

## CONSULTATION RESPONSE

<b>TO</b>	<b>Home Affairs Committee</b>
<b>FROM</b>	<b>The Independent Police Complaints Commission (IPCC)</b>
<b>REGARDING</b>	<b>Inquiry into gangs and youth crime</b>

### Summary

This submission is based on evidence identified during the course of our work, and focuses on the following issues:

- The relationship between the police and young people.
- Problems with the police complaints system.
- Our work around stop and search.
- Our suggestions to help improve the relationship between the police and young people.
- Other possible areas for further work.
- Other messages from engagement with stakeholders.

### The Independent Police Complaints Commission (IPCC)

1. The IPCC's primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. We are independent, and make decisions independently of the police, Government and interests groups. We investigate the most serious complaints and incidents involving the police, as well as handling certain appeals from people who are not satisfied with the way police have dealt with their complaint.
2. The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Since that time our remit has been extended to include:
  - Certain specialist police forces (including the British Transport Police and the Ministry of Defence Police).
  - Her Majesty's Revenue and Customs (HMRC).
  - Staff who carry out certain border and immigration functions who now work within the UK Border Force and the Home Office.
  - The National Crime Agency (NCA), and previously the Serious Organised Crime Agency (SOCA).

- The London Mayor's Office for Policing and Crime and any Deputy Mayor for Policing and Crime.
  - Police and Crime Commissioners and their deputies.
3. The majority of complaints against the police are dealt with by the relevant police force (or other body) without direct IPCC involvement, unless cases are appealed to us. However, certain types of complaints and incidents must be referred by the police directly to the IPCC. These include where someone has died or been seriously injured following direct or indirect contact with police, as well as allegations of serious corruption, serious assault, and criminal offences or behaviour liable to lead to misconduct proceedings which are aggravated by discrimination. We then decide what level of involvement we should have in any investigation of the matter. We may choose to conduct our own independent investigation, manage or supervise a police investigation, or decide that the matter can be dealt with locally by the police without IPCC involvement.

### **Our experience**

4. Our evidence base on gangs and youth crime is relatively small, as the majority of complaints that are made about this issue do not meet the threshold for referral to the IPCC. Therefore, our response focuses on answering the fourth question posed by the inquiry: "Whether policies such as stop and search reduce trust between the police and young people? How can they be improved?" It brings together our experience of handling relevant cases and also draws on evidence obtained from our engagement with young people, organisations working in the community and the public more widely.
5. By the nature of our work we hear from people about the things that they believe have gone wrong, the mistakes that are said to have been made, and the situations that the police may have handled better. Others are better positioned to talk about good practice which exists across the police service in this area.

### **Stop and search**

#### ***The relationship between the police and young people***

6. The use of stop and search powers has shaped and affected the relationship between the police and young people from BME communities.
7. Research published by the Centre for Social Justice (*Dying to Belong: An In-depth Review of Street Gangs in Britain, 2009*) found that "negative, discriminatory and aggressive police behaviour, if not perpetuating gang culture, actively hinders attempts to tackle it".
8. Our own experience, based on handling complaints and appeals and direct engagement with young people, mirrors this view, and has shown us that young people who feel that they are unfairly and repeatedly stopped and searched are likely to be more reluctant to turn to the police in times of crisis or to engage positively in the policing of their communities. This reluctance to engage with the police could in turn put them at greater risk of harm or hinder efforts to tackle activity involving gangs or anti-social behaviour more generally.
9. Although many of the young people we have spoken to in the course of our work welcome the effect that stop and search has had in relation to gang and knife crime, they feel that a more targeted and intelligence led approach to the use of stop and search

powers is needed to bring about more widescale improvements in young people's confidence.

### ***Problems with the police complaints system***

10. Our work has shown us that young people who have negative experiences of contact with the police are more likely to have the lowest confidence in the complaints system and therefore the police behaviour and practice that they experience often goes unchallenged, leaving them feeling further disenfranchised and victimised, which in turn further damages their confidence and trust in the police.
11. The young people we have spoken to also tell us that the fact that the majority of stop and search complaints are investigated locally by the police rather than by an independent body, such as the IPCC, leads to them having a greater fear of being bullied and harassed by local officers, which ultimately impacts on their willingness to complain. It is noticeable that in our most recently published public confidence survey (2011), people from black and minority ethnic communities were much more likely than those from white communities to hold this view (40% as against 17%).
12. In view of this evidence it is important that forces undertake work to ensure that local complaints processes are accessible to young people of all backgrounds, and to help restore young people's confidence in the complaints system.

### ***Our work around stop and search***

13. In a position statement, developed in partnership with stakeholders, which was issued in June 2009, we set out some basic principles to help improve the way police use stop and search powers. This says that every officer who uses stop and search powers, irrespective of the power being used should be able to answer the question: "Why did you stop me?" It is not enough to say "Because I can", or "I don't have to give a reason". The officer should be able to explain the reasons, which could include citing the intelligence available. Providing an explanation to the person being stopped is a basic but critical step to help improve the quality of the encounter. It can also help to counter concerns that powers are being used inappropriately.
14. Since the launch of this position statement we have undertaken a variety of work to help us learn more about how people are affected by stop and search, and have used this evidence to help try to improve police practice in this area. Examples of such activity include:
  - Engagement with young people affected by stop and search, through sessions at schools and in our offices, and input into community meetings and community-led monitoring groups to understand their experiences and raise awareness of the complaints system.
  - Input into officer training, drawing on the evidence we have collected, in particular for officers based in a number of London boroughs.
  - Involvement in the external reference group supporting the HMIC thematic inspection on stop and search.
  - Feeding into the Home Office consultation on police powers to stop and search and the development of Authorised Professional Practice (APP) around stop and search.

***Our suggestions to help improve the relationship between the police and young people and the use of stop and search powers***

15. We recognise that stop and search is an important tool for dealing with gang and knife crime, but it is vital that any use takes into account the impact on young people's confidence and their relationship with the police.
16. In a range of previous activity, including submissions to other inquiries and consultations and work with forces and other stakeholders, we have suggested the following to help improve practice in this area:
  - Forces should develop robust engagement procedures to increase young people's confidence in complaints processes. This should include steps to improve accessibility, using communication methods that are relevant to youth culture (including social media) and working with youth-focused organisations to ensure that young people are able to access advocacy support where necessary to support them in making complaints. Forces should also have specific regard to the needs of young people with additional vulnerabilities as a result of disability or mental health issues.
  - Forces should examine data to look at the correlation between the stopping and searching of young people, and the seizure of weapons and related arrests, to better understand whether the current approach is having a measurable impact on reducing gang and knife related crime.
  - All frontline officers should receive a briefing on the challenges and issues facing the communities they serve, including the opportunity to hear directly from young people who are stopped and searched, gang members, and relevant community based organisations.
  - Forces should work with schools, colleges and youth groups to build positive relationships with young people to help explain how areas are policed, to encourage positive involvement from young people and to help rebuild trust and confidence.
  - Forces should develop clear youth engagement strategies which make youth engagement a central part of business as usual, and should include the creation of channels (such as youth advisory groups or partnerships with local youth projects) to engage with young people to raise awareness about how communities are being policed, to discuss how activity could be improved and to address concerns.

***Other possible areas for further work***

17. Following research by the Centre for Social Justice and XLP (*Girls and Gangs, 2013*) which found that "relatively few women and girls are being stopped and searched in gang-affected areas" and that this has "created an incentive for females to be used to carry drugs and firearms, as there is a smaller relative risk of them getting caught" we suggest that published stop and search data should also include information about the gender of the person stopped, and whether powers are being used properly to tackle gang related activity. This could result in more girls being stopped but could ultimately prevent them being used by male gang members and forced to carry weapons.

18. It may also be useful for HMIC and the ACPO-led Police Public Encounters Board to explore in more depth how stop and search activity is used in the context of gangs and whether current use is effective. Both these vehicles could provide a valuable mechanism for looking critically at this issue and identifying any opportunities for learning or sharing of good practice.

***Other messages from engagement with stakeholders***

19. As part of our work we engage with a range of organisations and individuals who work with young people who regularly come into contact with the police or the wider criminal justice system, or who are involved in or affected by gangs.
20. A number of stakeholders have told us on several occasions about young people who have been stopped or detained by police and accused of being a gang member before being transported in a police vehicle, and then dropped off (in their view, deliberately) in neighbouring housing estates or different parts of the city that are recognised as being the domain of rival gangs, thereby placing them at significant risk of being seriously hurt. These are serious allegations and we have actively encouraged organisations working with young people, and indeed young people themselves, to bring any relevant cases to our attention, or to make complaints about this issue where they feel confident to do so.
21. Stakeholders have also shared their concerns about how joint enterprise is considered in the investigation of certain crimes, in particular those relating to activity by gangs. They have told us that use of the power is leading to greater criminalisation of young people involved on the fringes of gang activity, and that while it could deter some young people from becoming involved in gangs, confusion over how the law works is preventing witnesses coming forward for fear of being implicated themselves, thus allowing others to escape justice. They have also expressed concern that officers may be making use of this power to help boost arrest rates and meet policing targets, although this is not an issue that is visible in either referrals or complaints which have been brought to our attention. It may be useful for HM Inspectorate of Constabulary or the College of Policing to look at how the police service is dealing with this issue and to explore whether further guidance is needed to help ensure this is used correctly and to reassure the public and potential witnesses.

**Independent Police Complaints Commission (IPCC)**

14 May 2014