

Annual report and statement of accounts 2008/09

Incorporating our report on deaths during or following police contact



Independent Police Complaints Commission annual report and statement of accounts 2008/09 – incorporating our report on deaths during or following police contact

Laid before Parliament by the Secretary of State for the Home Department pursuant to Section 11(5) Police Reform Act 2002 and as incorporated and amended by Schedule 2 of the Serious Organised Crime and Police Act 2005 and Schedule 1 of the Independent Police Complaints Commission (Immigration and Asylum Enforcement Functions) Regulations 2008.

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Chair's foreword



The end of March 2009 marked five years since the IPCC became operational.

Over that time we have received 9,932 referrals, carried out 353 independent investigations and considered 15,612 appeals. Our work is controversial; the stakes for the individuals we deal with are high and the IPCC itself is rightly subject to intense scrutiny.

We have learnt a lot from that experience – not only about how the complaints system could be strengthened, but also about the police themselves.

Of course, we tend to get involved when something has gone wrong. No one phones us to report the police for doing an excellent job; no one sends the IPCC pictures of police officers saving lives. However, with that caveat, the statistics about deaths following police contact contained in this report provide an important insight into the most critical interactions between the police and the public they serve.

Every death in these circumstances is dreadful. The ripples of anguish spread out to the victim's family, friends and the communities they live in; to the police officers concerned, and to their families and friends. These events have a critical impact on the public's overall confidence in the police. There are never any winners in these situations; everyone loses; the impact can last throughout the lifetimes of those involved.

One death in these circumstances is one too many and one life saved is of huge importance. The reduction in the number of deaths in custody is, therefore, extremely welcome. In the first year of the IPCC's operation, 36 people died in or following police custody. The figure has fallen each year since then and in 2008/09, it had fallen by almost 60% to a total of 15.

A number of factors have led to this reduction, not least the efforts of the police themselves and the demands of pressure groups and bereaved families.

The process of rigorous and transparent review of every fatality, of holding individuals to account, of continuous improvement of equipment and facilities and clear leadership that responds to public concerns has significantly reduced deaths in custody and kept firearms deaths at a low level.

There has been no such reduction in the number of deaths involving police road traffic incidents (RTIs), which rose from 24 in 2007/08 to 40 in 2008/09.

These numbers could be reduced by sustained effort. In my view, the consistent will to make the effort has been lacking and this is unacceptable.

One example illustrates the price of not making that effort.

In May 2008, PC John Dougal knocked down and killed 16-year-old Hayley Adamson in Newcastle while driving at 94 mph. Following an IPCC independent investigation, he was convicted of causing death by dangerous driving and received a three-year prison sentence.

In July 2007 we published the results of a major IPCC study into deaths following police RTIs¹. That study recommended that guidance governing police pursuits – which individual forces were free to follow or ignore – be made mandatory and given statutory power. The IPCC has pushed hard to see that recommendation accepted and it has now been agreed. All forces will now have to follow the statutory guidance and this will be the standard that the IPCC applies in any investigation.

I am also concerned by the number of cases referred to us where the police have failed to respond adequately to a call for help and the person concerned has been subsequently murdered.

Some of the most shocking of these involve domestic violence and three common themes emerge from these cases:

1. the importance of not viewing incidents in isolation and being aware of how quickly the danger posed by a perpetrator can escalate

2. the need for effective risk assessments
3. the requirement to share information across agencies and between forces.

In 2008/09, we completed a major review or 'Stock Take' of the complaints system. We wanted to know whether the aspirations that had led to the introduction of the new system in 2004 were still valid and, if so, whether they had been met.

There have been major improvements. Public confidence in the IPCC and the new system appears to be high. The system is more open and transparent. Access to the system has improved. It is generally quicker. There is an effective system for learning lessons from adverse incidents. The most serious cases are investigated independently.

However, most complaints are about less serious matters – although what may feel like a routine or minor matter for police professionals may be a serious, unique and often frightening event for a citizen who feels concerned enough to make a complaint.

About half of all complaints are about incivility and neglect of duty – the police being 'rude and late', to put it plainly. These will normally be dealt with by the police themselves in the first instance, but the complainant has a right of

¹ Police Road Traffic Incidents: A Study of Cases Involving Serious and Fatal Injuries (available at: http://www.ipcc.gov.uk/rti_report_11_9_07_new.pdf)

appeal to the IPCC. We know that complainants are often very dissatisfied with the way their complaint has been dealt with.

The public tell us that for the majority of complaints, most people do not want an officer punished. What they want is their concerns dealt with promptly and an explanation, an apology and reassurance that the same thing will not happen again.

Too often that is not on offer. The statutory focus of the complaints system is on the conduct of individual officers and the question it asks is: "has an individual officer committed an offence and, if so, how should they be punished?" A better question would be: "has anything gone wrong here and, if so, how can it be put right?"

It may be that what has gone wrong does amount to misconduct or individual error and where that is the case, individuals need to be held rigorously to account – but that should not be the only focus of the system.

In the long run, the IPCC wants to see changes to the statutory definition of a complaint so it focuses more on resolving the expressed concerns of the complainant and less exclusively

on the conduct of an individual officer. In the short term, over the coming year, the IPCC will revise its Statutory Guidance, which describes how the complaints system should operate. We want to put much greater emphasis on quickly putting things right at local level and, where appropriate, clearly acknowledging that things have gone wrong – even where no individual officer has committed a disciplinary offence.

During the year we restructured the Commission itself following the Home Secretary's agreement to proposals we put forward.

The number of Commissioners was reduced in the year from 15 to 13 and within this, two non-executive roles were created to strengthen the Commission's governance functions.

Five Commissioners left during the year as their terms of office came to an end. Ten were reappointed and three new appointments were made.

I want to say a particular thank you to the Commissioners who left during the year and warmly welcome new colleagues.

This annual report as a whole describes the complex and demanding environment in which the IPCC operates, the progress that has been made and the work that still needs to be done.

I will conclude by thanking IPCC Commissioners, Jane Furniss, the Chief Executive, and her staff team, and the many statutory and non-statutory agencies with whom we have worked over the year for their hard work and support.

A handwritten signature in black ink, appearing to read 'Nick Hardwick', with a stylized flourish at the end.

Nick Hardwick
Chair



About the IPCC

Background

The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Its primary statutory purpose is to increase public confidence in the police complaints system in England and Wales. The IPCC also investigates the most serious complaints and allegations of misconduct against the police in England and Wales, and handles appeals from people who are not satisfied with the way police have dealt with their complaint.

In April 2006, the IPCC's remit was extended to include serious complaints relating to staff at the Serious Organised Crime Agency (SOCA) and at Her Majesty's Revenue and Customs (HMRC). February 2008 saw its jurisdiction extended further to include serious complaints and conduct matters relating to officers and officials at the UK Border Agency (UKBA).

The IPCC is independent, making its decisions entirely independently of the police, government, and complainants.

Organisational structure

The IPCC is overseen by a Chairman and 12 Commissioners. The Chair is a Crown Appointment and Commissioners are public appointments. The Chair and Commissioners must not have worked for the police in any capacity prior to their appointment.

The Commission is supported by a Chief Executive who leads a staff of around 400 people.

Remit

The IPCC may deal with three different types of case:

- *Complaints*

Complaints are defined by the Police Reform Act as being about the conduct of an officer or member of police staff.

- *Conduct*

The IPCC's remit includes conduct matters (such as corruption) even where no complaint has been made.



- *Death and serious injury*

Deaths and serious injury following police contact must be referred to the IPCC even where no complaint has been made and no misconduct alleged.

Complaints about ‘direction and control’ or operational matters are excluded from the IPCC’s remit.

Referrals

Complaints may be made directly to the police force concerned or to the IPCC. However, all complaints and conduct matters must be recorded by the force concerned.

The force must then refer to the IPCC any complaint or incident where there has been:

- a death or serious injury following police contact
- an allegation of a serious criminal offence

In addition, forces may refer matters voluntarily or the IPCC may ‘call in’ any matter where there may be serious public concern.

Investigations

Once a matter has been referred, the IPCC will make a ‘mode of investigation’ decision to determine how it should be dealt with. This may involve a formal scene assessment by IPCC investigators.

Independent investigations are carried out by the IPCC’s own investigators and overseen by an IPCC Commissioner. In an independent investigation, the IPCC investigators have all the powers of the police themselves.

Managed investigations are carried out by police Professional Standards Departments (PSDs), under the direction and control of the IPCC.

Supervised investigations are carried out by police PSDs, under their own direction and control. The IPCC will set the terms of reference for a supervised investigation and receive the investigation report when it is complete. Complainants have a right of appeal to the IPCC following a supervised investigation.

Local investigations are carried out entirely by police PSDs. Complainants have a right of appeal to the IPCC following a local investigation.

Cases that are dealt with by the police themselves may, with the complainant’s consent, be subject to **Local Resolution**. Local Resolution is a way of dealing with complaints against the police at the local level – for example, through the involvement of an inspector at a police station or a police staff manager. It does not involve the disciplinary process and will not result in misconduct proceedings against an officer or member of police staff. The complaint will be closed after the process has been completed. Complainants must give

their consent for their complaint to be dealt with using Local Resolution. If this is not explained to them, or if they did not consent but still had their complaint dealt with in this way, then they may appeal to the IPCC. However, complainants cannot appeal against the outcome.

In those managed or independent investigations where a criminal offence may have been committed, the IPCC will liaise closely with the Crown Prosecution Service (CPS) throughout and may, at the end of the investigation, refer the case to the CPS. Charging decisions are solely the responsibility of the CPS and, of course, any verdict and sentence is a matter for the courts. Where a disciplinary offence has been alleged, the IPCC will pass its report to the responsible authority (either the force or the police authority depending on the seniority of the officer concerned) with any recommendations about disciplinary offences that have been committed. The IPCC can require a force to hold a disciplinary tribunal. The findings and any sanction are entirely a matter for the tribunal. Where the investigation concerns a death following police contact, the IPCC's investigation will form the basis of any subsequent inquest, which must be held before a jury.

In addition, following a managed or independent investigation, the IPCC can make local or national operational recommendations to prevent a re-occurrence.

IPCC investigation reports will be made available to the complainant or family concerned and, once the legal processes have been completed, will usually be published in whole or in summary.

Appeals

The IPCC may consider appeals into:

- the failure of a police force to record a complaint
- the Local Resolution process
- the outcome of a local or supervised investigation

The IPCC will also consider requests by the police for *dispensations* or *discontinuances* for cases that do not fall within the remit of the Police Reform Act or are not practical to pursue.

Guardianship

The IPCC acts as 'guardian' to the complaints system as a whole. There are four strands to the IPCC's guardianship role:

- setting and monitoring statutory complaint handling standards for the complaints system as a whole
- drawing out and feeding back local and national operational lessons from conduct complaints
- ensuring the accessibility of the complaints system
- promoting public confidence in the system

Further information

Our website provides further information about our remit, our staff, and how to make a complaint. Please visit: www.ipcc.gov.uk

The year in focus – summary from the Chief Executive



It has been another year of challenges and achievements. Demand for our services continues to be high and rising. As the Committee of Public Accounts confirmed: “The IPCC’s workload has increased significantly, which has led to it working above full capacity”. Despite the high demand and the limits on capacity, we performed strongly over the year, delivering against our objectives and improving our performance against most of our targets.

Our performance in 2008/09

Once again we set ambitious targets knowing that demand was continuing to rise and that resources remained static. I am delighted with the progress we have made thanks to the hard work and effectiveness of our staff. Some key features include:

- increased demand for our service – with 11% more referrals and 12% more appeals
- we completed 189 independent assessments before making our decision on mode of investigation, which has enabled us to reach a view with greater confidence about whether a complaint or conduct matter requires our further involvement
- we completed 218 investigations

of which 88 were independent – a record high

- our Telephone Complaints Centre (TCC) received a record number of direct complaints – 14,870 – and despite this, has improved the timeliness of responding to the public in the top priority matters
- at the end of 2008/09 investigation appeals were completed, on average, in 38 days, Local Resolution appeals in 21 days and appeals against non-recording of a complaint in 22 days
- we introduced our balanced scorecard, which is providing us with increasingly sophisticated analysis of our performance

During the last 12 months we formalised a process for conducting “scene assessments” when a serious incident is referred to us. These assessments have proved invaluable. They help us answer questions effectively and promptly about whether there is any police failing or misconduct that needs further investigation and, if so, by whom. In some cases we have been able to provide families with information about the circumstances surrounding a loved one’s death within a matter of days rather than months or years. The assessments also assist us to make more effective decisions about which cases need our priority attention and resources.

IPCC investigators have so far undertaken 102 of these assessments (between September 2008 and March 2009), which resulted in mode of investigation decisions to investigate 17 independently, 18 by a managed investigation and three by supervised investigation. 60 referrals were sent back to forces for local investigation and a further four were referred back to the relevant force.

During the year we recognised that our resources were not organised to meet the demands across each region². We responded to this by changing the boundaries between regions to redistribute work, and by allocating appeals and other casework on a national “cab rank” basis. This has resulted in us moving away from the situation in which appellants had their case dealt with well within the time target in some parts of the country, while appellants in others had to wait months. We have cleared a longstanding backlog which had accumulated in London and South East. Although we end the year below the time target for more complex appeals, I am confident that we will see month-on-month improvements over the coming year.

One of our key objectives for the year was to introduce our balanced scorecard, which provides a wider range of performance measures and allows a more sophisticated analysis of our performance. This has helped us to understand our performance better

and target our efforts to improve it. The results are considered in detail by the Management Board on a monthly basis and made available on our website every two months as part of the Commission’s papers. Over the coming year we will be adding more measures, which will enable us to consider the quality as well as timeliness of our work.

National Audit Office (NAO) study and Committee of Public Accounts

During the year under review, the NAO completed a study into the IPCC to assess whether it was meeting its objectives four years on from becoming operational³. The report was published in October 2008 and the PAC hearing was held in November 2008.

The NAO made ten recommendations, most of which were regarding areas for improvement that we had already identified. The main criticisms were about our internal quality assurance processes, the lack of any external scrutiny, the lack of research into the experiences of complainants/affected members of the police, and the fact that no one organisation has responsibility for monitoring the implementation of our recommendations. At the end of March 2009, the PAC published its own report and reiterated these four main themes, along with some others, as areas for improvement.

We have made good progress against all of the recommendations made by both

² The IPCC had been organised according to regional boundaries.

³ The NAO works on behalf of Parliament and the taxpayer to hold government to account for the use of public money, and to help public services improve performance. It conducted this study as part of its responsibility to report to Parliament on the economy, efficiency and effectiveness with which public bodies use public money.

the NAO and the PAC. Over half of them have been fully implemented and work is well underway in all of the other areas. I have detailed our progress against four of the specific recommendations below.

Quality assurance and external scrutiny

We recognised last year that we had not done enough internally to quality assure our work. We have already taken steps to ensure that our investigations and appeals are quality assured with the creation of a new Directorate with responsibility for the quality and standards of our work and the implementation of our balanced scorecard. These developments, along with regular surveys of our customers, as detailed below, will help to ensure that we focus more robustly on the quality of our work. The newly reformed Audit Committee will lead in this area, with strong oversight being provided by one of our recently appointed non-executive Commissioners.

The Audit Committee will want to consider how it might give further effect to the recommendation of the NAO for an external body to scrutinise a sample of IPCC cases. When the IPCC was created, Parliament made a decision that there would be no statutory external scrutiny, inspectorate, or appeal body. It is difficult to see which body could do this routinely without the necessary powers and resources; something the IPCC cannot itself establish. During the last year, and following a successful review of an IPCC investigation carried out by our colleagues in the Police Ombudsman for Northern Ireland

(PONI), the IPCC has been in discussion with PONI and the Garda Síochána Ombudsman Commission to establish a reciprocal system to allow scrutiny of each organisation's investigations should the need arise. A Memorandum of Understanding agreeing how such scrutiny reviews would take place was signed by the Chief Executives of the three organisations at the Police Oversight Ombudsman's Event on the 6 March 2009. The use of such external scrutiny will be at the discretion of the Chief Executives or a Commissioner in those exceptional cases where it is felt that the views of an expert in the field of police complaints would provide an additional check and reassurance about the quality of such an investigation.

Customer feedback

The NAO commissioned King's College London to undertake a survey of appellants and complainants and police officers/staff involved in investigations conducted by the IPCC. The findings from that report helped us to design the way we seek feedback from our customers. We piloted surveys during late 2008 and early 2009 and have now implemented routine surveys of our customers – those complaining and those being investigated. We want to use the findings to help us provide a high-quality service to our customers – which, of course, is not the same as giving the customer what they want. Many of our customers will not get the outcome they want because the evidence does not support their position, but they all deserve to be treated with respect, to be kept informed on the progress of their case, and to be given an understandable and timely decision. The outcomes of

our surveys will feed into the balanced scorecard, which will be made available publicly and will be used to help us improve the way we do our business.

Implementation of IPCC recommendations

We are keen to ensure that the police learn lessons from complaints and from our investigations so that the public can have confidence that incidents will not recur and policing is improved. One way we do this is through the publication of our Learning the Lessons bulletins (see page 33), but we also need to improve the systems that are in place for monitoring the implementation of our recommendations. We are already in discussion with both Her Majesty's Inspectorate of Constabulary (HMIC) and the Home Office about how we should go about doing this and will take this work forward into next year.

Police complaints performance framework

Last year I indicated that we had begun work to develop a framework to measure and report publicly on the performance of the police complaints system. Its aim is to provide relevant and meaningful data that enables police Professional Standards Departments (PSDs) and the IPCC to work together to improve performance and increase public confidence in the complaints system.

Following work undertaken with representatives from the relevant police and Home Office bodies, we consulted with all police forces and a wide range of non-police stakeholders. We also met with a number of organisations that represent community groups and those with a special interest in the contents of the framework. We received a great deal of helpful feedback and have amended the proposed framework in response to that.

To test the value of our proposals further we then worked with a small number of forces to carry out a pilot implementation of the framework. This work has helped us to further refine our proposals and finalise the content of the framework for this phase of implementation.

We are now implementing the first stage of the framework progressively from April 2009. By the end of March 2010, we anticipate that all relevant police forces will be reporting their performance through the framework. This will allow comparisons to be made between similar forces.

We expect to continue to develop the framework throughout this year and beyond as new data becomes available and in response to feedback from our stakeholders. We will also consider the best way to make this information available to the public, seeking advice from community groups on this issue.

Changes to the IPCC's structure

During the latter part of 2007 we identified the need to review the way the IPCC is organised and undertakes its work. This is necessary both because the organisation is reaching the end of its first five years and because, while demand continues to increase, our resources are likely, at best, to remain static. Our Stock Take of the police complaints system, the findings and recommendations of the NAO and the PAC, and our own internal reviews suggested that we needed a strategic change programme which aimed to:

- improve the internal processes of the IPCC with a greater focus on consistent standards and quality
- create a cost-effective organisation, shifting resources towards operational services to deliver an improving service to the public and police
- ensure that our decisions are information and intelligence driven
- build the capability to deal more flexibly and responsively with internal and external drivers for change while maintaining our strong values base
- strengthen our ability to act as guardians of the complaints system

During the latter part of 2008 we began to restructure the organisation along national, functional lines to deliver a more customer-focused, quality service with greater resilience and flexibility. I anticipate that the restructure will be completed by summer 2009, with all

directors being in post by the autumn 2009. The new structure reduces the number of Director posts from ten to five and creates a single national lead with accountability and responsibility for each of our major operational and support functions, that is Directors of Investigations, Casework and Customer Services, Strategy and Communications, Corporate and Legal Services and Standards and Quality.

As we go through the next 12 months, the IPCC will build on the successes of the last five years and I am confident that our new structure and other planned changes will help us deliver our vision: *“to create an IPCC that is trusted to deliver a customer-focused and cost-effective service capable of meeting the challenges of the future”*.



Jane Furniss
Chief Executive

The IPCC's report on deaths during or following police contact

The Police Reform Act 2002 gave police forces in England and Wales a statutory duty to refer to the IPCC any incident involving a death that has arisen from police contact⁴. The IPCC considers the circumstances of all the cases referred to it and decides whether to investigate the death.

This chapter presents the figures on deaths during or following police contact which occurred between 1 April 2008 and 31 March 2009. The purpose of the chapter is to provide a definitive set of figures for England and Wales, and an overview of the nature and circumstances in which these deaths occurred.

To produce these statistics, the circumstances of all deaths referred to the IPCC were examined to determine whether they met the criteria for inclusion under one of the following categories:

- fatal RTIs
- fatal shootings
- deaths in or following police custody
- other deaths following police contact

Box A provides full definitions for each of these categories.

Box A: Definitions of deaths during or following police contact

The term 'police' includes police civilians as well as police officers. Deaths of police personnel or incidents that involve off-duty police personnel are not included in these categories.

1. Road traffic fatalities include deaths of motorists, cyclists or pedestrians arising from police pursuits, police vehicles responding to emergency calls and other police traffic-related activity.

This would not include the following:

- Deaths following RTIs where the police have attended immediately after the event as an emergency service.

2. Fatal shootings include fatalities where police officers fire the fatal shots.

⁴ Paragraph 4(1)(a) and 13(1)(a), Schedule 3, Part 1, Police Reform Act 2002. As amended by the Serious Organised Crime and Police Act 2005, Schedule 12.

Box A: Definitions of deaths during or following police contact (cont)

3. Deaths in or following police custody includes deaths of people who have been arrested or otherwise detained by the police. It includes deaths which occur while a person is being arrested or taken into detention. The death may have taken place on police, private or medical premises, in a public place or in a police or other vehicle.

This would include the following:

- Deaths which occur during or following police custody where injuries which contributed to the death were sustained during the period of detention.
- Deaths which occur in or on the way to hospital (or other medical premises) following or during transfer from police custody.
- Deaths which occur as a result of injuries or other medical problems which are identified or develop while a person is in custody.
- Deaths which occur while a person is in police custody having been detained under Section 136 of the Mental Health Act 1983 or other legislation.

This would not include the following:

- Deaths (including suicides) which occur after a person has been released from police custody, except those that meet the criteria outlined above.
- Deaths of individuals who have been transferred to the care of another agency and subsequently die while in their care.

4. Other deaths following police contact includes deaths where a link can be established between the police contact and the death, and which did not involve arrest or other detention.

This would include the following:

- Deaths which occur after the police are called to attend a domestic incident which results in a fatality.
- Deaths which occur while a person is actively attempting to evade arrest. This includes instances where the death is self-inflicted.
- Deaths which occur when the police attend at a siege situation, including where a person kills himself or someone else.
- Deaths which occur after the police have been contacted following concerns about a person's welfare and there is some concern about the nature of the police response.

Box A: Definitions of deaths during or following police contact (cont)

This would not include the following:

- The death of someone who has attended a police station as a visitor, witness or in a professional capacity.
- Deaths which occur when the police attend an incident where a person receives, or has received fatal injuries, either self-inflicted or otherwise, such as when they have been called to a reported suicide attempt and there are no concerns about the behaviour of the officers involved.
- Deaths which occur in a police vehicle when that vehicle is being used in lieu of an ambulance to transport a person to a medical facility.

Findings

In 2008/09 there were **92** deaths during or following police contact, of which:

- **40** were the result of **road traffic fatalities**
- **3** were the result of **fatal police shootings**
- **15** were **deaths in or following police custody**
- **34** were **other deaths following police contact**.

Below we present demographic information on the people who died and provide details on the nature of their death. Appendix 1 contains additional information on those individuals who died in terms of age, gender and ethnicity. It also contains information on the nature of these deaths and details the fatalities across police forces.

Since April 2006, the IPCC has become responsible for reporting on fatal cases mandatorily referred by HMRC and SOCA. Since April 2007, UKBA has also been subject to the same statutory duty

and any deaths which occurred during or following contact with the Agency's officers will therefore also be presented here. In 2008/09, UKBA referred one fatal case which met the criteria for inclusion in the statistics. No deaths during or following contact were reported by HMRC or SOCA.

Road traffic fatalities

Demographics

In 2008/09, there were 33 police-related RTIs, which resulted in the deaths of 40 individuals. Thirty-four of those who died were male and six were female, the average age at the time of death was 32 years. Eleven of the people who died were under 21 years of age; of these seven were below 18. Two people were reported to be from minority ethnic groups; both individuals were of Black ethnic origin.

Nature of death

Twenty-two people died during or shortly after a **police pursuit**. Of these:

- nineteen individuals were the driver of, or a passenger in, the pursued

vehicle and died when their vehicle crashed either into street furniture, a tree, or against private premises. Three of the individuals who died were the rider of either a moped or a motorcycle

- three people died after their vehicle was hit by a car being pursued by the police; one of these fatalities involved a motorcyclist.

Six of the 40 fatalities involved a police vehicle that was **responding to an emergency call**. Three fatalities occurred when the police car collided with another vehicle; three fatalities involved a police vehicle colliding with a pedestrian.

Twelve fatalities occurred during **'other' types of police traffic activity**, for example, officers travelling routinely from one location to another. Of these:

- eight deaths occurred after a vehicle appeared to speed away from a police car. Two of these deaths involved a motorcycle driver; one death was that of a third party whose car was hit by the vehicle allegedly driving off from the police
- two deaths occurred after a pedestrian was hit by a police vehicle
- two deaths involved police vehicles colliding with other vehicles.

Fatal shootings

The three people who were fatally shot by police officers in 2008/09 were all men. One of the shootings involved armed officers from Surrey Police and two people were shot by officers from the Metropolitan Police Service. These

deaths involved three separate incidents. All three individuals were from a white background, with two being 'White British' and one being 'any other White background'. Two were in their 30s and one was 40 years old.

Deaths in or following police custody

Demographics

Fifteen people died in or following police custody. Of those, 13 were male and two were female. Ten individuals were reported to be White, three people were of Black ethnic origin, and two people were identified as being Asian. The average age of those who died was 40 years, with the youngest person reported to be 23 years old.

Nature of death

Twelve of the 15 people were declared dead in hospital after having been taken ill, or identified as unwell, while in police custody. Of the remaining three, two died in their cells and one committed suicide after escaping from the police while under arrest. One of the two who died in a police cell committed suicide by tying his socks in a ligature around his neck. The other died after being taken into custody with minor head injuries and in an intoxicated state.

Three of the 15 people who died were identified as having mental health needs, although none had been detained under Section 136 of the Mental Health Act 1983. In nine deaths there was a link to alcohol or drugs. For example, the deceased person had recently consumed, was intoxicated with, or was found to be in possession of drugs or alcohol at the

time of arrest. In only two of these cases was the cause of death directly related to alcohol use. Of these:

- one individual was a long-term alcoholic who died of acute alcohol withdrawal
- one individual choked on his own vomit after being arrested for being drunk and incapable.

More information on cause of death is included at Appendix 1. Our website contains details of a forthcoming IPCC study exploring deaths in police custody at: www.ipcc.gov.uk/news/prog0609_feedbackdeathsinpolicecustody.htm

Other deaths following police contact

Demographics

Thirty-four deaths occurred following some form of contact with the police not covered by the other categories. Twenty-four of the individuals who died were male and ten were female; 24 people were White, nine individuals were from a minority ethnic background and one person's ethnicity was unknown. Of those from a minority ethnic background: four people were Black, two were Asian, two were from 'any other ethnic background' and one was of mixed-race descent. The average age of those who died was 34 years; one individual's age was not stated.

Nature of death

This category is broad and includes deaths involving a wide range of circumstances. In many of these cases, the subsequent investigation aims to identify whether officers did all that they

could to try to prevent the death. The 34 deaths can be grouped as follows.

Ten were apparent suicides. Of these:

- six deaths occurred after police contact. In four of these cases, a family member contacted the police expressing concerns for a person who later died: two had discharged themselves from a healthcare service; one took his life after the call was re-determined as normal response; another climbed over railings and let himself fall while chased on foot by an officer
- two individuals allegedly took their own life after officers had checked their welfare and considered them not to be at risk
- one person's death occurred after information reporting a vulnerable missing person failed to be received by the police force where the deceased was located
- one individual killed himself after allegedly murdering his estranged partner.

Nine deaths were alleged murders where concerns were raised about the police response prior to the death. The largest group of cases included women (six) who were known to be at risk from their former partners and were subsequently murdered. Two children were found dead after officers responded to a call expressing concerns about their mother's mental welfare. One teenager was shot dead after police were made aware that he had been the target of a stabbing attack.

Six people died after the police had been contacted with concerns about their behaviour or welfare. In these cases, concerns were raised about the actions or inactions of police officers. Of these:

- two individuals had been located by officers following concerns being raised; they were in a confused state and were provided with directions, but both were later found dead
- two people's death occurred after a delayed force response; one died after walking in front of moving vehicles; another was found lifeless at their home address
- one young person under the influence of alcohol died after officers allegedly took no action after speaking to him in the street
- another death occurred after officers, it is alleged, did not attempt to gain authority to access a property where the sound of a person falling from the stairs had been heard.

Three of the 34 deaths occurred when the individual was apparently trying to avoid possible arrest. Of these:

- two people died following a jump, or fall, from a balcony or window while officers were present at the premises
- one person climbed a fence and died after dropping onto a railway line.

Three people died after a road traffic collision. Here, concerns were raised about earlier police actions, such as the clearing of debris from the road or an individual later hit by a car.

The remaining three deaths involved: one person who shot himself dead during a siege and two individuals who allegedly stopped breathing while being restrained. The two latter individuals were not under police arrest or in police detention at the time of the incident and these cases therefore do not fall into the category of deaths in or following police custody.

Trends

This section makes some comparisons between deaths in 2008/09 and those which occurred in the previous four financial years. The figures presented in Table 1.1 show an increase of 14 deaths in the overall number of fatalities from 78⁵ in 2007/08 to 92 in 2008/09.

⁵ This is an increase from the figure given in the report 'Deaths During or Following Police Contact: Statistics for England and Wales 2007/08'. Three cases were considered suitable for inclusion post publication.

Table 1.1: Fatalities by type of death and financial year, 2004/05 to 2008/09

	Fatalities					Change in fatalities
	2004/05	2005/06	2006/07	2007/08	2008/09	
Road traffic fatalities	44	48	36	24	40	16
Fatal shootings	3	5	1	5	3	-2
Deaths in or following police custody	36	28	27	22	15	-7
Other deaths following police contact	24	39	22	27	34	7
Total deaths	107	120	86	78	92	14

Note: this table presents the most up-to-date set of figures for these categories. Two cases have been added to the figure published previously for 2006/07 and three for 2007/08.

Table 1.2 shows the number of separate incidents which resulted in fatalities. There are more fatalities than incidents because a single incident – for example, a road traffic collision – can result in the death of two or more individuals.

In 2008/09 there were 12 more fatal incidents than there were in 2007/08, with 83 in 2008/09 compared with 71 in the previous year. Table 1.2 shows that the general trend appears to be across the reported years, with a rather exceptional fall occurring in the year 2007/08.

Table 1.2: Incidents by type of death and financial year, 2004/05 to 2008/09

	Incidents					Change in incidents
	2004/05	2005/06	2006/07	2007/08	2008/09	
Road traffic fatalities	43	42	35	18	33	15
Fatal shootings	3	5	1	4	3	-1
Deaths in or following police custody	36	28	27	22	15	-7
Other deaths following police contact	23	37	21	27	32	5
Total deaths	105	112	84	71	83	12

Note: this table presents the most up-to-date set of figures for these categories. Two cases have been added to the figures published previously for 2006/07 and three for 2007/08.

Road traffic incidents

The number of RTIs increased by 15, from 18 in 2007/08 to 33 in 2008/09. Prior to the latest figure, the number of incidents appeared to be in decline and it is now unclear what trajectory they will take in the future. Falls in past years have been across the sub-categories of police pursuit, emergency response and 'other' police traffic driving activity. The increases in 2008/09 are also spread across these categories. It is not possible to pin-point what has caused these rises and falls.

The findings of an IPCC research study examining police RTIs occurring over a two and a half year period can be found at: www.ipcc.gov.uk/rti_report_11_9_07_new.pdf

Deaths in or following police custody

Since 2004/05, the number of deaths in or following police custody has decreased annually, with a fall of seven deaths in the most recent financial year (from 22 in 2007/08 to 15 in 2008/09). In 2008/09, there were two apparent suicides in police custody compared to none in 2007/08, two in 2006/07, one in 2005/06 and two in 2004/05. There has also been a decrease over the reported years in the number of fatal cases where people have been taken ill, or been injured, in police custody then taken into hospital. In 2004/05 there were 26 such occurrences, 22 in 2005/06, 22 in 2006/07, 20 in 2007/08, through to 12 in 2008/09. In 2009/10 the IPCC will conduct a detailed review of custody deaths over several years, which will seek to establish possible reasons for this

ongoing fall. Appendix 1 contains further information on deaths in or following police custody in the last four financial years.

Other deaths following police contact

In this financial year there has been an increase of seven reported deaths occurring during or following police contact, from 27 in 2007/08 to 34 in 2008/09. As stated in previous reports, the deaths included in this category involve a diverse range of circumstances, which makes it difficult to identify one specific set of events that accounts for changes in the numbers of fatalities. The broad definition applied to this category also means that, of all the death categories, this one is the most likely to fluctuate over time. A point to note is that in 2008/09, three deaths occurred after people jumped or fell from a balcony in an attempt to avoid contact with officers. This compares with four in 2007/08 and five in 2006/07.

Apparent suicides⁶ following release from police custody

Figures on apparent suicides following release from police custody are presented separately from the overall statistics on deaths during or following police contact. Previous analysis has shown inconsistencies in the referral of these deaths across forces, which makes this area difficult to define. In an attempt to address these apparent variations in the referral of these deaths across forces, the IPCC worked with ACPO and the APA to develop guidance for police forces

⁶ The term 'suicide' does not necessarily relate to a coroner's verdict as, in most cases, verdicts are still pending. In these instances, the case is only included if, after considering the nature of death, the circumstances suggest that death was the intended outcome of a self-inflicted act, for example, a hanging, or where there was some evidence of 'suicidal ideation', such as a suicide note.

on the referral of these deaths. The guidance was sent out as an Operational Advice Note in April 2007. IPCC guidance asks forces to refer all fatalities that occur within two days of release from police custody, or those where the period spent in custody may have been relevant to the subsequent death.

In 2008/09, the IPCC was notified of 55 apparent suicides that occurred after people had been released from police custody and that met the criteria for inclusion in this category.

Thirty-three of the 55 deaths occurred within two days of release, with 17 occurring within 24 hours of release. In many of these cases, the fatality has been included because of the proximity between the individual coming into contact with the police and their death; a causal link between the contact and the death appears not to have been established.

The IPCC decided that it was necessary for it have some involvement in the investigation of 11 of these fatalities. Twenty-five of the 55 individuals were reported to have known mental health needs and four of them had been detained under the Mental Health Act 1983. Twenty-six people were reported to

be in possession or under the influence of drugs or alcohol at the time they were arrested, or were known substance users. Six of these individuals had been arrested for a drink or drug-related offence. Fifteen of the 55 people who died were arrested for a sexual offence; 11 of these individuals were detained in connection with sexual offences or indecent images involving children.

Investigations

Once the IPCC is notified of a fatality, it considers the circumstances of the case and decides whether to independently investigate, or alternatively to manage or supervise a police investigation. In some circumstances it is decided that a particular case is best dealt with locally by the police force in which it occurred. (See page 11 for a description of each type of investigation).

Table 1.3 shows the level of investigation for each of the groups of fatalities in 2008/09⁷. The picture is broadly the same as in previous years. In 2008/09, the IPCC had some form of involvement in the investigation of 67% of fatalities (62)⁸. In 2008/09, 46% of investigations into deaths were *independent*, 17% were *managed*, 4% were *supervised* and 33% dealt with by a local investigation by the police force concerned.

⁷ The type of investigation can be re-determined at any stage throughout the investigative proceedings as deemed appropriate by the IPCC. In 2008/09, investigations into nine fatalities were re-determined. In four cases the IPCC increased its level of oversight and in five incidents the level of IPCC involvement was reduced. The investigation type reported on here is that most recently recorded.

⁸ To maintain consistency with the rest of this section, the table includes details of individual *fatalities* rather than incidents. However, it is important to note that this overestimates the actual number of investigations, as in the table an investigation involving multiple fatalities will be counted more than once, for each fatality that occurred.

Table 1.3: Deaths during or following police contact by type of fatality and investigation type, 2008/09

Fatalities	Road traffic fatalities		Fatal shootings		Death during or following police custody		Other deaths following police contact		Total	
	N	%	N	%	N	%	N	%	N	%
Independent	7	18	3	100	10	67	22	65	42	46
Managed	7	18	0	–	3	20	6	18	16	17
Supervised	2	5	0	-	1	7	1	3	4	4
Total IPCC investigated	16	40	3	100	14	93	29	85	62	67
Dealt with locally by force	24	60	0	–	1	7	5	15	30	33
Total deaths	40	100	3	100	15	100	34	100	92	100

Note: investigation type as reported on the IPCC Case Tracking Management System, April 2009. Percentages are rounded and therefore may be greater than the sum of certain categories.

Further tables providing more detailed information on those who died can be found on our website at: www.ipcc.gov.uk

Improving the complaints system

The Stock Take – ensuring that the police complaints system achieves the aspirations behind its creation

Like other public services, expectations of the police have grown and people are more willing to complain when those expectations are not met. The categories of complaint about police officers and staff that are rising most rapidly include incivility and neglect of

duty – which relate to the way that the police provide a service. These types of complaint account for around half of all complaints made. Through our research, we know that members of the public want a simple, clear system to deal with situations when the service they receive from the police does not meet their expectations, and they want the IPCC to continue to investigate the most serious complaints (Box B).

Box B: Results from the IPCC's public confidence survey, carried out in December 2007⁹

Statement	% who 'agreed' or 'strongly agreed'
All complaints about the police should be dealt with by the IPCC no matter how minor	46
Only the most serious complaints about the police should be dealt with by the IPCC	49
When someone dies after contact with the police, the IPCC should look into the case, not the police force	77
Cases of serious corruption among police officers should be dealt with by the IPCC	87

⁹ Confidence in the police complaints system: a second survey of the general population.

In 2007, the IPCC launched a review of the police complaints system with the aim of assessing the progress made since the Police Reform Act came into effect and the IPCC began work. The review became known as the 'Stock Take'. The IPCC worked closely with its Advisory Board to carry out the Stock Take, the key conclusion of which was that the primary focus of the complaints system

needed to be on the experience of the complainant and on what – if anything – needed to be done to put things right. This is in contrast to the current almost exclusive focus on police officers, their conduct and whether any sanctions should be applied.

The Advisory Board set out ten major proposals (Box C).

Box C: Stock Take proposals

1. Remove the current distinction between conduct, maladministration and service failure matters.
2. All complaints to be dealt with at the lowest appropriate level (keeping a direct route to the IPCC for the most serious cases).
3. Local assessment and handling with the aim of resolving complaints and improving service through a range of techniques.
4. Separate consideration of whether a complaint is 'upheld' from any finding of misconduct/poor performance against an officer ('substantiated'). A complaint can be upheld regardless of whether there is evidence of individual misconduct or poor performance.
5. Review within the force if complainant still not satisfied.
(This proposal was not taken forward following the consultation.)
6. Review the appeal structure. Introduce one overarching right of appeal to the IPCC, a public interest test and clearer standards showing how appeals to the IPCC will be handled.
7. Greater oversight role for the IPCC to check force handling of lower-level complaints.
8. Introduce measures to make complaints data more meaningful so that they drive improvement in the system.
9. Remove excessive bureaucracy from the complaints system.
10. IPCC to normally issue an early interim statement on independent investigations.

The proposals were put out to consultation in a publication entitled 'Building on experience – taking stock of the police complaints system after four years of operational experience'. The consultation closed on 12 September 2008. We received 49 responses, which voiced broad agreement with nine of the ten proposals.

On 1 October 2008, we held a breakfast seminar where we were pleased to welcome senior figures from the police, other statutory agencies, government, the major political parties, and representatives from public and voluntary organisations. The event provided stakeholders with the opportunity to discuss the Stock Take proposals.

The final nine proposals were submitted to the Home Office on 20 January 2009. The then Minister of State, Vernon Coaker, accepted them and initiatives are already underway to make some of the changes. Many of the proposals will be implemented as part of the revisions to our Statutory Guidance¹⁰, due to be published early in 2010 and by providing a final review of the most serious complaints arising from the Policing Pledge¹¹. Some of the proposals involve changes to legislation and we are in discussion with the Home Office about how to proceed with these.

The Stock Take proposals are very much in line with The Taylor Review of Police Discipline Arrangements, published in 2005, which prompted the development of a new system for dealing with police performance and discipline. The Taylor

Reforms shift the emphasis from blame to the importance of improving and developing performance.

The Taylor Review meant changes to the IPCC's approach – and work to communicate these changes both within the IPCC and externally. We set up a project board to advise on the practical implications of the reforms, and worked with police partners to prepare for the implementation of the new procedures.

The new system came into effect on 1 December 2008. All IPCC staff undertook training to prepare them for the changes and we revised our corporate literature to bring it in line with the new system.

Public confidence in the police complaints system and the IPCC

During November 2008, we contracted the British Market Research Bureau to run our annual public confidence survey, the results of which help us to understand levels of satisfaction – as well as showing us how people want their concerns to be addressed¹². The survey has been run twice previously – in 2004 and 2007.

Questions were asked to a representative sample of close to 4,000 people in England and Wales. The headline results showed some positive improvements in the percentage of respondents who were happier with their contact with the police – particularly among ethnic

¹⁰ The Statutory Guidance sets out the standards and principles for dealing with complaints or allegations of misconduct against police officers and staff serving in England and Wales.

¹¹ The national Policing Pledge is a key initiative of the 2008 Policing Green Paper. It sets out the minimum standard of service the public can expect from police forces.

¹² Confidence in the police complaints system: a survey of the general population in 2008.

minority respondents. In addition to this, the majority of respondents continue to be aware that the IPCC is independent of the police service.

Key findings

- 88% of respondents said that they thought the IPCC would treat a complaint against the police fairly – the same as in 2007. For white respondents the figure was 89% in each case, but there was a very slight improvement among ethnic minority respondents – from 71% to 77%.
- Awareness of the IPCC rose from 62% in 2004 to 64% in 2007 to 66% in 2008, another indication of gradual improvement. Again the biggest improvements were among ethnic minorities with an increase from 32% to 42%. There was also an improvement in awareness of people in London with an increase from 44% to 57%.
- 68% of respondents thought the IPCC was independent of the police – a similar number to 2007.
- The evidence seems to show that those in contact with the police were slightly happier about the experience – especially people from minority ethnic backgrounds (51% in 2007 going up to 67% in 2008). They were also slightly more likely (71% to 77%) to feel that any complaint they made would be treated fairly. In each of these cases the results for ethnic minority respondents were still behind those of white respondents, but the gaps appear to be narrowing.
- Just over a quarter of respondents (28%, the same as in 2007) had been

in contact with police in the last 12 months. As in previous surveys, this was more common among white than ethnic minority respondents (29% to 22%). The gap looks to have narrowed from the 30% and 18% respectively seen in 2007.

- Over two-thirds of those who had been in contact with police (70% compared to 68% in 2007 and 65% in 2004) were happy or very happy with the experience.

Pioneering research into the safety of people detained under the Mental Health Act

Mental health issues are a factor in many of the most serious cases investigated by the IPCC. One of the ways in which people with mental health issues have contact with the police is when they are in a public place and are believed to be in need of ‘immediate care and control’. In these circumstances, individuals can be detained by police officers under section 136 of the Mental Health Act 1983 and taken to a place of safety. A place of safety is defined as: ‘hospital, police station, mental nursing home or residential home or any other suitable place’.

It has long been accepted that police custody is not a suitable place of safety. It has the effect of criminalising people who are in need of medical attention, can exacerbate their mental state, and – in the most tragic cases – can contribute to deaths in custody. For the past 20 years, government policy has stated that police custody should be used only as a last resort – yet there has been no national data on the extent to which it has been used.

Over 50% of deaths in police custody involve people who have some form of mental health need. After conducting a major study into the use of police custody as a place of safety, the IPCC published a report¹³ in September 2008 which described practice on the ground in police forces across England and Wales. The report, welcomed by the Royal Society of Psychiatrists, made a series of recommendations about how to improve outcomes in this sensitive area of police work.

Key findings

- An estimated 11,500 people were detained in police custody as a place of safety in 2005/06. This compares with about 5,900 people in a hospital environment that year.
- The use of section 136 varies significantly between police forces. The average rate of detention across England and Wales was 55 detentions per 10,000 people in custody. Low rates of detention were reported by Cheshire and Merseyside Police (1 per 10,000 people in custody). High rates were reported by Sussex Police (277 per 10,000) and Devon and Cornwall (174 per 10,000).
- Just under two-thirds of people (61%) detained in police custody were male.
- The average age of those detained was 36 years, but the ages ranged from 12 to 89 years. Four per cent of detainees were aged 17 or under. Four people were 12 years old.
- Almost eight out of 10 (78%) of detainees were White; 4% were Black; 3% were Asian; 2% other

ethnic origins and 14% were of unknown ethnicity. When compared to the general population the rate of detention for Black people was almost twice (1.7 times) as high than for White people.

- The majority of people (78%) were detained in police custody for 12 hours or less. The average length of time spent in police custody was nine hours and 36 minutes. Ten individuals were detained for over the legal limit of 72 hours. Almost two thirds (65%) of section 136 detainees arrived in police custody outside of normal office hours (between 6pm and 9am).

We submitted this research to the Bradley Review¹⁴ – an independent review of the diversion of people with mental health issues from the criminal justice system and prisons. The final report of that Review stated:

Many of the recommendations in the IPCC report, if implemented, would go a long way towards improving working relations between the police and health and social services. The recommendations include a suggestion of parties meeting at a strategic level to look at reviewing current arrangements and existing protocols and agreements. Such an approach would be helpful not just for Section 136 cases, but also for other interactions between health services and the police.

The National Policing Improvement Agency (NPIA) is incorporating our recommendations into guidance and accompanying training it is developing for police officers on mental health issues.

¹³ Police custody as a “place of safety”: examining the use of section 136 of the Mental Health Act 1983.

¹⁴ Commissioned by the Secretary of State for Justice in December 2007.

“The IPCC research on places of safety has been a key background document in the development of the Guidance on Police Responses to Mental Ill Health and Learning Disabilities, which the NPIA is developing on behalf of ACPO. We have worked closely with the IPCC in taking this work forward and have appreciated the contributions and comments on drafts from representatives of the IPCC. The Learning the Lessons Bulletin has also been invaluable in terms of its insights into improving policing practice.”

Dr Kate Paradine, Investigative Practice Team, Policing, Policy and Practice, National Policing Improvement Agency

Section 136 of the 1983 Act and the Mental Health Code of Practice have since been amended. The change, with effect from 1 April 2008, allows a person to be transferred from one place of safety to another before assessment and the change to the Code of Practice emphasises that the police station should be used only on an exceptional basis – i.e. if there is a serious threat of violence or danger to those tasked with providing care or support.

Sharing learning and experience

The IPCC continued to share learning and experience from its investigations and other work both with the police other agencies in England and Wales and with similar organisations from around the world.

Learning the lessons

Investigations into complaints or conduct concerning the police can not only uncover misconduct, criminal

or otherwise, by people serving with the police. They also produce valuable lessons for policing policy and practice. We published three Learning the Lessons Bulletins during 2008/09. The content of each Bulletin is agreed by a multi-agency Committee, chaired by Nick Hardwick – IPCC Chair.

The three Bulletins produced during 2008/09 were on the following themes:

- call-handling
- vulnerable people
- a general issue, covering various issues including getting the full picture in domestic abuse incidents and effective working with other agencies

Communicating learning from our investigations through the Bulletin helps forces to improve their policies and practices, and their performance. The Bulletins inevitably focus on cases where things have gone wrong – however, the Learning the Lessons website also provides learning reports relating to each case included in the Bulletin. These reports not only provide more in-depth information about the cases and the learning arising from them, but also detail the steps that forces have taken to tackle the issues identified by our investigations. This allows forces to access detailed practical information about how their peers are improving, and to learn from their experiences.

We have received a great deal of positive feedback on the Bulletins (Box D) and will continue to publish three issues each year.

Box D – helping the police improve Feedback on Learning the Lessons Bulletins

- *I have found Learning the Lessons to be an important form of ‘organisational memory’, which has allowed me to visit our own policies and procedures to ensure that the lessons are, in fact, learnt.*
- *I find these bulletins extremely useful when developing national learning programmes.*
- *The LTL Committee and Bulletin continue to provide great learning for forces.*
- *An excellent publication, which provides ‘warning signals’ for operational line managers. Although the failings can make uncomfortable reading, it is essential that they are shared in this manner.*
- *I have already used one example from your bulletin to underline the necessity of carrying out full checks when attending any incidents. I am certain that I will find many more useful examples in your past and future bulletins.*

Sharing our experience with other organisations

Each year the IPCC receives many requests from overseas organisations that are keen to learn about its work.

During 2008/09, the IPCC welcomed 21 delegations from around the world, with representation from 35 countries

We are an active member of the European Partners Against Corruption Network (EPAC)¹⁵. In November 2008, the IPCC hosted the eighth Annual Conference of EPAC in Manchester. The theme of the conference was: “Integrity: a European dialogue – championing oversight and fighting corruption”. The event was a great success and brought together delegates from 28 countries across Europe to share experiences and good practice.

The IPCC now co-chairs the Police Oversight Bodies strand of EPAC, along with the Belgian police oversight body, and also chairs EPAC’s Police Oversight Principles working group – which is working to develop minimum standards in Europe for police oversight bodies. We have been actively supporting a project to develop an international network for organisations involved in

¹⁵ You can learn more about EPAC at their website: www.epac.at

the independent oversight of policing (INIOP). Throughout the year under review, we maintained our close association with an EU-funded project, managed by the Home Office, to develop an independent police complaints commission and complaints system for the Turkish National Police and Gendarmerie.

Working closely to its principles of engagement for international activity, the IPCC has worked hard to ensure that work undertaken is proportional to the benefit it brings to our day-to-day business. Where possible, such work is funded by external sources.



The IPCC's investigations into cases involving the police

The IPCC deals directly with the most serious complaints against the police. In 2008/09, police forces referred 2,445 cases to the IPCC, an 11% increase on 2007/08 and more than 50% more than the volume received during the IPCC's first year of operations (see figure 1.1 on page 48). The vast majority of these referrals are sent back to the relevant force to be investigated or resolved locally. However, the IPCC's own investigators began independent investigations into 106 cases during 2008/09. A further 117 investigations were carried out by police force PSDs under the direction of the IPCC (managed investigations), and 167 investigations were carried out by police forces under the IPCC's supervision (supervised investigations).

Early assessment

It is mandatory for police forces to refer all deaths and serious injuries during or following police contact to the IPCC.

Some cases referred to the IPCC are subject to an initial assessment to determine the best way to deal with them. These assessments involve analysing the evidence available – for example, visiting the scene of an incident and taking statements from witnesses.

Scene assessments enable the IPCC to make timely and effective decisions about the appropriate mode of investigation (see page 11 for information about the different types of investigation) and to prioritise its investigative resources.

Interim reports

The Stock Take of the police complaints system carried out by the IPCC (see page 28) included a proposal that the IPCC normally issue an early interim statement on independent investigations. We believe that this approach contributes to an open and transparent complaints system, which reassures the public that serious incidents are handled quickly and fairly.

The IPCC has begun to issue interim statements in many of its independent investigations. One example involves the investigation into the circumstances surrounding the death of Habib Ullah on 3 July 2008. The IPCC issued an update on its investigation on 22 July. The update included the terms of reference for the IPCC investigation and information about the progress made to date. It also provided an opportunity to issue a further appeal for witnesses.



After completing a thorough scene assessment, the IPCC concluded that the sudden collapse of a man in a Kent Police station did not require an independent investigation as officers and staff had dealt with his collapse promptly.

The 37-year-old man was found unresponsive in his cell in North Kent police station just 21 minutes after the conclusion of being interviewed in the presence of his solicitor. A detention officer found that he was not breathing and a custody nurse and custody sergeants were summoned. Resuscitation was started and an ambulance was called. The man was taken to hospital where he was admitted to intensive care.

Kent Police informed the IPCC immediately and two IPCC investigators attended the police station. They carried out a detailed assessment to advise whether the IPCC needed to become involved in the investigation into what is termed a 'near miss' in custody.

On arrival, the investigators met the officers involved. It was agreed verbal accounts would be obtained from them and they would be treated as witnesses. The investigators explained the role of the IPCC and the assessment. The assessment also involved analysing CCTV footage from within the police station.

The assessment found that the man had returned to his cell at 7.15pm. after being interviewed. Twenty one minutes later, the civilian detention officer saw something was wrong, alerted other custody staff and started first aid. Resuscitation was carried out using a defibrillator. An ambulance arrived at 7.48am and he was stabilised by paramedics before being taken hospital where he was treated for a cardiac arrest.

The key questions for the assessment were whether:

- there had been any potential for the man to have come to harm during his arrest or detention;
- the man had exhibited any signs of illness which should have been recognised by staff in custody;
- the actions of staff in response to his illness were appropriate;
- any action or inaction on the part of the police was linked to the man's illness in any way.

The assessment found no evidence that any of the actions of the arresting or custody staff or officers was linked in any way to the man's collapse. There did not appear to have been any opportunity for him to sustain an injury during the arrest or detention, nor did he exhibit any signs of being unwell which should have been responded to. In addition, custody staff took appropriate measures to obtain and administer drugs prescribed by the man's GP. The response of custody officers and staff on finding him unwell was immediate and concerted. Based on this assessment, the investigation was passed back to Kent Police's Professional Standards Department to be concluded. The lead IPCC investigator met personally with the man's family to explain the scene assessment and what it had found in order to allay any concerns that they had.

Outcomes of IPCC investigations

There are four main outcomes of IPCC independent and managed investigations. If an investigation finds evidence of misconduct by police officers or staff, but no evidence of criminal behaviour, the IPCC recommends to the police force concerned that the person should be **disciplined**.

The IPCC carried out a managed investigation after allegations that three Northamptonshire Police officers assaulted and threatened a 16 year old, and attempted to pervert the course of justice.

The youth was arrested at approximately 7.30pm on 24 November 2006, but he did not arrive at the custody suite in Northampton until 9.55pm. The youth claimed that between his arrest and his arrival at the custody suite, the officers used PAVA spray¹⁶ on him, threatened and intimidated him while driving him around the Daventry area, and attempted to plant drugs on him.

The officers were charged with the offence of misconduct in public office. One officer was charged with assault – however, the Crown Prosecution Service subsequently decided not to proceed with a criminal prosecution. The officers then faced a disciplinary hearing, which took place in August 2008.

Two of the officers were found guilty of all seven charges they faced and dismissed. The third officer had pleaded guilty to the three charges he faced and was required to resign.

If an IPCC investigation finds evidence of criminality, we pass the investigation report to the Crown Prosecution Service (CPS), which then decides whether to bring **criminal charges**.

Following an IPCC independent investigation, PC James Dougal of Northumbria Police was tried and found guilty of death by dangerous driving. He was sentenced to three years imprisonment on 1 May 2009. PC Dougal was also banned from driving for four years.

The IPCC's investigation found that PC Dougal was on Denton Road in Newcastle Upon Tyne when his automatic number plate recognition system was activated in relation to a Renault Megane. He failed to confirm the nature of the activation. PC Dougal accelerated to a speed of 94mph. The speed limit on Denton Road is 30mph. At no point did PC Dougal activate his emergency warning equipment.

PC Dougal's vehicle collided with Hayley Adamson as she crossed the road. Miss Adamson died as a result of her injuries.

¹⁶ PAVA spray is carried by officers on operational duties. The spray is used to incapacitate, which it does by causing pain and irritation to the eyes.

In other cases, investigations may find no evidence of misconduct or criminal behaviour by individuals working for the police, but they may identify **organisational learning** for the force. In these cases, we make recommendations for changes to systems and processes in order to prevent the issue re-occurring.

The IPCC recommended that Humberside Police review and change its systems for dealing with calls relating to vulnerable people. This followed an independent investigation into how the force responded to telephone calls expressing concerns about the welfare of a 29-year-old man who was later found dead.

Sean Emerson, of no fixed address, was found hanged in the garden of his mother's house in Roberts Street, Grimsby on 8 July 2008. An inquest into Mr Emerson's death concluded on 25 March 2009 with a verdict of suicide.

The IPCC investigation looked at how Humberside Police had responded to a phone call from Mr Emerson's mother at 10:58pm on 7 July. She reported that her son was outside her house in a drunken state and threatening to smash the windows.

In a later call at 11:20pm, when she was advised that no one was available to respond at that time, Mr Emerson's mother specifically mentioned her concern that Sean may self harm.

The initial call had been graded as 'high', but no officers were available and the call was downgraded, several hours later, to be dealt with the next morning. Mr Emerson's mother found him hanged from a tree in her garden at approximately 5:20am on 8 July 2008.

The Police National Computer contained warnings about Mr Emerson's mental health issues and risk of self harm. However, it was not force policy for the call handlers who dealt with Mrs Emerson to access such information. The investigation also identified that at least one officer did appear to be available to respond to the initial call from Mr Emerson's mother.

Nicholas Long, IPCC Commissioner, said: "Humberside Police has worked hard to implement national call handling standards. However, in this case it appears the warnings relating to Mr Emerson's vulnerability were either dismissed, totally underestimated or the call handlers did not have access to relevant information.

"It should have been sufficient that Mr Emerson's mother expressed her concerns. But a policy that the Police National Computer would be checked only when officers were responding to an incident meant that the call handlers were unaware of the information relating to Sean's previous self harm.

"Lessons need to be learned from this incident to ensure that this situation cannot develop again."

The fourth potential outcome is that the **complaint is not substantiated** and the investigation finds no wrongdoing by the police.

On 17 September 2008, five people were killed in an RTI on the M4, following the pursuit of a vehicle by officers from Gwent Police. The IPCC investigation into the crash concluded that officers and control room staff acted properly and in accordance with their training.

This investigation began amid intense media interest, both regionally and nationally. The IPCC issued an early statement stating that the police vehicle did not pursue the vehicle onto the motorway. The Commission also issued a very early detailed statement of investigation actions.

The IPCC published its investigation report at the conclusion of the inquest and appeared on TV and radio news to explain how the investigation was carried out and how the organisation works.

The Gwent coroner publicly thanked the IPCC for the thoroughness and professionalism of the investigation report.

Key themes from IPCC investigations

Domestic violence

Since starting work in 2004, the IPCC has identified a significant number of cases where there is concern about the way in which police officers have handled incidents involving domestic violence. The first Learning the Lessons Bulletin (see page 33), published in June 2007, focused on cases where domestic violence had been an issue. During the year under review, this issue was also highlighted as part of the October 2008 Bulletin, which included four cases involving domestic abuse.

One investigation we began during 2008/09, which is currently ongoing, involves the death of Clare Wood who was found murdered in her home in Salford on 6 February 2009. Greater Manchester Police (GMP) began a search for George Appleton as a suspect for the murder and found his body in a disused warehouse on 12 February. GMP then confirmed that they were not seeking anyone else in connection with Ms Wood's death. The force made a referral to the IPCC on 9 February 2009, as Ms Wood had made complaints to the police about Mr Appleton before her death. On 7 October 2008 she alleged that he had threatened her and damaged her property, on 2 January 2009 that he had breached bail conditions by trying to contact her, and on 18 January 2009 she alleged that Appleton had sexually assaulted her. The ongoing independent IPCC investigation is examining how the police force dealt with these allegations.

Other cases currently being investigated include an independent investigation into the actions of both Nottinghamshire and South Yorkshire police forces following an alleged knife attack on a woman in Nottingham in January 2009; an independent investigation into the actions of West Midlands police officers following the death of a woman in Marston Green, Birmingham in February 2009; and an independent investigation into the contact between GMP and Katie Summers prior to her murder on 9 October 2008. This investigation began in February 2009 following the conviction for murder of Ms Summers' partner, Brian Taylor.

Call handling

IPCC investigations have identified concerns about the way that forces have handled calls and responded to incidents in a range of cases – many of them involving vulnerable people. We have highlighted a number of recurring issues through the Learning the Lessons Bulletin:

- the importance of staff taking calls being able to recognise when someone is at risk
- the need to ensure that information is recorded adequately – and subsequently accessed and used
- the importance of grading incidents correctly so that the response is appropriate
- the importance of officers attending incidents being given enough information

The IPCC conducted an investigation after the death from hypothermia of Neal Kenny. He was found collapsed at a church in Cambridge. The investigation identified a number of failings by both police officers and ambulance staff – including call handlers failing to send police officers or an ambulance to assist Mr Kenny despite two separate calls from a member of the public who expressed concern about his welfare.

As a result of our investigation, two call handlers were given words of advice¹⁷ for failing to deploy a police resource or otherwise ensure an appropriate police response. Another call handler received words of advice for failing to deploy a police resource and ensure an appropriate ambulance service response. Two police officers also received words of advice in relation to their failure to take reasonable steps to secure Mr Kenny's welfare and safety during their contact with him.

Another independent investigation which identified failings in call handling followed the suicide of Stephen Mosley in Tamworth. This investigation resulted in a police sergeant and member of police staff receiving written warnings.

Two sergeants received words of advice. The IPCC also made a series of recommendations to Staffordshire Police aimed at improving training for call handlers, reinforcing existing policies and procedures, and improving the recording of information around call handling.

¹⁷ Words of advice are given by a senior officer in cases where an officer or member of police staff has admitted breaching their code of conduct, and advice is considered to be the most constructive way in which to discipline the person concerned.

A further example in this area involves an independent investigation into how Humberside Police handled concerns about Richard Oldroyd, who committed suicide. Mr Oldroyd had been detained by Humberside Police on two occasions in the fortnight prior to his death. On both occasions he was taken to hospital for assessment and treatment relating to possible mental health issues. Our investigation focused on a telephone call to Humberside Police at 7:50am on 1 April, and the actions taken in response to that call.

The call was made by a member of staff at a mental health care line who advised that she had been contacted at 2:30am that morning by a man called Richard. Richard had stated that he was going to hang himself and wanted his father to be made aware before he ended the call.

Humberside Police quickly established that the caller was likely to be Richard Oldroyd and an instruction was given to undertake a welfare check. However, the job was allocated to two officers, one of whom had urgent administrative work to deal with. As a result, the second officer could only undertake background checks as it was deemed a risk for him to visit Mr Oldroyd's home alone due to intelligence on police systems about him having access to knives.

By 10:45am, when the officer's colleague completed the urgent administrative work, an emergency 999 call had come in to which both officers were deployed. This meant that the instruction to carry out the welfare check on Mr Oldroyd had not been completed. The officer failed to document that it had not been done until 1:15pm and the job remained unallocated until a supervising officer noted this at 2:45pm. Officers were deployed and forced entry into Mr Oldroyd's home at 4:15pm, when he was found dead.

The IPCC investigation concluded that:

- The call was graded to mean that a welfare check should have been carried out within two hours. This did not happen.
- The officer who began the background checks should have ensured that his supervisors were aware that he could not complete the task much sooner.
- Humberside Police should investigate modifying their systems to ensure that supervisors can easily identify when no progress is being made on tasks allocated to officers.

Fatal shootings

Independent investigations were launched into the fatal shooting by police of Mark Saunders in Chelsea on 6 May 2008, and the fatal shooting of David Sycamore in Guildford on 30 November 2008. It is not possible to comment further on these cases in this report as the Sycamore investigation is ongoing and inquests into both deaths have not taken place.

Road traffic incidents

The IPCC dealt with a number of cases of death and serious injury related to road traffic incidents involving the police. The IPCC's report on deaths following police contact on page 18 highlights an increase in deaths following RTIs in 2008/09.

Some other key cases in 2008/09

Other significant cases which concluded during 2008/09 include:

- An investigation into the use of corporate charge cards by 39 Metropolitan Police officers led to one officer being sentenced to a ten month prison term and another receiving an 8 month suspended sentence. Two officers are currently awaiting trial and others have received written warnings. A number of investigations are ongoing. Since 1 April 09, the total number of individuals being investigated for misuse of MPS corporate charge cards has increased to 50.
- An IPCC independent investigation found no substance to an allegation that Merseyside Police had received information which could have prevented the murder of 11-year-old Rhys Jones.
- The IPCC took part in a joint press conference with members of the family of Rachel Whittear and representatives from Wiltshire Police. Ms Whittear's death was investigated by Devon and Cornwall Constabulary. In May 2003, the Police Complaints Authority (PCA), the predecessor to the IPCC, appointed Wiltshire Police to reinvestigate the circumstances and cause of Rachel's death. This investigation was also asked to review the adequacy of Devon and Cornwall Police's original investigation. This protracted and complex investigation had involved the exhumation of Rachel's body for a post mortem and a second inquest.
- The IPCC published a report following its investigation into the Essex Police inquiry into the death of Stuart Lubbock. The independent investigation examined 36 complaints and allegations from Stuart's father, Mr Terry Lubbock. Six of the complaints were upheld, including that the scene was not adequately preserved and blood found on clothing was not investigated promptly.
- The IPCC published its findings after an investigation into Derbyshire Constabulary following the death of Kanwaldip Singh Bains. Mr Bains died while in police custody following his arrest in the early hours of 15 October 2008. After sending five investigators to the scene, the IPCC found no evidence to suggest that any of the officers involved in Mr Bains' arrest had committed any criminal offence. There was also no evidence of any misconduct. These findings were supported by the post mortem results, which indicated that Mr Bains' death was due to heart failure as a result of his heart and arteries being severely diseased. The Coroner allowed the IPCC to release its findings before the inquest had taken place. As the findings were released, Mr Bains' family thanked the IPCC for the way in which the investigation was conducted.

- In February 2009, the IPCC disclosed the findings of its investigation into allegations against seconded police officers and staff working on behalf of the National Black Police Association (NBPA) between 2003 and 2005. The investigation examined the actions of three serving police officers, one retired police officer, one member of police staff and one retired police staff member. The investigation did not find evidence of misconduct by any serving or retired UK police officer or police staff member. However, the record keeping within the NBPA during this period was so shockingly poor that it was simply not possible to account for significant amounts of expenditure. Our evidence showed that accounting failures allowed a culture of extremely poor practice by some individuals.
- The IPCC conducted an independent investigation into the circumstances surrounding the death of Frank Morris. Mr Morris died after being found collapsed in a cell at Cheshire Constabulary's North Division Custody Suite in Runcorn on 15 May 2007. The investigation identified a number of procedural errors in Mr Morris' treatment during his time in custody. As a result of our findings, a sergeant received a written warning, and five sergeants and three detention officers received words of advice. The IPCC made a series of recommendations to Cheshire Constabulary aimed at improving training for custody staff, reinforcing existing policies and procedures, and improving the recording of information about detainees.

Our wider responsibilities – dealing with complaints and referrals from other organisations

HMRC

The IPCC's jurisdiction over HMRC covers:

- All mandatory referrals, which includes serious complaints and incidents such as alleged assaults, discriminatory behaviour, corruption and deaths during or following contact with HMRC staff.
- Voluntary referrals – when HMRC decides it is appropriate to refer other allegations to the IPCC.
- Appeals against HMRC non-recording of a mandatory referral.
- Appeals against the outcome of an investigation of a mandatory referral.

When cases are referred to the IPCC, we then decide the appropriate mode of investigation. Allegations may be:

- independently investigated by the IPCC
- investigated by the police or HMRC under the management or supervision of the IPCC
- investigated locally by either HMRC or the police

Investigations and appeals

The IPCC received 45 referrals from HMRC during 2008/09. Of these referrals, two have been subject to independent investigation, three a managed investigation, three investigations were supervised, 34 were sent back to HMRC for local investigation, and three were referred back to HMRC to be dealt with as they see fit.

The IPCC received 13 appeals relating to HMRC cases during 2008/09. One was against the non-recording of a complaint (upheld), the others were against the outcome of an investigation – we upheld three of these. Seven appeals were not upheld, one was invalid, and a decision on one appeal is pending.

IPCC independent investigation into HMRC loss of data

In November 2007, Her Majesty's Revenue and Customs (HMRC) announced the loss of two CDs containing sensitive personal records relating to recipients of Child Benefit. The loss of the CDs was referred to the IPCC and we carried out an independent investigation to establish the facts of what had happened, and to determine whether any individual was at fault.

The investigation found that the processes for data handling were woefully inadequate at HM Revenue and Customs' Child Benefit Office in Washington. But it concluded that individual members of staff were not to blame for the loss of the CDs.

The IPCC's investigation uncovered failures in institutional practices and procedures concerning the handling of data. It revealed the absence of a coherent strategy for mass data handling and, generally speaking, practices and procedures were less than effective.

The IPCC found that there was:

- a complete lack of any meaningful systems
- a lack of understanding of the importance of data handling
- a 'muddle through' ethos

Day to day, staff found themselves working without adequate support, training or guidance about how to handle sensitive personal data appropriately. While an ongoing review of data procedures was being conducted within HMRC at the time of these events, it had not been finalised. Had this internal review received a higher priority, the loss of the data may have been avoided.

HMRC took immediate steps to tighten security and a full review of practice and procedures was carried out. Reforms have taken place and continuing improvements are being rolled out across the department. Data security is at the forefront of HMRC activity.

The Commission referred its findings to the Information Commissioner.

Work this year and future work

- The IPCC has worked closely with HMRC to enhance our working relationship. This close working was of huge benefit during work done to develop HMRC's new regulations, which are currently in draft form. Final discussions on any necessary revisions are underway.
- Over the coming year and in consultation with HMRC, we will develop and publish statutory guidance for HMRC to support these regulations.

UKBA

On 25 February 2008, the IPCC's jurisdiction was extended to include complaints and conduct matters relating to UKBA officers and officials of the Secretary of State. Casework for any UKBA complaints is carried out by staff based in our Wakefield office.

In relation to UKBA, the remit of the IPCC is restricted to England and Wales and involves the most serious matters where immigration officers exercise police-like powers in the community. We do not have jurisdiction over detention centres.

The IPCC is also responsible for considering appeals made by members of the public in relation to serious complaints against UKBA. If UKBA has decided not to record a serious complaint about a member of UKBA staff exercising police-like powers, the complainant has the right to appeal to us against such non-recording.

Investigations and appeals

We received ten referrals from UKBA during the period under review. One was subject to independent investigation, two a managed investigation, six were sent back to UKBA for local investigation, and one was referred back to UKBA to be dealt with as they see fit.

The IPCC received two appeals relating to UKBA complaints in 2008/09. One was against the outcome of an investigation (upheld) and one was against the non-recording of a complaint (invalid).

SOCA

The Serious Organised Crime Agency (SOCA) was set up on 1 April 2006 to combat organised crime. The IPCC is responsible for the way that complaints against SOCA are handled.

During the period 1 April 2008 to 31 March 2009, SOCA referred 20 complaints and conduct matters to the IPCC. Two of these are being independently investigated by the IPCC. One matter is subject to a managed investigation, and 16 matters were returned to SOCA for local investigation. One matter has been returned to SOCA to deal with as they see fit.

Investigations and appeals

The IPCC received 20 referrals from SOCA during 2008/09. Of these referrals, two have been subject to independent investigation, one a managed investigation, 16 were sent back to SOCA for local investigation, and one was referred back to SOCA to be dealt with as they see fit.

The IPCC received 11 appeals in relation to SOCA complaints. Six involved investigations (one was upheld, five were not), and five were against the non-recording of a complaint (two were upheld, two were not upheld, and a decision on one appeal is pending).

Our targets and performance in 2008/09

2008/09 was another challenging year for us. Demand for our services continued to rise during the year. Referrals from the police were up 11 per cent on the year before; we started 106 independent investigations, well above our annual capacity of 70; appeals from the public were up 12 per cent; and complaints received directly from the public were up 30 per cent.

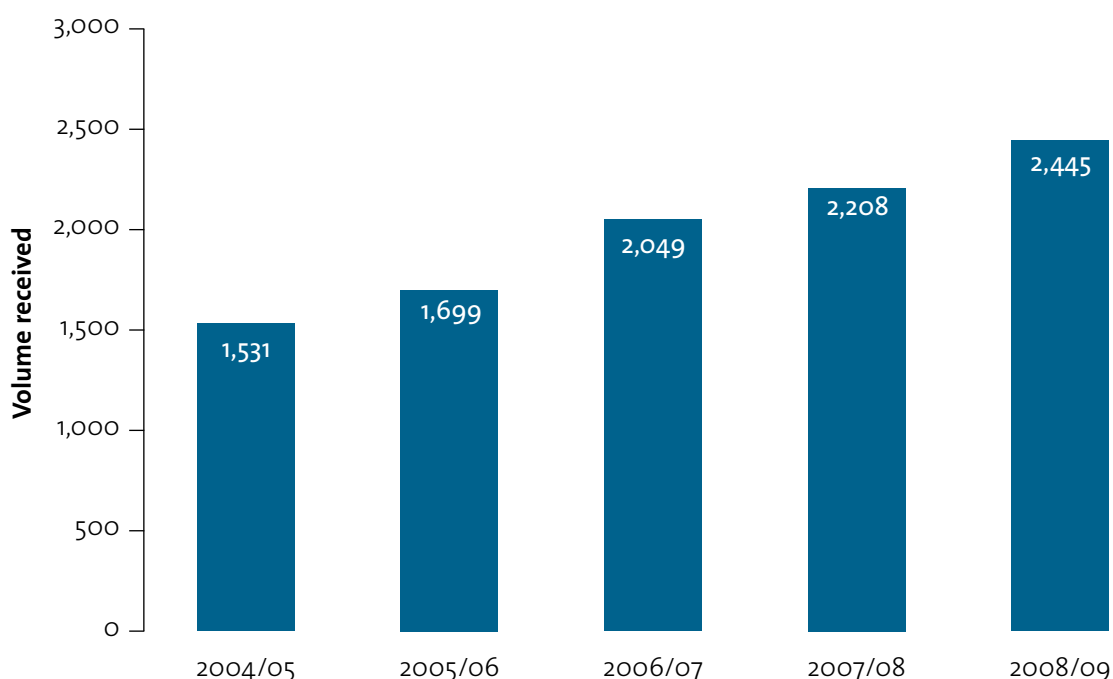
With no additional resources to deal with these increases in demand we were not able to complete as many cases as we received. As a result, IPCC caseloads steadily increased and it has taken us longer to complete investigations and appeals.

This chapter outlines the demand for our services and our performance. It concludes with our plans to improve performance in the coming year.

Referrals of matters for investigation

The number of conduct matters and complaints referred to the IPCC rose by 11% during 2008/09 to 2,445. There has been a steady increase in referrals each year since we commenced operations in 2004 (see figure 1.1).

Figure 1.1: The volume of referrals made to the IPCC by year



We make a decision on how each referral should be investigated: independently by the IPCC; the IPCC managing or supervising a police investigation, or for the police to locally investigate or resolve themselves. In 80% of cases we aim to communicate this decision to the force within two working days. In 2008/09 we exceeded our target, communicating the mode of investigation within two days in 90% of referrals.

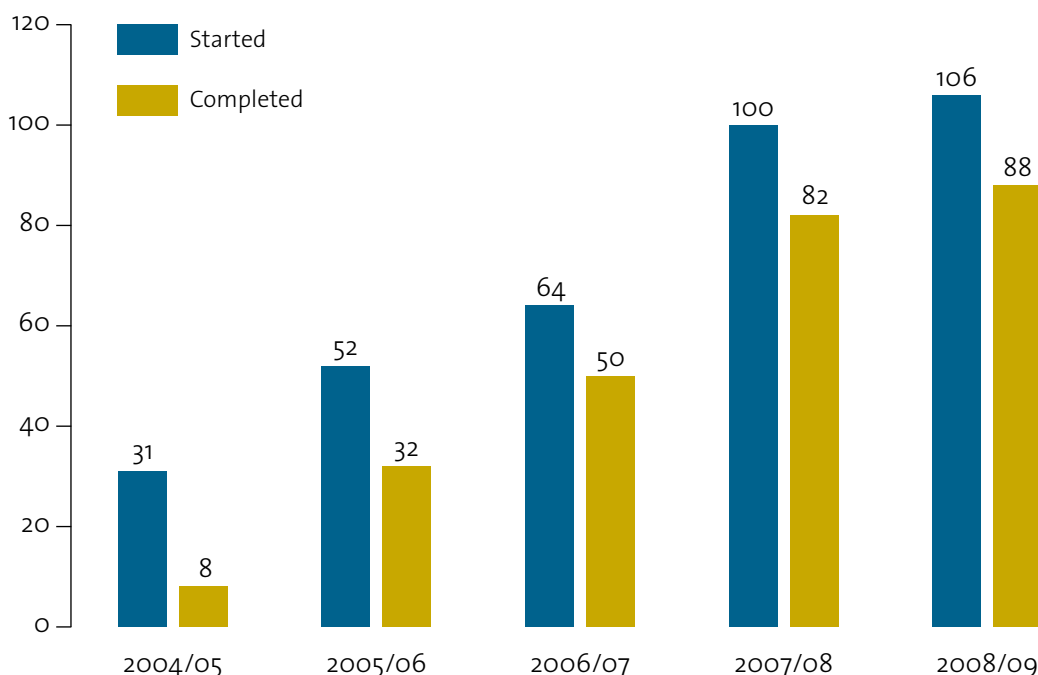
Independent investigations

During 2008/09 we decided to independently investigate 106 of the most serious matters referred to us using our own investigators. This was six more than in the previous year and, for the second consecutive year, well above our estimated annual capacity. The increased demand for independent investigations over the past two years has been driven largely by our evolving obligations under human rights law, which emphasises

the need for the investigation of deaths and serious injuries involving the state to be independent from the organisation linked to the fatality. We have managed this demand by improving our national co-ordination of mode of investigation decisions involving referrals likely to result in our own independent investigations. We have also responded by making an early assessment at the scene of the incident, enabling us to secure and assess early evidence, leading to a better informed and timely decision on what our further involvement should be in the matter's investigation. In total, 189 scene assessments were completed during 2008/09.

Figure 1.2 below outlines the steady increase in the number of independent investigations we have started and completed over the past five years. Over the past two years we have significantly increased the number of investigations completed each year, despite having no additional resources to do so.

Figure 1.2: Independent investigations started and completed by year



As figure 1.2 illustrates, the number of investigations we started is higher than those completed. This has led to a significant rise in the number of active investigations (see figure 1.3), and has had an inevitable effect on our timeliness in completing these investigations. The length of our independent investigations has increased from 167 to 195 working days over the course of the year.

Managed and external force investigations

The requirement to investigate more matters independently has further reduced the number of cases where the IPCC manages the police force's investigation. This has allowed us to focus more of our investigators on independent investigations. We started 117 managed investigations during 2008/09, down from 152 the previous year (see figure 1.4). This year was the first time we were able to complete more managed investigations than we started, thereby reducing the number of ongoing managed investigations. As we completed a number of older investigations, the average time for completing managed investigations increased from 197 to 269 working days.

Figure 1.3: Number of ongoing independent investigations April 2004 to March 2009

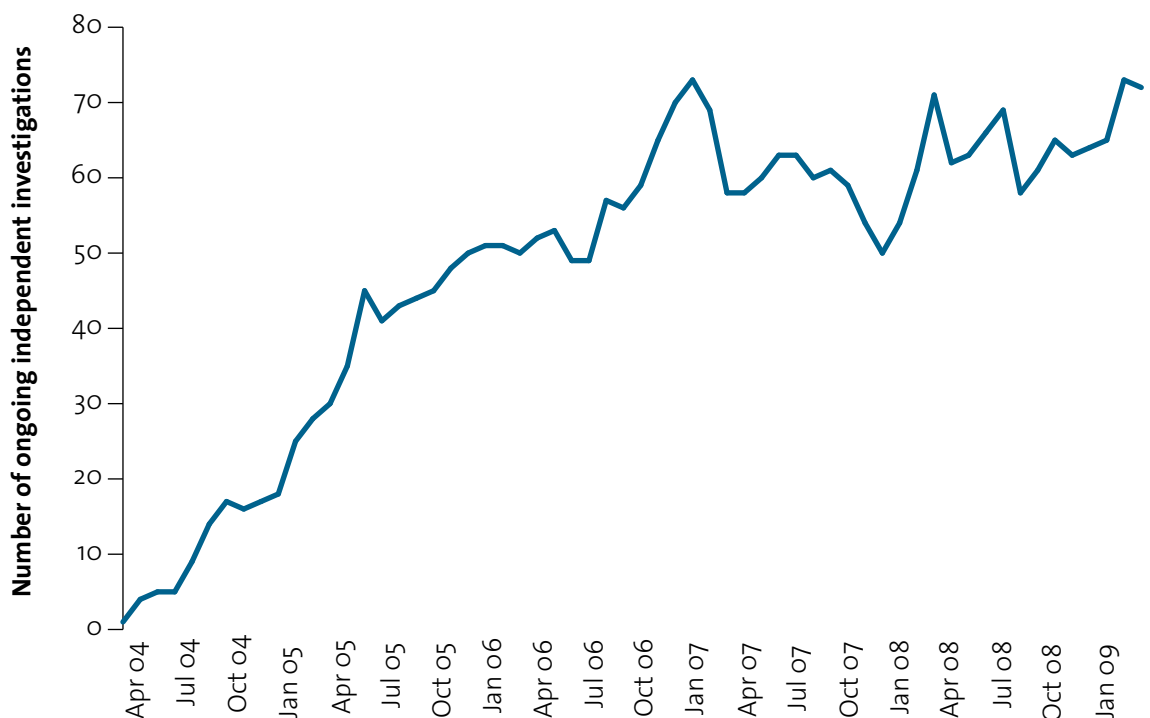
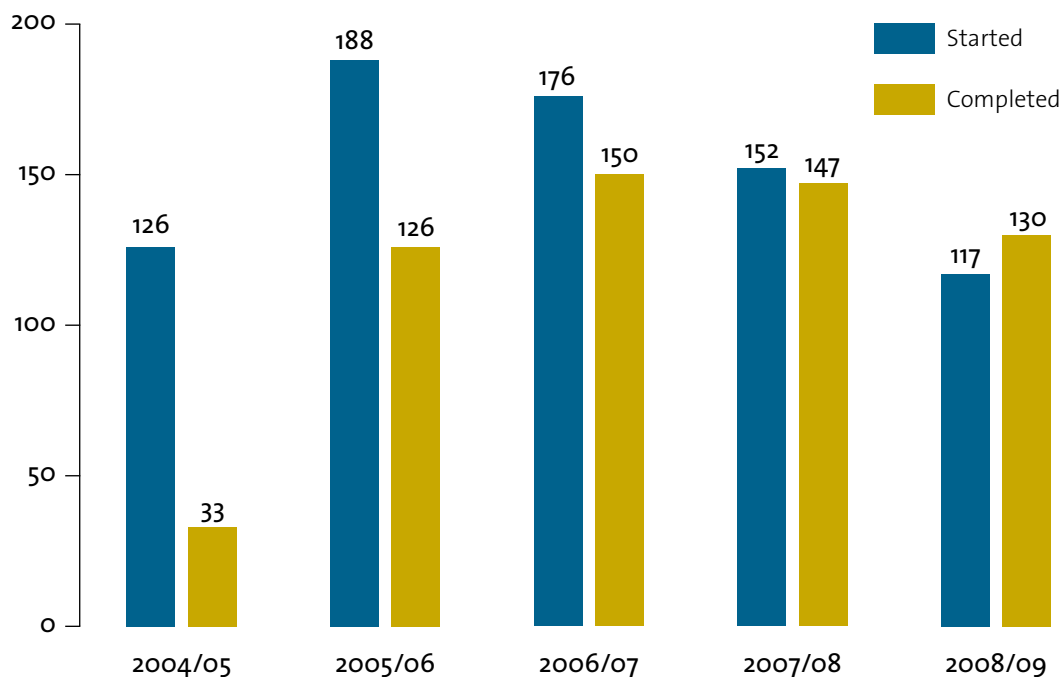


Figure 1.4: Managed investigations started and completed by year

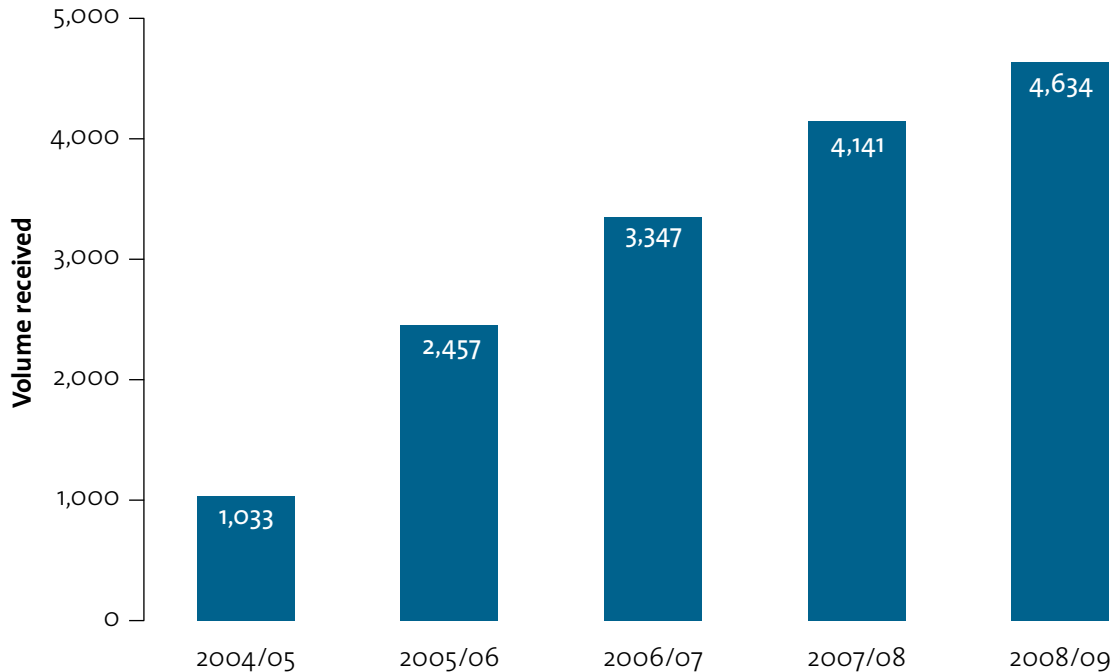


In the past, police forces often investigated other forces to ensure a level of independence in the investigation. We have sought to end this practice by undertaking the investigation ourselves. This provided both more reassurance to the public that the matter was being investigated independently, and also provided savings to police forces, as they no longer had to resource these investigations. In line with our commitment, we reduced the number of active external force investigations to just two by the end of 2008/09.

Handling appeals from complainants

The public has a right to appeal to the IPCC against the way a force has handled their complaint locally. The appeals we received during 2008/09 increased to 4,634. Although this rise is not as high as in previous years, it is still 12% more than the year before (see figure 1.5).

Figure 1.5: The volume of appeals received by the IPCC by year

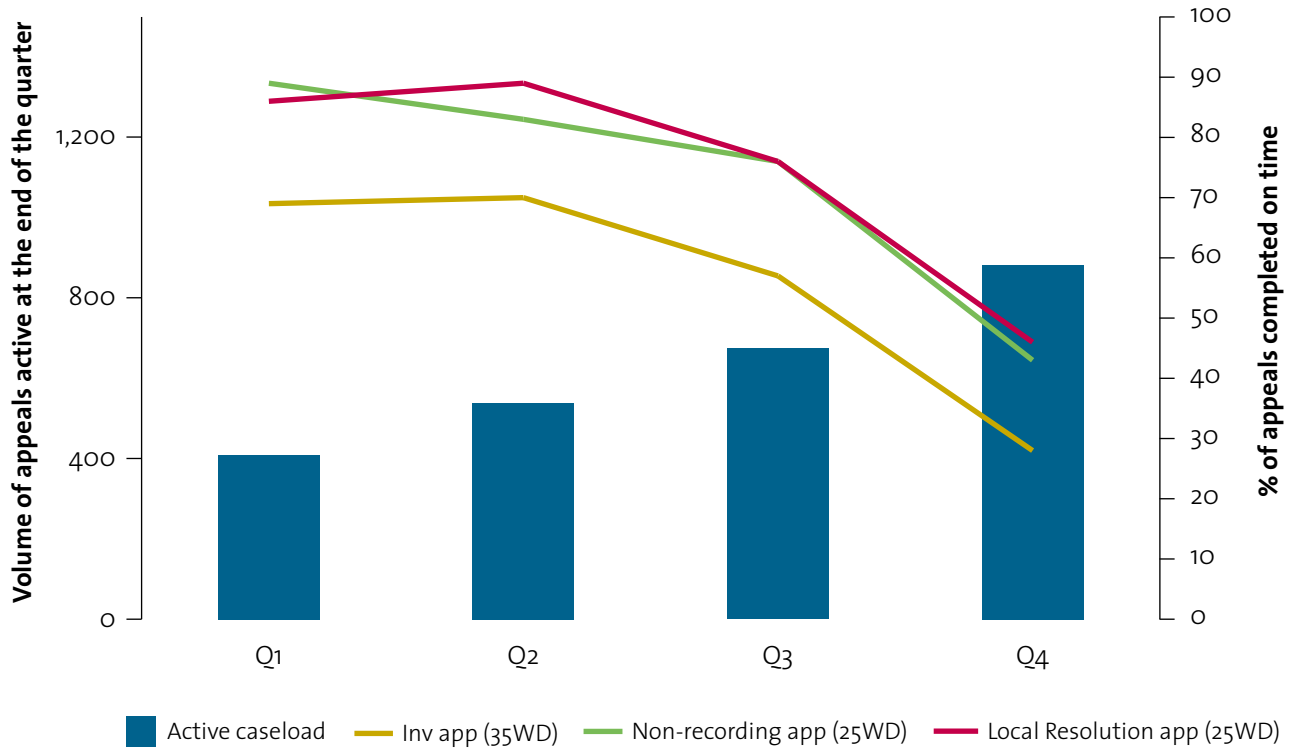


The year-on-year increase in demand with no additional resources has led to a backlog. We were able to meet our target of communicating the receipt of an appeal to the relevant force within one working day in 90% of cases. This gives the force early notice that we require them to submit relevant information on the matter that is subject to the appeal, allowing us to resolve the matter based on the evidence of both the complainant and the police force.

The backlog in appeals was far greater in some regions of the country than others, which resulted in some customers receiving slower resolution of their appeal than others. To address this, we adopted a national approach to processing appeals, prioritising the

oldest appeals within the backlog first. This ensured that appellants received consistent service regardless of where they were based. Dealing with older appeals, and the high number of appeals being made generally, has increased our active caseload and significantly impacted on our timeliness, as illustrated in figure 1.6. Our target is to complete 80% of cases that relate to appeals against non-recording or Local Resolution within 25 working days of receipt of the appeal. Against this, our performance in 2008/09 fell from around 85% during the first quarter of the year to 45% during the last quarter. We aim to complete more complex investigation appeal cases in 35 working days and our performance fell from achieving this in 70% of cases to 30% of cases.

Figure 1.6: Appeals caseloads and timeliness 2008/09

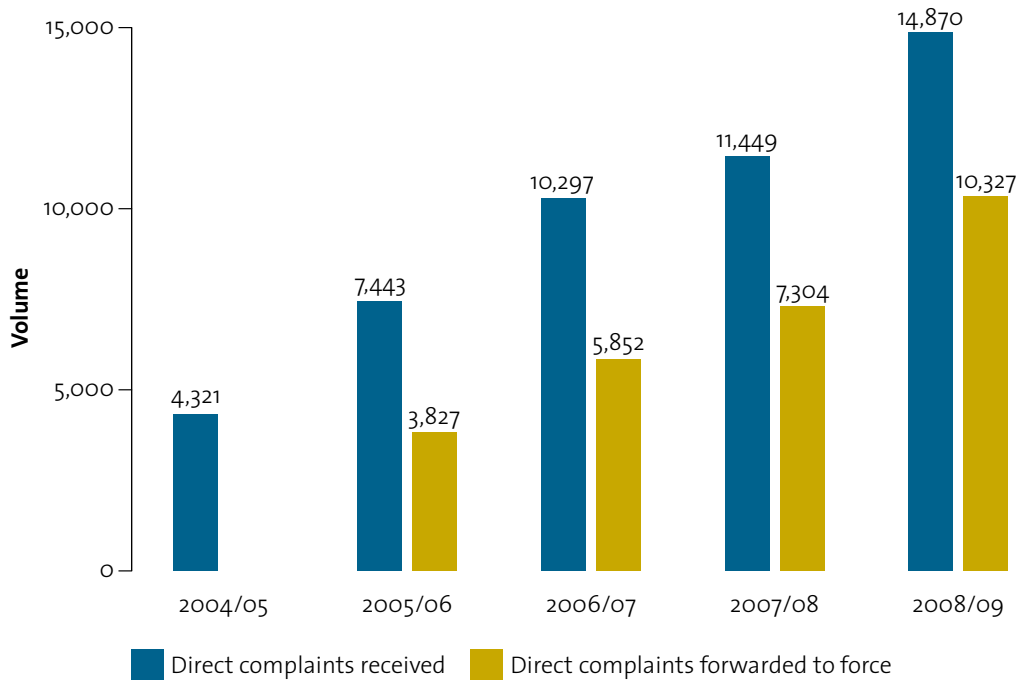


In cases where the appeal is upheld the IPCC may direct the police force to take further action. During 2008/09, 29% of all the appeals we completed were upheld, similar to the previous year.

Handling complaints made directly to the IPCC

A member of the public can make a complaint about the conduct of a person serving with the police directly to the IPCC. The provision for making direct complaints was introduced when the IPCC was set up in 2004 and, since then, the volume of complaints received directly from the public has increased each year. A total of 14,870 complaints were made during 2008/09 – a 30% increase compared to 2007/08 (see figure 1.7).

Figure 1.7: The number of direct complaints received by the IPCC and forwarded to forces each year



Direct complaints are handled by our Telephone Complaints Centre (TCC). With the consent of the complainant, TCC staff forward the complaint to the relevant force to be recorded and dealt with. The number of complaints forwarded to forces increased by 41% during 2008/09 to 10,327. The TCC also provides advice about how to make a complaint and other related matters. This year, it handled 10,235 enquiries in addition to direct complaints.

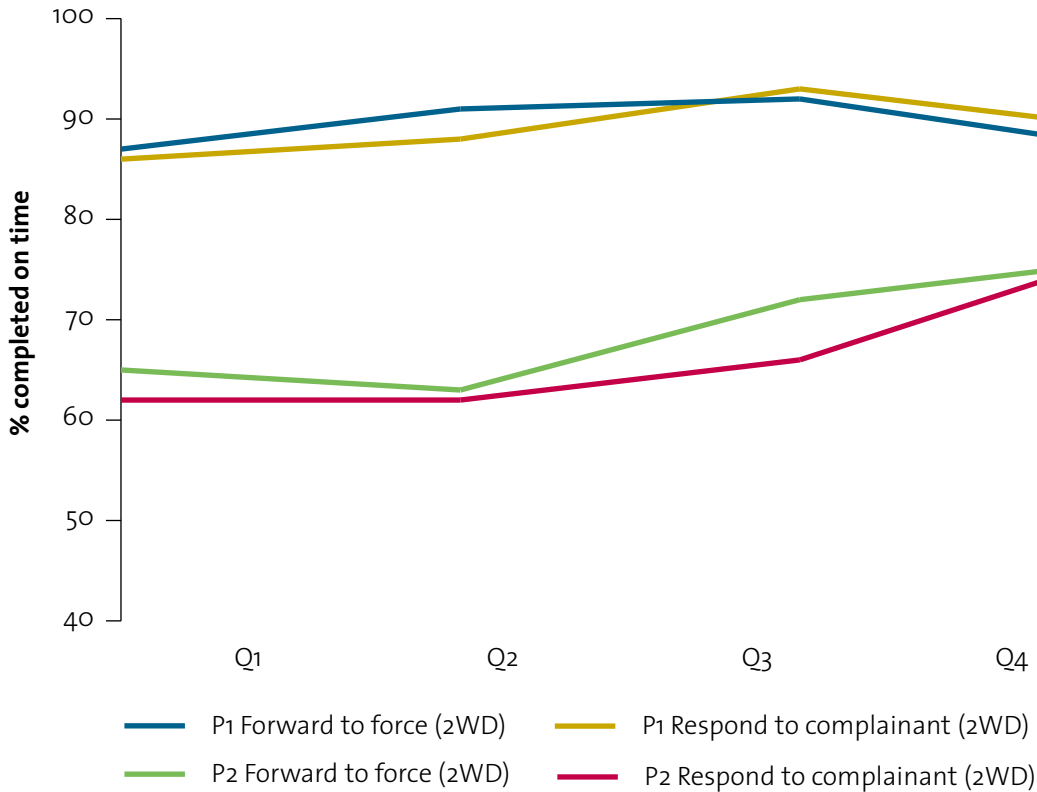
We had no additional resources to handle these large increases in year-on-year demand, so we introduced a triaging system to ensure that the highest-priority complaints (those that would involve a mandatory referral to the IPCC) are dealt with first. This approach has meant that of the 1,201 more serious complaints received, in nearly 90% of cases we were able to respond to the complainant and forward the matter to the force within our target of two

working days. We have also improved our handling of the less serious, but still important, complaints. Over 65% are handled in five working days. While this is below our target of 80%, it represents significant improvement during the year (see figure 1.8).

Completing outstanding cases from the old complaints system

A high volume of 'legacy' cases carried over from the previous complaints system have been reviewed and completed by the IPCC since 2004 (more than 5,000). No further legacy cases have been recorded during 2008/09 and we have been working towards completing the 27 cases that were still active at the start of the year. There are now only 13 active legacy cases. They are at various stages of investigation, with many awaiting criminal outcomes.

Figure 1.8: Complaints received directly from the public



Staff and support services

The IPCC treats complaints concerning its own services and staff very seriously. The volume of complaints made against the IPCC increased to 435 in 2008/09, up from 378 the previous year. This 15% increase is proportional to the increase in demand for IPCC services and contact with complainants and members of the public. We continue to provide a timely response to our complainants with 90% of complaints acknowledged within one working day. 85% of complainants are provided with a substantive response within ten working days, against a target of 75%. 41 complaints were upheld this year, a significant rise from the 12 upheld last year. The most common upheld complaints relate to delays (33%) and service delivery (27%), which we need to address.

The IPCC received 185 Freedom of Information requests in 2008/09, 43 fewer than the previous year. In 79% of cases we provided the information requested within the statutory target of 20 working days, down from 85% the year before. The drop in performance was due to an increase in the number of requests made under the Data Protection Act, which more than doubled – from 71 requests in 2007/08 to 169 in 2008/09.

While staff absence rates of 3.2% remained stable, and within the 3.6% average for similar government services, we have experienced an increase in staff turnover rates to 13.2%. This is higher than the average rate of 9.7% for similar government services.

Improving our performance in 2009/10

We anticipate that there will be further increases in demand for our services over the coming year, albeit at slowing growth rates. We plan to deal with this in a number of ways

We are currently in the process of nationalising the organisation of our regionally based investigation and casework functions. Along with our improving performance management system, this will allow us to respond to regional demand pressures more flexibly, ensure that we are fully utilising any spare regional capacity, and prevent the build up of regionally based backlogs. We will also be strengthening our management controls during the coming year, both improving the quality and consistency of our services.

Importantly, we have secured additional investigative resource to address the mounting demand for our independent investigations. We began recruiting additional investigators in the second half of last year. Most are now in place, increasing our capacity in 2009/10 to carry out 100 independent investigations. We will be focusing the new investigators on completing existing investigations, so that we can prevent further increases in our active caseloads and improve our timeliness. We will continue to deploy investigators to scenes so that they can better inform our mode of investigation decisions, and ensure that limited IPCC investigative capacity is deployed most effectively.

Managing growing demand from an already high base is challenging. We will be closely reviewing the demand and capacity situation throughout the year, and continue to work with the Home Office to manage any significant gap that emerges. Despite the challenge, we believe that with the ongoing efforts of our staff and co-operation of our stakeholders, we can deliver an even better, more resilient and consistent service to the public in 2009/10.

Our purpose and aims

At the heart of the IPCC's work is the belief that public confidence in the police complaints system will lead to greater trust in the police service as a whole and that this in turn will contribute to increasing the overall effectiveness of the police service. Increasing public confidence in the system is the underlying purpose of the IPCC. Four aims support the achievement of our purpose:

- **engagement:** increase awareness, accessibility and engagement in the complaints system
- **learning:** enable police to learn from complaints and enhance professional standards
- **proportionality:** improve the proportionality of the resolution of complaints and conduct issues

- **accountability:** improve the transparency and accountability of the police and the complaints system

Figure 1.9 sets out our purpose and the four aims that underpin it. For each of the aims, we have worked with stakeholders to develop the key outcomes for both the system as a whole, and the IPCC in particular. It is against these outcomes that we have developed performance indicators for our performance framework. The framework will measure the achievement of our aims. It will also be used to judge the success of the complaints system both as a whole and in terms of its constituent parts – the IPCC and police authorities and forces.

Figure 1.9: Our purposes and aims

