

JOHN HARRIS MEMORIAL LECTURE

3 July 2012

INDEPENDENT OVERSIGHT OF POLICE COMPLAINTS:

THE IPCC EIGHT YEARS ON

DAME ANNE OWERS

Dame Anne Owers was appointed Chair of the IPCC in February 2012 for a five year term. Her role is part time and non-executive.

Anne was HM Chief Inspector of Prisons from 2001 to 2010 with a remit that included inspections of prisons, immigration removal centres and police custody. Between 2010 and 2011 she chaired an independent review of the prison system in Northern Ireland. She is currently a non-executive director of the Criminal Cases Review Commission and holds a number of voluntary roles, mainly in the area of penal policy and activity.

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I am very honoured to have been asked to give the annual John Harris lecture. I am aware that I stand in some very large shadows – not only of the many distinguished people who have given this lecture in previous years, but also and especially of John Harris himself. One of his many contributions to public life was to help set up the first civilian Police Complaints Board when he was with Roy Jenkins at the Home Office – so I feel doubly over-awed as the temporary guardian of the grand-daughter of that first attempt at independent police oversight.

For the IPCC is of course the third body to be set up for that purpose – each time after a major incident had caused serious concern and dented public confidence in the police. The Police Complaints Board was an attempt to respond to serious issues of corruption in the Metropolitan Police Service. The Scarman report on the 1981 Brixton disturbances led to the creation of the Police Complaints Authority, which it was hoped would have a more effective supervisory role over police investigations, but which lacked the power to carry out its own investigations. In 1999, the Macpherson report into the racist murder of Stephen Lawrence recommended urgent steps to ensure that serious complaints against police officers could be independently investigated.

Five years later, following the Police Reform Act 2002, the Independent Police Complaints Commission was born. It has been a very long gestation period, but, unusually, there seem to have been no bad fairies at the christening. The parliamentary debates show nothing but support for such a body, including from an ex-Commissioner of the Met. Liberty's independent report on the shape of the new body was responsible for a great deal of its structure, remit and powers – as well as its name, and of course its first Deputy Chair. Of course, there were those who believed that the legislation had gone too far, or not far enough – and from the beginning there were queries about whether it would have the resources it needed - but it was and is generally recognised to be one of the most powerful independent police complaints bodies in existence, with powers to investigate and a duty to oversee the complaints system in general. It was never envisaged that it would deal with all complaints against the police, as for example the Police Ombudsman in Northern Ireland does – but, as Macpherson recommended, that it would have the capacity and the power to carry out independent investigations in serious cases, and to act as an appeal body in some cases for those who were dissatisfied with the way their complaint had been handled.

It is therefore clear that independent oversight and investigation was seen as a crucial element in restoring public confidence in policing and implicitly in preventing further abuses and failings. I want to say something this evening about the importance of independent oversight more generally,

drawing on my experience of prisons inspection; how I see that specifically playing out in the future development of the IPCC; and what are some of the risks and opportunities both for us and the police in the immediate future.

Independent oversight

The principle and necessity of independent oversight of criminal justice agencies with coercive powers is an important plank of both international and domestic law. It is most explicitly set out in relation to those held in detention, where the risk of abuse is highest. For that reason, the Optional Protocol to the UN Convention against Torture and Inhuman and Degrading Treatment, which the UK was among the first to ratify, requires states parties to have in place an independent National Preventive Mechanism (NPM), with the power and capacity to enter at will all places of detention and publicly report on what it finds. The UK's NPM consists of eighteen bodies, covering the four nations and the different kinds of detention, from mental health to prisons and police.

Equally, the need for independent investigation when the state may have breached Article 2 of the European Convention of Human Rights (the right to life) is well established. This comes into play if agents of the state have directly caused death, or if they appear to have failed in their duty of care towards those they are detaining or in contact with. Similarly, cases involving a potential breach of Article 3 (the protection against torture and inhuman and degrading treatment) require at the least that there is very robust and in some cases independent investigation. Those provisions are the foundation both for my previous role in the independent inspection of prisons and other places of detention and for an important part of my current role as Chair of the IPCC.

Both sit within a range of complementary organisations with the power and the responsibility for overseeing the actions (or failures to act) of the prison and police services. There are essentially five elements to this independent oversight: the courts, which come into play in a relatively small minority of cases; inspection systems; complaints and investigative bodies; citizen bodies like prison and custody visitors; and finally Ministerial and parliamentary decisions and legislative provision. Together, they form a network of preventive, reactive and responsive mechanisms.

It is not uncommon for those working in, or running, penal or police services to complain about the extent and nature of this oversight, and the 'burden' it imposes – the need to respond to recommendations or to provide documentary evidence of compliance with procedures or assurance about their outcomes. But there is a reason for this. Both prisons and police are institutions which have been given a wide range of coercive powers over citizens. Imprisonment is the harshest penalty that can be imposed in the UK, and prisons and other places of detention operate literally

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out of sight of the public, behind high and impermeable walls. The police is the only peacetime body which can legally use lethal force, in circumstances of extreme necessity, and police officers also possess a range of other powers of compulsion, including arrest and custody, again often exercised out of the public gaze.

Moreover, this oversight is not just about preventing or detecting abuse. It is also about promoting best practice. All institutions have a tendency to become self-referential and to default to a setting of institutional convenience. This is even more the case for those that operate outside public view, and need to exercise a range of powers, often against people who are marginalised or unpopular. There are other similarities between the prison and police services. Both have to deal with situations and people that most of the rest of society don't want to – and I have seen numerous instances of this being done fairly, humanely and in the face of considerable provocation. That does mean, however, that staff can get jaded and begin to lose respect for the people they are dealing with: and the language used ('cons', 'low-life' 'offenders') can sometimes condition behaviour. Both services are good at reacting and doing – indeed they have to be – but tend to be less good at reflection and proactive planning, and to have a horror of 'paperwork'. Both need to develop strong corporate loyalty and trust, to be able to depend on colleagues in situations of threat, and to develop skills in handling difficult people and situations. That can slide into a defensive, and at worst collusive, culture against a world that has not been there and had to do that.

For all those reasons, independent oversight, from a variety of sources and for a variety of reasons, is an essential part of the democratic accountability of these services, and the public's confidence that these powers, exercised in their name, are being used fairly and humanely. That is explicit in the IPCC's statute.

What, then, have I learnt from the inspection of prisons that I will bring to my role at the IPCC? And what have I already learnt about the way the IPCC tackles, and needs to tackle, its challenging task?

Independence

I start with the defining characteristic: independence. The IPCC arose out of the acknowledgement that it was neither right nor acceptable that the police should investigate themselves when there were allegations of serious wrongdoing. It is therefore not surprising that most of the critiques of its independence have focused on the number and proportion of ex-police officers, in particular among its investigators.

In the Prisons Inspectorate, around half of my inspectors had been governor grades in prisons. I must confess that when I became Chief Inspector, coming from the independent voluntary sector, I

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was sceptical about what I would find and very uncertain that this could provide strong and independent oversight. I was wrong. Many of my ex-prison inspectors were among the most robust and often the most angry of the inspectorate staff. Their understanding of how prisons worked meant that they were not easily fobbed off and knew where to look. They cared about good prisons and had little time for those in the service who did not. That is why we chose them. And that is why our independence was never in doubt.

There are those who would argue that the IPCC should not employ any ex-police officers. I don't agree with that - ex-police bring essential forensic and investigative skills, and conversely the fact that you come from a non-police background does not grant you immunity against the very powerful, high octane police culture. I note that Liberty, in its ground-setting report, accepted that up to a quarter of investigators could be ex-police staff, without compromising the principle of independent oversight. And, of course, the oversight of investigations lies with the IPCC's Commissioners, none of whom can ever have worked for the police service. That in itself provides a powerful counter-balance.

Nevertheless, it is very important that we get the balance right in our investigative teams and staff. For that reason, we are about to undertake a dual programme of investigator recruitment and trainee posts directed specifically at people from non-police backgrounds. But I also think that, both for the IPCC and its critics, to focus only on the number and proportion of ex-police staff may miss the point. What really matters is that the culture into which people come, and the values by which they and the organisation work, define and protect our independence and are visible in all the work we do. Let me define what I mean by independence.

Independence is not easily bottled and cannot be secured in legislation or regulations. It is an elusive concept, and its boundaries need constantly to be patrolled and defended – not necessarily against explicit threat or challenge, though this will happen. Much more insidious is the blurring of those boundaries that results from a lack of clarity about purpose, or from a laudable desire to help and influence. As newly-appointed Chief Inspector of Prisons, three months before I took up the post, I had an intriguing phone call from within the Home Office. I was invited to join a small group drawing up new standards for the Prison Service: my help, it was said, would be invaluable. I was very aware of my lack of detailed knowledge in this area, but thankfully I was equally aware that one of my predecessor's greatest battles, with Ministers and the Prison Service, had been to retain the power to set his own standards for prison inspection, based upon human rights principles, quality outcomes and best practice, rather than the then very process-driven, output-focused internal standards. I asked when it was proposed to unveil these new standards to a waiting world, and was

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told that this would be on 1 August – the date I was due to take up post. I said how flattered I was to be asked, but politely declined the offer.

Good civil servants, and good senior officers and managers, like to be able to solve problems. Independent bodies can be part of the solution – on their own terms and within their own remit – but occasionally they will also be part of the problem, or may appear to be. For the end of my standards story is that the Inspectorate standards, and above all the outcome-focused approach that lies behind them, have been instrumental in driving up practice in prisons, and have considerably influenced the way the service itself measures good prisons and good work within them. I am not arguing for independent statutory bodies to adopt a contrarian view for the sake of it – they would quickly lose influence and traction - but I am arguing for the need to appreciate and constantly monitor the boundary, both with departments and the services being inspected or overseen. If we become too close, and do not offer any alternative viewpoint, we will lose our value and purpose.

It is vitally important to have credibility with, and to understand, the service and the genuine difficulties and challenges it faces. Bodies like ours have no regulatory power – we cannot close down a prison, discipline a police officer or manage the behaviour of a constable on the beat. To be effective, we rely on those who run the service having the same overall aims and principles, and crucially having the capacity to put them into practice, using the information we provide, accepting our recommendations, and having effective systems to implement and monitor them. Without effective operational management, with the will and capacity to change, we would be ineffective bodies, sitting on a high moral hill dispensing wise words – after all, the IPCC has fewer resources than the professional standards department in the Metropolitan Police alone. Moreover, most of the serious cases of misconduct that we investigate, including nearly all the allegations of corruption, are referred to us by the police themselves, reflecting their investment in exposing malpractice and abuse of powers.

But understanding does not mean excusing. Understanding the very difficult task of a firearms officer, making split second life and death decisions in relation to themselves, the public and a suspect, does not mean being any less rigorous in applying the test of absolute necessity if a firearm is used and someone is killed or seriously injured. Recognising the challenges in public order situations, where police may be damned if they do and damned if they don't, doesn't mean that the whole rationale for policing by consent or the right to protest disappears in the heat of the moment. Equally, the responsibility to influence police practice, which is a clear part of the IPCC's remit, needs not to shade into an over-close or too cosy relationship with the senior officers or professional standards departments who are charged with developing and implementing strategy and tactics.

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These are fine balances that need constantly to be stress-tested both in individual investigations and in seeking to influence policy and practice. That is, and must be, the test of the independence of the IPCC and those who work in it, and it is right that we should need to demonstrate this in the way we do our business.

For part of independent oversight is the ability, and sometimes the necessity, to be counter-cultural. Security in prisons is important; but I have seen it used as an excuse, not a reason, for action or inaction. Force protection, in military detention overseas, can be used as an all-purpose reason for detention or sub-optimal treatment, and one of my last tasks at the Prisons Inspectorate was to help the army's specialist custodial staff to draft operating standards that defined its legitimate boundaries. Similarly, in our work on corruption in the police, it has been necessary to displace some rather comfortable cultures that have grown up within some forces or ranks, in relation to accepting hospitality or intervening in recruitment. It is part of the role of independent oversight bodies to spot attitudes and assumptions that have begun to condition behaviour and that could, if not checked, lead to abuses of power. We should not have needed Stephen Lawrence, Baha Mousa, or the Strangeways riot to tell us that there was something going badly wrong within those institutions.

Finally, independence needs to exist for a purpose: it is not detached disinterest. It has to cohere round a clear set of values. The IPCC was not set up because the police needed added protection or support against citizens, but because some citizens had had inadequate protection against police abuses or failures; in the context, as I said earlier, of the power imbalance that flows from the powers that the police have and need to use. So, in everything we do, we are there to ensure fairness and a just outcome for complainants – and by that I mean those who directly complain against their treatment, those whose treatment or death is the reason for cases being referred to us, and those members of the public who are affected by proxy if police misuse or abuse their powers corruptly. That does not mean that we are biased, or indeed that the outcome will be what the complainant is seeking or expects - our work can and does end up validating the actions of the police. But it does mean that, in their interests and in the interest of public confidence in policing, our core purpose is to ensure that complaints are dealt with fairly, justly and humanely, taken seriously and investigated robustly.

I see independent oversight as asking the questions a good officer would ask themselves – asking why as well as how, checking that what has been done was right and necessary, rather than whether it was convenient or possible. That is, for example, the approach that the IPCC has set out in its position paper on the use of stop and search, one of the most contentious and potentially problematic police powers, with huge capacity to alienate specific sections of the community.

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Crucially, it is also asking the questions that a complainant or a family would ask. Whether in relation to conditions in prisons, or in relation to complaints against the police, it is always worth applying the 'my son/daughter/spouse' test – how would I feel if this happened to them? If a man dies after contact with the police, I would want us to ask the same questions that I would want answered if it were my son who had died. That is, however, complicated territory, where the grief, anger and pain of loss can be directed at our investigators as much as at the police, and where revealing the truth can itself be painful and disturbing.

Investigations

So, what do we need to do to ensure those outcomes? Let me turn first to those serious cases which the IPCC must, and does, investigate independently. They will always be a very small minority of complaints against the police. There is a live argument that we should expand the number of independent investigations we do – which have already risen from 30 to 150 in the five-year period to 2011. That would require additional resources, both of staff and Commissioners – and I have already raised this with the Home Office, particularly in relation to our capacity to undertake more independent investigations into corruption allegations, an area where there are clear public concerns about police investigating themselves. But even so, this would still be the tip of a very large iceberg – there were over 28,000 complaints locally investigated by police last year - unless of course Ministers decide to take a few billion pounds from police budgets and reallocate them to us. And that would fight against the principle of good complaints handling, which is to deal with matters as close to the source of the complaint as possible, so that services own the responsibility for mistakes and failures. This does, however, give us a difficult job in managing expectations. It is not unreasonable for people to think that a body called the Independent Police Complaints Commission independently deals with all complaints against the police – even though that is not, and never has been envisaged as, our role.

There have been complaints about both the quality and timeliness of investigations. I know that the IPCC has invested a lot in recent years in quality assurance and in seeking to reduce delays; though there is always a balance to be struck between speed and thoroughness – complainants want truth as well as speed - and our ability to gather evidence quickly can be compromised by a lack of resources, or foot-dragging by officers from whom we need vital evidence. Like the police service, we need to be able to learn lessons, and I am keen to encourage a dialogue between those who criticise our approach and timeliness so that we can better identify what is defensible and right, and what we could improve. I would, however, say to our critics that, as someone coming in from the outside, I have been struck by the heavy caseloads and workloads of our Commissioners and staff,

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the commitment to the work, and the internal and external pressures on them. For their sake, we need to manage the expectations of those outside the IPCC, as well as ensuring the best possible service within it.

What is, though, clear is that we currently lack some of the powers, as well as the resources, to deal with those very serious cases. The issue of officers who refuse to be interviewed has been well ventilated recently. This has had considerable effects on public confidence in our role and the robustness and speed of our investigations. Officers do, of course, provide written statements. But without the power to question them on the basis of those statements, we cannot gain a rounded picture of the events in question, or can only do so after protracted written correspondence, often mediated through a lawyer.

Of course, if we have reason to believe that a criminal offence has been committed, we have powers to arrest and interview under caution. Some have argued that we should always use those powers if a police officer has used lethal force against an individual – on the grounds that if this were the other way round, arrest and charge would inevitably follow. But this ‘level playing field’ argument does not quite work. Police are legally able to use lethal force, but only in circumstances where this was absolutely necessary to preserve life: theirs or others’. So there does need to be a reason, beyond a tragic death, why that test may not have been met in order to invoke the criminal law. There is, however, an argument to be had about the right threshold for invoking it, and we need to be sure, in each case, that we are not setting it too high, and that we keep reviewing it in the course of the investigation as evidence accumulates. That is why we were right, in a recent case, to arrest and interview an officer under caution on suspicion of murder and unlawful act manslaughter.

We have been considering whether we need powers of compulsion in non-criminal cases. This is a complex question. If we had such powers, evidence obtained under compulsion could not be used in any subsequent criminal or disciplinary proceedings. I am not sure that public confidence would be greatly enhanced if there was strong evidence of either crime or misconduct and no further action could be taken. There is, perhaps, another way. If we are independently investigating a conduct matter referred to us (which could be an officer who has committed a road traffic offence, has unlawfully accessed or promulgated information) the regulations laid under the Police Reform Act state that the officer ‘must’ attend for interview. No penalties are set out for failure to do so – even though we have argued strongly that there should be a specific link, in regulations, to disciplinary procedures. But it is implicit in the wording of the regulation that senior officers can take action against those who refuse to attend.

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However, there is no such provision in relation to officers who are facing investigation into deaths or serious injuries and who are not specifically being investigated for criminality or misconduct. There is no regulation requiring those involved in the incident, or who witnessed it, to attend at interview. This seems to me to be a significant gap. Compulsion to attend interview would not normally prohibit evidence being used in other proceedings. True, there would be no compulsion to answer questions, but in practice, where such compulsion does exist, in criminal interviews, it is very common for the answer to be 'no comment'. Such a provision would, at least, ensure that officers came through the door and were not seen, by families and the public, to be evading interview and essentially defying the IPCC as the statutory investigative authority.

There are other powers that we do not have, and need. One is the power to require information from third parties, without breaching the Data Protection Act. For example, we had no right to see the untransmitted BBC footage that showed crucial events surrounding the shooting of Mark Duggan. We were able to view it, but only after some weeks' delay and because the BBC were persuaded that it was in the public interest to let us see it. They need not have done.

We also lack powers in relation to contracted-out staff, unless they have been specifically designated as custody officers. This problem will increase, if plans for contracting out more police functions are implemented, and is a major gap in accountability. When I inspected private prisons – often run by the same companies that are bidding for police work – I had exactly the same powers as for those in the public sector. The same should surely be the case in policing.

With additional powers, we would be better able to discover and publicise the truth – and that is an outcome many complainants, and the public, want. We cannot, of course, determine the outcomes of disciplinary proceedings, which can follow investigations, or decide whether criminal charges will be laid or successfully prosecuted. That is sometimes taken as a measure of our success or failure, and we need to be clearer in delineating our role, timescale and recommendations, from the decisions and processes of others.

We can, though, seek to ensure that lessons are learnt from our investigations and this has always been a key part of the IPCC's role. There is little point in identifying failure, or indeed good practice, if nothing changes as a result. The thematic and research work done since the IPCC was set up has contributed a great deal to safer detainee handling, safer procedures for police pursuit, and the protection and approach needed for victims of domestic violence.

It is important, as the work on domestic violence has shown, for this to be informed by the views and experiences of families, victims and communities, as well as those of experts, lawyers and the

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police themselves. As an organisation, we are committed to transparency – seeking to be as open as possible, within legal constraints, about what we are doing and why. We need to make sure that this is a two-way street, and that we are listening as well as informing. That is why we are in the process of setting up a review of the way that we investigate deaths following police contact. We will hear from those who have lost relatives and friends, as well as those who have represented them. Some of those discussions will undoubtedly be about powers, and the way we use them, but some will also be about feeding back the experience of being on the sidelines of a process that touches the most profound personal loss and pain.

Some outcomes, however, depend upon the work of other agencies. Like the police service itself, we can be investigating tragic events which are at the end of a chain of failures by other organisations and services. A prime example of that is those who end up in the care of the police and who suffer from mental disorder. As is well known, police stations count as ‘places of safety’ under sections 135/6 of the Mental Health Act. A report by the IPCC in 2008 recorded the over-use of s.136 (twice as many people were detained in police custody as in hospital environments) and its disproportionate use as between forces and communities (Black people were much more likely to be detained).

In practice, the criminal justice system has too often been the gateway to treatment for sub-acute mental illness and criminal justice agencies - prisons and police alike - are therefore left dealing with individuals whose notional ‘care in the community’ has failed, or never materialised. The consequences can be tragic. In his second annual report, Nick Hardwick noted with concern that around half of those who died in or following police custody were mentally ill. Sadly, the proportion is exactly the same this year – in spite of numerous reports, inquiries and best intentions – and in spite of the fact that the number of such deaths has declined since 2004, something which in itself owes a great deal to the lessons learnt and promulgated as a result of IPCC investigations and research. For that reason, I would like to see more healthcare involvement in investigations that involve the death or serious injury of someone with mental illness, to identify the extent to which the care – or absence of care – outside police custody was a contributory factor. If lessons are to be learnt, they have to be learnt across the whole system, not just its most acute and vulnerable point.

Oversight of complaints

Let me move on from individual investigations to the much wider question of the complaints system in general, and how the IPCC can and should exercise oversight. In the great majority of cases, complainants rely on the police themselves to handle their complaints. Yet clearly, all is not well at

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the front end of the complaints system. We receive nearly 7,000 appeals every year from people who are dissatisfied with the process or outcome of their complaint, or who claim that their complaint has not been recorded. This has been increasing year on year – there was a 55% increase between 2008/9 and 2010/11 even though the number of recorded police complaints has not dropped. At the same time, we acted as an access point for nearly 12,500 people who came directly to us, and whose complaints needed to be forwarded to the relevant force to be recorded and resolved. This highlights weaknesses in local accessibility for complainants, as well as in complaints resolution. Last year, we upheld over half the appeals from people whose complaints should have been recorded, and were not – an unacceptably high figure – and nearly a quarter of appeals against local investigations of complaints. For that reason, the IPCC has invested a lot of time and work in a ‘Right First Time’ campaign, to try to instil into police forces, at local level, the need to deal properly with complaints and complainants.

Part of the problem is that complaints have been umbilically tied to disciplinary or even criminal proceedings – so the focus, in determining whether a complaint should be upheld has been on blame or potential blame, which can be career-limiting or worse. That has led to a defensive and legalistic approach. For the police service, as for any business, complaints should be an essential preventive and feedback mechanism. Sometimes the issues raised are serious and abusive. But in less serious cases, they are a way of detecting upstream things that may as yet be relatively minor, but which, if not caught firmly, can become a serious problem downstream.

Moreover, complainants do not necessarily want heads to roll, or pockets full of money. In this as in all other services, all the research shows that they want their concerns to be understood, where necessary recognition that something has gone wrong, and some confidence that it will not happen to others. An over-legalistic approach gets in the way of that.

I don’t know whether anyone watched the recent BBC3 programme ‘Can you trust the police?’ Among other things, it featured two cases where people had been forcibly arrested and detained due to mistaken identity. Without commenting on the detail of those cases, what was very apparent was the difference in the response to those complainants. One, a young black man in Hackney, had had his complaint upheld and some financial compensation, but no one had apologised to him or acknowledged his physical and mental hurt. As a result, his circle of friends, including the maker of the film, had lost trust in the police. The other case involved an older church-going black couple in outer London. The wife had been forcibly restrained in her own home, when bailiffs came to the wrong house. They too were shocked and horrified – but in their case, a senior police officer came to their church and publicly apologised for the mistake and the hurt it had caused. The impact of

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those actions, or inactions, not just on individuals, but on a whole community's confidence in its police force, cannot be overstressed; it is not only suburban church-going families whose hurt and pain needs public recognition when there are errors or failures. What I found most disturbing was that those two cases were almost exact replicas of the experiences of two people and families I knew in Peckham in the 1970s.

So, how can the IPCC improve outcomes for complainants and therefore confidence in policing in general? First, that cannot be achieved simply through an ever-increasing number of appeals. Appeals are not reinvestigations, and are not meant to be; they are a much more limited exercise, involving detailed review of the papers and documentation available. Yet these cases reflect the experience and concerns of many more people than those that we investigate independently: people who say that they have experienced incivility, racism, or a lack of care in their contact with the police. It is scarcely surprising therefore that our appeals work attracts the most criticism, and certainly the great majority of the relatively few judicial reviews of our decisions. Appeals are a necessary backstop to internally-decided processes – but to be effective they crucially depend on the robustness and integrity of the front line.

The Police Reform and Social Responsibility Act offers the opportunity, and indeed the necessity, for getting it right at local level. Its complaints provisions will come into effect in November. Complaints will be more widely defined: our new draft statutory guidance to police forces, now out for consultation, defines a complaint in simple terms as 'an expression of dissatisfaction with what has happened or how someone has been treated'. It stresses the need to deal swiftly and responsively with the most common and less serious complaints. In other words, it seeks to change the focus from process to outcome: which could range from a proper explanation, to an apology or some other form of restitution, all the way through to formal performance or disciplinary action.

At the same time, fewer appeals will come to the IPCC. Those complaints that require local investigation – either because, if proved, they could result in disciplinary or criminal proceedings, or because they raise Article 2 or Article 3 issues – will continue to be appealable to us, as will complaints about failure to record complaints. The most serious cases – including deaths and serious injuries, and allegations of serious assaults, sexual offences and corruption – will still have to be referred to us. But appeals in less serious matters, that can be resolved locally, will now go to chief officers, or their delegates. That, and the arrival of Police and Crime Commissioners, who will not be in the complaints or appellate loop, provides both an opportunity and a risk.

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The risk is that we will lose oversight of a considerable proportion of cases, and that the inconsistencies and inadequacies that are already evident in the system will increase. Forces, already under financial pressure, will have to develop effective mechanisms for dealing with their own appeals in locally resolved cases. We can and will provide guidance, but how can we be sure that it is being operated properly? It is evident from the statistics we collect that the number, and upholding rate, of complaints varies considerably between forces. For example, Nottingham police recorded only half as many complaints per thousand force employees as West Mercia. Similarly, fewer than one in ten complaints were upheld in some of our largest urban areas – London, Greater Manchester and Merseyside – compared with nearly one in five in Humberside and Hampshire and almost a quarter in Cheshire. Similar discrepancies were found in our recent report on corruption, which showed stark differences in cases recorded and referred to us by different forces.

These crude numbers are not by any means a predictor either of problems or good practice. Forces that record or uphold more complaints may well be those that recognise problems, are willing to explore them and are ready to admit mistakes. Forces that have surprisingly few complaints, or uphold only a small proportion, may be blind to problems or resistant to challenge. As the organisation responsible for oversight, we need to be able to get behind those figures, and reflect back to police forces, Police and Crime Commissioners, and the public what they represent and what action, if any, needs to be taken.

So the opportunity, if we can find the resources, is to develop our strategic and proactive role in relation to the oversight of police complaints handling – identifying recurrent themes that emerge from complaints, and providing some validation of forces' response to those themes and to complainants. If we are to do that, we would need to reinforce three areas of work. The first is the detailed analysis of complaints statistics – ours and those of police forces – to identify emerging patterns and problems, within and across forces. That does, however, need to be supplemented by random sampling, in specific forces or specific areas of concern, to validate good practice or identify poor practice. That is what we are doing, as a pilot exercise, in relation to race complaints against the Metropolitan police. Race and policing has been, and remains, a problematic and potentially toxic issue, particularly in inner cities and among young men – hence our position paper on stop and search, which I have already referred to. Following publicity around the findings of two of our independent investigations into racist complaints, we have been examining dozens of race complaints, both those that are ongoing and those that had already been dealt with by the Met. That focused oversight will give us a window into actual practice, and an opportunity to influence it. However, the Met is unlikely to be the only force in England and Wales with a problem in this area;

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and there are other themes – for example sexual abuse, the treatment of people with disabilities, the use of force – which also deserve a thematic approach. Our thematic work in the past has had an impact, and we will be looking at the best ways of developing this, and the resource implications, over the next few months.

The second area is the capacity to follow up the implementation of the recommendations that come out of investigations – both those that are specific to individual forces, and those of general relevance. The Learning the Lessons bulletins have undoubtedly been influential in improving police practice, but we have as yet no systematic way of recording, monitoring or evaluating their effect, or the response to findings and recommendations in relation to individual forces. There is no statutory duty for forces to provide a formal response and action plan after an investigation is complete, and there should be. That is one of the legislative changes we are seeking. But with or without that, we need to be able to show that we are making a difference. At the Prisons Inspectorate, we routinely followed up all our inspections to see for ourselves which recommendations had been achieved. Each year, I was able to point to over 2,000 things that had improved as a result of inspection, recording not just our inputs, inspections, but their outcomes. I am not suggesting that the IPCC becomes an inspectorate: there is one, and we should be working in tandem with it. But I am suggesting that we need to collate and publicise the outcomes of our investigations, drawing on assurances and evidence from chief officers, so that we can pass that information on to those who have wider responsibility for policing – ACPO, HMIC and Ministers.

In both of those areas, we will hold information which will be central to the work of the new Police and Crime Commissioners, whose role it is to hold chief officers to account. We have the opportunity to make sure that, through us, they have regular and objective updates on the themes and issues that are emerging in the engagement between police and citizens in the forces for which they are responsible. That will be an important independent evidence-based source of information as they identify their priorities in this new role.

Finally, but importantly, we need to keep in touch with communities themselves, particularly those who come into more contact with the police, like young people. Their experiences and perceptions need to be set alongside the statistics, the findings of our investigations and appeals, and the assertions of others. They are, as I have said, the people for whom the IPCC was set up. Some come from communities or sections of society which are known to be reluctant, or unable, to complain. Our outreach work with them – both in terms of improving access to the complaints system and in terms of listening to those who have complaints, or who do not or dare not complain - is an absolutely vital part of our role.

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That is a very demanding programme, on top of what is already an extremely challenging task. Some of it is work we are already doing, and all of it is work we would like to do. We would rightly be criticised if we failed to carry out the demand-led side of our work: investigating the serious complaints of individuals or serious allegations of police misconduct, taking calls from complainants and potential complainants and dealing with their appeals. We need to ensure that we do that as well, as fairly, as speedily and as thoroughly as we can. But there is also a proactive and strategic role if all of that work is to feed into increased public confidence in policing. However, we cannot take on additional tasks, unless we have the resources to do it properly. It is, of course, a feature of every part of public service that people are being asked to do more for less, and I am not naïve enough to think that we can be immune from those pressures. Yet I also believe that this is a pivotal time for the IPCC and for policing in general.

We hope to have five or six new Commissioners joining us over the next year. I know that they, like those they are replacing, want to make a difference. So do I, and so do the staff of the Commission. And we need to do so, and be seen to do so, at a time when public confidence in the police, the foundation of policing by consent, has been considerably dented, partly by corruption allegations, and especially in some communities and in our large urban areas. The challenges for police forces will grow – the mismatch between resources and expectations, the possibility of greater social unrest and public order issues, the changes to the structure and conditions of the service, the need to gain or retain public confidence in increasingly divided and sometimes alienated communities, the increasing sophistication of cybercrime. Nothing that I have said should disguise the increasingly difficult task we are asking our police forces to do. By the same token though, there has never been a greater need for a strong and effective IPCC, acting both as a lightning rod and a litmus test: independently validating actions which are reasonable and fair, but robustly exposing sub-optimal practices or abuse that will in the end destroy the public confidence on which policing by consent depends. If we are to do that, we need to be a strategic as well as a reactive body. We need the powers and resources not only to hone our investigative work, but also to ensure that it feeds into better practice, fewer complaints and greater public confidence. That is why we are here, and, 35 years on, I hope and believe that that is what John Harris would have wanted his infant to grow up into.