police actions may have been a factor, compared with only 4% of cases where the detainee was white.<sup>33</sup> In 2008 black and minority ethnic communities deaths accounted for 32% of all deaths in police custody, a figure which is broadly consistent with other recent years.<sup>34</sup> Tackling the issue of proper oversight of a potential crime scene involving officers could therefore be an important step in increasing confidence among minority communities.

**35. Applying non-discriminatory practices is crucial as a disproportionate number of the cases that cause the most serious public concern involve the black and minority ethnic (BME) communities. All Commissioners, investigators and caseworkers should be trained in discrimination awareness and relevant law, including all the protected characteristics under the Equality Act 2010. Again, leadership in this respect should come from Commissioners themselves, of whom three of thirteen will be from BME communities when the new Commissioners take up office.**

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<sup>32</sup> Ev w68 [Natasha Sivanandan]

<sup>33</sup> Ev 94 [BMH UK], para 14

<sup>34</sup> Ev 110 [Inquest], para 7

## 4 Refocusing the Commission's work

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36. The IPCC's resources are prioritised between different kinds of cases and, at the moment, the Commission devotes more attention to issues that impact on people's lives directly than to counter-corruption activity.

### Corruption in the police

37. However, given current concerns about corruption in the police force, it is worrying that the Commission's capacity to deal with cases involving "fitting people up", "withholding evidence" and "covering up" is limited.<sup>35</sup>

38. Irregularity in relation to evidence and perjury are the most prevalent form of corruption allegation recorded by the police, with 3,758 allegations between 2008 and 2011. In its second report on Corruption in the police service in England and Wales, the IPCC noted that it would require a significant transfer of resources and powers to the IPCC if it were to assume a much more prominent role, particularly in cases that require covert operations. The Commission referred officers to the Crown Prosecution Service in 45% of the cases independently investigated or managed between 2008 and 2011, suggesting that where the Commission has been involved, it has regularly found a case to be answered where corruption allegations have been made. However, the IPCC only independently investigated 3% of corruption cases and managed 12%.<sup>36</sup>

### *Rt Hon Andrew Mitchell MP*

39. Following the altercation between Rt Hon Andrew Mitchell MP and police officers on 19 September 2012, we were concerned that the IPCC opted to supervise the investigation into the circumstances surrounding a police officer's claims to have witnessed the incident in Downing Street, rather than to mount an independent investigation. The Metropolitan Police is carrying out the investigation—Operation Alice—with the lightest of supervision from the Commission. The allegation that a serving police officer may have fabricated an account and concealed that he was an officer is an extremely serious matter and raises broad questions about the integrity and honesty of some officers. When we took evidence on this matter from the Commissioner of the Metropolitan Police, Sir Bernard Hogan-Howe, we asked him why the investigation had not been passed on to the Commission for independent investigation. He responded that "we did try. We did ask them; of course, they concluded they either could not or would not".<sup>37</sup>

40. We also wrote to Sir Jeremy Heywood who claimed that his role had been heavily circumscribed. However, investigations may have proceeded more expeditiously either had the Metropolitan Police been more forthcoming with certain details (such as Mr Mitchell's request to see the police log book) or if Sir Jeremy had shared with the police the e-mail purporting to be from a member of the public and other issues arising from his

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<sup>35</sup> IPCC, *Corruption in the police service in England and Wales*, May 2012

<sup>36</sup> IPCC, *Corruption in the police service in England and Wales: second report*, May 2012

<sup>37</sup> Oral evidence taken before the Home Affairs Committee on 8 January 2013, HC 617-ii, Q 154

investigation. A simple sharing of information could have helped to alleviate whatever problems had been caused, in this as in many other, lower-profile cases.

41. This case raises fundamental questions about police integrity. We will return to the implications of the September 2012 episode following the conclusions of Operation Alice, when we will be taking evidence from Deputy Assistant Commissioner Patricia Gallan. This will form part of our investigations into leadership and standards in the police. DAC Gallan wrote to us on 11 January to update us on the progress of the investigation, telling us that that the Metropolitan Police had so far spent £82,500 to staff an investigation into events that lasted less than 60 seconds.<sup>38</sup>

**42. Public confidence in the police has been shaken: Operation Yewtree, Operation Alice, the Hillsborough Inquiry, Operation Elveden and Operation Pallial all cast doubt on police integrity and competence. It is in these circumstances that the public ought to be able to turn to the IPCC to investigate and we believe that the Commission ought to have a more prominent role in each of these operations.**

**43. Some kinds of complaint are simply not appropriate for Police Complaints Departments to investigate themselves. Cases involving serious corruption, such as tampering with evidence, should be automatically referred to the IPCC for independent investigation. The Government has committed itself to provide more resources for the IPCC to investigate the Hillsborough disaster. Once that investigation is complete, that funding should be maintained and dedicated to anti-corruption cases.**

**44. Allegations following the altercation between Rt Hon Andrew Mitchell MP and police officers raise fundamental questions about police honesty and integrity. The alleged unauthorised disclosure of information to the press on the night of 19 September 2012 and the alleged fabrication of an eye-witness account on Thursday 20 September 2012 are extremely serious; if officers could do this in a case involving the protection of the Prime Minister’s own home, it raises the question how often might this be happening outside the gaze of the national media. As Mr Mitchell said, “if this can happen to a senior government minister, then what chance would a youth in Brixton or Handsworth have?”**

**45. We support the Commissioner’s “relentless pursuit of the truth” in this matter and believe that the West Midlands Police Federation were wrong in calling for the resignation of a cabinet minister. However, it was clearly hasty of the Commissioner to tell the media that he was 100% behind his officers and to say to Rt Hon David Davis MP that the investigation had been closed when it had not been investigated with any rigour.**

**46. We note the Commissioner’s intention to ask another force to independently review the investigations underway in Operation Alice—while this is a welcome safeguard, it is no substitute for independent investigation by the IPCC. The IPCC should investigate this case independently and the Government should additionally provide funds, if necessary, as it has for Hillsborough.**

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<sup>38</sup> Ev w75 [DAC Patricia Gallan]

### **Redirecting the Commission's work**

47. There are several avenues for redirecting Commission resources to better uses. When a referral or complaint is received, a commission casework officer makes a “mode of investigation” decision, with the power to investigate cases independently, manage or supervise an investigation by the force concerned, or decide that cases can be investigated locally by the police without oversight. The Police Superintendents’ Association did not believe that the provision for supervised investigations added value. In supervised investigations, the Commission sets the terms of reference but the investigation is conducted by the police and the complainant has a right of appeal to the IPCC against the findings. The Association believed that this could be confusing to complainants who were told that the investigation was being “supervised” by the Commission and yet in reality there was no active supervision of the case.<sup>39</sup>

48. We heard from two expert mediators, who suggested that substantial cost-savings could be achieved at the same time as increasing public satisfaction by applying mediation and restorative justice techniques to certain kinds of police complaints. Lawrence Kershen QC described how mediation was “faster than most investigative processes. It is certainly cheaper” and said that “it [...] has the potential to build a relationship; and the outcomes that are possible through the mediation process are far richer than that which might be possible through an adjudicative process”.<sup>40</sup> He cited work that was taking place at Thames Valley Police, where mediation was being used to deal with certain complaints.<sup>41</sup> Anthony Glaister argued that in typical complaints procedures “the panoply of the process [...] takes over the complaint” and that mediation could offer a much more direct and satisfying route.

**49. Mediation and restorative justice present rich avenues for improving the handling of police complaints. The Commission should set out best practice protocols for their use in appropriate cases and the use of informal or local resolution systems should be independently monitored to ensure that it is not used inappropriately in relation to conduct that would justify criminal or disciplinary proceedings.**

### **Appeals upheld: the frontline is failing**

50. The most serious call on Commission resources that could be cut back was the number of appeals from individual police forces.

51. To ensure that these cases do not undermine confidence in the police and ensure that malpractice is rooted out, a well-functioning police complaints system is essential. However, the frontline of the police complaints system is not working effectively. In the past year, the number of appeals to the Commission about police forces’ handling of complaints has grown and the proportion of appeals upheld has increased significantly. During 2011–12, 31% of appeals into investigations conducted by police forces were upheld and 61% of appeals into a police force’s decision not to formally record a complaint

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<sup>39</sup> Ev 78 [PSAEW], para 9.4

<sup>40</sup> Q 408 [Lawrence Kershen QC]

<sup>41</sup> Q 414 [Lawrence Kershen QC]

were also upheld: in other words, the police do not appear to be very good at investigating themselves.<sup>42</sup>

52. Dame Anne Owers believed that “what we need to do is have more resources to dig into what is going on at the front end of the system, as well as to be able to deal with the very serious cases and the appeals at the back end of the system”.<sup>43</sup> She said that she “would want to see a decrease in the number of appeals coming to us, which represented good work earlier on”.<sup>44</sup>

53. There is clear evidence that cases are often handled poorly. Last year, the Commission upheld 60% of appeals made against forces’ decisions not to record complaints for investigation and it upheld over 30% of complaints into local investigations and the outcomes of local investigations.<sup>45</sup> Errors in the decision about whether to record a complaint are particularly deleterious, as they give the complainant the impression from the outset that a case is not being taken seriously, or even that the force is trying to cover up misconduct.

54. We heard that many officers were also unhappy with the way that complaints were dealt with at the level of the Professional Standards Department (PSD) within a police force. The Police Federation of England and Wales said that the IPCC did not intervene in cases in which PSDs had “allegedly conducted a poor, biased or even corrupt investigation”. It believed that the Commission should investigate such allegations, as the perception among officers was that PSDs were “a law unto themselves, without the independent scrutiny afforded to all other officers”.<sup>46</sup>

55. The Commission has a duty to improve public confidence and oversee the performance of the complaints system—its “guardianship” role. The Commission told us that it carried out its guardianship role in relation to “priority areas” to seek to ensure that improvements are delivered across the system.<sup>47</sup> The IPCC’s current priority areas are deaths and serious injury involving the police, serious police corruption, police use of stop and search powers and other issues affecting young people’s confidence in the police and policing of protests and public order incidents. In 2011, the Commission launched the *Right First Time* campaign, designed to improve the way forces handle complaints.<sup>48</sup>

56. The IPCC is now publishing complaints data about individual forces which reveals significant variation both in the number of complaints made and in the number of appeals directed to the IPCC that are upheld. In Dyfed Powys just 15% of appeals to the IPCC were upheld last year, but in North Wales and Northumbria over 50% of appeals to the IPCC were upheld.

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<sup>42</sup> IPCC, *Police complaints: statistics for England and Wales 2011/12*, p 1–2

<sup>43</sup> Q 51 [Dame Anne Owers]

<sup>44</sup> Q 90 [Dame Anne Owers]

<sup>45</sup> Q 51 [Dame Anne Owers]

<sup>46</sup> Ev 91 [PFEW]

<sup>47</sup> Ev 80 [IPCC], para 6

<sup>48</sup> Ev 82 [IPCC], para 19

57. We note the Commission's clear analysis of individual forces' complaints statistics and its endorsement of 38% of the appeals it received—a welcome indication that the Commission is willing to call forces to account in many cases.<sup>49</sup>

### **Police complaints statistics**

58. The following table shows the number of appeals completed by the IPCC into each force, the number that were upheld and, in the third column, the percentage of cases that were upheld. In Northumbria and North Wales, the IPCC decided that the police force had made the wrong initial decision in over half of all cases. Again, Warwickshire showed the best record—the IPCC upheld 15% of cases, the same percentage as it upheld in Dyfed Powys.

<b>Police force</b>	<b>Total appeals completed</b>	<b>Total appeals upheld</b>	<b>Percentage upheld</b>
Northumbria	146	78	53
North Wales	73	38	52
Greater Manchester	157	76	48
Devon and Cornwall	137	65	47
Merseyside	139	66	47
Lancashire	158	72	46
Northamptonshire	59	27	46
Suffolk	46	21	46
Cleveland	49	22	45
Cumbria	29	13	45
South Wales	86	39	45
Nottinghamshire	65	28	43
Bedfordshire	67	28	42
Dorset	43	18	42
West Midlands	285	119	42
West Yorkshire	227	95	42
Avon and Somerset	108	44	41
Lincolnshire	54	22	41
Staffordshire	54	22	41

<sup>49</sup> IPCC, *Police complaints: statistics for England and Wales 2011/12*



Surrey	67	27	40
Durham	56	22	39
Kent	108	42	39
Metropolitan	1,149	420	37
Derbyshire	69	24	35
Gloucestershire	54	19	35
Thames Valley	158	55	35
Norfolk	60	20	33
Hertfordshire	62	20	32
South Yorkshire	65	21	32
British Transport Police	71	22	31
Sussex	105	33	31
Wiltshire	55	17	31
Cheshire	54	16	30
City of London	20	6	30
Humberside	66	20	30
West Mercia	161	48	30
Essex	154	44	29
Hampshire	113	33	29
Gwent	45	12	27
Cambridgeshire	61	16	26
Leicestershire	74	16	22
North Yorkshire	43	9	21
Dyfed Powys	40	6	15
Warwickshire	34	5	15
<b>Total</b>	<b>4,926</b>	<b>1,866</b>	<b>38</b>

59. Nick Hardwick, who was the first Chair of the IPCC from 2002 to 2010, said he hoped that Police and Crime Commissioners (PCCs) would look at that data and hold Chief Constables to account for the number of complaints, the number of overturned recording



decisions and the number of appeals upheld.<sup>50</sup> The IPCC could play an important role in helping PCCs to interpret its statistics and develop actions for improvement.

**60. The root of the problem is that the front line of the police complaints system is not working. It is unacceptable that Police Standards Departments had made the wrong decision in 38% of appeals. The number of appeal upheld varies wildly from force to force, as does the proportion of appeals upheld by the IPCC and Police and Crime Commissioners must take decisive action where a force is shown to be failing. The Commission's robust handling of appeals is welcome, but it is costly. Far more effort should be made to ensure that correct decisions are made in the first instance at the level of individual forces. We have written to each chief constable to ask for the staff complement and budget of their Professional Standards Departments.**

**61. Where a threshold of 25% of appeals are upheld, the Commission must demand a written explanation from Chief Constables and Police and Crime Commissioners, which should be followed by a six month probation period. After that time, if the proportion of appeals upheld is not reduced below the threshold, a "complaints competency investigation" must be held into the reasons for the inaccuracy of decisions made at the local level. This should involve a joint report by the IPCC, HMIC and the local Police and Crime Commissioner, which would lead to proposals that would be binding on Chief Constables. If applied now, these measures would affect all but four forces.**

### **Learning the lessons: giving the IPCC authority**

62. The IPCC's prioritised could be refocused on the most serious cases if its day-to-day work genuinely led to improvements in policing practices. This is also vital for ensuring public confidence.

63. However, we received evidence that the IPCC's investigations do not always result in improvements in police practice. As Natasha Sivanandan put it, "the failure to learn lessons from previous incidents leads many members of the public to feel a lack of confidence in the IPCC and the police: why are the lessons of earlier police shootings not learnt and new guidelines and laws not developed?"<sup>51</sup> The National Police Improvement Agency said that the Commission could improve policing practice by analysing common contributory factors to adverse police events, to highlight national priorities for improvement.<sup>52</sup>

64. The Commission had been involved in the scrutiny of key policing areas such as custody detention, police use of firearms, command and control and the response to issues concerning vulnerable people.<sup>53</sup> The Commission produced a series of bulletins called *Learning the Lessons* (now at edition 16) to ensure that lessons learnt in one police force area were shared with other forces.<sup>54</sup> The Police Federation agreed that the Learning the

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<sup>50</sup> Q 274

<sup>51</sup> Ev w72 [Natasha Sivanandan], para 30

<sup>52</sup> Ev w53 [NPIA], para 11

<sup>53</sup> Ev 75 [PSAEW], para 2.2

<sup>54</sup> Ev 75 [PSAEW], para 2.3

Lessons programme had been successful, in particular in the area of custody.<sup>55</sup> Recent editions included advice on dealing with people who are drunk and incapable, recognising when a person needs medical attention, protocols with the health and ambulance services”. However, the advice was not reaching all police officers.<sup>56</sup>

65. Moreover, the decision whether to implement Commission recommendations remains that of the respective force—there was no mechanism to ensure recommendations were enforced. A statutory framework in which Commission’s recommendations require a published response by the responsible authority within a specific period of time could help to reinforce public confidence, particularly following high profile cases of public concern. It could also allow the new Police and Crime Commissioners to follow up on the issues raised.<sup>57</sup> The Commission said that the public did not understand why it could not “make the police take action”.<sup>58</sup>

66. The Commission reports on the outcome of investigations and makes local and national recommendations to help to ensure that the same thing does not go wrong again. The Commission also publishes investigation reports, research studies and complaint statistics on its website.<sup>59</sup> At the moment, however, IPCC recommendations are merely advisory. The frustration at the system felt by some witnesses was apparent. One witness said:

Each time, following an appeal, the complaint was sent back to the West Midlands Police. This beggars belief in this case. The IPCC advise the Force have a legal duty to comply with their directions and Statutory guidelines, but there appears to be absolutely no enforcement, or enforcement mechanism. It is clear in my case that the Force knows this and is exploiting the system.<sup>60</sup>

67. The Police Superintendents’ Association believed that the Commission’s ability to make recommendations should be enhanced with a power similar to the Rule 43 power available to coroners, which provides coroners with the power to make reports to a person or organisation where the coroner believes that action should be taken to prevent future deaths.<sup>61</sup> Such a power could apply to police-wide practices or to particular forces.

68. In one case, the Commission “requested” that the Metropolitan Police Service reconsider a request for personal data to be expunged and “informed” the service that a copy of a compulsory form “should” be provided.<sup>62</sup> This kind of light-touch recommendation is a long way from the kind of clear instructions for improvements that Dame Anne Owers said: “there should be a requirement formally to respond with an

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<sup>55</sup> Ev 91 [PFEW]

<sup>56</sup> Ev 117 [Inquest], para 66

<sup>57</sup> Ev 88 [IPCC], para 74

<sup>58</sup> IPCC, *Corruption in the Police Service in England and Wales*, Report 2, 24 May 2012; Ev w22 [StopWatch], para 15; Ev 116 [Inquest], para 64; Ev 75 [PSAEW], para 1.5

<sup>59</sup> Ev 73 [Home Office], para 16

<sup>60</sup> Ev w42 [Donna M Gardner], paras 77-79

<sup>61</sup> Ev 75 [PSAEW], para 2.4; this refers to Rule 43 of the Coroners Rules 1984;

<sup>62</sup> Ev w44 [David Mery], para 14

action plan”.<sup>63</sup> She suggested that Police and Crime Commissioners could contribute by ensuring that the Commission’s work led to improvement across the service:

we need to work on [...]mechanisms to check whether what we have done has made a difference [...]Police and Crime Commissioners do form a place where I would envisage discussions going on between Commissioners, heads of casework and themselves about what is happening and if it is not happening why isn’t it happening?<sup>64</sup>

**69. It is a basic failing in the system that there is no requirement for forces to respond to recommendations from the IPCC, still less to implement them. We recommend that the Commission be given a statutory power to require a force to respond to its findings. In the most serious cases, the Commission should instigate a “year on review” to ensure that its recommendations have been properly carried out. Any failure to do so would result in an investigation by HMIC and the local Police and Crime Commissioner, as a professional conduct matter relating to the Chief Constable.**

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<sup>63</sup> Q 89 [Dame Anne Owers]

<sup>64</sup> Q 74 [Dame Anne Owers]

## 5 A second home for police officers

71. In those cases where the IPCC is able to run an independent investigation, there is an enduring impression that this is still tantamount to the police investigating themselves because of the significant number of former officers employed by the Commission.

72. One of the most significant challenges faced by the Commission has been its ability to demonstrate independence from the police service.<sup>65</sup> Under the Police Reform Act 2002, the Commission is required to maintain an “appropriate degree of independence”, but that level of independence is not defined.<sup>66</sup> Nick Harwick, former Chair of the IPCC, told us that in the case of Jean Charles de Menezes the then Commissioner of the Metropolitan Police had sought to intervene to prevent the Stockwell investigation from taking place.<sup>67</sup> This level of interference is clearly unacceptable.

### *What can the IPCC do?*

The Commission can make recommendations to the Crown Prosecution Service in criminal matters, or recommend that a police force begin misconduct proceedings. In 2011–12:

- a) 28 cases were referred to the Crown Prosecution Service (CPS) after independent investigation, which have so far led to 6 prosecutions;
- b) 18 managed cases were referred to the CPS, which have so far led to 8 prosecutions;
- c) 33 misconduct cases were raised after independent investigations; and
- d) 22 misconduct cases were raised after managed investigations.

73. The number of former officers employed by the Commission was a continuing source of concern.<sup>68</sup> About 11% of all staff and 33% of investigators are former police officers.<sup>69</sup> As a result, several witnesses believed that the police thought that they were “untouchable”.<sup>70</sup> A

<sup>65</sup> Ev w7 [Women Against Rape]

<sup>66</sup> See Police Reform Act 2002, section 10

<sup>67</sup> Q 263

<sup>68</sup> Ev w18 [Newham Monitoring Project], section 6; Ev w20 [StopWatch], para 2

<sup>69</sup> Ev 80 [IPCC], para 5

<sup>70</sup> Ev w51 [Anton Venter]; Ev w24 [Charles C Kirk], para 8

number of organisations raised concerns that the Commission was biased in favour of the police;<sup>71</sup> or that it was perceived by complainants to be so.<sup>72</sup>

74. Under Dame Anne Owers, the Commission has begun to respond to these criticisms. In 2011, it established a training scheme to help candidates from a range of backgrounds become Commission investigators. Five trainee investigators were initially recruited and the scheme has recently been extended further. Dame Anne told the Committee that the Commission “would like to bring in more people from outside, and that is why we are doing a recruitment drive in the autumn and why also we are training up some of our own case workers, who come from non-police backgrounds, to be investigators”.<sup>73</sup>

75. We appreciate that former officers bring investigative skills and can improve the effectiveness of the Commission. It is natural that an organisation whose principal role is to investigate the police should recruit former officers, both for their investigative skills and their familiarity with police practices and procedures, but it must make every effort to cultivate its own investigative capabilities and to avoid becoming too dependent on former police officers to fill these roles.<sup>74</sup>

76. There may be other sources of independent expertise where the IPCC and police forces could turn. For example, there is already some overlap between the role of the IPCC and the role of HM Inspectorate of Constabulary. If a Police and Crime Commissioner decides to instigate gross misconduct proceedings against a Chief Constable, one of Her Majesty’s Inspectors (HMIs) must be present at the ensuing hearing. Similarly, if an officer above the rank of Chief Superintendent decides to appeal against the outcome of a misconduct hearing, the appeal is referred to the Police Appeals Tribunal where an HMI may sit on the panel if asked by the Secretary of State.

77. As part of HMIC’s role in assessing police force efficiency and effectiveness, it also has a statutory duty to keep itself informed of how police forces handle complaints and misconduct.

**78. If the Commission’s primary statutory purpose is to increase public confidence, then it must act to rectify the impression that the police are investigating the police. The Commission must improve its in-house investigative resources and move to a target of 20% of investigators who have moved directly from a career as a police officer, or fewer, so that the number of former officers investigating the police is significantly reduced.**

**79. Her Majesty’s Inspectorate of Constabulary must play a more prominent role in investigations of the most serious cases. In cases involving serious police corruption, for example, one of Her Majesty’s Inspectors should review the IPCC’s findings and be tasked with ensuring the implementation of any IPCC recommendations. HMIC’s responsibility for forces’ effectiveness make it a natural candidate for involvement in the “complaints competency investigation” described above and the inspectorate**

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<sup>71</sup> Ev w14 [Newham Monitoring Project]; Ev 116 [Inquest], para 57

<sup>72</sup> Ev w13 [Netpol]; Ev w23 [Charles C Kirk]; Ev w25 [Sara Jane Loughran]; Ev 92 [BMH UK]

<sup>73</sup> Q 57 [Dame Anne Owers]

<sup>74</sup> Ev 122 [Crown Prosecution Service]

**should ensure that any findings for a particular force are taken up by other forces where necessary.**

## 6 Treating officers differently from the public

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80. The impression that the Commission tends to favour officers is amplified by practices which treat officers differently from other members of the public. In our interim report, *Powers to investigate the Hillsborough disaster: interim Report on the Independent Police Complaints Commission*, we noted that police officers are rarely interviewed under caution in circumstances in which an ordinary member of the public would be.<sup>75</sup> This risked losing important evidence and was of particular concern to the families of people who die in custody.

81. When someone dies in custody, and in other serious cases where an officer may be implicated, a referral must be made to the IPCC for investigation. The Commission must assess at the outset whether officers “may have” committed criminal or misconduct offences. If so, the matter should be recorded as a “conduct” matter with special requirements and the investigator has the power to interview relevant officers under caution. If the case is not recorded as a “conduct” matter, the investigator will not have the power to interview those officers under caution.<sup>76</sup>

82. An interview under caution provides safeguards for the officers concerned and ensures that any evidence obtained in that interview is admissible in any subsequent legal proceedings. The Police Action Lawyers Group and Inquest suggested that interviews that were not taken under caution might not be admissible in court in a case against the officers involved. The Group said that it had experience of cases where the threshold that officers “may have committed criminal and/or misconduct offences” had clearly been met—for example in restraint-related deaths—but the decision was not made to proceed with a conduct investigation under “special requirements”. Often relevant officers were not interviewed at all, or interviews did not take place until an inquest, which could be many months after the event. This was a major issue of concern to the families of individuals who die in police custody. The Police Action Lawyers Group argued that

Families [...] feel that such a decision, which [...] means that investigators do not have the power to interview officers under caution, shows a lack of impartiality on behalf of the investigator, who will often be a former police officer.<sup>77</sup>

83. The Police (Complaints and Conduct) Bill would introduce new powers to compel officers to attend an interview in cases being investigated directly by the Commission. However, as we noted in our interim report, this may not be an adequate substitute for an interview under caution and should not be allowed to exacerbate the Commission’s tendency not to investigate serious cases as conduct matters with special requirements. Witnesses suggested that legislative reform may be required to ensure that officers are interviewed under caution in serious cases, except where it is “beyond reasonable doubt”

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<sup>75</sup> Home Affairs Select Committee, *Powers to investigate the Hillsborough disaster: interim Report on the Independent Police Complaints Commission*, Tenth Report of Session 2012–13, HC 793, 10 December 2012

<sup>76</sup> Ev 102 [Police Action Lawyers Group], para 5

<sup>77</sup> Ev 127 [Bhatt Murphy Solicitors], para 5

that a misconduct or criminal offence has not been committed that officers should not be interviewed under caution.

84. We also noted in our interim report that the Police (Complaints and Conduct) Bill did not solve the problem that retired officers involved in the Hillsborough disaster could not be obliged to attend an interview. One way to achieve the co-operation of retired officers would be to amend officers' contracts to include a clause that requires them to have a continuing duty, even after retirement, to assist in any police or IPCC or other investigation, since evidence of police misconduct can often surface years after a police officer has retired.<sup>78</sup>

**85. The issue of interviewing officers in cases involving death and serious injury is indicative of a culture of treating officers differently from members of the public. Where officers are not interviewed promptly under caution, this can lead to weaker evidence and loss of confidence in the process of investigating serious matters such as deaths in custody. The application of the threshold test for special requirements should be reviewed, so that officers are routinely interviewed under caution in the most serious cases, exactly as a member of the public would be.**

**86. The Government should revise the legislative definition of the threshold. One option would be that death and serious injury cases should be treated as "conduct" matters with special requirements and officers interviewed under caution except where it is "beyond reasonable doubt" that a misconduct or criminal offence has not been committed.**

## Communications

87. Several of the shortcomings of the Commission that we have explored so far were as much about public perception as they were about practice. These concerns could be allayed to some extent by an effective communication strategy. However, the Commission's outreach and engagement work with media, public and police has been a source of further criticism.

88. StopWatch suggested that there was a need to raise awareness of the Commission's work by communicating some of the positive results. Prosecution outcomes, misconduct and recommendations could be more widely publicised in a format which was easy to understand and accessible.<sup>79</sup>

89. Commission guidance provides that contact on the progress of an investigation should be made every 28 days. In 2008, the National Audit Office found that this was being done effectively.<sup>80</sup> However, families felt they were not kept up to date on the progress of investigations. Others were dissatisfied because the information given was inadequate. The

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<sup>78</sup> Ev w68 [Natasha Sivanandan]

<sup>79</sup> Ev w20 [StopWatch], para 5

<sup>80</sup> National Audit Office, *The IPCC*, November 2008, para 26



Police Federation argued that officers under investigation were also given updates that were often uninformative.<sup>81</sup>

90. The Federation also cited “ill-considered and provocative press releases”, which it said were “often quite biased and prior to sufficient evidence being gathered” and believed that Commission communications ought to be more neutral in tone until a clear picture had emerged.<sup>82</sup>

91. Inquest pointed to a pattern where partial and untested information about initial post mortem findings was reported by the media as fact. It believed that the Commission should ensure that any misinformation was corrected immediately.<sup>83</sup> It said that the cases of Mark Duggan, Ian Tomlinson and Jean Charles de Menezes had all been mismanaged.<sup>84</sup> In the Duggan case, the Commission issued a statement that said one of their staff members had “inadvertently” misled the media, but damage in terms of family and community confidence in the independence of the investigation had been done.<sup>85</sup> The Commission should ensure the accuracy of any statements released to the press and should also correct any misinformation in relation to an incident which has made its way into the public domain.<sup>86</sup>

92. The Commission said that it would be producing a “suite of communications products” aimed at ensuring the changes to the complaints system and the revised statutory guidance were communicated to all relevant audiences, including potential complainants, in the most accessible and appropriate way. This would include a range of documents available in both hard copy and on the Commission’s website explaining the various stages of the complaints process and signposting individuals to where they can get more information.<sup>87</sup>

**93. The adequacy of communications between the IPCC and the public can have serious implications. Some of the violence that raged across London in the summer riots of 2011 may have been avoided if anger had not been intensified by inaccurate statements made by the IPCC.**

**94. Accurate and timely information is also vital in retaining confidence in the complaints process. The Commission should be required to set out a timetable for an investigation for complainants and to write to them to explain any deviation. If the Commission orders a police complaints department to reinvestigate, it should also set a timetable for that investigation and any deviation should be explained to both the complainant and the Commission. There should be sanctions if the process and timelines are not followed.**

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<sup>81</sup> Ev 90 [PFEW]

<sup>82</sup> Ev 90 [PFEW]

<sup>83</sup> Ev 115 [Inquest], para 49

<sup>84</sup> Ev 115 [Inquest]

<sup>85</sup> Ev 115 [Inquest], para 50

<sup>86</sup> Ev 109 [Police Action Lawyers Group], para 8

<sup>87</sup> Ev 81 [IPCC], para 13

**95. The Commission should communicate positive outcomes through different channels, including social media. Prosecutions, misconduct findings and recommendations to forces must be more widely publicised in a way that openly demonstrates the scrutiny of the police.**

## 7 Scrutiny in the new landscape of policing

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96. The Home Office stated in its evidence that “the IPCC is [...] set up to investigate complaints against the police and those exercising police-like powers”.<sup>88</sup> However, we are concerned that, at the moment, the Commission has only limited powers to scrutinise private contractors employed to deliver policing services.

### Widening remit

97. The Government has already widened the remit of the Commission to include new bodies. In April 2006 the IPCC’s supervisory role was expanded to include HM Revenue and Customs and the Serious Organised Crime Agency (SOCA). This oversight will now be extended to the National Crime Agency. In April 2008 this role was expanded further to cover the UK Border Agency and now also the Border Force.

98. The Police Reform and Social Responsibility Act 2011 has extended the IPCC’s remit further. Since January 2012, the IPCC has been responsible for deciding whether any criminal allegations relating to the occupant of the Mayor’s Office for Policing and Crime (MOPAC) or his Deputy should be investigated. The IPCC will have a similar remit over Police and Crime Commissioners (PCCs) and their deputies following their election in November 2012. Several witnesses believed that a change in name would be helpful, especially now that the Commission’s remit included UKBA and HMRC.<sup>89</sup>

99. The Government should be aware of the potential crossover between the role of the IPCC and other institutions in the new landscape of policing. The Police Superintendents’ Association believed that the Commission would benefit from being involved in the training exercises of operational staff in specialist areas such as the police use of firearms and the management of critical incidents, which would naturally dovetail with the work of the new College of Policing.<sup>90</sup> However, the Police Superintendents’ Association believed that if the Commission were given a strengthened remit for improving policing there could be a blurring of the lines between the role of the Police and Crime Commissioner, HMIC and that of the Commission. This could compromise the Commission’s independence in future investigations where those practices were challenged.<sup>91</sup>

100. The Police Federation considered that the improvement of police services should remain under the HMIC and potentially the College of Policing.<sup>92</sup> The Association suggested that a requirement could be created for the Professional Policing Body to take account of any recommendation by the Commission to change police policies or require

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<sup>88</sup> Ev 72 [Home Office], para 7

<sup>89</sup> Ev 76 [PSAEW], para 3.2

<sup>90</sup> Ev 75 [PSAEW], para 2.6

<sup>91</sup> Ev 77 [PSAEW], para 5.5

<sup>92</sup> Ev 90 [PFEW]

Chief Officers and/or Police and Crime Commissioners to implement such changes in their police forces.<sup>93</sup>

101. The National Policing Improvement Agency (NPIA) said that “it is important that, in the new policing landscape, following the close-down of the NPIA, the work of the *Learning the Lessons Committee* continues and a constructive relationship is built between the IPCC and the new policing professional body that will be responsible for setting standards across policing as well as developing the evidence-base and professional practice”.<sup>94</sup>

**102. We note that although the IPCC is allowed to hear complaints about the Serious Organised Crime Agency (SOCA), the position regarding the new National Crime Agency (NCA) is less clear. We recommend that the NCA be subject to IPCC procedures in the same way as police forces generally.**

### Private firms

103. Private firms contracted by the police are not necessarily within the remit of the Commission, yet firms such as G4S, Serco, Mitie and Capita are increasingly being called upon to deliver services that would once have been performed by the police themselves.

104. Last year, forces such as Cleveland and Lincolnshire were front runners in their consideration of large-scale contracts with private firms for the delivery of policing services, though several negotiations contracts have since been terminated. We requested information from the Mayor’s Office of Policing and Crime showing a list of contracts with private firms (over a variety of terms from several months to a number of years), which amounted to £3,555,994,161.<sup>95</sup>

105. Commission powers are limited to supervision of those designated as detention officers or escort officers under the Police Reform Act 2002. Contracted-out staff performing other roles do not fall directly within its remit.<sup>96</sup> The Commission was concerned that this gap in oversight could damage public confidence and affect its ability to carry out thorough investigations. Given the likelihood of a growth in the use of contracting out arrangements, our witnesses argued that there was a “clear and urgent” need to extend the Commission’s remit to include these staff in relation to all types of investigation.<sup>97</sup>

106. We heard that recent investigations had raised questions about the role of private contractors in:

- a) The **provision of police custody suites** (e.g., the serious injury of Gary Reynolds in March 2008 in Brighton Police Custody Centre where *Reliance* provided custody assistants; the

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<sup>93</sup> Ev 77 [PSAEW], paras 5.5–5.7

<sup>94</sup> Ev w53 [NPIA], para 9

<sup>95</sup> Letter from Stephen Greenhalgh, 24 October 2012 [HC 560-i, *Policing in London*]  
<http://www.parliament.uk/documents/commons-committees/home-affairs/121024%20Greenhalgh%20to%20KV%20follow-up%204%20Sept%20ev.pdf>

<sup>96</sup> IPCC, *Corruption in the Police Service in England and Wales*, Report 2, 24 May 2012; Q 75 [Dame Anne Owers]

<sup>97</sup> Ev 88 [IPCC], para 72; Ev 78 [PSAEW], para 8.2; Ev 117 [Inquest], para 70; Q 18 [Shamik Dutta]

death in May 2010 of Sharon McLaughlin in the *Reliance*-run Worthing Custody Centre; the March 2012 inquest into the death of Bogdan Wilk following his detention in Preston Police Custody Centre, where care was provided by *Medacs*);<sup>98</sup>

- b) Forensic analysis by privately contracted Scene of Crime Officers; and
- c) UK Border Agency escorting services (for example, the October 2010 death of Jimmy Mubenga whilst being escorted by G4S staff, an issue we highlighted in our report on *Rules governing enforced removals from the UK*).<sup>99</sup>

107. The Commission has investigated incidents in which private staff worked alongside police officers, but cannot collate complaints about private firms. At the moment the Commission has no power to discipline private staff, even if misconduct or failures contribute to a death. There is no statutory requirement for contracted staff to co-operate with any investigation being conducted by the police or Commission other than when asked to assist in a criminal investigation.<sup>100</sup> For the Commission to investigate such staff on corruption matters under the current legislative regime there would need to be an Commission criminal investigation already underway in relation to police officers or staff and any investigation could apply only to criminal allegations, not wider complaints or conduct matters.<sup>101</sup>

108. G4S said that it had informed the Commission in 2010 that its employees would be subject to checks. However, other private providers were not subject to scrutiny.<sup>102</sup> The CPS said it would welcome clarification of the IPCC's powers to deal with third parties because this would make investigations involving non-police suspects easier to handle.<sup>103</sup> As Natasha Sivanandan pointed out, such contractors carry out functions of a public nature for the purposes of the Human Rights Act 1998 and the Equality Act 2010.<sup>104</sup> Nick Hardwick was of the opinion that "in terms of the public, if it looks like a police officer, talks like a police officer, walks like a police officer, the IPCC should investigate it".<sup>105</sup>

**109. The landscape of policing is changing and the IPCC must change with it. Increasingly, companies like G4S, Capita, Mitie and Serco are involved in delivering services that would once have fallen solely to the police (we described the involvement of G4S in the Jimmy Mubenga case in our report on *Rules governing enforced removals from the UK*), yet the public cannot call on the IPCC to investigate their delivery of those services.**

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<sup>98</sup> For full details see [www.independent.co.uk/news/uk/crime/a-force-for-good-the-rise-of-private-police-7561646.html](http://www.independent.co.uk/news/uk/crime/a-force-for-good-the-rise-of-private-police-7561646.html).

<sup>99</sup> Ev 117 [Inquest], para 68

Home Affairs Select Committee, *Rules governing enforced removals from the UK*, Eighteenth Report of Session 2010–12, 17 January 2012

<sup>100</sup> Ev w1 [G4S]

<sup>101</sup> Ev 79 [IPCC]

<sup>102</sup> Ev w1 [G4S]

<sup>103</sup> Ev 122 [CPS]

<sup>104</sup> Ev w70 [Natasha Sivanandan], para 20

<sup>105</sup> Q 272

110. The Commission's jurisdiction should be extended to cover private sector contractors in their delivery of policing services and appropriate funding should be available for it to undertake all the functions which we consider it should have responsibility for.

111. The Commission should be renamed to reflect its broader remit and functions, covering appeals and complaints for police, UKBA, HMRC and the NCA. "The Independent Policing Standards Authority" is one possibility.

# Conclusions and recommendations

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## Introduction

1. Police officers are warranted with powers that can strip people of their liberty, their money and even their lives and it is vital that the public have confidence that those powers are not abused. In this report, we conclude that the Independent Police Complaints Commission is not yet capable of delivering the kind of powerful, objective scrutiny that is needed to inspire that confidence. (Paragraph 4)
2. Compared with the might of the 43 police forces in England and Wales, the IPCC is woefully underequipped and hamstrung in achieving its original objectives. It has neither the powers nor the resources that it needs to get to the truth when the integrity of the police is in doubt. Smaller even than the Professional Standards Department of the Metropolitan Police, the Commission is not even first among equals, yet it is meant to be the backstop of the system. It lacks the investigative resources necessary to get to the truth; police forces are too often left to investigate themselves; and the voice of the IPCC does not have binding authority. The Commission must bring the police complaints system up to scratch and the Government must give it the powers that it needs to do so. (Paragraph 5)

## The basis of mistrust

3. The public do not fully trust the IPCC and without faith in the Commission, the damaged public opinion of the police cannot be restored. Unfortunately, too often the work of the Commission seems to exacerbate public mistrust, rather than mend it. (Paragraph 15)
4. The independence and oversight offered by Commissioners is at the heart of the role of the IPCC. It is wrong that their day-to-day work is frequently far removed from the cases being investigated. **Commissioners should be given a more active role in overseeing major cases and take personal responsibility for ensuring that a clear process and timetable is laid out for anyone involved in a complaint or an appeal.** The independence and oversight offered by Commissioners is at the heart of the role of the IPCC. It is wrong that their day-to-day work is frequently far removed from the cases being investigated. Commissioners should **be given a more active role in overseeing major cases and take personal responsibility for ensuring that a clear process and timetable is laid out for anyone involved in a complaint or an appeal.** (Paragraph 16)

## The IPCC's ability to get to the truth

5. More cases should be investigated independently by the Commission, instead of referred back to the original force on a complaints roundabout. "Supervised investigations" do not offer rigorous oversight of a police investigation, nor do they necessarily give the public a convincing assurance that the investigation will be conducted objectively. This kind of "oversight-lite" is no better than a placebo. (Paragraph 23)

6. The IPCC owes it to the families of those who die in cases involving the police to get to the truth of the matter—a botched job is an offence to all concerned. When the IPCC does investigate it often comes too late and takes too long. The trail is left to go cold. *IPCC* investigators should be able to take immediate control of a potential crime scene during the crucial “golden hours” and early days of an investigation into deaths and serious injury involving police officers. (Paragraph 24)

### The IPCC can’t afford to do more

7. It is deeply worrying that the Commission now feels that its level of resourcing has dropped below a level at which it can properly discharge its statutory functions and meet public expectations, to the extent that a backlog of appeals is now building up. We recognise that it will not be easy to find significant additional resources. We recommend that the Home Office work with the Commission to identify innovative ways in which the backlog might be cleared, for example by using temporary secondments of staff from other public authorities with relevant expertise, such as the Parliamentary Commissioner for Administration or HM Inspectorate of Constabulary. More robust procedures should be put in place at the permission stage of appeals in order to filter out more minor cases in order to allow the IPCC to focus on the most serious. (Paragraph 32)
8. Important cases are under-investigated because of a lack of access to independent specialists. The Home Office should provide the IPCC with a specific budget for a serious cases response team. The resources within individual forces for investigating complaints dwarf the resources of the Commission. It is notable that the IPCC is smaller than the complaints department of the Metropolitan Police alone. In the most serious cases, therefore, there should be a system for transfer of funds from individual forces to the IPCC to cover an investigation. This model is already in place for the IPCC’s investigations into HMRC and UKBA. (Paragraph 33)
9. Applying non-discriminatory practices is crucial as a disproportionate number of the cases that cause the most serious public concern involve the black and minority ethnic (BME) communities. All Commissioners, investigators and caseworkers should be trained in discrimination awareness and relevant law, including all the protected characteristics under the Equality Act 2010. Again, leadership in this respect should come from Commissioners themselves, of whom three of thirteen will be from BME communities when the new Commissioners take up office. (Paragraph 35)

### Rt Hon Andrew Mitchell MP

10. Public confidence in the police has been shaken: Operation Yewtree, Operation Alice, the Hillsborough Inquiry, Operation Elveden and Operation Pallial all cast doubt on police integrity and competence. It is in these circumstances that the public ought to be able to turn to the IPCC to investigate and we believe that the Commission ought to have a more prominent role in each of these operations. (Paragraph 42)



11. Some kinds of complaint are simply not appropriate for Police Complaints Departments to investigate themselves. Cases involving serious corruption, such as tampering with evidence, should be automatically referred to the IPCC for independent investigation. The Government has committed itself to provide more resources for the IPCC to investigate the Hillsborough disaster. Once that investigation is complete, that funding should be maintained and dedicated to anti-corruption cases. (Paragraph 43)
12. Allegations following the altercation between Rt Hon Andrew Mitchell MP and police officers raise fundamental questions about police honesty and integrity. The alleged unauthorised disclosure of information to the press on the night of 19 September 2012 and the alleged fabrication of an eye-witness account on Thursday 20 September 2012 are extremely serious; if officers could do this in a case involving the protection of the Prime Minister's own home, it raises the question how often might this be happening outside the gaze of the national media. As Mr Mitchell said, "if this can happen to a senior government minister, then what chance would a youth in Brixton or Handsworth have?". (Paragraph 44)
13. We support the Commissioner's "relentless pursuit of the truth" in this matter and believe that the West Midlands Police Federation were wrong in calling for the resignation of a cabinet minister. However, it was clearly hasty of the Commissioner to tell the media that he was 100% behind his officers and to say to Rt Hon David Davis MP that the investigation had been closed when it had not been investigated with any rigour. (Paragraph 45)
14. We note the Commissioner's intention to ask another force to independently review the investigations underway in Operation Alice—while this is a welcome safeguard, it is no substitute for independent investigation by the IPCC. The IPCC should investigate this case independently and the Government should additionally provide funds, if necessary, as it has for Hillsborough. (Paragraph 46)

### Redirecting the Commission's work

15. Mediation and restorative justice present rich avenues for improving the handling of police complaints. The Commission should set out best practice protocols for their use in appropriate cases and the use of informal or local resolution systems should be independently monitored to ensure that it is not used inappropriately in relation to conduct that would justify criminal or disciplinary proceedings. (Paragraph 49)

### Police complaints statistics

16. The root of the problem is that the front line of the police complaints system is not working. It is unacceptable that Police Standards Departments had made the wrong decision in 38% of appeals. The number of appeal upheld varies wildly from force to force, as does the proportion of appeals upheld by the IPCC and Police and Crime Commissioners must take decisive action where a force is shown to be failing. The Commission's robust handling of appeals is welcome, but it is costly. Far more effort should be made to ensure that correct decisions are made in the first instance at the level of individual forces. We have written to each chief constable to ask for the staff

complement and budget of their Professional Standards Departments. (Paragraph 60)

17. Where a threshold of 25% of appeals are upheld, the Commission must demand a written explanation from Chief Constables and Police and Crime Commissioners, which should be followed by a six month probation period. After that time, if the proportion of appeals upheld is not reduced below the threshold, a “complaints competency investigation” must be held into the reasons for the inaccuracy of decisions made at the local level. This should involve a joint report by the IPCC, HMIC and the local Police and Crime Commissioner, which would lead to proposals that would be binding on Chief Constables. If applied now, these measures would affect all but four forces. (Paragraph 61)

### Learning the lessons: giving the IPCC authority

18. It is a basic failing in the system that there is no requirement for forces to respond to recommendations from the IPCC, still less to implement them. We recommend that the Commission be given a statutory power to require a force to respond to its findings. In the most serious cases, the Commission should instigate a “year on review” to ensure that its recommendations have been properly carried out. Any failure to do so would result in an investigation by HMIC and the local Police and Crime Commissioner, as a professional conduct matter relating to the Chief Constable. (Paragraph 69)

### A second home for police officers

19. If the Commission’s primary statutory purpose is to increase public confidence, then it must act to rectify the impression that the police are investigating the police. The Commission must improve its in-house investigative resources and move to a target of 20% of investigators who have moved directly from a career as a police officer, or fewer, so that the number of former officers investigating the police is significantly reduced. (Paragraph 78)
20. Her Majesty’s Inspectorate of Constabulary must play a more prominent role in investigations of the most serious cases. In cases involving serious police corruption, for example, one of Her Majesty’s Inspectors should review the IPCC’s findings and be tasked with ensuring the implementation of any IPCC recommendations. HMIC’s responsibility for forces’ effectiveness make it a natural candidate for involvement in the “complaints competency investigation” described above and the inspectorate should ensure that any findings for a particular force are taken up by other forces where necessary. (Paragraph 79)

### Treating officers differently from the public

21. The issue of interviewing officers in cases involving death and serious injury is indicative of a culture of treating officers differently from members of the public. Where officers are not interviewed promptly under caution, this can lead to weaker evidence and loss of confidence in the process of investigating serious matters such as deaths in custody. The application of the threshold test for special requirements

should be reviewed, so that officers are routinely interviewed under caution in the most serious cases, exactly as a member of the public would be. (Paragraph 85)

22. The Government should revise the legislative definition of the threshold. One option would be that death and serious injury cases should be treated as “conduct” matters with special requirements and officers interviewed under caution except where it is “beyond reasonable doubt” that a misconduct or criminal offence has not been committed. (Paragraph 86)

## Communications

23. The adequacy of communications between the IPCC and the public can have serious implications. Some of the violence that raged across London in the summer riots of 2011 may have been avoided if anger had not been intensified by inaccurate statements made by the IPCC. (Paragraph 93)
24. Accurate and timely information is also vital in retaining confidence in the complaints process. The Commission should be required to set out a timetable for an investigation for complainants and to write to them to explain any deviation. If the Commission orders a police complaints department to reinvestigate, it should also set a timetable for that investigation and any deviation should be explained to both the complainant and the Commission. There should be sanctions if the process and timelines are not followed. (Paragraph 94)
25. The Commission should communicate positive outcomes through different channels, including social media. Prosecutions, misconduct findings and recommendations to forces must be more widely publicised in a way that openly demonstrates the scrutiny of the police. (Paragraph 95)

## Widening remit

26. We note that although the IPCC is allowed to hear complaints about the Serious Organised Crime Agency (SOCA), the position regarding the new National Crime Agency (NCA) is less clear. We recommend that the NCA be subject to IPCC procedures in the same way as police forces generally. (Paragraph 102)

## Private firms

27. The landscape of policing is changing and the IPCC must change with it. Increasingly, companies like G4S, Capita, Mitie and Serco are involved in delivering services that would once have fallen solely to the police (we described the involvement of G4S in the Jimmy Mubenga case in our report on Rules governing enforced removals from the UK), yet the public cannot call on the IPCC to investigate their delivery of those services. (Paragraph 109)
28. The Commission’s jurisdiction should be extended to cover private sector contractors in their delivery of policing services and appropriate funding should be available for it to undertake all the functions which we consider it should have responsibility for. (Paragraph 110)

29. The Commission should be renamed to reflect its broader remit and functions, covering appeals and complaints for police, UKBA, HMRC and the NCA. “The Independent Policing Standards Authority” is one possibility. (Paragraph 111)

## Annex I: The Commissioners

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- i. **Dame Anne Owers**, Chair (appointed on 2 April 2012 for a five-year term)  
following Len Jackson, Interim Chair (retired 30 April 2012)
- ii. **Deborah Glass**, Deputy Chair
- iii. **Amerdeep Somal**, Commissioner
- iv. **Mike Franklin**, Commissioner
- v. **Naseem Malik**, Commissioner
- vi. **Nicholas Long**, Commissioner
- vii. **Rachel Cerfontyne**, Commissioner
- viii. **Rebecca Marsh**, Commissioner (on loan to the Office for Nuclear Regulation)
- ix. **Tom Davies**, Commissioner
- x. **Sarah Green**, Commissioner
- xi. **Jonathan Tross**, Non-operational Commissioner
- xii. **Ruth Evans**, Non-operational Commissioner

There are also five new Commissioners:

- xiii. **Mary Cunneen** (from November 2012)
- xiv. **Jennifer Izekor** (from November 2012)
- xv. **Cindy Butts** (from December 2012)
- xvi. **James Dipple-Johnstone** (from December 2012)
- xvii. **Derrick Campbell** (from January 2013)



## Annex II: The complaints & appeals process

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1. **If you think a police officer has behaved incorrectly then you have a right to complain.** You should give details of when, where, what happened, what was said, the police officers and witnesses involved, and whether any proof exists of any damage or injury.

*There is no time limit on making a complaint, but if a year goes by the incident may not be investigated.*

2. **If your complaint is about a chief constable** you should contact your Police and Crime Commissioner.<sup>106</sup>
3. **If your complaint is not about a chief constable,** contact the police force involved, by e-mail, telephone or in person. A solicitor or your local MP can also make a complaint on your behalf.
4. **All valid complaints against the police must be recorded,** which means that it has formal status under the Police Reform Act 2002. Each police force in England and Wales has a duty to either record your complaint or tell you why it has decided not to record your complaint.
5. **The IPCC does not have the power to record complaints.** This must be done by the chief officer or the Police and Crime Commissioner responsible. You can send a complaint to the IPCC but it will be forwarded to the relevant police force and the IPCC will not read or see your complaint.

*Complaints are usually resolved by local resolution or local investigation by the police force involved. There is no limit on an investigation or local resolution, but you should be updated every 28 days. Complaints can lead to an agreed resolution (such as apology), internal misconduct proceedings, or criminal proceedings. The IPCC only investigates the most serious complaints referred to it by the police.*

6. **You may be able to appeal** if you are not happy with the outcome. Appeals may be directed to the IPCC, the chief constable, or the police and crime commissioner. You cannot appeal if the investigation into your complaint has been managed or carried out independently by the IPCC.
7. **You can appeal against a recording decision.** The IPCC will look at your case to see whether or not recording your complaint was justified.
8. **You can appeal against a local resolution.** In most circumstances, appeals against the outcome of the local resolution process will be handled by the chief officer of the police force.
9. **You can appeal against a decision to disapply a complaint, or the action taken after a decision to disapply,** either to a chief officer or to the IPCC, which must receive your

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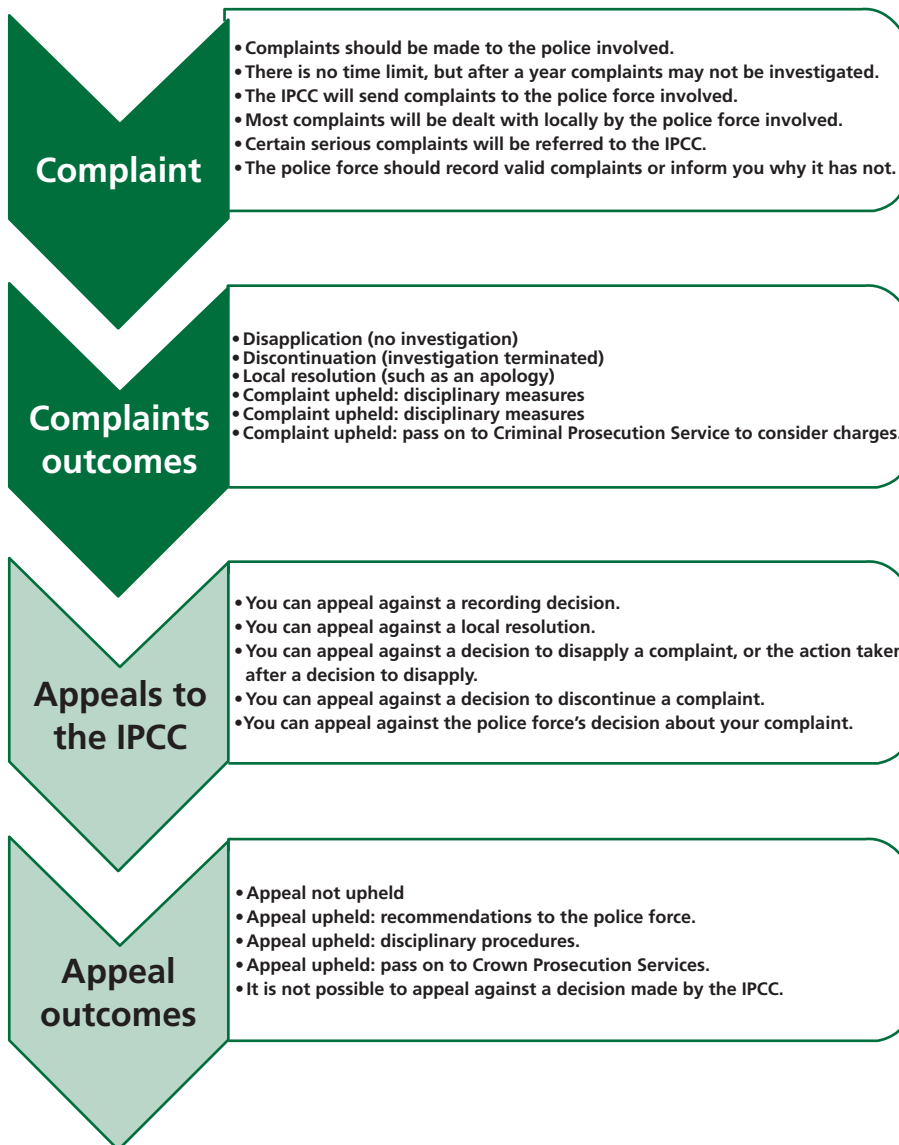
<sup>106</sup> For London, read the Metropolitan Police Commissioner and the Mayor's Office for Policing and Crime.

appeal within 29 days of the date of the letter telling you about the outcome of the complaint.

**10. You can appeal against a decision to discontinue a complaint.**

**11. You can appeal against the police force’s decision about your complaint,** either to a chief officer or to the IPCC. Again, you will need to write within 29 days.

*Your appeal will either be “upheld” or “not upheld”. If your appeal is upheld, the appeal body will tell you any instructions it has given to the police force involved. If your appeal is not upheld, it will write to you and explain why it did not uphold your appeal.<sup>107</sup>*



<sup>107</sup> <http://www.ipcc.gov.uk>;

<http://www.dorset.police.uk/default.aspx?page=1026#hoddoincomplain>

# Formal Minutes

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**Tuesday 29 January 2013**

Members present:

Keith Vaz, in the Chair

James Clappison  
Lorraine Fullbrook  
Julian Huppert

Bridget Phillipson  
Mark Reckless

Draft Report (*Independent Police Complaints Commission*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 111 read and agreed to.

Annexes agreed to.

*Resolved*, That the Report be the Eleventh Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (in addition to that ordered to be reported for publishing on 10 July, 18 September, 23 October, 6 and 20 November, and 4 and 11 December 2012, and 8 January 2013.

[Adjourned till Tuesday 29 January at 2.30 pm]



# Witnesses

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## Tuesday 17 July 2012

Page

<b>Shamik Dutta</b> , Police Action Lawyers Group and <b>Megan Phillips</b> , Police Action Lawyers Group	Ev 1
<b>Doreen Lawrence OBE</b>	Ev 6
<b>Dame Anne Owers DBE</b> , Chair, Independent Police Complaints Commission	Ev 9

## Tuesday 23 October 2012

<b>Deborah Coles</b> , Co-Director, INQUEST and <b>Marcia Rigg</b> , sister of Sean Rigg	Ev 15
<b>Matilda MacAttram</b> , Director, Black Mental Health UK	Ev 19

## Tuesday 6 November 2012

<b>Chief Superintendent Derek Barnett</b> , President, The Police Superintendent's Association of England and Wales and <b>Paul McKeever</b> , Police Federation	Ev 24
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## Tuesday 13 November 2012

<b>Keir Starmer QC</b> , Director of Public Prosecutions and <b>Nazir Afzal OBE</b> , Chief Crown Prosecutor, North West Area	Ev 34
<b>Nick Hardwick</b> , former Chair, Independent Police Complaints Commission	Ev 43
<b>Dame Anne Owers DBE</b> , Chair, <b>Ruth Evans</b> , Commissioner, and <b>Jane Furniss</b> , Chief Executive, Independent Police Complaints Commission	Ev 47

## Tuesday 27 November 2012

<b>Chief Constable Mike Cunningham</b> , ACPO Lead for Professional Standards, and <b>Bernard Hogan-Howe QPM</b> , Metropolitan Police Commissioner	Ev 56
<b>Lawrence Kershen QC</b> , Commercial Mediator, Took's Court Chambers, and <b>Anthony Glaister</b> , Dispute Resolution Adviser	Ev 65
<b>Damian Green MP</b> , Minister of State for Policing and Criminal Justice	Ev 68

## List of printed written evidence

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1	Home Office	Ev 72
2	Police Superintendents' Association of England and Wales	Ev 74
3	Independent Police Complaints Commission	Ev 79, Ev 98, Ev 99
4	Police Federation of England and Wales	Ev 90
5	Black Mental Health	Ev 92
6	Police Action Lawyers Group	Ev 101, Ev 108
7	INQUEST	Ev 109
8	Association of Chief Police Officers	Ev 119
9	Crown Prosecution Service	Ev 122, Ev 125
10	Bhatt Murphy Solicitors	Ev 127

## List of additional written evidence

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(published in Volume II on the Committee's website [www.parliament.uk/treascom](http://www.parliament.uk/treascom))

1	G4S	Ev w1
2	Dr Rodger Patrick	Ev w1
3	Women Against Rape	Ev w7
4	E C Lucy	Ev w8
5	Campaign4Justice	Ev w8
6	Network for Police Monitoring (Netpol)	Ev w13
7	Newham Monitoring Project	Ev w14
8	Taherali Gulamhussein	Ev w19
9	StopWatch	Ev w20
10	Charles Kirk	Ev w23
11	Sara Jane Loughran	Ev w25
12	Celia Jeune	Ev w29
13	Tony Wise	Ev w30, Ev w33
14	Donna M Gardner	Ev w38
15	David Mery	Ev w43
16	Denise Hart	Ev w44
17	Dr Rita Pal	Ev w47
18	Family of Sharon McLaughlin	Ev w47
19	Anton Venter	Ev w51
20	National Policing Improvement Agency	Ev w53
21	Liam Silcocks	Ev w54
22	Keith Cornwall	Ev w55
23	Satish Sekar	Ev w57
24	Neil Coggins	Ev w63
25	JusticeNow	Ev w66
26	Richard Wildblood	Ev w67

27	Ian Puddick	Ev w68
28	Natasha Sivanandan	Ev w68
29	Patrick Allfrey	Ev w73
30	Patricia F Gallan	Ev w75
31	Sir Jeremy Heywood	Ev w76

## List of Reports from the Committee during the current Parliament

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### Session 2012–13

First Report	Effectiveness of the Committee in 2010–12	HC 144
Second Report	Work of the Permanent Secretary (April–Dec 2011)	HC 145
Third Report	Pre-appointment Hearing for Her Majesty’s Chief Inspector of Constabulary	HC 183
Fourth Report	Private Investigators	HC 100
Fifth Report	The work of the UK Border Agency (Dec 2011–March 2012)	HC 71
Sixth Report	The work of the Border Force	HC 523
Seventh Report	Olympics Security	HC 531
Eighth Report	The work of the UK Border Agency (April–June 2012)	HC 603
Ninth Report	Drugs: Breaking the Cycle	HC 184
Tenth Report	Powers to investigate the Hillsborough disaster: interim Report on the Independent Police Complaints Commission	HC 793

### Session 2010–12

First Report	Immigration Cap	HC 361
Second Report	Policing: Police and Crime Commissioners	HC 511
Third Report	Firearms Control	HC 447
Fourth Report	The work of the UK Border Agency	HC 587
Fifth Report	Police use of Tasers	HC 646
Sixth Report	Police Finances	HC 695
Seventh Report	Student Visas	HC 773
Eighth Report	Forced marriage	HC 880
Ninth Report	The work of the UK Border Agency (November 2010–March 2011)	HC 929
Tenth Report	Implications for the Justice and Home Affairs area of the accession of Turkey to the European Union	HC 789
Eleventh Report	Student Visas – follow up	HC 1445
Twelfth Report	Home Office – Work of the Permanent Secretary	HC 928
Thirteenth Report	Unauthorised tapping into or hacking of mobile communications	HC 907
Fourteenth Report	New Landscape of Policing	HC 939
Fifteenth Report	The work of the UK Border Agency (April–July 2011)	HC 1497
Sixteenth Report	Policing large scale disorder	HC 1456
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