



IPCC response to recommendations made in the final report of the Riots Communities and Victims Panel

The following responses relate to recommendations made by the Riots Communities and Victims Panel in their final report published in March 2012.

The IPCC has not commented on all of the Panel's recommendations but has commented on those which directly relate to the IPCC, or where the IPCC believes it may be able to assist with the implementation of recommendations.

'After the Riots: The final report of the Riots Communities and Victims Panel' can be found at: <http://riotspanel.independent.gov.uk>

Recommendation 49

*“It is important that communities perceive the police to act with integrity at all times. **The Panel recommends that police services proactively engage directly with their communities to debunk myths on issues that affect the perception of their integrity, in particular around deaths of black men in police custody. In doing so they must be entirely transparent with the data and explain and evidence the accountability mechanisms in place.**”*

The IPCC supports this recommendation and believes it can assist in correcting perceptions around the deaths of black men in police custody by:

- more prominently setting out the profile of those who have died in custody in statistics published by the IPCC
- providing factual information, including numbers and details of cases involving deaths in custody, as part of the IPCC’s community engagement work
- continuing to publish reports on all IPCC independent investigations involving deaths in custody.

The IPCC is conducting a review in relation to cases where Article 2 of the European Convention on Human Rights is engaged, which will include cases involving deaths in custody and will involve extensive engagement with a diverse range of stakeholders. One of the key aims of the review is to improve public understanding of the IPCC’s work in this area and thus public confidence. It will also include consideration of diversity issues.

The main body of the Panel’s report refers to statistics from Her Majesty’s Inspectorate of Constabulary’s (HMIC’s) review of police integrity and comments on the damage that negative perceptions of police integrity can have on community relations. Following a request from the Home Secretary, the IPCC has produced two reports detailing its experience of corruption in the police service in England and Wales. The IPCC agrees that where corruption does occur, it is highly damaging to public confidence in policing.

Recommendation 50

*“Communities want better engagement and better quality contact with all levels of police, not just community police officers. There should be a common set of values across the entire police force. **The Panel recommends that police services continue integrating community policing values into wider teams. Services should look to give greater recognition to excellence in building community relationships when considering advancing officers. Police services should look to improve the percentage of people happy with their contact with the police – as measured by the IPCC.**”*

The IPCC supports the Panel's recommendation that police services should look to improve the percentage of people happy with their contact with the police. The IPCC's public confidence survey provides an indication of how satisfied members of the public are with their contact with the police at a national and regional level. Additional sources of data would be required to measure 'happiness' at force level.

The overall purpose of the IPCC's public confidence survey is to measure confidence in the complaints system. In addition to asking people about their contact with police, the survey asks about willingness to complain, barriers against complaining, ways in which members of the public wish to complain and awareness of the IPCC. The IPCC plans to conduct the next confidence survey in January 2014.

Recommendation 54

*"Many communities, but particularly those in London, do not feel that stop and search is conducted fairly. **The Panel recommends that:***

- ***The Metropolitan Police Service (MPS) needs to improve success rates and satisfaction levels, particularly amongst black and ethnic minority communities, in their use of stop and search powers.***
- ***The MPS needs to be more transparent in the justification for and use of their stop and search powers. In particular demonstrating the link between stop and search and crime reduction."***

The IPCC welcomes this recommendation as it considers that the use of stop and search powers in a way that is not seen to be fair and effective seriously risks undermining individual and community confidence in policing.

Given the importance of this issue, stop and search is one of seven priority issues on which the IPCC has been focusing. The IPCC's position on stop and search sets out:

- It is not enough for the exercise of stop and search powers to simply be within the law. Where stop and search powers are used by the police they should be used in a way that is demonstrably fair, effective and carries public confidence.
- Each officer who exercises the power of stop and search, whether or not the law requires the stop to be on reasonable grounds, must be able to answer the question "Why did you stop me?" It is not enough to say "Because I can" or "I don't have to give a reason". Providing an informed explanation is a basic but critical step in helping to improve the quality of the encounter and ensure that it does not lead to reduced confidence or a feeling of unfairness.

- The use of ‘blanket’ powers, such as those in section 60 of the Criminal Justice and Public Order Act, needs to be supported by a focused and specific intelligence package rather than merely referring to ethnic origin or the reputation of an area.
- Local police commanders need to:
 - ensure that the most appropriate powers are used to achieve the policing objectives
 - ensure that their officers can differentiate between, and have a good understanding of, the different powers available to them
 - engage with communities to inform people about the use of the powers within their local police area
 - demonstrate the effectiveness of the use of powers.*

All chief officers were sent a copy of the IPCC position when it was launched in March 2010. The IPCC has been carrying out work to reinforce it since that time. This has included meeting officers to raise greater awareness of the principles of the position and the effect stop and search can have on community confidence.

The IPCC wrote to all chief officers again in July 2012 to take stock of how forces have responded to the position and to test how they are ensuring that stop and search powers are being used effectively. Forces were asked to respond to a number of survey questions, including whether their training gives officers the opportunity to talk to people who have been stopped and searched or to help them understand the impact on communities.

As part of the survey, the IPCC hopes to collect examples of learning and good practice. These will be used to develop and publish a ‘Learning the Lessons bulletin’ in 2013, to help forces improve the way they use stop and search powers. The IPCC is also separately continuing to speak with a variety of community stakeholders to learn more about their experiences of stop and search.

Recommendation 56

*“Greater public confidence in the police complaints system will also lead to greater trust in the police service as a whole and this in turn will contribute to increasing the overall effectiveness of the police service. **The Panel recommends that the IPCC should develop and implement a strategy to close the gap in trust levels in the police complaints system between the overall public and black and minority ethnic communities by 2013.**”*

* Edited summary of points from the IPCC position regarding police powers to stop and search. The full IPCC position can be found at:
http://www.ipcc.gov.uk/Documents/stop_and_search_policy_position.pdf

The IPCC's public confidence survey shows that there has been an improvement over recent years in the percentage of people from black and minority ethnic communities who are prepared to make a complaint. In 2009 only 50% of people from black and minority ethnic communities were prepared to make a complaint, compared with 67% in 2011. This figure is now close to that for white respondents (69%).

Nevertheless, the IPCC recognises the need to improve confidence further and aspires to this. It is still very conscious of black and minority ethnic communities' concerns about the police complaints system, and especially of concerns in relation to deaths in custody and of negative perceptions of the IPCC. This is something that the review of IPCC cases involving a death will be looking at more closely.

The IPCC is currently reviewing its external communications strategy to ensure it has the capability to respond to and influence the external environment, and is communicating effectively with the public and all its stakeholders to assert and demonstrate its independence.

The IPCC currently seeks to increase trust levels through various means. This includes - but is not limited to - community engagement work, providing advice to police forces on the local handling of complaints, and setting standards for the complaints system in statutory guidance it issues to the police service. It believes the police service also has a key role to play in securing public confidence and closing the gap in trust levels.

The IPCC's limited resources mean it is unable to carry out major outreach work. The IPCC has already highlighted that, in some crucial respects, it lacks both the powers and resources to be as effective as it needs to be to fulfill its principal role of increasing public confidence in policing. Its inability to obtain information from third parties, to investigate private contractors, and to ensure that police officers and staff attend for interview in cases of death or serious injury, can block, hamper or delay investigations. Though it has increased the proportion of independent investigations, it has lacked resources to extend this further, or to exercise much more proactive oversight of investigations carried out by the police themselves. This has been a particular concern in cases of alleged corruption or racism.

However, the IPCC made a bid for additional resources following its report on corruption. It was also given an indication that its representations regarding the need for further powers would be taken into consideration when a legislative opportunity arose.

Following the report of the Hillsborough Independent Panel, and the IPCC's decision to conduct an independent investigation into issues it has highlighted, the Home Secretary has given further assurance that she is "committed to ensuring that the IPCC has all the powers and resources it needs to carry out its investigations thoroughly, transparently and exhaustively". She has also confirmed that the Government are "already looking at what additional powers the IPCC will need, which includes

proposals to require current and ex-police officers who may be witness to a crime to attend an interview, and whether this might require fast-track legislation”.

Recommendations 57 and 58

*“Over half of people the Panel surveyed felt that nothing would be done as a result of complaints they made against the police. **The Panel recommends all police services should make their local arrangements for dealing with complaints more widely known and understood in order to prevent escalation of issues.**”*

*“A third of rejected complaints are currently overturned on appeal and there are considerable variations across public [sic.] services. **The Panel recommends that police services should review their individual complaints system in order to reduce the number of rejected complaints subsequently overturned on appeal.**”*

The IPCC agrees with the spirit of these recommendations which are in keeping with its statutory guidance, Access Strategy and Right First Time campaign.

The IPCC’s Access Strategy seeks to improve complainants’ understanding of and access to the complaints system, particularly at a local level. The IPCC has been working alongside forces to try to ensure they provide members of the public with appropriate information about local arrangements for handling complaints. (Further details of the Access Strategy can be found at: <http://www.ipcc.gov.uk/Documents/finalaccessstratagy.pdf>). It encourages forces to provide clear information about their arrangements for handling complaints on their websites, in police stations and in their own literature to raise awareness and improve accessibility to the complaints system.

The IPCC has also been working with forces to help them make improvements in local complaint handling under its Right First Time campaign. This aims to increase public confidence in the complaints system by ensuring that a greater number of complaints are resolved at the initial stage. It has been emphasising to forces the importance of listening to people who feel the police service has failed them and of providing not just explanations but also apologies where appropriate. The IPCC believes that securing public confidence in the complaints system requires forces to continue to focus on achieving quality outcomes to complaints and on putting things right where they have gone wrong.

However there is still considerable scope for improvement in local handling. The IPCC’s annual police complaints statistics for England and Wales for 2011/12 show that the IPCC is upholding an increasing proportion of appeals from people unhappy with the way their complaint has been handled by

forces. The IPCC would welcome the opportunity to exercise more proactive oversight of the local handling of complaints and is conscious of public expectations of it in this regard. It is currently in discussions with the Home Office about the resources required to enable it to discharge this responsibility effectively.

Recommendation 59

“Information transparency is vital to proper accountability. The Panel recommends that when rejecting a complaint, the police should highlight the percentage of complaints from their force that are overturned on appeal.”

The IPCC publishes quarterly police complaints information bulletins on each force as part of its performance framework. The performance framework was established to enable assessment and comparison of performance at system, force and IPCC levels. The quarterly bulletins include information on the percentage of appeals upheld by the IPCC by force and by type, as well as data against a variety of other agreed indicators. Data on appeals upheld by force is also included in the IPCC’s annual police complaints statistics.

Further information, quarterly bulletins and annual statistics, can be found at: <http://www.ipcc.gov.uk/en/Pages/stats.aspx>

Recommendation 60

“The very high percentage of former police officers currently serving as senior investigators in IPCC creates a risk that it will not be perceived as sufficiently independent from the police. The Panel recommends that the IPCC should look to reduce its use of former police officers and staff as investigators, particularly at senior levels.”

The IPCC recognises that the use of investigators who have previously been employed in the police service is one of the factors that impacts on perception of its independence. In 2010 it established a training scheme to help candidates from a range of backgrounds become IPCC investigators. Five trainees have recently completed the programme and eight new trainees joined the scheme in autumn 2012.

The IPCC is conscious that former police officers and staff, as with staff from other backgrounds, bring valuable skills and expertise that help ensure it is able to conduct investigations which are thorough and are able to stand the scrutiny of the Courts. What is important is to have a balance of diverse backgrounds, skills and experience. The IPCC is continuing to look at ways to

increase the diversity of its workforce and is considering how this can be achieved through future recruitment exercises.

Recommendation 61

“The Panel recommends that managed investigations should no longer be undertaken by the IPCC. Resources should instead be transferred so the IPCC’s own investigators can undertake more independent investigations.”

Over the last few years the IPCC has been reducing the use of managed investigations and focusing on carrying out more independent investigations, as these provide the greatest level of public confidence.

<i>No. of IPCC managed and independent investigations started by year</i>		
	Managed	Independent
2009/10	151	106
2010/11	71	164
2011/12	28	126

(In 2011/12 the IPCC received fewer referrals; it focused efforts on closing some long running investigations opened in earlier years and therefore started slightly fewer new independents).

The bulk of resources for managed investigations currently lies with police forces, as they are conducted by the police albeit under the direction of the IPCC. The IPCC would welcome additional resources to enable it to conduct a greater number of independent investigations and is in active discussions with the Home Office about this.