

# **Public Confidence in Policing in the 21st Century**

## **An interview with Len Jackson OBE, the Interim Chairman of the Independent Police Complaints Commission**

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**Len Jackson** is a sales and marketing professional with over 30 years experience in the food industry and has been managing director of a number of household name companies. In more recent years he has combined this successful business career with a distinguished career in public services and for his contribution as chair of a number of government and voluntary sector initiatives during the 1990s Len received an OBE in the 2002 New Years Honours list. Len became a Commissioner with the IPCC when it was established in 2003 and is currently its Interim Chair.

**Peter Murphy** is Director of Executive Education for Public Services at Nottingham Business School. Between 2000 and 2009 he was a Senior Civil Servant in Whitehall. He was a member of HMT and Home Office teams that reviewed the establishment of the IPCC.

**PM.** To most people the Independent Police Complaints Commission appears to be a long standing part of the criminal justice system. It regularly features in the news, I read about it in fiction and it is often mentioned on television shows and in films. However it is a relative young organisation. Could you set out the historical context of police complaints and the key incidents which led to the forming of the IPCC?

**LJ.** Sir Robert Peel founded the Metropolitan Police Service in 1829 and for the ensuing 147 years the public had no right of redress if they were dissatisfied with police actions, other than to complain to the officer or officers involved in an incident or to their superior. The first Police Complaints Boards were only established in 1976 and although they were an improvement it was only marginal. The Brixton disorders in 1981, or riots as they were called, prompted a report by Lord Scarman which was highly critical of the police's handling of the disorder. In the wake of that report and its recommendations, in 1984, came the Police Complaints Authority or PCA..

The PCA did have some teeth. It could, and did, supervise investigations using outside forces when someone died in custody or following police contact. But the PCA did not have its own investigators. Essentially the police still investigated the police and this situation continued until the death of Stephen Lawrence and the subsequent McPherson Report in the mid-1990s. As you know escalating calls for an independent body came from the McPherson report, from the Home Affairs Select Committee and from civil rights groups such as INQUEST,

Liberty and many others. The IPCC was the result and it eventually replaced the CPA on 1<sup>st</sup> April 2004.

**PM.** I remember the organisation was founded on a very clear and explicit set of values, which have underpinned its activities ever since its inception – could you explain?

**LJ.** You are right the IPCC was from the start, and still is, very much a „values driven” organisation. Our core values are encapsulated in justice and respect for human rights; independence; diversity; integrity and openness but I particularly want to stress independence, so please let me explain.

The IPCC are independent of the government; of the police; of complainants and of interest groups. IPCC Commissioners for example, by law can never have worked for a Chief Constable. Police officers have the Police Federation, the Superintendents Association and ACPO to support them. Complainants have organisations such as INQUEST, Liberty the Howard League and the Police Action Lawyers Group. The IPCC remains independent of all such groups and acts on behalf of the public in searching for the truth.

**PM** Your primary responsibilities are however for investigations and for the overall guardianship of the system. Could you explain your remit and give us some idea of the size of the organisation?

**LJ.** The IPCC is a national 24/7 organisation. We have some 425 staff including around 130 investigators and approximately 70 Casework Managers. We work out of 5 offices across England and Wales and have a 24-hour on-call team capable of attending a serious incident within a matter of hours. We have responsibility for complaints against all 43 statutory police forces in England and Wales and for non-statutory bodies such as British Transport Police, Civil Nuclear Police, Her Majesty's Revenues and Customs and the UK Border Agency. We also deal with the Serious Organised Crime Agency which is soon to be replaced by the National Crime Agency.

It is however important to stress that we deal with complaints about the conduct of police officers and staff, not about matters of direction and control. So if there is a complaint about, say, the number of officers on patrol, or the closing of a police station then that's a matter for the Chief Constable not for us. If the complaint is about the actions of individual officers, for example assault, abuse of powers, rudeness, etc. that is for us. There are approximately 33,000 complaints made against the conduct of officers and staff each year; roughly half are made directly to police forces and about 15,000 come to us.

**PM** Who complains?

**LJ** It is mostly men, about two thirds, the rest women. In fact over half of all complaints are made by men aged 30 to 50 years old. Interestingly “stop and search” is a huge issue in this

country but generally the young don't complain. Information about ethnicity is unreliable as many people do not provide details. Nevertheless our estimates suggest that, relatively speaking there are more complaints from people from BME communities than from those of white British origin.

Almost half of all complaints are about either incivility or neglect of duty, i.e. an officer did not investigate a crime properly or did not keep the person informed. "This officer was rude to me when he/she stopped me". Essentially low level complaints, but low level complaints that nonetheless have the potential to erode confidence in the police and must be addressed at source; that is, by the police themselves. However whether they arrive with us or go directly to a police force the law says that they must be recorded and dealt with, or a reason provided as to why not. In the 2010/11 financial year a total of 33,099 complaints were recorded.

Of those 33,000 complaints some 7% (2,400) were deemed serious enough to be referred to the IPCC. The criteria for referral is clear in the legislation, and could involve death or serious injury, corruption, serious abuse of powers, etc. The balance of the 30,000 complaints are dealt with locally by the police themselves. When the police deal with them themselves the complainants have a right of appeal against their findings and outcome. Last year we dealt with just over 6,000 such appeals, upholding around 30% of them and often directing the police to investigate further.

**PM.** What happens when a complaint is made?

When we receive a referral at the IPCC we have, under the law, 4 options for dealing with it. We can send it back to a force with instructions to deal with it themselves. We can supervise the police investigation which means that an IPCC Commissioner sets the terms of reference for it and receives the final report to check that those terms have been met. In both these examples the complainant will have a right of appeal to us if not satisfied.

Alternatively we can manage a police investigation, which means appointing an IPCC Investigator to oversee the police investigation. Or finally, we can conduct an independent investigation which involves taking over completely, removing police involvement and assuming the powers of a constable under PACE; including arrest, search of premises and so on. In the latter two circumstances there is no right of appeal short of Judicial Review. We independently investigate around 160-170 cases each year and manage or supervise a further 150 or so. Everything else goes back to the police themselves.

**PM.** How do the IPCC handle the major investigations, especially those involving Article 2 of the European Convention on Human Rights, i.e. the Right to Life?

**LJ.** There are some 140 deaths each year in the UK following contact with the police. These range from deaths in or following police custody, through road traffic incidents to police shootings, the latter thankfully are very few. Nearly all of these deaths will trigger an IPCC

independent investigation on the basis that ECHR Article 2 (the right to life) is potentially engaged. Across Europe the ECHR now requires all of these types of investigation to be independent of the police; to be effective; to involve the next of kin and to be available for public scrutiny.

**PM.** You mentioned the right of appeal against local police investigations.

**LJ.** The public can appeal against the police non-recording of a complaint, against the local resolution of a complaint and against the finding or outcome of a local investigation. As I mentioned the IPCC uphold around 30% or 2,000 of the 6,000 appeals received each year. Appeals against police investigations have increased 6 fold since we started our work in 2004/5.

**PM.** In addition to effective investigations the IPCC also has a “guardianship” role for whole complaints system and its continual improvement.

**LJ.** The IPCC essentially has 3 key „products” namely its investigations, its casework (including appeals) and its guardianship of the system. Guardianship is about standards, public confidence, accessibility and learning. We produce statutory guidance for the Professional Standards Departments and for the Senior Officers of all police forces across England and Wales. This helps to provide a consistent approach to complaint handling and promotes confidence. We also provide a national learning the lessons bulletin 3 times a year which contains lessons from the range of cases we investigate. It is very much part of our continuous improvement process.

**PM.** There are of course some changes anticipated in the forthcoming Police Reform and Social Responsibility Act. What do you anticipate from the new Act?

In 2008 we led a review of the complaints system, and called it a 'Stock Take'. It aimed to assess the progress made by the complaints system and the IPCC since it commenced operations in 2004. We wanted to check that the original aspirations from 2004 remained appropriate, and, to continue to improve the system based on evidence and learning from the first four years of operation. The review identified five changes that should be made in the complaints system, some of which require changes to law. In essence we wanted to:

- Fix the problem and not just find the culpable
- Improve the speed of the system and its processes
- Make the system more proportionate
- Reduce the cost of the system
- Instil a learning culture

The Police Reform and Social Responsibility Act will make a number of changes to the complaints system, some of which were considered during the Stock Take while others reflect the changing landscape in policing and current Government's policy.

**PM** What are the key changes likely to be?

**LJ.** The big change is the extension of the system to include complaints about direction and control matters. Chief Constables will also now be responsible for holding everyone in their force to account. The act will give greater discretion to the police for recording and deciding on complaints and determining appeals against their decisions, although all of these extensions should still be subject to appeal to the IPCC. The act should also give the IPCC the ability to direct a police force to take action so as to remedy unsatisfactory performance by police officers. Finally of course it will be creating a role for the new Police and Crime Commissioners in ensuring chief officers handle complaints correctly.

**PM** What then do you think the new Commissioners should be looking for from their forces in relation to the complaints system?

**LJ.** Police and Crime Commissioners will inherit a police authority's current duties to keep apprised of complaints and complaints handling within their force. The complaints system should be looked at as a gift by anyone interested in the accountability of a police force. Complaints are free feedback on how a force is performing, directly from the public they serve. This will be even more the case after complaints about the direction and control of a force are brought into the system next year. It should create a "one-stop shop" for public dissatisfaction with the police service.

**PM.** How do you see the role of IPCC developing in relation to the new Commissioners?

**LJ.** The IPCC will have a clear role in dealing with allegations of criminal behaviour against Police and Crime Commissioners themselves. Conduct matters and complaints that involve alleged criminality will be referred to the IPCC by Police and Crime Panels. The IPCC will decide whether such allegations should be investigated and, if so, whether there will be either an independent IPCC investigation or one conducted by a police force under the IPCCs management.

Complaints which do not allege criminal behaviour will be dealt with by Police and Crime Panels, not the IPCC. The panels have a wider role to deal with complaints against the new Commissioners and Deputy Commissioners. They will only come to the IPCC if they are criminal complaints but the IPCC will investigate (or manage an investigation) into all criminality and publish a report.

**PM.** Finally, looking back, how would you sum up your experience and what are your hopes for the future?

**LJ.** There is enormous potential, across the world, for a good, robust police complaints system to add value to policing and to promote confidence in it and any complaints system worthy of the name should be about learning, not about punishment or criticism. That is not to say that we should not criticise or, indeed, punish when it is right to do so, but it should not be the primary objective. We live in a society where policing is by consent. We do not routinely arm our police officers. Last year across England and Wales with some 55 million people, the police shot 2 people. In New York alone, a city of around 8 million people, the police shot 4 times as many. In Brazil in just 2 major cities, Rio and Sao Paolo police shot more than 1,000 citizens. Even compared to our closest European partners our numbers are tiny.

The work of IPCC is about public confidence in policing. I came into the IPCC in 2003, and over eight years later I remain captivated by a quite remarkable organization, one of which I am extremely proud.