

Opposite Sides of the Same Coin: Police Perspectives on Informally Resolved Complaints

A report for the Police Foundation

By Hamish Warburton, Tiggey May and Mike Hough

This report presents findings from the first phase of a research project examining the informal resolution (IR) of police complaints. It documents current administrative practices and procedures, largely from the perspective of those involved in the implementation of IR. It also assesses the views and perceptions of operational police officers.

There is clear variation in the use of IR across force areas. Those responsible for implementing IR tend to regard it as a useful management tool and an effective mechanism for dealing with minor police complaints. However, police officers exposed to the procedure often feel powerless in the process and think that it provides little by way of fairness or justice.

The Independent Police Complaints Commission (IPCC), which replaces the Police Complaints Authority (PCA) in April 2004, intends to strengthen and, where appropriate, expand the use of IR. The authors provide a number of suggestions and recommendations to help the IPCC achieve these aims.

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The Police Foundation was created in 1979 as an independent research charity. Its programme of work focuses on policing issues of public concern. Its primary aim is to help develop more efficient and effective policing through applied research and development, education and training.

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Hamish Warburton
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FOREWORD

It is vitally important that the police complaints process should command public confidence. We know that historically there have been concerns about the independence and impartiality of the process. The reforms introduced by the Police Reform Act 2002 will start to take effect next year, and it is to be hoped that these will help to redress the balance.

Informal resolution is a central part of the current system, and local resolution – as it will be known in future – will continue to occupy this position of centrality. Most complaints can and should be resolved in a way that is straightforward, unbureaucratic and cost-effective. However, we need to ensure that the system is regarded as fair by both complainants and the officers about whom complaints are made. This report provides a valuable benchmark about the organisation of the informal resolution process in 2002/03 and about police officers' perceptions of this system. This will provide a useful tool for monitoring the evolution of the system under the oversight of the Independent Police Complaints Commission.

Ken Jones
Chief Constable, Sussex Police

SUMMARY

This report presents findings from the first phase of a three-year research project examining the informal resolution (IR) of police complaints. The project is due for completion in March 2004. The data have been gathered from a 41-force survey of police force arrangements for applying IR, and a more detailed organisational review of the administrative practice and procedures in six forces. In the main, the report examines IR from the perspective of those involved in the implementation of the procedure. It also briefly assesses the views and perceptions of a sample of 100 operational officers. This report focuses solely on the views of police officers. However, the second phase of the research, which is currently underway, is collating data from both complainants and officers complained about. Findings from this phase will be presented in a future report.

Key points:

Department structure

- Over half the Professional Standard Departments (PSD) stood alone; the remainder were incorporated into larger departments.
- Departments operated on a team basis, and in a small number of forces, teams had responsibility for specific geographical areas.
- The rank profile of PSD personnel varied between forces.
- Only the Metropolitan Police Service (MPS) incorporated Police Constables (PCs) into investigative teams.
- Ten PSDs currently have a strong detective focus.

The IR Procedure

- A complaint can be made in person or by post in all forces.
- In 30 forces a complaint can be made by e-mail.
- With the exception of four forces, both sergeants and inspectors have the authority to record complaints.
- Over half of all PSDs collated records of control and direction complaints.
- Only 14 forces submitted recorded complaints from division to the PSD via email.
- In 18 forces, once a complaint is logged centrally a PSD officer deals with it. In the remaining forces, if appropriate, a complaint might be returned to division for an attempt or renewed attempt at IR.
- Nearly all forces have a designated complaints 'gatekeeper' who ensures that complaints are appropriate for IR.
- Variation in officer decision-making about the appropriateness of IR is influenced by the effort put into the process, knowledge and understanding of the process, training, and individual confidence.

'Desktop' Resolution

- Most forces acknowledged the existence of 'desktop' resolutions.
- Most forces (34) stated that 'desktop' complaints were either recorded in an officer's pocket book, the station log book, or by other means.
- Over half the force areas felt that this type of complaint does not necessarily need officially recording.

Implementing informal resolution

- Disparity exists across rather than within forces.
- All forces follow the guidance from the Inquiry into the death of Stephen Lawrence (Macpherson, 1999) when dealing with a racial complaint.
- Fifteen forces stated that they would not use IR for a complaint with a racial element.
- Just over half the forces did not think a hypothetical incident involving injury to a complainant (the 'split lip' scenario) was suitable for IR.
- Disparities were more marked for complaints involving incivility and oppressive conduct.

Training

- PSD input into probationer training was minimal in most forces.
- There was no PSD input into probationer training in three forces.
- PSDs provided structured training for newly promoted sergeants and inspectors in 37 forces.
- Other training inputs for sergeants and inspectors included attachments to PSDs, one-to-one training with PSDs, and the use of an *aide-memoire*.

The use of Informal Resolution as a quality management tool

- Only one force failed to use IR data as a quality management tool.
- Complaint records were used for monitoring officer behaviour, analysing divisional trends and identifying the training needs of individual officers, custody staff or divisions.
- Nearly all forces had a policy to deal with officers who received a number of complaints over a set period of time.
- Mostly this tended to be three complaints over a 12 month period.

Problems and satisfaction with IR

- Over half the Professional Standards Departments felt that PCs were in some way satisfied with the process.
- Of the 100 PCs interviewed, actual levels of satisfaction were much lower.
- Only 12 forces felt that their officers had a good or very good understanding of IR.
- Only eight forces were satisfied with the current IR process.
- The most common suggestions made by PSDs to improve the current process included: increased training and dissemination of information about IR, greater ownership of complaints at a divisional level, and the need to change the name from 'informal' to 'local' resolution.

The Independent Police Complaints Commission

- The establishment of the IPCC was welcomed, provided that it did not increase bureaucracy.
- Increases in transparency and additional independence to the complaints system were the main supporting points.
- The main concerns were a potential increase in monitoring, and the lack of impact external monitoring was expected to have on the image of IR amongst officers and complainants.
- Most PSDs were positive about the use of restorative conferences to IR complaints.
- Only 15 forces had conducted a restorative conference during the last 12 months, and only four forces had employed mediation to IR a complaint.

INTRODUCTION

The quality of police accountability is an important indicator of the health of democratic government. The police have a monopoly on the legitimate use of force to uphold law and order, keep the peace and resolve public disputes. In exercising their legal authority the police organisation and individual officers are bound sometimes to make mistakes, fail to act as they should or abuse their legal powers. Ordinary citizens, especially those who have little power or authority, will tend to define police accountability by the practicable opportunities they have to complain about police behaviour, and by the likelihood of receiving a fair hearing and emerging from the process reasonably satisfied with the way it has been managed.

Since research findings were published by Brown in 1987 and by Maguire and Corbett in 1991 there has been a sense of considerable unease about the police complaints system in this country. This culminated in two official reports – the 1998 Home Affairs Committee report and the 1999 Macpherson Report – that called into question the effectiveness of the system and recommended major changes. Macpherson was the more critical of the two, focusing attention on the way in which police investigations can discriminate against ethnic minorities.

Both the research studies and the two official reports concentrated heavily on police investigations of complaints. Concern was focused on the fact that of the 35,000 complaints made annually, the proportion substantiated by investigation was relatively low (the most recent statistics are 7 per cent of investigated complaints or 2 per cent of recorded complaints). In addition some commentators have pointed to the even smaller proportion (0.5 per cent) that lead to a disciplinary and/or criminal charge.

Little attention has been paid to the ancillary procedure for dealing with complaints known as ‘informal resolution’ (IR) or, increasingly ‘local resolution’ (LR). Where no serious disciplinary or criminal offence is implied by a complaint, a complainant may elect to use the informal procedure. This locally managed procedure has enormous potential. Unlike formal investigation it can be fast, there is scope for the complainant to confront the officers complained about; the process is open and not burdened by legal rules of evidence and above all, it is designed to be conciliatory not adversarial in style. Properly managed, both sides can emerge with both practical and psychological benefit.

While use of this procedure has risen 400 per cent since its introduction in 1986, there is currently no way of knowing whether criticisms discussed below of its operation ten years ago have been remedied or not. We do not know what effect the complaints investigation climate as a whole is having on informal resolution and we certainly do not know whether the procedure is reaching its true potential. The only relevant statistics show that the procedure is used by different proportions of complainants in different force areas.

The complaints legislation

The framework for the current police complaints procedure was established by the Police and Criminal Evidence Act 1984 (PACE), which replaced the Police Complaints Board with the Police Complaints Authority (PCA). The 1984 reforms were designed to remedy faults identified by the Royal Commission on Criminal Procedure¹, primarily the absence of an independent element in complaints investigation and the almost total exclusion of the complainant’s interests from a procedure aimed principally at upholding police discipline by “convicting” officers of disciplinary offences. There have been minor amendments to the procedures through primary and secondary legislation.

¹ HMSO (1981) Report of the Royal Commission on Criminal Procedure. London, HMSO.

Section 85 of the PACE Act removed the need to investigate all complaints formally, and provided for informal resolution as an option for complainants². IR allows for a speedy conclusion to minor complaints against the police, which if proven would not result in criminal or disciplinary action. It also enables the police to provide explanations to complainants without lengthy investigations. Under section 85 of PACE and section 69 the Police Act 1996, IR can be used only if three conditions are met:

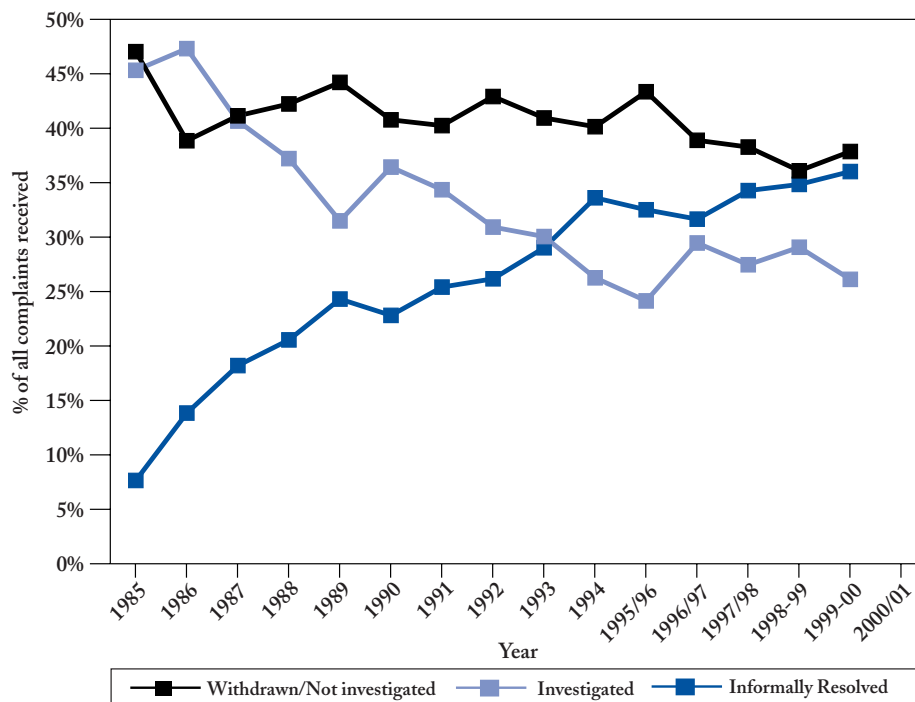
- A chief officer considers the complaint suitable (in practice a senior officer, normally an Inspector or above, takes on the decision-making process provided in legislation for the chief officer).
- The complaint itself would not result in any criminal or disciplinary action if proven.
- The complainant gives his/her consent.

It is unnecessary for the police officer complained about to agree to IR. If attempts at IR fail or for any other reason the complaint is deemed no longer suitable for resolution via IR, it will usually be formally investigated. If the officer complained about admits his/her behaviour the investigating officer can apologise to the complainant on behalf of the officer. However, if the officer complained about denies the allegation, the investigating officer can apologise to the complainant only on behalf of the force. Informally resolved complaints are usually held centrally within Professional Standards Departments. No formal action can be taken against an officer, even if the officer has a number of similar (informally resolved) complaints. However, the officer will usually be spoken to by a senior officer regarding his/her behaviour or actions. This can result in the officer being monitored or sent for additional training.

Trends in the use of IR

Both Her Majesty's Inspectorate of Constabulary (HMIC) and the PCA have encouraged the wider use of IR – where appropriate – and its use amongst forces has continued to grow. The number of informally resolved cases grew from 2,162 in 1985 to a peak of 12,280 in 1997/98³. Figure 1 shows proportions over time.

Figure 1: Percentage breakdown of how police complaints are dealt with 1985 to 2000/2001⁴.



Source: Police Complaints and Discipline Annual Bulletins 2000/01

² Although some forces use the term local resolution, and informal resolution will change its name to local resolution in April 2004, for the purpose of this paper the term 'informal' will be used throughout, except when discussing IPCC proposals.

³ Figures taken from Police Complaints and Discipline Bulletin, 2000.

⁴ Figures for 1984 have not been included since they do not relate to a full year.

This growth was largely at the expense of investigated complaints, which fell both in absolute numbers and in proportionate terms. In 2000/01 a third of complaints formally recorded by forces were informally resolved. However, the proportion of informally resolved complaints varied quite significantly across force areas; in Gwent 57 per cent were informally resolved, compared with only 19 per cent in Thames Valley.

Maguire and Corbett's (1991)⁵ study of the complaints system noted large variations in the use of IR not only between police forces but also within divisions of the same force: the use of IR ranged from 48 per cent to just 12 per cent. Maguire and Corbett did, however, attribute part of the differences to geographic and land-use characteristics that could affect the type of complaints received by the force (Maguire and Corbett, 1991; Corbett, 1991). Corbett also suggested that some low users of IR may not in fact be averse to IR, but may employ totally informal methods of resolution which go unrecorded (Corbett, 1991). Such instances often involve cases where the complainant does not wish to make a formal complaint, but still wants to voice their dissatisfaction. Part of the variation in recording practices across force areas was additionally thought to be the result of confusion about the IR regulations, such as investigating officers believing that officers were required to provide consent in order to take part in the process (Corbett, 1991). The use of IR has, however, been subject to criticisms and recommendations from both official committees and independent inquiries. The Criminal Law Committee (1998) of the Law Society stated that:

“It is important that a decision to withdraw a complaint or seek IR is taken on a well informed basis. Current arrangements are unsatisfactory because there is evidence that those administering these procedures are unclear as to the basis on which such a resolution may be offered and that “ploys” are sometimes used to win acceptance to such a procedure. It is suggested that, more detailed criteria specifying the circumstances in which IR may be used, together with rigorous monitoring by independent outsiders of informally resolved complaints and withdrawn complaints is desirable.”

Corbett (1991) also suggested that investigating officers tended to ‘guide’ complainants towards the use of IR as a means to deal with their complaint. Most complainants remained content, as they felt this to be the most appropriate course of action, but some felt under pressure to agree to the process. In these cases, it was reported that specific ‘ploys’ were used to increase the likelihood that the complainant would consent to IR: for example, informing the complainant they would have to attend a hearing, court or a tribunal if they opted for a full investigation (Corbett, 1991: 51).

The Macpherson Report (1999) recommended that a Ministerial Priority be established for all police forces:

“To increase trust and confidence in policing amongst ethnic communities.”

Recommendation 57 of the report has a particular bearing on IR. The recommendation calls for racist language or acts to become disciplinary offences leading to dismissal if proved. This raises the possibility of large numbers of incivility complaints being placed in a grey area between serious (racist incivility) and ‘trivial’ (incivility with no racist overtones). The IR procedure will therefore have to be efficient and well regarded if it is to handle this issue adequately.

⁵ The separate article by Corbett (1991) was based on the same research.

The new framework for complaints

The police complaints system has previously lacked public confidence (Home Affairs Select Committee, 1998; Macpherson, 1999; Home Office, 2000; KPMG, 2000; Reiner, 2000; Harrison and Cunneen, 2000). While discussing the evidence which suggests that external civilian oversight bodies have not achieved better investigative outcomes than internal police investigation units, Brereton (2000) notes that many complaints, particularly those involving excessive force, incivility, assaults and oppressive conduct occur with no witnesses and no evidence-base to substantiate the allegation. Clearly the invisibility of much police decision-making (McLaughlin and Murji, 2001) and the reluctance of police officers, rooted in their occupational culture, to speak out against fellow officers who are guilty of wrongdoing (Harrison and Cunneen, 2000; Reiner, 2000) makes it difficult to substantiate investigated complaints, or to generate a consensus between complainant and officer viewpoints. Sticking together as a group may also perpetuate the view that officers often corroborate their stories in order to cover up their misdemeanours or abuses of power (Harrison and Cunneen, 2000).

Police occupational culture, discretion, the invisibility of much decision-making and a lack of transparency (KPMG, 2000) form the key factors that influence perceptions about the complaints system. It is these factors that have generated one of the major longstanding concerns about the complaints system, that the police are largely responsible for investigating themselves (Scarman, 1981; Cohen, 1985). It is also these constituent factors that have led to a decrease in public satisfaction and confidence in the complaints procedure, whilst simultaneously lowering the quality of police accountability.

Recently, the feasibility and benefits of moving further towards a system of independent oversight have been highlighted (KPMG, 2000; Harrison and Cunneen, 2000). These reports helped to shape the framework of the new system for dealing with complaints against the police (Home Office, 2000a). The Police Reform Act (2002) laid out the legislative framework for a new body, the Independent Police Complaints Commission (IPCC), which is replacing the PCA. The IPCC will have greater powers and will be able to insert greater independence into the system. It will have its own investigative teams. These teams will have the necessary investigative powers and be able to investigate cases separately from the police irrespective of whether a complaint has been made or not. It will also be able to manage or supervise police investigations. The Police Reform Act 2002 places the IPCC under a statutory duty to ensure public confidence is maintained in the system and, as such, the IPCC is charged with being the guardian of the system. It must therefore ensure the effective and efficient operation of the complaints system. To do this it has powers of inspection and monitoring. It also has the power to issue statutory guidance to police authorities and forces.

Overall the new independent body will aim to be more independent and proactive in order to 'build a system in which all sections of the community, and the police service, can have confidence' (Home Office, 2000a: 1). As such, new measures will include:

- Informal resolution being renamed 'local resolution'. The process will, however, continue to be implemented by the police.
- Greater use of mediation and restorative conferences. This is intended to increase confidence, and thus accountability.
- A 'dip-stick' review of local resolution performance to confirm the process is being used appropriately, and a more comprehensive review of a proportion of individual cases.
- Providing complainants with information about the process and what they can expect.
- The right of appeal to the IPCC if complainants are unhappy with the way the process was used.
- The provision to use LR to deal with a wider range of complaints.

At present the IPCC is shadowing the PCA until April 2004. The PCA has set up five pilot projects designed to improve the new system, and at the time of writing these were being monitored and evaluated.

The structure of the report

This report summarises findings from a detailed organisational review of IR in six force areas and a national survey of 41 Professional Standards Departments (PSD). Section 1 outlines both the methodology for the organisational review and the 41-force survey. Section 2 discusses informal resolution and how it is used both at a force and local level, the training provided to officers, IR as a quality management tool, and the problems perceived by officers with IR. Section 3 describes perceptions of the proposed Independent Police Complaints Commission (IPCC). Finally Section 4 outlines the main findings from the report and discusses possible options for the IPCC.

SECTION 1: METHODOLOGY

Data for this report were collected in two stages. Firstly six forces were selected. The aim of this was to establish a reliable description of current administrative practice and procedures. A postal survey of police forces in England and Wales was then conducted, the aim of which was to quantify the extent of variation in practice between forces at a national level.

The organisational review

Although there were several criteria that could have been used to select the six forces for the organisational review, we wanted ones that varied on two main dimensions:

- The percentage of complaints solved with IR.
- The percentage of complaints that had the potential to be dealt with through IR (namely incivility and oppressive conduct, as taken from PCA figures).

The idea was that we could thus distinguish between forces' preparedness to use IR and their opportunity to use IR⁶.

In the year 2000/01 the use of IR amongst force areas ranged from 19 per cent to 58 per cent with an average use of 34 per cent. We divided forces into high, medium and low categories, based on their percentage use of IR. A similar process was used to categorise forces that had a high or low potential to increase their use of IR. For example, those forces with a high proportion of complaints going to the PCA under incivility or oppressive conduct were coded as having a high potential to increase their use of IR.

The forces were then tabulated according to their two rankings. Further factors were then considered⁷ such as complaints per 100 officers submitted to the PCA; the population of the force area; the geographical location of each force; the proportion of ethnic minorities in the force area⁸ and the proportion of ethnic minority officers in the force. The contents of Her Majesty Inspectorate of Constabulary (HMIC) reports were also analysed to identify forces who had been praised for good practices and those who had been criticised for their complaints procedures.

The six selected forces were:

- Cambridgeshire
- Devon and Cornwall
- Gwent
- Merseyside
- Metropolitan Police Service (MPS)
- West Yorkshire

Table 1 summarises the position of the six selected forces according to the selection criteria.

⁶ We appreciate that other types of complaint are resolvable through IR, for example, other assault, neglect of duty and irregular procedure.

⁷ Ancillary factors used to select forces are detailed in Appendix A.

⁸ Ethnic minority figures have been taken from census data and ethnic minority officer figures have been taken from the most recent HMIC reports.

Logistically it would have been impossible to conduct a complete review of the MPS. Instead we decided to focus on two boroughs:

- Hammersmith and Fulham
- Islington

Two criteria were applied in selecting the two boroughs:

- Contrasting levels of usage in IR in dealing with public complaints. In the year 2000/01, Hammersmith and Fulham informally resolved 65, or 38 per cent, of 164 recorded complaints. In contrast, Islington informally resolved 56, or 24 per cent, of a total of 232 recorded complaints.
- Broad similarities in the socio-demographic characteristics of the populations of the two boroughs.

Table 1: Informal resolution in six forces 2000/01

	High percentage of incivility and oppressive conduct complaints (PCA)	Medium percentage of incivility and oppressive conduct complaints (PCA)	Low percentage of incivility and oppressive conduct complaints (PCA)
High use of Informal Resolution	Gwent		West Yorkshire
Medium use of Informal Resolution	Merseyside		Devon and Cornwall
Low use of Informal Resolution	Cambridgeshire		MPS Total

The six forces were written to in early January 2002 and asked if they would be prepared to participate in the research. All agreed and were visited by the research team. The aim of the organisational review was to examine the current arrangements for handling complaints made by members of the public about police services, and the behaviour of individual officers. The review focused on:

- The administrative framework in which complaints are received, processed and either resolved, withdrawn, investigated or referred for supervision by the PCA.
- How information from the process is used (or not) as a quality management tool.
- The perceived impact on IR of the IPCC.

To explore the administrative framework for IR we interviewed:

- Head of Complaints and Discipline/Internal Affairs/Professional Standards⁹. In the case of the MPS, the detective inspector who heads the Directorate of Professional Standards (DPS) divisional investigative team, and senior officers (chief inspector or superintendent) at a borough level who oversee the complaints process.
- Officers who had recently resolved a complaint using IR who worked in Professional Standards or DPS.
- Four divisional inspectors/sergeants – two from urban divisions and two from rural divisions who had experience of processing a complaint via IR.
- The force Federation representative.

⁹ Although various titles are used for departments handling complaints, throughout this document we have used the title Professional Standards Department (PSD).

To assess the training provided to newly promoted inspectors, and (in some forces) sergeants we interviewed:

- A recently promoted sergeant
- A recently promoted Inspector

To document operational officers' understanding of IR, we asked 12–20 operational police constables (PCs) in each of the six force areas to complete a short questionnaire. The aim of the questionnaire was to document officers' understanding, satisfaction, and perception of IR.

Interviews were either taped or detailed handwritten notes were taken.

The survey of police force arrangements

Following the six force organisational review we approached the remaining 36 forces and asked if they would be prepared to take part in a survey on the implementation of informal resolution in their force area. All but one force accepted. The Metropolitan Police Service was not approached as practice from borough to borough varied and generalisations would not have been possible on a force-wide basis. A short questionnaire was designed and posted to all PSDs. The survey was intended to quantify the extent of the variation in practice between forces.

SECTION 2: INFORMAL RESOLUTION OF POLICE COMPLAINTS

In this section we draw on both the 41-force survey and the 6-force organisational review. We detail how complaints departments are structured, how IR is processed and implemented in each force area, the training available to officers, the use of IR as a quality management tool, and the problems that officers see with IR.

Department structure

The size, character and traditions of individual forces vary widely. Likewise the volume of complaints and general complaint profiles differ from force to force. It is therefore expected that the structure of Professional Standards Departments will vary from force to force. This section examines the differences in department structure first at a national, and then at a force level.

Professional Standards Departments at a national level

Across the 41 forces complaints from members of the public about individual officers are at some point referred to a Professional Standards Department. There was significant variation in the structure of these departments across the 41 forces. Twenty-five stood alone. The remainder were located within larger departments. The equivalent department in the MPS is the Internal Investigations Command (IIC) positioned within the Directorate of Professional Standards (DPS). These departments cover multiple boroughs.

Outside the MPS, an officer of at least superintendent rank had responsibility for Professional Standards Departments. Departments were structured on a team or non-team basis. Over half (27) were team-based, although in 13 forces it was unclear how the departments were structured. Only one force worked on a non-team basis. In eight forces individual teams were responsible for dealing with specific geographical areas. Not only did this involve processing complaints, but also providing *ad hoc* training and advice about complaint issues specific to that area.

Staffing levels differed across force areas. The largest department had a staff of 77, although it incorporated a number of additional units¹⁰. Department personnel also varied. Some departments utilised inspectors, sergeants and PCs. In other areas there were no staff under the rank of sergeant, and in others no staff under the rank of inspector. The use of civilian investigators was also common; over half (27) the force areas employed civilian investigators to work on cases appropriate for IR. Most civilian investigators were retired police officers, often with a PSD background. Having a detective background also differed between forces. Twenty-seven departments were only partially or non-detective based. Some (4) were staffed by a mixture of detectives and non-detectives, whereas ten had a strong detective focus.

Professional Standards Departments in the six forces

Consistent with the national picture, there were variations in the way that the Professional Standards Departments were structured in our detailed six-forces review. Department numbers ranged from eight in Cambridgeshire to 18 in West Yorkshire. Gwent and Cambridgeshire had three small investigative teams. Similarly, six investigative teams consisting of one inspector and two sergeants were used in Merseyside. Merseyside also used liaison officers on division specifically tasked to deal

¹⁰ Other units included: Internal Investigations, Force Vetting, Operational Support and a Discipline and Policy Unit.

with complaints and cases of civil litigation. These officers were referred to as complaint managers. Gwent also had a post to deal with complaints that were *sub judice*. The head of the department regarded this as a useful mechanism for contacting and keeping complainants informed about their complaint prior to the completion of their court case.

The two inner-London boroughs operated a slightly different system. A single investigating team had sole responsibility for dealing with Hammersmith and Fulham complaints alongside those from a neighbouring borough. An investigating officer (IO) of detective inspector rank heads this team. The team responsible for Islington and an adjoining borough comprised of a detective inspector, three sergeants and two constables.

Departmental personnel varied slightly in each area. In West Yorkshire there were no investigators under the rank of inspector. Civilian assistant investigators were employed in Devon and Cornwall and West Yorkshire. Devon and Cornwall also had a chief inspector and a sergeant responsible for complaint reduction. The MPS was the only force to incorporate constables into their investigative teams.

Both IOs in the MPS investigative teams had detective experience. Cambridgeshire, Gwent and West Yorkshire had recently begun to place a greater emphasis on using investigative officers with a detective background. All three department heads stated that a detective background was important to their department, as the officers were trained investigators. This was not the case in other areas, where personnel were drawn from a mixture of policing backgrounds.

The informal resolution procedure

Informal resolution is a national procedure implemented across all 43 police force areas. It is to be expected that there will have been differences in the implementation of this procedure. This section examines how a complaint is made and recorded, the IR process, IR 'gatekeepers', how IR is implemented, and the degree to which this varies.

Making and recording a complaint

A complaint against a police officer can be made by telephone, fax, email, a personal visit to the police station or by writing directly to PSDs. However, only 24 forces permitted a complaint to be made via the phone. Thirty forces allowed complaints to be received by email, and a further 36 forces accepted complaints by fax. Complaints can also be made to the Police Authority (PA) or directly to the PCA. The organisational review revealed that complainants tended to report the complaint themselves, although legal representatives may also initiate a complaint. Racial complaints and those involving juveniles are the exception. Complaints involving a juvenile can be brought by the juvenile themselves or an adult responsible for the juvenile. Racial complaints may be instigated by anyone who perceives an incident to involve a racial element – for example, a bystander.

In the first instance, either a sergeant or inspector will normally see the complainant, when the complaint – if appropriate – will be officially recorded. As part of the national survey, we asked Professional Standards Departments who has the authority to resolve complaints. In four forces only inspectors and above were authorised to resolve complaints. For the remaining force areas, both sergeants and inspectors had the authority to resolve complaints, although twelve forces stated that this was predominantly the responsibility of an inspector.

The organisational review found variations both within and between forces in the way that informally resolved complaints were recorded. If a complaint is considered suitable and the complainant consents, the recording officer can immediately informally resolve the matter.

Conducting an ‘immediate’ IR involves a complainant signing a ‘complaints against police’ form, thereby agreeing to the process. However, some officers may choose to resolve the complaint without officially recording it as such (see ‘desktop’ resolution – page 25).

In Merseyside a complaint would sometimes be noted but not officially recorded for 24 hours. Once noted, the complaint was passed to a complaints manager who would then meet with the complainant to assess their requirements. This style of recording allows complainants to register their complaint locally and then reflect as to how they would like their complaint to proceed a day later. It is also considered a “cooling off” period for those who complain when they are intoxicated, or for those who complain after being arrested. All interviewees stressed that it was not used to discourage complainants from pursuing the complaint process.

Control and direction

Control and direction complaints are made against a police force as opposed to an individual police officer. They involve force policies and procedures. At present there is no requirement to collate control and direction statistics. As a management tool, however, information on organisational complaints is useful for analysing trends and assessing ‘customer’ satisfaction. As a result, well over half (25) the departments that took part in the 41-force survey had begun collecting statistics on complaints about control and direction.

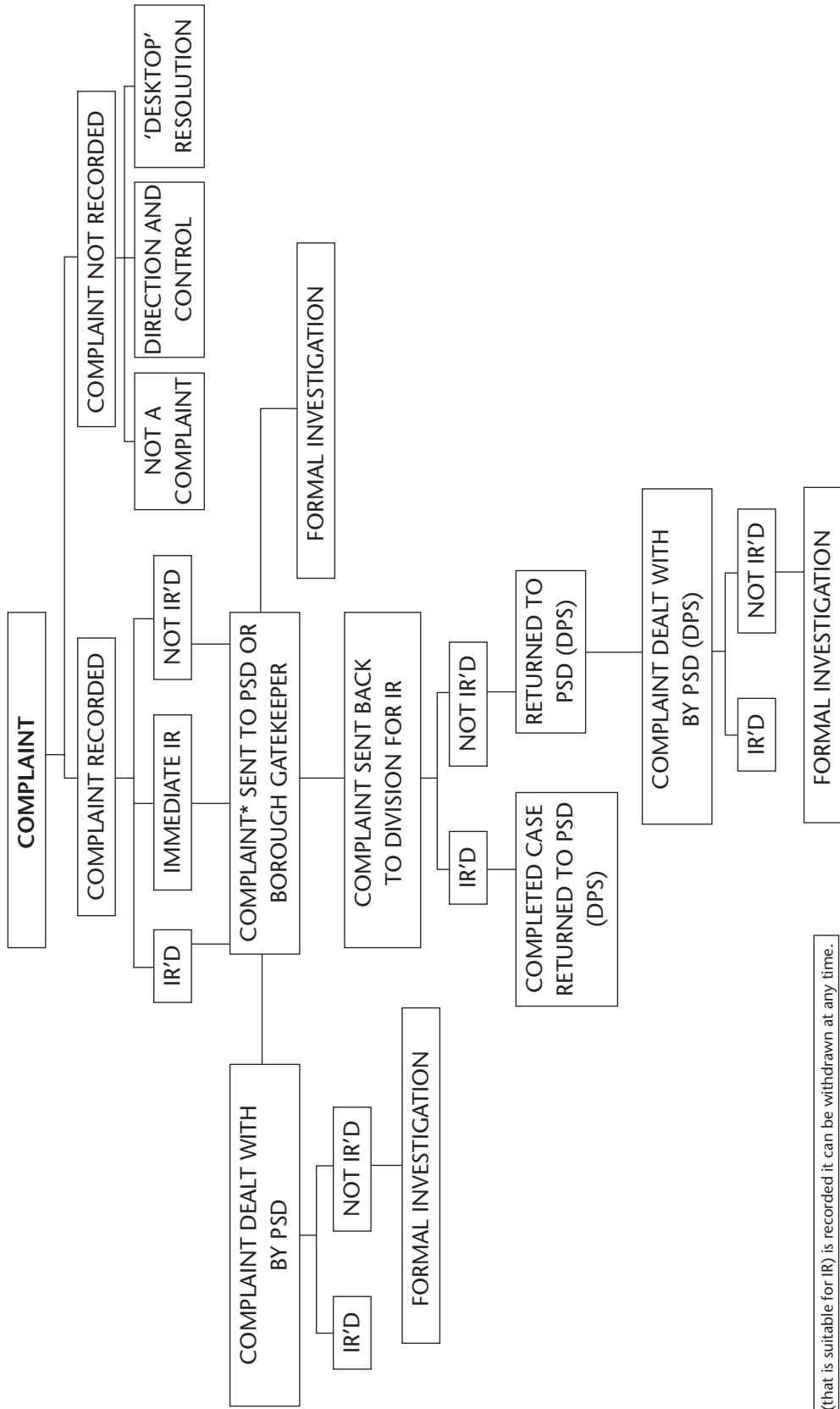
During the organisational review we encountered only one PSD that dealt with complaints involving control and direction. Gwent had recently developed a one-page form designed to capture and record organisational complaints. On completion, the form is submitted to the head of PSD who allocates the complaint to the appropriate department or individual. Once the complaint has been finalised, it is then returned and recorded centrally. As a consequence, the head of PSD stated that local police policy is either explained to the complainant or amended where appropriate. None of the other force areas were able to provide statistics relating to control and direction and none were aware of any department within their force that monitored these types of complaint. However, at the time of research, Devon and Cornwall were in the process of collating statistics to discover whether trends could be highlighted, and then translated into additional training for operational officers. The collation of figures was in its infancy and the statistics they possessed were not considered to be adequate for analysis.

The IR process

A complaint can be processed in variety of ways. Figure 2 outlines the complaints process. In summary:

- A complaint against an officer is recorded, whereas a direction and control complaint, in some force areas, has no central recording point.
- A recorded complaint has to be informally resolved, formally investigated or withdrawn.
- A recorded complaint can be informally resolved on division or by a PSD (or DPS) officer.
- Where a recorded complaint is formally investigated, this must be done by PSD (or DPS) officers.

Figure 2: The Informal resolution process



* Once a complaint (that is suitable for IR) is recorded it can be withdrawn at any time.

At the point of recording and assuming the complaint is suitable, the complainant will either be offered IR on the spot (which they may accept or reject) or the complaint may simply be recorded without an offer of IR. If the complainant is initially unwilling to accept IR or no attempt at resolving the case has been made, the complaint will be referred centrally to the PSD. Complaints are sent and received in a number of ways. The 41-force survey found that a complaint form is often sent to a PSD using more than one method. For example, Gwent, Merseyside and the MPS, simultaneously fax and send complaint forms via the internal mail, whilst Devon and Cornwall solely use the internal post. The most common routes were through the internal post (38) and via the fax machine (27). While only 14 forces submitted completed forms by email. Some forces also allowed for forms to be delivered by hand or phoned through.

Only two of the six forces we examined as a part of the organisational review exploited information technology to submit complaints centrally. Cambridgeshire had adopted a unique computerised system, which obviates the need to submit a paper form. Complaints were recorded on a database and submitted electronically to the head of PSD. The advantage of this system is that immediate assessment by the superintendent is possible. For example, if it is decided that IR should be re-attempted on division, a submission will be rejected, possibly within ten minutes, with advice from the head of PSD. This process has the benefit of dealing with a complaint in a particularly efficient manner, thus creating the potential to raise both complainants' and officers' satisfaction with the system. West Yorkshire also used a computerised email system that detailed all complaints. Once recorded all complaints had to be sent to headquarters within a 24-hour period.

It is here that the process varies most between forces. Once the complaint has been lodged centrally it is either dealt with by the PSD, or sent back to division for IR to be attempted or re-attempted. In 18 forces PSD officers dealt with the complaint once it was logged centrally, whereas 14 forces returned the complaint to division for an initial or second attempt at IR. Three forces stated that they operated no set procedure and were flexible in their approach; on some occasions a complaint would remain with the PSD, on others it would be returned to the division to be dealt with. Only one force operated a different system. In this force, all complaints are recorded centrally and then allocated to divisions as appropriate.

The organisational review demonstrated how the process differed between force areas. In Devon and Cornwall, all complaints recorded centrally were allocated to an investigating officer from the PSD. The other four forces, however, sent a complaint back to division for an inspector to attempt or re-attempt IR. In Merseyside, the responsibility for informally resolving complaints lay with a complaints manager. These officers provided a level of expertise both to PCs subject to complaints and complainants wishing to resolve their dissatisfaction with the police via informal resolution. This system also ensured a degree of standardisation.

In the MPS, complaints that were not immediately informally resolved were forwarded to a designated senior manager. If the senior officer agreed that the complaint was suitable for IR, the file would be returned to the inspector for a second attempt at informal resolution. Alternatively, it would go to a different inspector for a fresh attempt at IR – usually to the inspector of the officer complained against. If the second attempt failed, the file would be returned to senior management, and then go to DPS. There also existed a service level agreement between the DPS and all boroughs, in which two attempts at IR are made (at borough level), prior to a complaint being referred to DPS. This is intended to ensure that all complainants are fully encouraged to explore IR.

IR 'gatekeepers'

Once a complaint is recorded centrally it has to be formally investigated or informally resolved. Most forces (38) had a 'gatekeeper', who has sight of every complaint and determines whether a complaint is appropriate for IR, and whether complaints that have been informally resolved were appropriate for this type of resolution process. In 32 forces a PSD officer of at least inspector rank undertook this role. Often the department head performed this function, although in four forces the responsibility fell to civilian staff.

All the PSDs we examined as a part of the organisational review operated a system whereby a complaint could be re-opened if it was deemed to have been inappropriate for IR, even if a complainant had agreed and was happy with this course of action. Within the MPS, each formally recorded complaint went through a dual review process. In effect, there were two 'gatekeepers'. Senior management on the borough initially reviewed every complaint. After being signed off by a senior manager, each complaint was then forwarded to the relevant DPS team, where the investigating officer reviewed it again.

Providing officers with detailed guidance on what is and is not acceptable for IR, as recommended by the Criminal Law Committee of the Law Society, was perceived to be problematic in all six forces due to the subjective nature of terms such as incivility. However, all forces monitored IR and as previously stated 'gatekeepers' existed in nearly all PSDs, which ensured continuity within a force area.

Implementing IR

Once a complaint had been made and recorded, divisional inspectors have to make a decision about whether that complaint is appropriate for IR. Clearly there will be variation in these decision-making processes within and across divisions. On this basis, we asked Professional Standards Departments about such variation. Surprisingly 12 forces stated that there was no variation in the decision-making practices of inspectors in their areas. Of the remaining forces, the most common factor that influenced the decision-making process was reported to be the level of effort put into the process. For example:

"There is a wide variation with sergeants and inspectors. It is too easy to refer the matter to PSD. It is thought of by many as an administrative task."

The level of knowledge and degree to which inspectors understood the procedure were also felt to contribute towards the variation in decision-making. As the example below shows, a number of respondents felt that the applicability of IR to minor assaults was considered ambiguous by inspectors and created further confusion about the type of complaint suitable for IR.

"Not all inspectors and sergeants understand that in some circumstances a complaint can still be finalised by IR where there are irreconcilable differences between the complainant and the officer. Excessive force – some staff think that you cannot use IR, when maybe you can."

Training and the individual confidence of officers were also thought to influence the variation in officer decisions about appropriateness of IR to a particular complaint.

"We get different levels of IR from different areas. We get high IR where there are staff who have worked in PSD or have had training here. It also depends on who speaks to the complainant and how confident they feel about IR. If they are not confident it is easy to pass it on to PSD."

If a complainant wished to have a complaint fully investigated, the case would be allocated to an investigating officer from the PSD. Interviews from the organisational review suggested that investigating officers would often use IR for complaints that divisional inspectors had previously been unable to resolve informally. In many cases this was because the complainant believed their complaint was ‘being taken seriously’. The arrival of an officer in a suit is sometimes all a member of the public needs to believe the case is being handled appropriately, impartially and is not being swept under the carpet. Of the PSD officers we interviewed, the majority felt that, where IR was appropriate, gaining complainants’ consent was generally unproblematic.

The effort individual inspectors put into resolving complaints was highlighted as a factor that influenced decisions about which complaints were appropriate for IR. In the national survey, most forces (34) felt that some divisional inspectors were more proactive in attempting to resolve complaints than others. Interviews with divisional inspectors conducted as part of the organisational review highlighted the same issue. Some officers were reported merely to complete the necessary paperwork and refer the case to the PSD to finalise. However, most of these forces were taking steps to improve the performance of divisional inspectors who were considered to be either ‘lazy’ or in need of additional training. This point is discussed later. Other inspectors sought to do background research on a complaint prior to speaking to the complainant. Some felt this allowed them to approach the complaint in an informed manner, and gave them a greater chance of resolving the issue on the spot.

In the MPS, one inspector commented that there are three broad approaches to implementing the process of IR:

- The ‘dispassionate observer’ approach: the inspector acts as ‘a conduit of information between the complainant and officer’.
- The ‘overtly conciliatory’ approach: the inspector ‘tries to allay a sense of grievance from the outset’.
- The ‘partisan’ approach: the inspector tends to side with the officer concerned.

‘Desktop’ resolution and recording

Home Office guidance on police complaints procedures makes it clear that all complaints should be recorded. Paragraph 2.15 of the guidance states:

“The appropriate authority in relation to the complaint should record the matter as soon as possible after it is received.”

It is also noted that even if a complaint is withdrawn or the member of the public does not want it pursued:

“...the matter should still be recorded and be shown as having been withdrawn or not proceeded with” (Home Office, 2000b: paragraph 2.17).

A ‘desktop resolution’ is where a complaint is resolved, but not officially recorded. During the six-force organisational review it became evident that many inspectors engaged in ‘desktop resolution’ of complaints, whereby relatively minor matters were not officially recorded on the standard complaint form. This often occurred when a member of the public wanted a shift sergeant/inspector to be aware of their complaint, but did not want it to be pursued in any official capacity.

As a part of the 41-force survey, we asked whether those complaints resolved via ‘desktop resolution’ were recorded. Thirty-four forces stated that they were. Twenty forces thought that officers tended to note these instances in their pocket books, although forces felt that recording practices were dependent on the preferences of individual officers. Other methods of recording included the station or incident log, a service recovery document or an officer’s Personal Development Plan. However, only 15 forces provided any guidance on the suitability of ‘desktop’ resolutions to different situations and complaint types. Over half the force areas (25) stated that those complaints currently resolved by ‘desktop resolution’, should not be formally recorded. Six forces stated that ‘desktop resolutions’ were not recorded anywhere.

The organisational review revealed similarly clear disparities in the recording practices of inspectors across all six forces. Cases typically involved complaints that were resolved by the complainant airing their grievances to an officer. An entry would have been made in a pocket book, a general log book, or the matter may not have been recorded at all. One inspector in the MPS, for example, commented that he resolves many complaints without formally recording them, and will make a pocket book entry only if he thinks ‘it’s going to come back to bite me’. The ‘hidden figure’ of complaints is, in the main, a consequence of police practice at the point of recording (Maguire and Corbett, 1991). Maguire and Corbett, for example, note that 30 per cent of their sample were ‘put off’ when they first attempted to complain. At present, we have no means to quantify this disparity in recording practice. Nevertheless, this ‘hidden figure’ or inconsistency in recording has important implications for achieving consistency of practice, and thus, training requirements for those who implement IR.

Implementing Informal Resolution

We aimed to explore issues about consistency in the use of IR within and across force areas. We deemed this important, as confidence in the process, of complainants and officers, is vital if IR is to be viewed as both useful and fair. First we asked PSD respondents and divisional inspectors about their views on informally resolving racial complaints. Secondly we then presented them with a scenario unrelated to racist behaviour and asked whether they thought IR appropriate in this case. The same questions were also asked in the 41-force survey. Although we encountered small levels of inconsistency, these tended to be across, rather than within force areas.

Racial complaints

In accordance with Recommendation 57 of the Macpherson Report clear rules and guidance on racial complaints existed in all force areas. The survey of police force arrangements found that 29 forces used the definition of a ‘racial incident’ recommended by the Macpherson Report as the basis on which to define a racial complaint. It is also important to note that Recommendation 57 states that, if proven, racial ‘words’ or ‘acts’ ought to lead to disciplinary proceedings and in most cases dismissal, which would therefore appear to rule out IR. Fifteen forces stated that they would not informally resolve a complaint with a racial element in any circumstances. One force commented:

“I suppose there may be circumstances where it could be argued that such a case [racial complaint] could be informally resolved, though I cannot think of one off hand.”

Twenty-six forces stated that in some circumstances they would IR a racial complaint. We asked forces what these circumstances would be. Thirteen stated that if a complainant wished to resolve their complaint in this way and the complaint was minor (in the sense that no criminal proceeding could result) then IR would be considered. Fifteen forces stated that IR would only be considered if the complainant agreed to such a resolution, with a number stating that the process is “complainant driven”. Other circumstances reported to us in which IR would be used included: only with PCA or deputy chief constable’s approval.

We examined the issue of racial complaints in more detail with our six forces. The MPS guidelines on informal resolution state:

“A complaint that in normal circumstances would be considered minor but is made serious by the nature of the allegation, e.g. racially discriminatory behaviour, or is likely to attract adverse publicity, will not be informally resolved.”

However, owing to the volume of complaints being dealt with by the MPS, the policy was amended to allow DPS to IR minor racial complaints. Outside the MPS, PSDs automatically investigated racial complaints. None of the forces outside London dealt with racial complaints at a divisional level. As one West Yorkshire inspector stated:

“We do not, at a divisional level, resolve complaints when there is an allegation that somebody has been racially abusive.... From a complainant point of view I would not seek to change that.”

Although it was widely acknowledged by all interviewees outside the MPS that IR of racial complaints was not attempted at a divisional level, a number of racial complaints were resolved informally by PSD staff. However, whether a complaint is suitable for IR is nearly always decided by a PSD staff member, or a senior divisional manager, and nearly always after the initiation of an investigation.

MPS borough inspectors had a range of attitudes to racial complaints. Three said that they would attempt to IR racial complaints, but stressed they are generally cautious in doing so. Another commented that he would only IR a racial complaint if it was explicitly requested by a complainant, and only after he had referred the case to his superintendent for advice. Another inspector talked of his reluctance to IR racial complaints, but said that previously senior management had referred racial complaints to him for this purpose. The remaining inspectors stated quite definitively that racial complaints could not be informally resolved. One officer commented that, if he receives a racial complaint it is immediately put on paper and forwarded to be fully investigated.

The ‘split lip’ scenario

This scenario was designed to explore the criteria for IR that were applied in cases without any racial dimension. We asked all interviewees how they would resolve the following complaint:

A complainant has received a split lip (the lip does not require stitches but is nevertheless split and there is blood). The complainant alleges the split lip is the result of an assault committed by the arresting officer. However, the complainant consents to resolving the complaint via IR.

Interviewees were asked whether they considered IR to be appropriate for this type of complainant. Just over half (21) from the 41-force survey did not think the above scenario was suitable, as two forces stated:

“The Guidelines are: if the circumstances were proved would there be a disciplinary hearing? Here there would be, so this would not be suitable for IR.”

“The complainant is alleging a criminal offence, it should therefore be investigated and referred to the CPS or PCA for advice.”

Many forces felt that insufficient information had been provided for them to make a definitive decision. However, 15 stated that they did consider the above suitable for IR, as the following quotes illustrate:

“Whilst alleged assaults are generally deemed unsuitable for IR and the more serious the injury the less suitable for IR, the complainant’s wishes in respect of approach and desired outcome are paramount. The important factors are not to persuade the complainant to go for IR, having accurate documentation and assessing the background of the suspected officer.”

“The complainant’s viewpoint is paramount. The complainant only “alleges” the arresting officer split his lip. The complainant’s own action may have also been a contributory factor as to how/why he received the split lip. Officers’ account may be different. It is a minor injury.”

The majority of officers from the six case study sites perceived such an act to be a criminal assault, and stated that it should be referred for a formal investigation. However, again a minority felt that IR was appropriate if the complainant consented, thus illustrating the disparities that exist. As one investigating officer stated:

“Yes I would informally resolve it, bearing in mind that the overriding principle in informal resolution is that it’s complainant driven. If the complainant is happy for it to be dealt with that way, then it can be dealt with that way.”

In the MPS, most respondents located themselves somewhere between a definite ‘yes’ and a definite ‘no’. Three divisional inspectors saw no possibility of utilising IR. One stated that this would be an ‘incredibly serious’ matter that would necessitate an investigation. Other inspectors were more hesitant in their decision. In one case an inspector commented that such a complaint would only be informally resolved if the complainant refused to co-operate with an investigation. Others stated that their response would be dependent on the seriousness of the injury, but it would probably be informally resolved. Others commented that IR would not be suitable if there was an allegation of a deliberate assault. Overall DPS and senior managers on borough were, for the most part, happier with the idea of using IR.

The percentage of ‘other assault’¹¹ complaints that were resolved via IR ranged from between 21 per cent in both MPS boroughs to 37 per cent in West Yorkshire. The low use of IR for ‘other assault’ complaints suggests that, although MPS ‘gatekeepers’ were generally happy to informally resolve the ‘split lip’ scenario, they did so only when the circumstances were appropriate. In only one force area was a ‘serious non-sexual assault’ resolved using IR.

For assault, neglect of duty and racial complaints officers tended to follow similar criteria to guide their decisions. However, disparities became more marked when examining cases that involved incivility and oppressive conduct. In one area an allegation of foul language (swearing) would always be investigated, whereas in another area it was reported that IR would be considered for such a complaint. One department head stated that a national scoring criterion to determine whether a complaint can be dealt with locally would be helpful and might assist in ironing out the current disparities that exist. Another PSD head commented that disparities in the implementation of IR exist due to a lack of clarity provided by official guidance.

¹¹ The complaint category ‘other assault’ relates to cases involving less serious assaults which can range from grabbing an arm with excessive force to throwing a full blown punch.

Training

Previous research (Brown 1987; and Maguire and Corbett, 1991) has pointed to a general lack of understanding about the IR process, particularly amongst operational police constables. The issue of training is therefore important if officer understanding and satisfaction with the procedure is to be improved. Across the 41 forces, training for probationers, sergeants and inspectors varied. In this section we detail the training that was described to us by the 41 Professional Standards Departments and then examine, in more detail, training provided by the six case study sites.

Probationer training

The training provided to most new recruits on complaints was minimal. In 38 force areas the input from PSDs usually consisted of less than three hours, as the following quote illustrates.

“New recruits are provided with one hour before and after going to the training centre. The first is an introduction, the second builds on the introduction and on live examples.”

In three forces no formal input was provided by the PSD. In one force, however, the PSD provided a substantial (half a day) input to the training of probationers. In this force the PSD provided presentations and ran workshops on IR to new recruits.

In the six case study sites probationer training included a structured input on IR, either the head of department or officers from within PSDs delivered this. Probationers in the MPS received a presentation on complaints by DPS on completion of their basic training. In collaboration with the PSD, Cambridgeshire and Gwent also incorporated a Federation perspective on complaints. Devon and Cornwall also provided probationers with an additional input after 16 weeks, alongside training for core skills tutors – those responsible for teaching probationers how to practically apply learnt knowledge. They had also created a specific training session for transferees.

Sergeants and Inspectors

Training on complaints for sergeants and inspectors is important for two reasons:

- A divisional sergeant or inspector is likely to resolve minor complaints and therefore needs a good knowledge of the procedures involved.
- Sergeants or inspectors are likely to be the first point of contact for an officer subject of a complaint and will therefore need to impart accurate and impartial information.

We asked all forces what training they provided to sergeants and inspectors. In four forces no training was provided, although one force stated that if a sergeant asked the PSD or was flagged up for under-performing, training would be provided. In another force the training was described as being provided on an “*ad hoc* basis”.

Training in the other 37 forces was more structured. Three forces provided an input of at least half a day to both (newly promoted) sergeants and inspectors. In one force the training was provided at a regional level. Other inputs ranged from a six-week attachment to the PSD in one force, to one-to-one training with an officer from the PSD in another, to officers being issued with an *aide-memoire* in another force.

Like the national picture, training in the six case study areas varied in both detail and depth. In the MPS there was input on the newly promoted sergeants and inspector courses, and DPS also offered informal seminars on complaints. Merseyside had recently devised a training package delivered by accredited trainers to all officers working in the PSD and divisional complaint managers. In Cambridgeshire, further training is also provided to custody sergeants by a senior PSD officer on issues surrounding deaths in custody and detainees who self harm. A civil litigation video, which has been bought from the Metropolitan Police, is also being shown to all officers. After having no training for a number of years, Gwent now issue non-compulsory invitations for one-to-one complaints training¹² to all newly promoted sergeants and inspectors.

Cambridgeshire provides compulsory training for newly promoted inspectors and senior inspectors, but not sergeants. This comprises a two-hour seminar relating to complaints, in which IR plays a significant role. In addition to providing section talks in stations throughout the constabulary, Devon and Cornwall PSD also provide an input on newly promoted sergeant and inspector courses. Qualified sergeants whilst waiting for a promotion are able to do an attachment in the PSD of between two weeks and four months. This option is also available to other sergeants who feel it would be of benefit. Once promoted, all sergeants engage in a one-to-one session detailing how to handle a complaint. Similarly PSD officers in West and South Yorkshire provide an input on newly promoted sergeants and inspectors courses. Although slightly more *ad hoc*, training on division was additionally available for all ranks of officer. This fell within the remit of PSD inspectors responsible for particular divisions. Stressing the need for proactivity, openness and accessibility, one investigating officer stated:

“We have a responsibility for divisions. We highlight the people who are newly promoted, who are going out into divisions, and go out there and give them the formalised training in the police station.”

West Yorkshire also use ‘area complaint manager forums’ to identify and deal with inspectors who are not competently engaging with the IR procedure. As in Gwent, officers from the PSD would provide the necessary training.

Throughout the six forces many officers indicated that complaint training was inadequate. One inspector in the MPS commented that during his three years in post he had received ‘no formal training on complaints whatsoever’. Another indicated that the most important training was received ‘in-house’, by learning from colleagues. The latter observation was common amongst officers from all force areas.

The use of Informal Resolution as a quality management tool

The use of IR as a quality management tool has changed considerably in recent years. In 1999 HMIC reported on police integrity in a thematic inspection and found few forces were using the data effectively. In one force HMIC were informed by the head of a large complaints department that:

“I run a discipline department. We are not a quality of service assurer.”

From the 41-force survey all but one used complaint data as a quality management tool. One force did not answer the section relating to quality management. Another force did not officially monitor statistics but stated that:

¹² The training session does become compulsory if sergeants and inspectors consistently under-perform whilst handling complaints. This is discussed further in the next section.

“[We do] not have sufficient IRs to make it [data analysis] meaningful. Each is inspected by a Chief Inspector though who would identify any training issues.”

Data were used in a number of ways. The majority of forces (33) used the data to monitor officer behaviour, however 18 forces stated that they also used the data to analyse divisional trends, and a further 15 stated that the data were used to identify training needs of individual officers, custody staff or divisions.

Nearly all (38) forces had a policy in place to deal with officers who had received a number of complaints in a particular time period. In the majority (32) of forces this was usually three or more over 12 months. Forces tackled the issue of multiple complaints in a number of ways. Thirty forces specifically stated that PSD officers liaised with divisional managers to address multiple complaints. Twelve forces used the data to identify any personal problems an officer might be experiencing and to ascertain if any welfare issues needed addressing. Three forces operated a referred officer scheme and devised an action plan for officers to assist them in reducing the number of complaints they received.

In the six forces department heads also highlighted the value of IR data, and all used these data as quality management tools. Although we found no formal policies in place on data that should be collected for the purpose of quality management, all PSDs operated informal policies. All six were aware that IR data provided invaluable information for highlighting problems with individual officers, basic command units and probationer training. In Devon and Cornwall, PSD staff meet with divisional personnel managers on a quarterly basis to discuss officers who had attracted three or more complaints in a 12-month period. It is then left to divisional managers to address any training or personal issues¹³; this can be done in collaboration with the PSD who are happy to offer support to divisions if they are asked to do so. Those officers will then be monitored over the following 12-month period by the PSD to ensure there is no reoccurrence.

Similarly, in Gwent any officer who has received three complaints within a 12-month timeframe would be subject to a formal interview. The interview would be conducted by the officer's area commander after liaising with the PSD. Data collected in Gwent are also used to identify inspectors and sergeants who are less inclined to IR complaints themselves and who usually send a complaint to headquarters to be dealt with. These officers will be called to headquarters and provided with additional training.

In Merseyside a referred officer scheme is in place. If an officer receives three complaints in a 12-month period he/she will be flagged-up to their area commander. PSD staff will meet with the officer's area management team (area complaint managers) and an action plan will be developed in collaboration with the officer. The officer will then be monitored over a set period of time. As a result of monthly operational management meetings, action plans can also be created to address any emerging trends at a divisional level.

Both boroughs in the MPS were provided with information relating to officers about whom complaints had been made. As in other areas, DPS highlighted those with three or more complaints over the previous twelve months as officers of concern. In order to establish whether there are any underlying problems, those highlighted as officers of concern are required to meet a senior manager and their line manager, to discuss any problems or training needs. However, senior managers at a borough level demonstrated a certain amount of scepticism about the potential for using complaint data for general quality management. In one borough senior management felt it unnecessary to meet

¹³ In all six areas, officers working in certain areas may attract a greater number of complaints due to the nature of their work, not their individual style of policing: for example, public order duties.

with an officer who had received three unrelated complaints over 12 months, as these were unlikely to have a common cause. It was argued that there is a need for DPS to be more 'proactive' in analysing complaints in a constructive manner.

Problems and satisfaction with Informal Resolution

The 41-force survey and the organisational review briefly examined both the problems and satisfaction with IR from the perspective of PCs, divisional inspectors and the PSD. During our fieldwork many senior officers stated that IR is relatively quick, easy and cost effective. It is therefore believed to contrast favourably with the much longer, more bureaucratic process of a formal investigation. Nevertheless, previous research has shown that IR has two far-reaching problems:

- Lack of support and understanding from operational police officers.
- Mistrust from the public¹⁴.

These problems were identified by Brown (1987), Maguire and Corbett (1991) and Waters and Brown (2000), and would appear to still be present in 2002. Both the above points were recognised by all heads of PSDs and divisional inspectors we interviewed¹⁵. Despite a number of senior managers and divisional inspectors commenting that IR is a good method of dealing with a large volume of complaints, various problems with the system were also mentioned. This section focuses on officer satisfaction, understanding and suggestions to improve IR.

Officers' views of IR

The 41-force survey and the organisational review found different levels of satisfaction amongst uniformed constables. The survey of PSD respondents revealed a higher level of officer satisfaction. Over half (26) the force areas felt that their officers were in some way satisfied with the process. As one force noted:

"IR works extremely well...this is due to the training given to all levels of officers in respect of the process. I cannot recall any dissatisfaction with this process."

In nine of these forces PSDs had completed an officer satisfaction survey at some point during the last three years. The assessment of officer satisfaction in other areas was likely to be based on any contact with uniformed PCs alongside departmental and divisional feedback. Just over a third (15) of forces acknowledged that their officers felt dissatisfied with the IR process.

As a part of the organisational review we conducted 100 short questionnaires with a sample of uniformed officers. Of the PCs we interviewed, just under half (48) had experienced IR. Levels of satisfaction were lower than those suggested in the 41 force survey; only 12 of the 48 officers recorded any degree of satisfaction with the process. Typical responses regarding satisfaction levels are listed below:

"I have experienced IR on several occasions. I am not satisfied with the process as it allows for malicious complaints against officers who have no option but to accept it."

"I was told IR was to take place. I had to admit I was at fault when I wasn't. I did not admit it but a letter was sent to the complainant to say I had been disciplined."

"The thoughts and experiences of the PC are ignored, as is the truth. Words of advice are usually preferred which in the majority of cases is unnecessary. The views of a PC are ignored. IR is used in this country where there is no evidence 'to do' a PC on a discipline."

¹⁴ This paper does not discuss complainant satisfaction as it will be explored in-depth in the next phase of the research.

¹⁵ Gwent Constabulary's superintendent provided complainant satisfaction figures for a year period (2000/2001). Of 38 surveys (from a possible 207) 13 stated that they believed the police could be trusted to investigate complaints against themselves fairly.

“There is no place for an officer to dispute the complaint. My last complaint was malicious – made by a drunk and disorderly [arrestee]. A letter of apology was sent. I had nothing to apologise for. The service loses face by apologising.”

These examples would appear to reflect the fact that officers generally feel powerless within the IR process and that the majority perceived their point of view or version of events to be dismissed as immaterial by investigating officers. The sentiments expressed above clearly illustrate that PCs feel they should have a say in the IR process, which should be evidence-based, and less complainant-driven. The views of operational officers were regarded by some divisional inspectors as valid and by others as less so. One divisional inspector outlined how he felt about IR and the views of PCs:

“It is a very good management tool. It does pick up patterns in people’s behaviour. I think we should be a bit more bolshie about it and just make them [officers] have it. This [IR] is the process, this is how it works. I know you are not happy with it, but we do keep it, we do record it, and we will look for patterns. If that is what we do with it, let’s be honest and say that’s what we do. It just needs to be transparent. They [officers] think they have a choice in the matter – they don’t. For me it’s [complaint] going to be informally resolved no matter what the police officer says to you. If he says “I’m not happy” and screams it from the rooftops I don’t care, I will informally resolve it, in fact it has nothing to do with them, he hasn’t got a choice in the matter. We make out to the officer that they have and that’s the problem. They can shout and bawl about it but it won’t make one jot of difference.”

The fact that informal resolution can be an enforced procedure was a particularly prominent grievance in cases where the complaint was considered to be malicious. In recognition of this, Cambridgeshire PSD actively encouraged officers who had had a complaint informally resolved to submit a report detailing their version of events. According to the detective chief inspector, these reports are attached to the complaint file for future reference, whilst also being used as a mechanism for addressing concerns about malicious complaints.

Only 14 officers stated that they felt the system was fair. Fifteen felt that the execution of the process was poor and a further 34 felt that an officer should be allowed to “have his/her say”. It is therefore clear that levels of actual officer satisfaction found in the organisational review do not mirror the assessments made by PSDs in the 41-force survey. The introduction of regular officer satisfaction surveys would perhaps help to gain a clearer picture of attitudes, and could form a useful source of information for improving officer understanding.

Do PCs have a clear understanding of IR?

Both the 41-force survey and the six force organisational review confirmed a limited understanding of IR amongst uniformed officers. Nine forces considered their officers to have a ‘poor’ understanding of IR. Ten forces felt that their officers possessed a ‘good’ understanding and two stated their officers possessed a ‘very good’ appreciation of the procedure. The remaining forces felt that their officers had an ‘average’ understanding of IR.

Mirroring satisfaction levels, the organisational review also found a lack of understanding of IR. Several officers thought that PSDs always decided upon the action to be taken regarding complaints. Three officers thought that informally resolved complaints were formally investigated with a hearing taking place at the end of the process and nine officers clearly stated on their forms that they had “no idea” what IR entailed. The latter point was illustrated graphically whilst we were explaining the purpose of the project to a group of potential interviewees. Once we had done so, and asked a number of officers to complete the questionnaire, one detective constable commented that:

“There is no point me filling out that form, I always arrest people.”

His colleague then told him that informal resolution was to do with the complaints process and was not an alternative to arrest.

Amongst the officers who did complete the questionnaire, a further nine were under the impression that both the officer and complainant have to agree to IR. Although the majority (46) of officers were aware that the process was for non-criminal complaints and no formal action was taken (31), it was here that many officers' understanding of both the concept and process ended. In Merseyside this issue had been addressed by the PSD providing officers with an information leaflet on the IR process.

Many officers also believed that a record of IR complaints was held on their personnel files. This was not the case in any of the forces we visited, although a separate record was kept of all IR complaints by PSDs for quality management purposes. However, this was not clear to officers who answered the questionnaire and was a cause of great dissatisfaction.

Suggestions for improving IR

The whole purpose of IR is to ensure a speedy, but satisfactory resolution to minor complaints against the police. In this context, there is limited scope for a major overhaul of the system. Making the process evidence-based, for example, would create a prolonged and resource-intensive procedure. This would be counter-productive and in many ways defeat the purpose of IR. The key is to introduce improvements that increase satisfaction levels for both complainants and officers whilst retaining procedural efficiency and the ability to handle large numbers of complaints.

As part of the 41-force survey, we asked PSDs how they would like to see IR improved within their force area. Only eight forces deemed the current system adequate. Eleven stated that there was a need for additional training and availability of information on IR. This was surprising low as 29 forces considered their uniformed officers to have an average or poor understanding of the procedure. Findings from the organisational review support the idea that additional training and information about IR would help improve the perception of IR amongst officers.

Another suggestion put forward by four forces was to increase use of restorative conferences and/or mediation. The premise was that active participation in the complaint process may actually go some way to increasing not only the complainant's satisfaction with the process but also the officer's. It was also suggested by eight forces that greater ownership of complaints at a divisional level would help to improve the process.

Seven forces in the national survey suggested that the term 'informal resolution' needed to be changed, commenting that 'informal' suggested that complaints are not treated seriously. This was also a recurring theme in the organisational review. Some forces had made, or were poised to make, changes. For example, Gwent routinely used the term local resolution. Devon and Cornwall PSD stated that the term local resolution was soon to be introduced.

Other suggestions for improving the IR procedure included the introduction of PSD secondments, the construction of detailed guidance notes for supervisory officers, making the process less complainant driven, and asking both parties for feedback at the conclusion of the complaint.

SECTION 3: THE INDEPENDENT POLICE COMPLAINTS COMMISSION

The establishment of the IPCC, as proposed by the Police Reform Act 2002, will have implications for the process of informally resolving police complaints. The IPCC has been established in response to demands for a body with greater independence from the police. The IPCC is due to take over from the PCA in April 2004, when the PCA will cease to exist. Unlike the current system in which informal resolution forms a specific procedure, investigating officers will be able to employ various procedures to resolve a complaint locally, of which IR is but one¹⁶. However, the IPCC will need to issue guidance on the suitability and applicability of the differing approaches to local resolution.

Schedule 3 of the Police Reform Act 2002 enables the provision of regulations, which will define these approaches:

(2) The Secretary of State may by regulations make provision—

(a) For the different descriptions of procedures that are to be available for dealing with a complaint where it is decided it is to be subjected to local resolution (Schedule three, paragraph eight).

The IPCC will have ‘a guardianship role’ over the entire complaints system. It will have the power to inspect and ask to see any relevant data and information that forces may have. It is this power that will be particularly relevant to locally resolved complaints.

Those who took part in the organisational review and the survey of police force arrangements were asked about the new IPCC. Officers were asked how they felt about the IPCC and the measures that are likely to be introduced. The Home Office (2000) published a working document on complaints against the police. This document outlined a number of recommendations regarding LR and the IPCC. Measures likely to be adopted that are not already incorporated into the existing framework for LR include:

- Strengthening LR to provide a range of different approaches: management resolution, restorative conferencing and mediation.
- The IPCC being able to issue guidance based on its own experience and knowledge, and then ensuring forces operate according to the set standard.
- The IPCC having the power to call for regular information from police forces on the use of the LR process and case outcomes. This will be to monitor and report on its use and to provide information and guidance for complainants.
- An explanation to be provided to complainants detailing how LR will work, and what can reasonably be expected at the end of the complaints process.
- Complainants being given the right to appeal against the LR process, but not the outcome.
- The provision to extend the use of LR to deal with a wider range of complaints.

The IPCC will have a broader range of statutory powers than those currently at the disposal of the PCA. Importantly, however, the police will retain responsibility for locally resolving complaints.

¹⁶ In keeping with legislative changes due to take effect in April 2004, this chapter will refer to ‘informal resolution’ as ‘local resolution’.

This section examines how PSDs and individual officers felt about the introduction of the IPCC. It also assesses the support for increasing the use of restorative conferences and mediation for complaints that meet the LR criteria.

Support for the IPCC

Many respondents in the 41-force survey and the organisational review felt the IPCC would be welcomed on the condition that it would not increase bureaucracy and that it improves the image and complainant satisfaction of LR. As a part of the national survey, eight forces clearly stated that they had 'no concerns' about the new organisation. A further 15 forces felt that the introduction of the IPCC would increase transparency and add independence to the complaints system. The heads of department we interviewed as a part of the organisational review reiterated this sentiment. Most spoke of the need for LR to be transparent before it could be regarded as a just system and believed that the IPCC may go some way to achieving this. Only six forces considered the current system an adequate one.

On a more practical level, two inspectors from the MPS argued that the involvement of a non-police body in complaints would be beneficial because it would bring to light the fact that a great many complaints are malicious, petty, or raised as 'smokescreens'. One stated that any suggestion by the police that most complaints are unfounded is simply dismissed: "They would say that, wouldn't they?" However, if an independent body were to say the same thing it would be taken more seriously. Another inspector commented that he would welcome the IPCC taking complaints off his hands, as it would then be their responsibility to deal with 'the pettiness of the general public'. However, the majority of interviewees felt that the IPCC would have little impact on PC's perception of the procedure.

Potential problems for the IPCC

Generally there were few misgivings about the introduction of the IPCC. However, the 41-force survey and the organisational review highlighted a number of potential problems the IPCC might encounter. The biggest concern was a potential increase in bureaucracy, and as a consequence, officer workload. Although it is difficult to estimate with any certainty to what degree – if at all – the introduction of the IPCC will amplify the bureaucracy surrounding the LR process.

As a part of the national survey, we also asked PSDs whether external monitoring by the IPCC would improve the image of LR for complainants and officers. Thirty-two forces felt that it was unlikely that complainants would either notice the difference or believe there was an improvement, and 15 forces estimated it unlikely to improve the image amongst officers. This showed that many force areas maybe sceptical about the capacity of the IPCC to make a significant impact on operational officers. This has important implications for the way in which the IPCC is advertised and marketed. To help improve the image and trust officers and complainants have in the process, the IPCC will need to make it widely known that they externally monitor locally resolved complaints, both to the police and public.

During the organisational review a number of interviewees raised concerns about the IPCC monitoring. It was the sampling of complaints that caused the greatest concern. One superintendent commented that if it is a paper exercise it will be achievable, but if the IPCC intends to study LR files in detail it is a task that across the 43 forces would require considerable time and staff effort. This sentiment was echoed by number of other inspectors and department heads. Some respondents also commented that the members of an independent body would lack the local knowledge required

to assess the seriousness and credibility of individual complaints, and hence would be less effective than the police at filtering complaints. A number of respondents therefore commented on the need for the IPCC to be regionally based.

Complainant consent was also highlighted as a problematic issue by various interviewees. One superintendent felt that independent monitoring of LR would result in no procedural changes, unless the IPCC were to be given greater power to enforce the LR process for certain types of complaints. It was suggested that where the police felt a formal investigation was inappropriate and the complainant failed to consent to the LR procedure, the legislative facility to request arbitration via the IPCC should exist. If an arbitration panel were to state that the use of LR is the only reasonable course of action, then the complainant ought to be provided with a variety of options by which to resolve the complaint. Some respondents felt that this would enable PSDs to channel extra resources into more serious allegations, as it is these complaints that are reported in the national press and ultimately erode the public's confidence in the police.

It was unclear to our respondents to what extent the IPCC would lay down a 'gatekeeping' policy – or even involve themselves in case work. Many felt that decisions about what is suitable for LR, and what should be referred to the IPCC should remain with each individual force. However, one superintendent felt that the filtering of complaints by the IPCC would provide a commonality of definition, interpretation and approaches to those types of complaints considered suitable for LR, and would welcome the opportunity to have a member of the IPCC to work within the PSD team.

Increasing the use of restorative conferences and mediation

The IPCC is likely to advocate strengthening the provision of different approaches to LR. In particular the use of restorative conferences (RC) and mediation as a means by which to LR complaints against the police. The principle of restorative conferences and mediation is not to punish the officer (just as LR is not necessarily a finding of guilt), but to counteract any harm that may have been suffered by the complainant, and in the wider sense, the police service itself. Restorative justice (in a complaints context) is founded in the belief that many complainants are primarily seeking an explanation for a police officer's actions or behaviour, or an apology. Likewise, many officers want the opportunity to explain that they were simply 'doing their job' and following procedures and could not have done anything else. In cases like these, restorative meetings can result in the satisfactory outcome of a complaint for both the complainant and the police officer concerned.

These approaches can take place either in a formal or a less formal setting. The formal setting would involve a meeting between the complainant and officer, which is organised by the PSD, and facilitated by a PSD officer, RC co-ordinator or a trained mediator. The less formal arrangement would involve a meeting organised and facilitated by a shift sergeant or inspector. This would normally take place on division.

At a national level, the use of restorative conferences was more common than the use of mediation. Fifteen forces had used restorative meetings to informally resolve complaints at some point during the previous 12 months. Use varied between forces. One force had utilised restorative conferencing for 20 complaints suitable for LR in a year period. In comparison, only four forces had invoked the mediation process. In this instance, we have defined a 'restorative conference' as a meeting between the complainant and officer complained about, which is facilitated by a divisional inspector, a PSD officer or a trained RC co-ordinator. Whereas we have defined 'mediation' as a situation in which both parties are able to air their grievance to a trained mediator, who is responsible for bringing about a successful conclusion to the complaint. It is likely that restorative meetings are used more

often because they are easier to organise (especially if organised by a PSD officer or divisional inspector/sergeant) and do not necessarily require the facilitator to have undergone any specific training.

The majority of PSD respondents were fairly positive about resolving complaints that were suitable for LR via restorative conferencing. Typical responses (which were similar for mediation) included:

“Both parties gain an understanding of the other’s viewpoint. It can clear up misunderstandings. Both have their say and can ask questions of each other. An officer might apologise. The complainant might apologise. It is quicker than an investigation and complainants know if the apology is sincere. Officers, whilst thinking they have done nothing wrong, normally agree that they would do things differently next time.”

“It gives the complainant time and space to outline what they want, and can provide the same opportunity, without compromising an officer. It also gives an officer more input into resolution process than they get with the LR procedure.”

Data collected from the 41-force survey suggested that advantages of restorative conferencing were:

- The speed at which the complaint could be resolved.
- The potential increases in complainant satisfaction.
- The increased likelihood for both parties to understand the situation from the others perspective.
- The potential for RC to help restore public confidence.
- The potential for an officer to issue an apology.
- The potential to clear up any misunderstanding that might have occurred.

Despite being largely positive about the restorative conference approach, some PSDs did raise certain concerns. These included:

“An officer may feel obliged to meet with the complainant and, if the two have opposing accounts of the incident pertaining to the complaint, then it would not necessarily be resolved.”

“A complainant may try to belittle an officer in front of their superior. From there it can degenerate. An officer must not feel as though they are being attacked - we need to set the ground rules before starting.”

“The time and cost to the force (lost officer time). There is a financial implication included in training people to do it. The difficulty is convincing officers that it is a good thing to do (should be voluntary) if used selectively and in sensitive cases.”

The most notable concerns outlined by PSDs were the potential for restorative conferences to become confrontational and to amplify the original sense of grievance that prompted the complaint. Interviews conducted as a part of the organisational review reiterated this concern. In the MPS, for example, only two inspectors had ever attempted to bring a complainant and officer together, and all highlighted the risks associated with such a strategy. They were of the opinion that the defensiveness or ‘siege mentality’ of police officers, and the anger, ‘unresolved issues’ or ‘hidden agendas’ of complainants can easily combine to produce a conflict situation, which could further antagonise both sides. If carefully managed, nevertheless, there is potential for both the complainant and police officer to leave the meeting with an increased sense of satisfaction. In addition, RC was felt by some

respondents to be timely and costly, both in terms of the process itself and the required training. It was also suggested that the process should remain voluntary with officers not being forced to take part against their wishes.

As a part of the organisational review we asked respondents about the use of restorative conferencing and mediation. Throughout the six forces 'management resolution' was the dominant approach to complaints that were deemed suitable for LR. Use of mediation and restorative conferences remained rare, although Gwent had attempted restorative meetings on a few occasions.

At the end of 2001, Merseyside, with assistance from Northamptonshire constabulary, started to use mediation and restorative practices within their internal grievance and complaints procedures. The programme is initially focusing on low-level police misconduct (not stemming from police complaints) and work place grievances. Merseyside police plan to expand the programme to include complaints suitable for local resolution.

SECTION 4: CONCLUSIONS AND DISCUSSION

This report has presented interim findings from a study of the informal resolution – or local resolution – procedure. It has focused on two elements of the study: a 41-force survey of police force arrangements, and a more detailed organisational review of practice and procedure in six force areas. The key points are as follows:

Key points on informal resolution

The basic framework of the current police complaints system was established through the Police and Criminal Evidence Act 1984 (PACE). As an alternative to a full investigation, section 85 of the PACE Act allows for the IR of minor complaints against the police, which if proven would not result in criminal or disciplinary proceedings. Informal resolution can only be used if a chief officer considers the complaint suitable and the complainant provides their consent. Since its advent in 1986 use of the IR procedure has increased by around 400 per cent and its wider use has continued to be encouraged by the PCA and HMIC. An expansion in the use of IR is also planned by the IPCC.

Making and recording a complaint

A complaint against the police can be made in a variety of different ways. In the first instance, either a sergeant or inspector will normally see a complainant, when the complaint – if appropriate – will be officially recorded. In four force areas, only inspectors and above had the authority to record complaints. If a complaint is suitable, and the complainant consents, the recording officer may conduct an ‘immediate’ IR. Overall our findings highlighted variations in the use of IR across force areas. Although less marked, we also found slight variations in the understanding and application of IR within forces.

- In 18 forces, once a complaint is logged centrally it is dealt with by a PSD officer. In the remaining forces, if appropriate, a complaint might be returned to division for an attempt or re-attempt at IR.
- Nearly all forces have a designated complaints ‘gatekeeper’ who ensures that complaints are appropriate for IR, and complaints resolved by IR fit the criteria for this process.
- Variation in the decisions made by recording officers about the appropriateness of IR to a particular complaint are influenced by the effort individual officers put into the process, training, knowledge and understanding of the process, and individual confidence.
- Most forces acknowledged the existence of ‘desktop’ resolutions.
- Over half of all PSDs collated records of control and direction complaints.

How do forces use informal resolution?

Information on IR is used for quality management. In all but one force, records of informally resolved complaints were used for monitoring officer behaviour (33), analysing divisional trends (18) and identifying the training needs of individual officers, custody staff and divisions (15). Thus the information gathered about IR can be used for a number of different purposes. Forces that used IR in this way had policies to deal with officers who received a number of complaints over a set period of time. In most cases (32) this tended to be three or more complaints over a 12-month period. Three forces operated ‘referred officer’ schemes whereby an action plan is devised to address any

issues arising from the receipt of multiple complaints. In the remaining forces, PSDs tended to liaise with an officer's divisional commander and line manager to highlight and tackle any potential problems.

Disparities in the implementation of informal resolution

Despite the existence of clear administrative and organisational procedures to make and record complaints, there is inconsistency in the implementation of IR, which tended to occur across, rather than within force areas.

- All forces follow the guidance from the Inquiry into the death of Stephen Lawrence (Macpherson, 1999) when dealing with a racial complaint.
- Fifteen forces stated that they would not IR a complaint with a racial element.
- Just over half the forces did not think a hypothetical incident involving an injury to a complainant (the 'split lip' scenario) was suitable for IR.
- Disparities were more marked for complaints involving incivility and oppressive conduct.

Training

Previous research has shown that operational officers have a poor understanding of the IR process (Brown, 1987; Maguire and Corbett, 1991). Training on complaints provides the means by which to remedy this situation. Across the 41 forces, we found that training for probationers, sergeants and inspectors varied in detail and depth.

- PSD input into probationer training was minimal in most forces.
- There was no PSD input into probationer training in three forces.
- PSDs provided structured training for newly promoted sergeants and inspectors in 37 forces.
- Other training inputs for sergeants and inspectors included attachments to PSDs one-to-one training with PSDs, and the use of an *aide-memoire*.

Throughout the organisational review many officers noted that training on complaints was inadequate. Many also indicated that the most important and relevant training was that received 'in-house', through on-the-job learning and taking advice from colleagues.

Officers' views of IR

Like previous studies, we found that satisfaction with the IR process amongst PCs was low. Although PSDs pointed towards higher perceived levels of officer satisfaction, officers generally felt powerless in the process and thought that their point of view is largely dismissed by investigating officers. Dissatisfaction also stemmed from the fact that the IR process is unable to filter malicious complaints. We uncovered a general lack of understanding of IR amongst operational officers.

- Over half the PSDs felt that PCs were in some way satisfied with the process.
- Only 12 of the officers we interviewed during the organisational review recorded any degree of satisfaction with the process.
- Only 12 forces felt that their officers had a good or very good understanding of IR.
- Suggestions by PSDs to improve the IR process included: greater ownership of complaints at a divisional level, increased training and dissemination of information about IR, and the need to change the name from 'informal' to 'local' resolution.

The Independent Police Complaints Commission

Professional Standards Departments largely welcomed the proposed introduction of the IPCC, especially if it succeeds in improving the image and complainant satisfaction of IR. During the organisational review, most department heads spoke of the need for IR to be transparent and believed that the IPCC may go some way to achieving this. However, the majority of interviewees also felt that the IPCC would have little impact on the PCs' perception of the process.

- Increases in transparency and additional independence to the complaints system were the main supporting points.
- The main concerns were a potential increase in bureaucracy, monitoring, and the lack of impact it is thought external monitoring is likely to have on the image of IR amongst officers and complainants.
- Despite the existence of a few minor concerns, most PSDs were positive about the use of restorative conferences to IR complaints.
- Only 15 forces had conducted a restorative conference during the last 12 months, and only four forces had employed mediation to IR a complaint.

Overall our findings highlight clear variations in the use of IR across force areas. Our data also indicate that the process is thought of quite differently depending on whether an officer is resolving or receiving a complaint. On the one hand, PCs tend to see the procedure as one that allows for malicious and unfounded complaints to be recorded against them. Low officer satisfaction also reflected the fact that officers largely perceived themselves to be powerless in the process and that their point of view or version of events is often dismissed. Officers tended to feel that the procedure offers them little in the way of fairness or justice. On the other hand, those responsible for implementing IR tend to regard it as a useful management device and an effective mechanism for dealing with minor police complaints.

The complaints system clearly needs to be able to deal with less serious complaints in a non-bureaucratic and efficient manner. IR performs this function well. However, if the IPCC intends to expand the process further, it will be necessary to increase officer understanding and confidence in IR. Increased understanding and transparency will also be required if the use of mediation and restorative conferences are to be successful. Equally it is important that IR is used appropriately and as far as is possible its use is standardised across force areas. The low levels of satisfaction amongst complainants and the perceived lack of impartiality are also issues the IPCC will need to address and tackle. Below are a number of recommendations geared towards achieving these aims.

Expertise at a local level: complaint managers

Dealing with a complaint in a prompt, efficient, and effective manner will influence the degree to which both the complainant and the officer are satisfied at the end of the process. Each force varies in size, character and tradition, likewise the volume of complaints and general complaint profiles differ from force to force. However, the level of understanding and expertise a complainant expects from the police when reporting and resolving a complaint varies very little.

During the organisational review and the 41-force survey we aimed to explore issues about consistency and officer understanding in the use of IR within and across force areas. We deemed this important, as it is vital that complainants and officers should both have confidence in the process, if IR is to be viewed as both useful and fair. Overall our findings highlighted variations in the use of IR across force areas. Although less marked, we also found variations in the understanding and application of IR within forces.

Training and experience seemed to be key determinants in explaining variations between officers in decisions about appropriateness of IR. Most forces (32) acknowledged that some inspectors were more proactive than others when conducting IRs, and that some line managers were ill-equipped or lacked the confidence to effectively implement an IR. New ways need to be found of ensuring that recording and investigating officers have the time, resources and expertise to deal with all complaints effectively.

One option could be to set up a system whereby a divisional team or individual has responsibility for recording and resolving complaints suitable for IR. These ‘complaint managers’ would become the local experts in IR. Their role could also be broadened to include civil litigation and monitoring divisional complaint patterns. This mirrors the working practice in Merseyside whereby individuals/teams are responsible for implementing IR, civil litigation, providing training and monitoring divisional complaints.

This approach could have the advantage of developing local skill and expertise in IR, and thus, resolving more complaints at the first attempt and thereby reducing both complainant and officer dissatisfaction. Increases in the number of informally resolved complaints successfully completed on division could also reduce the workload of central PSDs, enabling them to channel their resources into more serious investigations.

A complaint manager is also unlikely to know the officer complained about well, ensuring a degree of impartiality – an issue both complainants and a number of commentators would like addressed. Such a scheme would remove shift sergeants and inspectors from the process thus removing a potential source of friction between officers and their managers. As part of their remit, complaint managers would liaise with an officer’s line manager to keep them informed of developments and to acquire any background information that could be deemed relevant to the complaint.

Complaint managers whilst retaining a degree of shift/station independence may be able to avoid the problems of stigma associated with central PSDs, and therefore encourage officers to use them as a source of information and support where appropriate. It is also likely that complaint managers will ensure a greater degree of standardisation in the handling of complaints within force areas.

Our data show that PCs tend to see the procedure as one that allows for malicious and unfounded complaints, and that low levels of satisfaction tend to reflect the fact that officers feel powerless in the process. Complaint managers could also be responsible for increasing officers’ knowledge, understanding and therefore confidence in the IR procedure. Increases in understanding and transparency would hopefully ensure that officers are less sceptical about the process. By creating local experts in IR, it is possible that a complainant’s understanding and expectations of the process will be more realistic, which we envisage will lessen their disappointment at the end of the process.

Increasing the use of restorative meetings

The IPCC intends to strengthen the IR procedure by introducing a variety of approaches, including restorative meetings (RMs) and mediation. Restorative meetings and mediation are a form of restorative justice. The philosophy of restorative justice is one that moves away from traditional crime control principles of punishment and retribution, to encompass the idea of collective resolution through dialogue (Australian Institute of Criminology, 2002). A number of commentators have outlined the scope for applying the concept of restorative justice to the complaints system (Dobry, 2001; McLaughlin and Johansen, 2002; Hill et al., 2003). In the context of the complaints procedure, restorative meetings provide a “forum in which police and public can meet face to face, listen to each other and find a constructive way forward” (Dobry, 2001:1).

The current IR procedure is efficient at handling a large volume of complaints at a local level and there would be little merit in introducing alternative schemes that slowed the process down. In establishing restorative meetings, the key issue would be to retain the cost-efficiency of the current system whilst improving all participants' satisfaction with the outcome. However, RMs will need to be easy to implement and non-bureaucratic to avoid becoming resource intensive, lengthy and cumbersome. At the same time, however, the system would need safeguards. Clear referral criteria and firm complainant and officer protocols would need to be in place if any new system is to operate effectively (for an analysis of best practice see Miers et al., 2001).

We found that PSDs were largely positive about the use of restorative conferences, although only fifteen forces had initiated one during 2002 and few did so on a regular basis. Many commented that the process offered officers the opportunity to explain a course of action or, where necessary, provide an apology. The mechanics of the process were felt to increase understanding and satisfaction, and in the longer term, raise public confidence. The process, if conducted sensitively for both parties, was felt to be conducive to an increase in officer understanding and satisfaction, and to improved public confidence. Meeting with the officer(s) complained about is also a popular idea amongst complainants. In a recent study examining the applicability of restorative justice to the complaints system, Hill et al., (2003) found that 59 per cent of the sample (n=54) were 'fairly' or 'very' interested in a restorative meeting.

At present there is no requirement for meetings to be facilitated by a trained mediator or RM co-ordinator. Meetings could be organised and run by complaint managers, divisional inspectors or PSD officers. One possible problem is reluctance on the part of officers to take part in the process. If this difficulty can be overcome, through officers having a greater understanding and appreciation of the IR process, then restorative meetings clearly have the potential to improve officer and complainant satisfaction.

Standardised training with Federation input

Knowledge and understanding about IR is vital if officers are to have increased satisfaction and greater confidence in the process. The more knowledge an officer has about IR the greater the level of transparency the system holds. We found PC satisfaction and understanding to be relatively low. We also found evidence that myths had built up around the IR process: for example, informally resolved complaints are held on an officer's personnel file, and informally resolved complaints were formally investigated, with a hearing taking place at the end of the process. Worryingly, some officers actually had no idea what IR involved.

Standardised and refresher training for probationers, sergeants and inspectors could provide the opportunity to increase officer knowledge about the complaints system, and about IR in particular. The inclusion of structured training with an input from the Federation – particularly at probationer level – would also help to dispel some of the scepticism associated with the IR process. Officers are likely to be less sceptical about the process if they understand what IR entails, where files are kept, who has access to them and how the statistical information that can be gathered from them is used. It is feasible that through training – with a Federation input – confidence in the system will increase amongst officers.

If standardised training and scheduled refresher courses on the implementation of IR were provided for sergeants and inspectors who lack confidence implementing IR, they would then be better equipped to conduct the process. Short secondments to PSDs could also be an effective method for equipping officers with the necessary skills to carry out IRs. Greater self-confidence when dealing with complaints suitable for IR clearly has the potential to increase the quality of service provision for complainants.

Monitoring complaints and inspections

This report has highlighted variations in the recording and implementation of IR. Some disparities will reflect the inappropriate use of IR; others will reflect under-use of legitimate opportunities to use IR. Either way, it is both undesirable and unrealistic to reduce disparities by rigidly defining categories of complaints at a national level, which may, or may not be, resolved through IR.

To monitor and address issues of disparity, the IPCC will have powers to ask the police for information about how IR is used. It is unclear whether these powers are sufficient to enable the IPCC to mount inspections or reviews where there are gross disparities. For example, in our organisational review the proportion of 'other assault' cases subject to IR varied from 21 per cent to 37 per cent. There was also significant variation for 'excessive force' cases. It will also be remembered that a significant minority of force representatives (15) in the 41-force survey felt that a hypothetical complaint involving a split lip could be informally resolved, although the majority were insistent that it should not be dealt with in this way.

Disparities of this sort require further investigation. The IPCC needs to produce guidelines about the suitability of IR in such cases. If the IPCC's powers to call for reports are insufficient to support work of this sort, then these powers will need extending.

The next stage of the research

We have presented findings and recommendations aimed at improving the IR process for both complainants and officers complained about. Subsequent phases of the research will focus on the experience of those at the heart of the process: complainants and officers complained about. We will be examining the expectations, perceptions and attitudes of officers and complainants who have experienced the IR process. Thereafter the project will develop a number of small pilot projects developing aspects of the IR process, whose viability will then be evaluated. These findings will be presented in subsequent reports.

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GLOSSARY OF ACRONYMS

CPS	Crown Prosecution Service
DPS	Directorate of Professional Standards
HMIC	Her Majesty's Inspectorate of Constabulary
IIC	Internal Investigations Command
IO	Investigating Officer
IPCC	Independent Police Complaints Commission
IR	Informal Resolution
LR	Local Resolution
MPS	Metropolitan Police Service
PA	Police Authority
PACE	Police and Criminal Evidence Act
PC	Police Constable
PCA	Police Complaints Authority
PSD	Professional Standards Department
RC	Restorative Conference
RM	Restorative Meeting

APPENDIX A: PROFILES OF FORCES IN THE ORGANISATIONAL REVIEW¹⁷

Cambridgeshire: Population 725,000; ethnic population 4.3%; average crime rate. High level of complaints overall and a low use of IR. HMIC has regularly criticised the complaints procedures and use of IR within Cambridgeshire. The force conducted complaint satisfaction surveys for police officers in 1997 and for complainants in 1994.

Devon and Cornwall: Population 1,500,000; ethnic population 1.6%; low crime rate. Medium use of IR and low levels of incivility and oppressive conduct. Complainant satisfaction monitoring took place between July 1997 to July 1998. Complaints overall have increased over last three years and HMIC has urged the force to utilise IR to a greater extent.

Gwent: Population 500,000; ethnic population 1.5%; fairly high crime rate. The force has had consistently high levels of IR, although incivility and oppressive conduct complaints have risen in the past year. Overall Gwent has been praised in the last two inspections, but HMIC has called for regular self-monitoring to be introduced.

Merseyside: Population 1,400,000; ethnic population 1.9%; high crime rate. Merseyside is a European Union investment area due to levels of deprivation. Complaint management praised by HMIC following previous reservations.

Metropolitan Police: Two boroughs have been selected from the Metropolitan region, Islington and Hammersmith and Fulham. Both are inner city divisions, both with diverse local populations. Islington had a below average¹⁸ use of IR (24%) in 2000/01, and Hammersmith and Fulham an above national average use (39%).

West Yorkshire: Population 2,100,000; ethnic population 7.8%; high crime rate. The use of informal resolution increased from 29% in 1997/98 to 51% in 1999/00, falling to 45.8% during 2000/01. HMIC praised the increased use of IR.

¹⁷ Population statistics are taken from the Mid-1999 population estimates. Ethnicity statistics have been taken from the 1991 census. Those born in Ireland are included in the ethnic population group.

¹⁸ The national average for informally resolved complaints in 2000/01 was 34%.

APPENDIX B: THE 41 FORCE SURVEY AND GUIDANCE NOTES

INFORMAL RESOLUTION OF POLICE COMPLAINTS RESEARCH:

Everything on this form is confidential. No individual force will be identified. All questionnaires are stored in compliance with the Data Protection Act 1998. Please note that throughout this questionnaire we refer to central departments as Professional Standards Departments (PSD), and also use the term informal rather than local resolution.

Guidance notes have been provided with this questionnaire if, however, you have any queries please phone/e mail either:

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Hamish Warburton 0207 815 5869 warburha@sbu.ac.uk

- 1. **Police Force** _____
- 2. **Unique ID** _____

Section 1: Departmental structure

3. Please could you state the number of staff in your department

Detective Chief Superintendent	_____	Chief Superintendent	_____
Superintendent	_____	Detective Chief Inspector	_____
Chief Inspector	_____	Detective Inspector	_____
Inspector	_____	Detective Sergeant	_____
Police Sergeant	_____	Detective Constable	_____
Police Constable	_____	Civilian Investigators	_____
Civilian admin support	_____		

4. Please could you outline the structure of your department (Please see guidance notes).

5. Please could you outline the responsibilities of the different teams or sections within the department (Please see guidance notes).

Section 2: Recording complaints

6. How can a member of the public make a complaint against the police (please tick all that apply).

In person By phone By post

E mail Fax

Other Please specify _____

7. How is a complaint sent from division to Professional Standards Departments PSD (please tick all that apply).

By phone By internal post

E mail Fax

Other Please specify _____

8. Generally, is the recording of complaints (on division) undertaken by one specific individual/team

Yes No

9. If yes, could you please specify the rank(s) of these officer/job title

10. Who has authority within your force to record a complaint

Only inspectors

Mainly inspectors, but on occasions a sergeant

Both inspectors and sergeants

11. Does your force have guidelines on the number of days a complaint should be resolved

Yes No

12. What is that time limit (no of days) _____

13. Do you record 'Direction and Control' complaints

Yes No

14. If yes, how. If no, why not

Section 3: The Process

15. Please outline the procedure for informally resolving (IR) complaints on division and within your department (Please see guidance notes).

16. Is there anyone (or team) on division specifically tasked to deal with complaints suitable for IR (Please see guidance notes).

Yes No

17. If yes, could you please specify their rank _____

18. Is any one individual responsible for ensuring consistency within the force for complaints that are suitable for IR (i.e. a 'gatekeeper') (Please see guidance notes).

Yes No

19. Rank of officer _____

20. Is this officer
 Divisional PSD officer Other
21. Who has the authority within your force to resolve a complaint via IR
 Only inspectors
 Mainly inspectors, but on occasions a sergeant
 Both inspectors and sergeants
 All complaints resolved by PSD officers
 Other
 Please specify _____

Section 4: Implementation

22. What kind of variation do you think exists in the decisions made by inspectors about which complaints are appropriate for IR

23. Are certain divisional inspectors more proactive in resolving complaints via IR (where appropriate)
 Yes No
24. Does your force operate an official “cooling off” period for those individuals who wish to complain after an arrest (Please see guidance notes).
 Yes No
25. How long is this period _____
26. Have officers within the force resolved a complaint through a ‘restorative conference’ (Please see guidance notes).
 Yes Number in last year _____ No

27. Please could you provide details of the last restorative conference (Please see guidance notes).

28. What do you think are the advantages and disadvantages of this approach

29. Have officers within the force resolved a complaint through 'mediation' (Please see guidance notes).

Yes Number in last year _____ No

30. Please could you provide details of the last mediation that was facilitated (Please see guidance notes).

31. What do you think are the advantages and disadvantages of this approach

32. Within your force how is a racial complaint defined

33. Can racial complaints be informally resolved at divisional level

No Yes, in some circumstances

34. If, in some circumstances, please explain

35. Can racial complaints be informally resolved by officers from PSD

No Yes, in some circumstances

36. If in some circumstances, please explain

37. *The following question is a real case. Please read the brief outline and detail how you would resolve the issue.*

A complainant has received a split lip (the lip does not require stitches but is nevertheless split and there is blood). The complainant alleges the split lip is the result of an assault committed by the arresting officer. However, the complainant consents to resolving the complaint via IR. Do you think this type of complaint is appropriate for informal resolution?

Yes No

38. If no, why not. If yes please state why

Section 5: Desktop resolution

39. Are those complaints, that are resolved via 'desktop resolution', recorded anywhere (Please see guidance notes)

Yes No

40. If yes, how are these complaints recorded in your force

Station log book
Officer's pocket book
Other
(Please specify) _____
Not sure
Different officers different ways

41. If no, why not

42. Do you think all complaints, even those currently resolved by 'desktop resolution', should be formally recorded

Yes No

43. Does the force provide any guidance on what types of complaints are suitable for 'desktop resolution'

Yes No

44. Is there any monitoring of these complaints

Yes No

45. Why/why not

Section 6: Operational officers and informal resolution

46. Generally speaking, what kind of understanding do you think uniform officers possess of informal resolution

Very good Good Average
 Poor Very poor

47. How satisfied do you think uniform officers are with the IR process

Very satisfied Fairly satisfied Satisfied
 Fairly dissatisfied Very dissatisfied

48. Are operational officers encouraged to seek guidance from the Police Federation when they receive a complaint suitable for IR

Yes No Sometimes

49. Are there ways in which the Federation could formally assist operational officers during the IR process

Yes No

50. Please detail

Section 7: Quality Management

51. Is information collected on IR used as a quality management tool (Please see guidance notes).

Yes No

52. Please detail

53. Is there a policy in place to deal with an officer who receives a number of complaints over a set period of time

Yes No

Number of complaints _____

54. If yes, please outline. If no please detail why

55. Is data collected on IR used for any other purpose (Please see guidance notes).

Yes No

56. Please detail

Section 8: Training

57. Does your force provide formal training on complaints (including an IR component) for new recruits

Yes No

58. Does your force provide formal training on complaints (including an IR component) for newly promoted sergeants

Yes No

59. Does the force provide formal training on complaints (including an IR component) for newly promoted Inspectors

Yes No

60. Does the force provide formal training on complaints for custody sergeants new to the post

Yes No

61. What does this training entail (please detail for question 57, 58, 59 and 60) (Please see guidance notes).

Section 9: The Independent Police Complaints Commission (IPCC)

62. How do you feel about an independent organisation monitoring the use of IR (pros and cons)

63. Do you believe that monitoring from the IPCC will improve the 'image' of informal resolution amongst officers (Please see guidance notes).

Yes No Unlikely to notice the difference

64. Do you believe that monitoring from the IPCC will improve the 'image' of informal resolution amongst complainants (Please see guidance notes).

Yes No Unlikely to notice the difference

Section 10: Satisfaction

65. In the last three years have you conducted any complainant satisfaction surveys regarding informal resolution

Yes No

66. In the last three years have you conducted any officer satisfaction surveys regarding informal resolution

Yes No

67. Are records of complaints available to complainants

Yes No

68. Are records of complaints available to officers

Yes No

69. How would you like to see IR improved in your force

CRIMINAL POLICY RESEARCH UNIT

INFORMAL RESOLUTION OF POLICE COMPLAINTS RESEARCH: GUIDANCE NOTES

The guidance notes below have been written to help clarify questions and ensure standardised interpretation across all 43 forces. If, however, you have any further queries please phone/email either:

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Hamish Warburton 0207 815 5869 warburha@sbu.ac.uk

Question

4. This question aims to discover how professional standard departments are structured. We would like to know if the department is a stand alone complaints department or whether the department covers other functions such as civil litigation, or covert investigations. We would also like to know what teams work within the department, and how many staff work on each of these teams.
5. We would like to know the role and responsibilities of different sections within the department. For example: We have two complaint investigation teams that undertake work on _____ there are X number of staff on each team. We have one complaint reduction manager of _____ rank, and X number of sub judge officers.
15. We would like to understand the process of IR within your force area. We would like you to detail the different ways in which a complaint can be informally resolved (both locally and centrally) once it has been officially recorded. For example: On division a complaint will be recorded and passed to an inspector. This inspector will _____ etc. If a complaint has not been informally resolved on division and is forwarded to the central complaints department, we would then like to know the process centrally. For example is it sent back to division for IR to be re-attempted, or does an officer from within the department resolve it.
16. We would like to know if there are complaint managers responsible for informally resolving complaints. For example, an individual or team based on division who are allocated all complaints that have the potential to be informally resolved.
18. A 'gatekeeper' is an officer (normally a senior officer) who has sight of every complaint. That officer is responsible for determining whether a complaint is appropriate for IR, or whether those cases already informally resolved were appropriate for this type of resolution process.
24. In some cases the requirement for a 'cooling off' period is obvious: for example, if a complainant is intoxicated or extremely agitated. However, we would like to know whether the force has an official 'cooling off' period. For example, a set 'cooling off' period of 24 hours.
26. A 'restorative conference' is a meeting between a complainant and an officer complained against. It is often facilitated by either a divisional inspector or a member of the complaints and discipline team.
27. Could you provide details on the decision making process behind the initiation of a restorative conference, briefly outline the complaint, the outcome, and the perceived satisfaction of both parties with the process.

29. 'Mediation' is defined as a situation in which both parties are able to air their grievances under the supervision of a trained mediator. It is the job of the mediator to bring about a successful solution to the problem.
30. Could you provide details of the decision making process behind the initiation of the mediation, briefly outline the complaint, the outcome and the perceived satisfaction of both parties with the process.
39. 'Desktop resolution' is where a complaint is resolved, but not officially recorded. This often occurs when a member of the public wishes a shift sergeant/inspector to be aware of their complaint but does not want to pursue it in any official capacity.
51. The use of IR statistics as a 'quality management tool' refers to the analysis of such data to identify officers who have training, welfare or monitoring requirements.
55. This question aims to uncover any broader use of IR data. For example, the data may be used to identify training requirements of teams, sectors or divisions.
61. Please could you outline who facilitates training on complaints, what the training module comprises of, how long it lasts, and specific details on the IR component. We would also like to know if there is any other formal/informal training provided. For example: secondments to complaints and discipline for newly promoted sergeants, quarterly talks given on division by members of PSD.
64. Previous research and our initial organisational review have shown that PCs lack understanding of, and are distrustful of, the IR process. We want to know whether you believe that independent monitoring (of IR) will increase support for the process.

