

# The Independent Police Complaints Commission

Nick Hardwick explains what the IPCC has achieved in its first two years and how the police complaints system could be improved.

**T**he Independent Police Complaints Commission celebrated its second anniversary on the first of April this year, having gained the grudging acceptance of its severest potential critics. But what has the IPCC achieved? How far has it managed to live up to its values of justice and respect for human rights, independence, diversity, integrity and openness? After two years is it possible to say how the police complaints system could be improved further?

*The Police Reform Act 2002* set up the IPCC from scratch to replace the Police Complaints Authority (PCA) as part of the Government's police reform agenda. The IPCC has the powers that its predecessor conspicuously lacked – to decide how inquiries should be conducted, to carry out independent investigations, to handle appeals against police service decisions and to carry out inspections. The powers extend the Commission's role of guardianship to cover the integrity of the complaints system as a whole and the power to decide how it should be operated.

It is noteworthy that in 1985 the Police Complaints Board, predecessor to the PCA, stated: "The investigation of allegations of misconduct is only part of the response necessary to deal with complaints. Complaints are indivisible from the wider subject of police accountability generally. The public expect the police to be accountable and the police, in their turn, should expect to be challenged in the courts or to find their more contentious activities examined in the course of local inquiries."

Before the Commission began, many people asked how investigations could be independent if they used any former or serving police officers. Others questioned how you could possibly train civilians to investigate misconduct by police officers. Both parties have been proven wrong. When a referral of a death or serious injury, serious-arrestable offence or discriminatory behaviour is referred to the IPCC by the police service, the Commission uses its trained investigators to carry out an assessment and decide how the inquiry should best be carried out. *The Police Reform Act* does not specify how particular categories of incident should be inquired into.

The IPCC's investigators have met their targets for carrying out independent and managed investigations. In the first year (2004/5) the Commission aimed to start 30 independent inquiries and 80 managed investigations; it began 31 independent and 126 managed inquiries. This year the target is 60 independent and 125 managed inquiries; by the

end of February, 50 independent and 169 managed inquiries had been started.

A major criticism of the previous police complaints regime was the length of time taken to investigate complaints, causing distress to the families and police officers involved. The IPCC is determined to ensure its investigations are conducted in a just, proportionate and timely way and has shown itself able to do so. The investigation into the first fatal shooting handled by the IPCC, that of Mr Nicholas Palmer, was completed in four months, about half the time that a similar police investigation would

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typically have taken under the previous system. The investigation the IPCC has concluded most recently, into the fatal shooting of Mr Craig King, was completed in three months.

Appeals are another crucial part of the new system. They can be made against failure to record complaints, the local resolution procedure, the disclosure of information and the outcome of local and supervised police force complaint inquiries. In the first year 475 appeals were lodged against the police service's failure to record a complaint (IPCC 2005). More than half of these appeals were upheld. Prior to 2004 there was no such appeal and if the police service refused to record the complaint, there was little the individual could do except lose faith in the police service and the complaints system.

## **Guardianship**

Until 2004 the PCA was just one small part of the police complaints system in that it did not have any overall responsibility for the health of the system as a whole. It had no ability to ensure that the total process had public and police confidence. Under the Police Reform Act, the IPCC has a legal duty to oversee the whole of the complaints system and to

make change happen – its guardianship role (IPCC, *Statutory Guidance*, 2005).

Guardianship is not about fancy packaging and self-promotion. It is a requirement on the IPCC to ensure that the whole system operates in a way in which the public can feel confident. Minority communities, in particular, will never develop full confidence in the police service while they distrust the complaints process. The four components of guardianship are:

- Setting, improving, reviewing, monitoring and inspecting standards for the operation of the police complaint system;
- Promoting confidence in the complaints system as a whole amongst the public, national and regional stakeholders and ensuring effective relations with those stakeholders;
- Ensuring the accessibility of the complaints system; and
- Drawing and promoting the lessons arising from the IPCC's work.

Solid work has begun to build the guardianship role in all of these four areas. The standards expected of the police service and the IPCC in handling complaints have been spelt out in the statutory guidance developed with the input of both police and non-police organisations. The guidance shows how the system can be made to work better by laying down how to record and investigate complaints and make greater use of local resolution. It opens up the system by recognising the right of complainants to receive the investigation report.

The 17 Commissioners devote much of their time to building confidence in the police complaints system. They typically have three or four force areas within which they meet with a wide range of representative organisations and the police service at all levels. They are keen that minority communities in particular have greater faith in the system. This work is echoed nationally and through groups working on a diverse range of concerns from stop and search to deaths in custody.

IPCC research, six months after being set up, has shown that 77 per cent of the population would complain if really annoyed by a police officer (Docking and Bucke, 2006). But the Commission also found a sizeable minority who were sceptical about the value of complaining or who worried about possible police harassment if they did complain. It is vital that in future this minority feels more confident about the police complaints system.

The IPCC is working to make access to the complaints system easier for the public. Taking complaints down by telephone was an innovation in itself and in the first 12 months over 4,000 people brought their grievances directly to the IPCC, many more than had ever contacted the PCA. The Commission wants to extend access by having local organisations that can help the public complain.

Learning the lessons for the future is a key component of the way in which the IPCC is operating. Lessons can be learnt both nationally and locally. For example after a 16-year-old disappeared, the inquiry made five recommendations for improvement. These included fast tracking the development of a police-NHS protocol, refining force policy in line with national guidelines and introducing a single, force-wide computer system for investigating missing persons.

On a wider front, IPCC research is being directed towards a national study of road traffic incidents involving police, 'near misses' in custody where detainees are revived after collapsing

or self-harming, and a study of how the police use section 136 of the *Mental Health Act* to detain people and remove them to a place of safety.

## The future

The IPCC has been given a vote of confidence by having its powers extended to cover serious complaints made against the investigative and enforcement arms of the newly-merged HM Revenue and Customs. The first inquiry – Operation Venison – has already started into the halting of a court case involving alleged 'missing trader intra-community' fraud surrounding the import/export of mobile phones. The IPCC will also be responsible for serious public complaints involving SOCA, the new Serious and Organised Crime Agency.

After two years of operational experience it is timely to consider how further improvements should be made to the way that complaints are handled. There is no doubt that the process is much too adversarial and legalistic. For instance the IPCC shares widespread concerns about the disciplinary system which needs to be reformed along the lines laid down in the *Taylor Review* (Home Office 2005).

The guardianship role will continue to develop and in future the IPCC wants to be judged not just on the inquiries it carries out but on the efforts made to prevent problems arising, to disseminate lessons learnt and to help strengthen the police service.

The IPCC has shown that independent investigations can be made to work and can meet the high standards originally set. Targets have been met for timeliness, for the numbers to be carried out and for proportionality. The system is being opened up and complainants are receiving full reports about their cases. Crucially the guardianship role continues to develop as Parliament intended. It is a measure of the Commission's success that the role is being extended in April to include serious complaints about HM Revenue and Customs and SOCA.

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