

CONSULTATION RESPONSE

TO	The Criminal Justice Joint Inspection Programme Secretariat
FROM	The Independent Police Complaints Commission (IPCC)
REGARDING	Consultation on the Criminal Justice Joint Inspection Programme - 2014 to 2016

The IPCC and its remit

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 interest groups. We investigate the most serious complaints and incidents involving the police across England and Wales, as well as handling certain appeals from people who are not satisfied with the way the police have dealt with their complaint.

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 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; and,
- Police and Crime Commissioners and their deputies.

The majority of complaints against the police are dealt with by the relevant police force (or other body) without direct IPCC involvement. However, certain types of complaints and incidents must be referred by the police 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.

Cooperation with the Joint Inspection Programme

The cases that the IPCC investigates and deals with on appeal relate to a wide range of topics. This provides us with a significant evidence base with which to support and inform aspects of the joint inspection programme.

The IPCC has a strong history of cooperation with the ongoing HMIC/HMIP inspections of police custody suites. We would expect this to continue through the proposed new 2014-19 cycle of these inspections. We aspire however to build on the information sharing and other cooperation that we already provide to the joint inspection programme.

The IPCC is set to undergo a period of change and expansion, growing to investigate a wider range of the most serious and sensitive incidents and allegations involving the police service. As a part of this change we intend to improve our ability to analyse and understand the themes and issues that arise across our cases. We are currently consulting on our first 'Oversight and Confidence Strategy', which sets out how we will work proactively to identify issues of concern in how complaints are handled and policing is delivered, and to respond to these through all the means at our disposal. We see this as critical to our mission to secure public confidence in the police complaints system. Given the responsibilities and capabilities that have been granted to the IPCC, partnership working, including with the criminal justice inspectorates, will play a significant role in this.

The Anti-social Behaviour, Crime and Policing Bill currently before Parliament contains provisions to place IPCC learning recommendations on a statutory footing. Those to whom we make recommendations will be obliged formally to respond, and those responses will ordinarily be published. We believe that there is potentially a role for joint inspections in monitoring the implementation of some of our recommendations, and would welcome the opportunity to explore this further with you. Equally, of course, your inspections can help inform our investigations, policy work and recommendations.

We believe that we may have dealt with cases which are relevant to a range of the inspection topics either planned or under consideration. We would welcome approaches from the relevant inspection teams, in order for us better to understand the scope of each inspection and identify what specific contribution we may be able to make. As already mentioned, we anticipate our continuing involvement in the joint HMIC/HMIP inspections of police custody suites.

- Disclosure - In addition to being able potentially to provide case examples that would inform this inspection, we will also have an interest in the inspection's findings and how these might be applicable in our own handling of cases.
- Disability hate crime – We believe there may be merit in inspection activity to look at the investigation and handling of hate crimes more widely than those which relate to disability. While some of our investigations have related to disability hate crime, it is noticeable that we receive very few referrals where the police have failed to protect a

member of the public in circumstances which have led to a death. We are unclear whether this is sometimes because police fail to notify us of cases which merit referral.

- Multi-agency Public Protection Arrangements (MAPPA)
- Inspection of adult offending; Child protection inspections; Child sex abuse – The IPCC has undertaken work recently to examine the cases that we have dealt where there appears to have been a failure by the police to effectively tackle grooming allegations. Our evidence base is small, but we may be able to contribute usefully to related aspects of these inspections. We will be interested in the outcomes of these inspections, and how these may inform our own future work on this topic.
- Identifying vulnerability and risk in police case files
- Human trafficking

Additional topics that the inspection programme could address

We can see the value in each of the topics that have been identified, and we would be able to contribute to some aspects of these as outlined above. While your planned inspection work already touches on some specific aspects of this, we believe there would be value in work on how young people interact generally with the criminal justice system and policing in particular. Although practice continues to evolve, we believe there is further to go in improving how criminal justice agencies interact with young people.

Other relevant IPCC work

We have recently undertaken pilot projects which have involved examining how forces handle specific aspects of complaints. This is allowing us to make informed recommendations as to how the handling of complaints may be improved overall. This aspect of our work is specifically focused on the operation of the police complaints system and will not clash with or duplicate any of the work outlined in the inspection programme. We believe however that there would be value in our remaining in contact through the further development of our respective work programmes in order to prevent over-burdening forces with requests for information.

In the coming year we will begin an in-depth study into use of force by the police. This will build our understanding of when and how force is used, including its use in custodial settings. Among other things, it will involve work with police practitioners, experts and the public to understand what factors influence 'reasonable' and 'excessive' force. We will of course also be consulting the joint HMIC/HMIP inspection team. We believe that the outcomes of this study will be useful to the work of the criminal justice inspectorates, and will share the report with you in due course.

IPCC

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