

# **APPELLANTS', COMPLAINANTS' AND POLICE OFFICERS' SATISFACTION WITH THE INDEPENDENT POLICE COMPLAINTS COMMISSION**

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## Key findings

### *Appeals*

- We conducted 100 telephone interviews with members of the public about their experience of the appeals process.
- Appellants tended to appeal because they wanted the officer(s) they had originally complained about punished (28); wanted an apology (19) and/or wanted their complaint re-investigated (17).
- Just over half of the sample (54) stated that they were either “very” or “fairly” confident that the IPCC would treat their appeal fairly.
- Four-fifths of complainants (80%) stated that they were either “dissatisfied” or “very dissatisfied” with the manner in which their appeal had been dealt with.
- Eighty per cent of respondents stated that they had “far less” faith in the complaints system.
- Just over half (54%) believed that the time taken to complete the appeals process was either proportionate to their appeal or that the process had been dealt with particularly quickly.

### *Independent investigations*

- We conducted face-to-face interviews with six complainants and 30 police officers or police staff about the independent investigation process.
- Complainants tended to be motivated to complain because they wanted to stop the situation they had been involved in happening to somebody else; or to be provided with an apology; and/or to be provided with an explanation.
- Thirteen police interviewees described themselves as “confident” that the complaint would be dealt with fairly; four of the complainant interviewees were either “very” or “fairly confident” that the investigation would be dealt with fairly.
- Concerns expressed by police interviewees about the investigation were that the IPCC investigators would have poor knowledge and little experience and that the investigation would make them a scapegoat for organisational shortcomings.
- Twenty-eight of the 30 police interviewees had union representation throughout the investigation. Two of the six complainants sought advice from a solicitor during the independent investigation.
- Most police respondents and complainants believed the investigation process had been either “slow” or “much too slow”.
- Complainant dissatisfaction tended to centre around the length of time it took to complete the investigation, the effort put into it by the investigating officer, and the

sensitivity shown throughout. Most complainants, however, felt they were treated politely and fairly

- At the end of the process, four (out of six) complainants felt the investigation was not an impartial one.
- Sixteen officers expressed the view that the IPCC investigators were inexperienced and lacked the necessary evidence-gathering and interview skills required to conduct complex investigations.
- Eight officers commented that the IPCC showed a lack of sensitivity towards their private and workplace situations.
- Police interviewees and complainants tended to have a reduced level of faith in the complaints system as a consequence of having a complaint against them independently investigated by the IPCC.

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# 1 Introduction

This is a report by the Institute for Criminal Policy Research (ICPR), King's College London, on appellants', complainants' and police officers' satisfaction with the Independent Police Complaints Commission (IPCC). The study was commissioned by the National Audit Office (NAO) to explore levels of satisfaction and the views and perceptions of complainants, police officers and police staff about independently investigated complaints and the appeals process.

Since it was introduced in April 2004, the IPCC has actively sought the views of police officers and the public about how the complaints system can be improved, and has set new standards for police forces with the aim of improving the way public complaints are handled (Wake et al., 2007; May et al., 2007; Docking and Bucke, 2006). The aim of this study was to complement the work currently being undertaken by the IPCC and to help gain a fuller understanding of independently investigated complaints and the appeals process.

## Background

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

The IPCC was established under the Police Reform Act 2002, replacing the Police Complaints Authority (PCA). Although the PCA supervised the police investigation of complaints, it was unable to conduct independent investigations. The lack of public confidence in the police complaints system in England and Wales prior to the inception of the IPCC is well documented (see, e.g., Home Affairs Select Committee, 1998; Macpherson, 1999; KPMG, 2000; Reiner, 2000; Harrison and Cunneen, 2000; Warburton et al., 2003). Confidence in the complaints system was also low within the police service, particularly amongst junior ranks (e.g. Maguire and Corbett, 1991; Warburton et al., 2003).

In response to this, the Police Reform Act gave the IPCC wider powers, including the ability to conduct independent investigations into serious complaints. When a complaint or a recordable conduct matter is referred to the IPCC, the Commission has a statutory duty under the Act to determine whether it should be investigated. The aim was to increase public confidence in the complaints system by improving its effectiveness through close and independent oversight. As well as investigating and supervising investigations and considering appeals, the IPCC is also responsible for monitoring how complaints are handled by police forces, and for promoting good practice and raising standards. Overall, its role is to ensure there are suitable arrangements for dealing with complaints or allegations of misconduct against any person serving with the police in England and Wales.

Since the inception of the IPCC two research studies have examined the public's willingness to complain, and their perceptions of the police complaints system. First, a scoping exercise by the IPCC (Docking and Bucke, 2006) found that over three-quarters of the members of the public interviewed "would be willing to complain if a police officer had really annoyed them". However, more than a third of respondents said that they would not complain because they did not think doing so would make any difference. Secondly, Wake et al. (2007) identified four barriers to making a complaint, one of which was the perceived likelihood of not receiving a positive outcome, many potential complainants believed that making a complaint would make no difference to themselves or police practice.

A study by May et al. (2007) looked at the views of police officers and complainants about one aspect of the complaints process – Local Resolution (LR). This found that LR had the potential for dealing effectively with low level complaints; however, there was a need to make sure that complainants were better informed about the process, and for police supervisors to be better trained in managing the process.

## **Independent investigations**

If a complaint is to be investigated, this may involve:

- Investigation by the appropriate authority on its own behalf
- Investigation by that authority, supervised by the IPCC
- Investigation by that authority, under the management of the IPCC, or
- Independent investigation by the IPCC.



As para 5.4.4 of the IPCC's Statutory Guidance (2005) makes clear, the seriousness of the case is a central factor to be taken into account when determining the form of the investigation. The most serious cases receive independent investigation by the IPCC, as do those that the IPCC believe have the potential to impact significantly on community relations. Such an investigation involves the appointment of an Investigating Officer, who will look into the complaint and produce a report stating whether the allegation is substantiated.

The Statutory Guidance states that independent investigations are conducted for "...incidents that cause the greatest level of public concern, have the greatest potential to impact on communities or have serious implications for the reputation of the police service" (para 5.6.9). There is no right of appeal in an independent investigation.

The IPCC, when conducting an independent investigation, aims to<sup>1</sup>:

- Ensure the initial terms of reference for the investigation are clearly defined
- Keep investigations under review to ensure they remain focused
- Maximise the value of independent oversight to reach evidenced conclusions as soon as practicable
- Adopt a flexible approach to allow the mode of investigation to change as appropriate (for example, an investigation may start off locally but escalate to a supervised, managed or IPCC investigation if circumstances warrant this)
- Be totally independent and consider the needs and positions of all parties throughout the process, and,
- In the absence of a public complaint, and where appropriate, investigate the incident and not necessarily the people concerned.

## **The appeals process**

The Statutory Guidance lists three grounds for appeal:

- That a complaint was not recorded
- That the Local Resolution process was mishandled, and
- That the police investigation into a complaint was mishandled.

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<sup>1</sup> This information has been taken from the IPCC's website:  
[http://www.ipcc.gov.uk/index/about\\_ipcc/investigations.htm](http://www.ipcc.gov.uk/index/about_ipcc/investigations.htm)

Under para 5.2.7 of the Statutory Guidance, a police force *which decides not to record a complaint* under the Police Reform Act 2002 must explain to the complainant their right to appeal to the IPCC. Good practice is to give the complainant a copy of the IPCC leaflet 'Appealing against the non-recording of a complaint'. The complainant has 28 days in which to make an appeal.

A complainant has the right to appeal to the IPCC against the *Local Resolution process* – but not its *outcome* – within 28 days of the occurrence of what is alleged to have gone wrong (Statutory Guidance para 5.3.9). The force has the opportunity to respond to the appeal. In reaching a judgement the IPCC will look at:

- The type and level of information and explanation the police gave the complainant and, in light of this, whether the complainant's consent to Local Resolution was informed
- Whether other options were realistically available, and
- Whether the process explained before consent was given was in fact followed.

If dissatisfied with the outcome of a *supervised investigation*, a complainant may appeal to the IPCC within 28 days of notification of the outcome. As stated in para 5.7.1 of the Statutory Guidance, a complainant may appeal on grounds that they:

- Were not kept adequately informed of findings or the proposed action
- Disagreed with the findings of the investigation, or
- Disagreed with the action – or lack of action – that the police proposed to take.

In considering this type of appeal the IPCC will take account of:

- Whether the Statutory Guidance was followed
- Arrangements agreed with the complainant about being updated on progress
- The information given to the complainant as the investigation progressed
- Whether the complainant was provided with the full report and, if not, what was withheld and why
- Whether the investigation was carried out in a proportionate way, and
- The evidential basis for any proposed disciplinary action by the force.

## **Aims of the research**

Improving the complaints system is a challenge not only for the IPCC but also for the three professional police bodies – the Police Federation, the Superintendents' Association and the Association of Chief Police Officers (ACPO). In meeting such a challenge it is essential to elicit the views of police officers and members of the public about the legitimacy and efficacy of the police complaints system. With this in mind the research aimed to:

- Assess complainants' and police officers' levels of satisfaction with the IPCC's processes for independent investigations, and to
- Assess complainants' levels of satisfaction with the appeals process

These aims translated into the following objectives:

- To conduct up to 30 face-to-face in-depth interviews with complainants who have had a complaint independently investigated by the IPCC
- To conduct up to 30 face-to-face in-depth interviews with police officers who have had a complaint independently investigated by the IPCC
- To undertake 100 telephone interviews with complainants who have appealed to the IPCC about:
  - the non-recording of a complaint
  - the Local Resolution process, or
  - the outcome of a police complaints investigation<sup>2</sup>

## **Research methods**

We conducted 100 telephone interviews with members of the public who had appealed to the IPCC, six face-to-face interviews with complainants and 30 face-to-face interviews with officers and police staff who had experience of the independent investigation process as conducted by the IPCC.

### *Independent investigations complainant sample selection*

The IPCC extracted details of completed IPCC independent investigations from their Casework Tracking Management System (CTMS) using a database query. Between 2004 – April 2008 this produced 186 allegations linked to an independent investigation which

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<sup>2</sup> An appeal against the outcome of an independent investigation is sent to a judicial review. Such appeals have not been included in this sample.

amounted to 97 different independent investigations. Only those investigations that were marked as 'complaints' (i.e. not conduct matters or other cases) were selected. This reduced the number of allegations from 186 to 115.

Following discussions with the IPCC it was decided that cases should be excluded from the sample if they fitted the following criteria:

- *Case alerts:* These were generally sensitive cases usually of a restricted nature. There were three of these which, once removed, reduced the sample size to 112.
- *Complainant alerts:* Cases where a member of the public had requested not to be contacted or had been abusive/potentially violent to IPCC staff. There were none of these so the number of allegations remained at 112.
- *Evidence of proceedings:* These included cases where there was an ongoing legal matter. Within the timeframe there were nine of these. This reduced the sample size to 103. Included in this group were cases due for a judicial review, cases where there was civil action outstanding against a force, and outstanding criminal matters and inquests.
- *Deceased factors:* Due to time constraints cases where there was a bereaved relative rather than a complainant were also excluded. There were 34 of these which reduced the number of allegations to 69.

The 69 allegations amounted to 46 independently investigated cases with 41 individual complainants.

After discussions with caseworkers and investigators 14 further complainants were excluded. Reasons for exclusion were:

- Some element of the case was ongoing
- They were a bereaved relative
- They were not a complainant
- They did not want further contact from the IPCC
- They were no longer in the country.

This left 31 independent investigations with 27 individual complainants. Some complainants featured in more than one investigation which reflects the smaller number of complainants compared with investigations.

### *Independent investigations police officer sample selection*

Of the 186 allegations against officers the IPCC removed officers who had:

- 'Subject alerts' - where an officer had asked not to be contacted by the IPCC
- Ongoing evidential or criminal proceedings
- Cases where no officer name was listed.

This left 120 independent investigations with officer details. Some officers, however, had more than one allegation made against them. The IPCC contacted all caseworkers and investigators to ask if there were any reasons why an officer should not be contacted by the research team. Caseworkers and investigators identified 22 officers whom they thought should be excluded from the sample because there were outstanding legal issues, such as criminal proceedings or inquests, or the officers were not actually subject to an investigation following the initial allegation. This left a total of 93 officers (Five officers faced more than one allegation). All 93 officers were contacted and asked if they would like to take part in the research. During the course of fieldwork three officers, who had not been sent a letter by either ICPR or the IPCC, contacted the research team via their federation representative. These officers had not been in the initial sample as the IPCC case tracking system had not identified them as suitable interviewees. All three officers had been involved in particularly sensitive independent investigations which, upon completion, the CTMS marked as protected. By marking them as protected they become hidden from general database queries and searches. After the officers contacted ICPR the caseworker involved with each the case was contacted and asked if it was appropriate to interview them. In all cases the IPCC saw no reason why the officer should not be interviewed. All three officers were interviewed.

### *Appellant sample selection*

In the first instance we purposively sampled complainants who had appealed to the IPCC to conduct 100 telephone interviews. We drew our appellant sample by selecting all completed appeals from the most recent quarter in 2007/08. This yielded 905 completed appeals for the last quarter of 2007/08. Cases were then excluded if they fitted the following criteria:

- Cases marked as a conduct matter and not as a complaint
- Cases with a case alert/person alert (see above for explanation)
- Cases where there was a deceased flag
- Cases where there was no address on the file

- Cases where there were multiple appeals by the same person. In these instances the most recent appeal was selected
- Cases where the person was not marked as a complainant.

This reduced the sample size from 905 to 809. From this group the 300 most recent cases were selected. Following a consultation with caseworkers and investigators a further five appellants were removed due to their case being related to another ongoing investigation, other legal matters such as judicial review, or where the appeal related to the death of a family member. This reduced the sample size to 295 appellants.

#### *Contacting officers and complainants*

In accordance with the Data Protection Act (1998) the personal details of complainants and officers cannot be passed to a researcher without the prior consent of the individual concerned. To be compliant with the Act, ICPR provided the IPCC with an information pack which contained:

- a covering letter from the IPCC, which introduced the research
- a covering letter from the NAO outlining why the research was commissioned
- a letter from ICPR explaining the aims and objectives of the research and what taking part involved, along with a request form inviting the recipient to participate in an interview.

The packs also contained a business reply envelope in which the complainant and officer could return their 'Agreement to participate' form.

#### *Research limitations: the complainant and officer interviews*

Qualitative samples are usually small in size. Numbers should not exceed that 'saturation point' where further interviews are unproductive of new insights. In practice, qualitative samples for a single study involving individual interviews often lie at about 30. In our initial proposal we therefore proposed conducting face-to-face interviews with 30 complainants and 30 officers. Qualitative research studies recruiting samples tend to achieve response rates of around 30 per cent. Taking this into account, it was our original intention to approach three times the number of interviewees required to generate a sample of 30 respondents. Unfortunately, whilst the IPCC has conducted a number of independent investigations since its inception in 2004, due to the final selection criteria our final complainant sampling frame was reduced to 27. From this group, two potential interviewee packs were returned to the IPCC as the intended recipient had moved house. This reduced our potential sample frame

to 25, of which seven complainants returned their agreement to participate form. Whilst the small number of complainant interviewees poses obvious problems of generalisability, valuable insights can be gained even from a small number of interviews. The sampling frame for officers was not subject to the same constraints as that of the complainants which resulted in 93 individual officer information packs being sent, of which 30 officers agreed to participate.

One of the dangers of conducting opt-in studies is the potential for sample bias. Sample bias involves gathering data that fails to reflect the views of the wider population and is largely a problem associated with the sample selection process, in this case self-selection for participation in the study. In the case of this study, for example, it is possible but not provable, that those who were dissatisfied with the IPCC and the independent investigation and appeal processes may have had more motivation to take part. It is certainly true that this study attracted a greater number of appellants and complainants who had prior experience and knowledge of the complaints system than many other police complaints studies. In this case the study's findings might be biased towards a sub-population that end up painting a more negative picture than is actually the case. Where response rates are low, sample bias is a real risk, but a largely unmeasurable one. It should also be noted that this study does not document 30 individual independent investigations, as five cases involved more than one officer. In total the 30 police interviewees accounted for 18 individual independent investigations. Two of the complainant interviewees were also from the same independent investigation. These points ought to be borne in mind when considering the study's findings.

### *Representativeness*

Our sample of appellants, complainants and police interviewees is unlikely to be representative of all individuals who have had experience of the police complaints system across England and Wales. It was not the aim of this research to interview a nationally representative sample – if such an enterprise were possible. Our intention was to describe, as best we could, from the perspective of our two samples of interviewees their experiences of the appeals and independent investigation processes respectively. It should be remembered that people whose complaint reaches so far into the complaints process may be atypical of complainants as a whole – and may well feel more bruised by the process than other complainants. Whilst all complainants will by definition have had some negative experience of the police, our two samples may also have had their dissatisfaction compounded by further unsatisfactory encounters as they progress through the system. The pattern of responses should not be taken to be typical of complainants as a whole.

There is also a problem in disentangling people's views about the *process* from their views about the *outcome*. Those who went into the process with very clear expectations about the outcome may well end up feeling more aggrieved than others about the process. This applies to officers as much as to complainants.

Bearing in mind problems of representativeness and interpretation, we nevertheless are confident that the interviews we conducted have produced sufficiently valid data to add to our knowledge of the appeals and independent investigation processes. Although we cannot claim to have a representative sample of complainants, appellants and police officers the individuals we interviewed are certainly illustrative of many of those who have contact with the IPCC.

### **Structure of the report**

Chapter 2 outlines appellants' understanding of the appeals process, what they expected from both the process and the IPCC, and their levels of satisfaction with the process and the IPCC's handling of the process. Chapter 3 examines complainant, police officer and police staff experiences, views and satisfaction with the independent investigation process. Finally, Chapter 4 outlines our main findings and examines possible ways in which the IPCC could improve both the appeals and the independent investigation process. Appendix A includes four case studies, two each drawn from the police sample and the complainants sample. These case studies detail the circumstances of each complaint, the way in which each investigation unfolded, and the interviewees' satisfaction and views about the process. Cases have been selected to illustrate examples of both high and low satisfaction levels.



## 2: The appeals process

One of the challenges for the IPCC is to establish an appeals process that is perceived as fair and equitable by both appellants and police officers. In any complaints process, where one party highlights their dissatisfaction with another it is inevitable that striking a balance will be difficult; the police complaints and appeals process is no different. In this chapter we explore appellants' understanding of the appeals process, what they expected from both the process and the IPCC, and their levels of satisfaction with the process and the IPCC's handling of the process. We conclude by considering their views on the impartiality of the appeals process and the suggestions they put forward about ways in which the process could be improved for future appellants.

We conducted 100 telephone interviews with members of the public about their experience of the appeals process. Appellants were drawn from all five IPCC regions. Table 2.1 outlines appellants by IPCC region. Of these, 29 were female; appellants were aged between 29 and 90<sup>3</sup>. Eighty-nine appellants were white, six described their ethnicity as Black or Black British, four as Asian, and one as Mixed Race. At the time of interview just under half of respondents (45%) were employed, 13 per cent described their occupational status as a home worker, carer or disabled, 30 per cent as retired and 12 per cent as unemployed.

**Table 2.1: Appellants by IPCC region**

<b>IPCC region</b>	<b>Number of appellants</b>
London and the South East	33
Central	31
North	19
Wales and the South West	17
Total	100

### **Appellant understanding and awareness of the complaints and appeals system**

If appellants are to make informed decisions about whether to appeal to the IPCC or not about the handling of their complaint it is important they are provided with information they understand. It is equally important that they are aware of what the process can achieve for them and that they do not enter the process with unrealistic expectations of what can be

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<sup>3</sup> Two interviewees declined to answer the question about their age.

achieved. To gain an understanding of how knowledgeable appellants were about both the police complaints system and the IPCC appeals process we asked interviewees about any previous complaints or appeals they had been involved with. Just over a third of interviewees (37) had made more than one complaint against a police officer. Of those that had previously complained (n=37), most (30) had made one or two complaints. A small number of appellants, however, disclosed that they had made numerous complaints to the police. One complainant stated that he had made 82 previous complaints and two disclosed making more than 15 complaints against various police forces across the country. Just over a fifth of our sample (22) had previously appealed to the IPCC. The number of appellants who had previously complained to the police or the IPCC is particularly high when compared to previous police complaints research. A study conducted by Hill and colleagues in 2003 found that only four per cent of their sample had previous experience of the police complaints system, a finding which mirrored previous research conducted by Maguire and Corbett in 1991 and later research conducted by May et al in 2007.

We asked interviewees if, when they first made their complaint, the police had informed them about the appeals process. Of the 100 appellants 22 stated that they had not been informed of this fact. Of these, seven had heard about the IPCC through an independent advice organisation (for example, the Citizens Advice Bureau or their local Member of Parliament), six had a solicitor acting on their behalf who informed them about the appeals process, five had conducted their own research, for example using the internet, two had been informed of the process by the IPCC during the handling of their complaint and two had been informed about the process from either a family member or a friend.

The IPCC Statutory Guidance states that if complainants are dissatisfied with the outcome of a local or supervised investigation they may appeal to the IPCC within 28 days of the notification of the outcome of the investigation. In line with the Guidance we asked interviewees if the police had informed them about the 28-day rule. Of those who initially contacted the police about an appeal (n=93) just over half (54%) stated that their local force had explained to them that they had 28 days to contact the IPCC regarding their appeal. Thirty-two appellants stated that they had not been given this information. The remainder were unsure whether they had been told about the 28-day rule or not.

### *Confidence prior to initiating an appeal*

Prior to initiating an appeal with the IPCC, just over half of the sample (54) stated that they were either 'very' or 'fairly' confident that the IPCC would treat their appeal fairly<sup>4</sup>, a further 15 were unsure as to whether the appeal would be dealt with fairly and 31 expressed little or no confidence that the IPCC would handle their appeal fairly. Of these 31, 11 had previously appealed to the IPCC about the outcome/LR process of a complaint. Responses showing the range of views held by appellants regarding their perception of the IPCC's ability to conduct the appeal in a fair manner are shown below:

*I have faith in the judicial system. If they are an independent body I assume they are impartial and just, I take this for granted.*

*People I knew had appealed to IPCC and said they weren't independent. They said that they [IPCC] didn't take both sides of the story and that they are not interested. All of them [IPCC staff] know who the bad officers are but cover up for them.*

*With government sponsored organisations, you know you're up against it.*

### **The appeals process**

As part of the interview we asked appellants how they initially contacted the IPCC. Table 2.2 outlines how this was done.

**Table 2.2: Appellants' initial method of approaching the IPCC**

<b>Mode of contact</b>	<b>N=100</b>
Appeal form sent by appellant to IPCC	61
Telephone	20
Solicitor	6
Email	5
By letter and telephone	4
Appeal form sent to IPCC by force	4

As illustrated by Table 2.2, nearly all interviewees contacted the IPCC by filling of the appeal's form and sending it to the IPCC (61%), or telephone (20%), or both (4%). The

<sup>4</sup> In research conducted by the IPCC the authors found that 86 per cent of people surveyed believed they would be treated fairly if they complained to the IPCC. (Docking and Bucke, (2008)

remainder used the services of a solicitor, emailed the IPCC, sent a letter to their local police force which then contacted the IPCC.

In addition to asking appellants if they had received any information from the police about how to appeal to the IPCC we also asked appellants if staff at the IPCC had explained the process to them so that they understood what to expect from it. Just under half of respondents (44%) were happy that the explanation they were provided with had equipped them with enough knowledge about the process to feel confident to initiate their appeal. Responses illustrating this confidence are shown below:

*They [the IPCC] were quite good. They explained the appeals situation clearly.*

*It [the information provided] was very clear.*

*They made it [the leaflet] as simple as they could in easy-to-understand English.*

Forty-four appellants thought that the IPCC had explained the process to them so that they understood what it entailed, 11 appellants thought that some aspects of the process had been explained to them better than other elements, and 43 were unhappy with the explanation. One complainant was unsure and one complainant was unable to comment as their initial contact with the IPCC had been through a solicitor. Only two interviewees stated that the explanation they were provided with had been in person. The remainder had had the process explained to them by email, letter, by their solicitor or over the telephone. The following quotes illustrate ways in which appellants believed the initial explanation provided by the IPCC could be improved:

*It feels like you need a solicitor, it [the appeals process] is a heavy burden. It would help if people had access to an advocate.*

*It [the process] was all new to me. I did get some information but it wasn't detailed enough for someone doing it for the first time.*

*I couldn't read all of it [information provided]. I didn't quite know what to expect and what the terms of references were. They didn't explain to me what to expect.*

*Maybe the letter could be a bit clearer.*

*Why appeal to the IPCC?*

Of the 100 complainants just under two-thirds (62%) appealed to the IPCC because they considered the original investigation into their complaint had been mishandled. A further 26 per cent of appellants appealed because their complaint had not been recorded and the final

12 per cent appealed to the IPCC about the mishandling of the local resolution process. Typical responses about why people appealed to the IPCC are below:

*The police inspector at [named police station] who I had complained to about the officer said he'd spoken to the officer and he believed his version of events so he wouldn't record the complaint, so I decided to appeal.*

*I felt they didn't do an investigation into our complaint so I appealed to the IPCC in late Jan 08.*

*They [the police] wouldn't record the complaint. The [police] inspector never liked us because I continually complain. He told me I was a pain in the arse. They wouldn't do anything so I appealed to the IPCC. I can't remember when.*

*I didn't realise that what I had signed was an agreement to resolve my complaint through local resolution. I didn't understand what local resolution was.*

#### *Expectations of the appeals process*

Managing the expectations of appellants about the appeals process and what it can achieve for them is a challenging process. However, if managed correctly and in a sensitive manner it is likely to be key to improving the overall levels of satisfaction with the entire process. During the course of the interview we asked appellants, when they first appealed, what they wanted to achieve from the process. Table 2.3 outlines appellants' expectations of the process. Interestingly, a number of the expectations outlined by appellants are beyond the remit of what the appeals process is able to deliver perhaps suggesting that some interviewees were unaware of what the process could achieve for them or held unrealistic expectations regarding the process.

**Table 2.3: Appellant expectations of the appeals process<sup>5</sup>**

<b>Expectation</b>	<b>N=100</b>
Wanted the officers punished/monetary compensation	36
Wanted an apology/explanation/the truth	33
Wanted complaint re-investigated/recorded	28
Wanted to stop it happening to someone else	13
Wanted an independent investigation/public enquiry/justice	12
Wanted it proved that I was telling the truth/express my anger	12
Wanted complaint outcome/process changed	9
Wanted officers re-trained/service improvements	8
Wanted a change in police policies and procedures	6
Other <sup>6</sup>	3
Wanted conviction overturned/offender charged/new criminal investigation conducted	2

Typical responses provided by appellants when asked what they wanted or expected the appeals process to achieve for them included:

*I wanted the police to produce the evidence they based their decision on and contact witnesses. I wanted information they said they could produce but wouldn't.*

*I wanted to force the police to produce information and overturn the conviction.*

*I wanted my allegation investigated properly.*

*I wanted more training for armed police; they shouldn't have used that much aggression whilst holding a gun.*

*I wanted to see a change in police policies and procedures because they [policies and procedures] are flawed.*

*I wanted an acknowledgement that the police hadn't followed the law.*

#### *Time taken to complete the appeal*

Managing the time taken to resolve an appeal<sup>7</sup> and the information provided to appellants are important elements of the process. If an appellant becomes involved in a long drawn-out process and is rarely updated on progress it is likely to adversely affect their overall

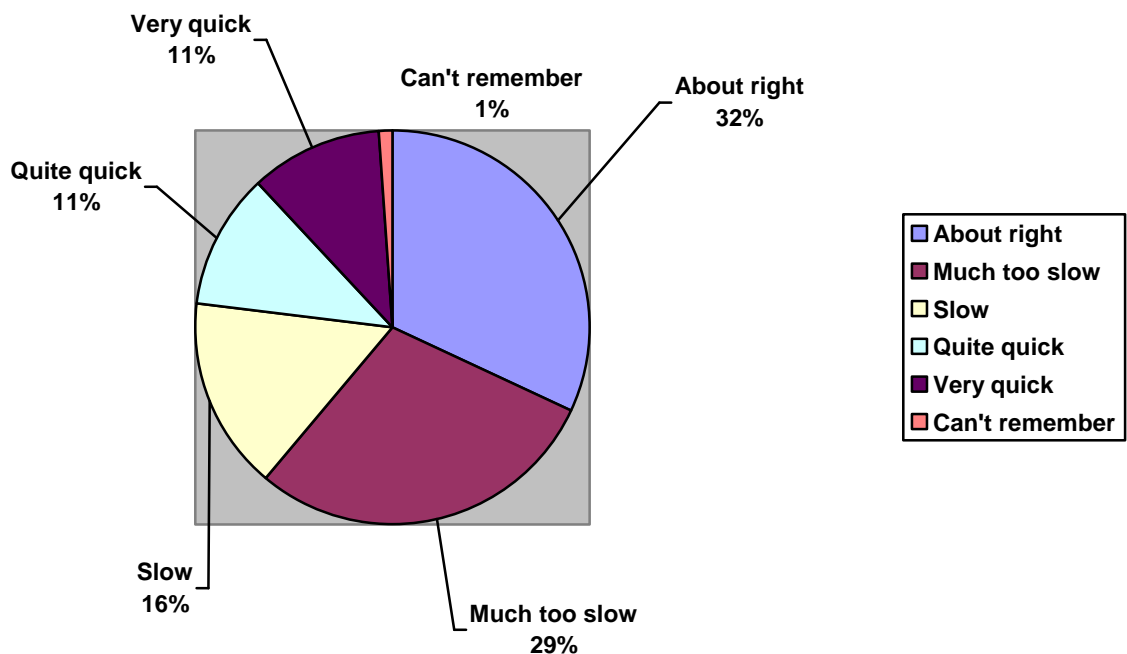
<sup>5</sup> Interviewees were asked to highlight all their expectations of the process, not just one.

<sup>6</sup> The three 'Other' responses included an interviewee wanting to 'feel part of the community' as a result of the appeals process, another 'wanting cycle paths improved and bad drivers prosecuted' and the final appellant wanting 'to restore democracy to the laws in this country'

<sup>7</sup> The IPCC's aims to complete all appeals within 28 days.

satisfaction with the handling of their appeal and leave them dissatisfied with the process. Whilst it is not a requirement to update appellants about the progress of their appeal we wanted to know if, during the process, any IPCC caseworkers had kept appellants informed about the progress of their appeal. Just over two-thirds (71%) stated that they were not updated about the progress of their appeal. However, 14 per cent disclosed that they were regularly updated by the IPCC. Just over half of our sample (54%) believed that the time taken to complete the appeals process was either proportionate to their appeal or that the process had been dealt with particularly quickly. Forty-five per cent of respondents, however, were unhappy with the time it took to resolve the matter and thought that the conclusion of the process was too slow for their needs. Figure 2.1 illustrates these findings:

**Figure 2:1: Appellants’ views about the time taken to complete the appeal**



### The appeal outcome

After an appeal has been considered by the IPCC it can be upheld, not upheld or partially upheld. If an appeal is upheld it can be finalised in a number of ways. Typical approaches include the IPCC directing:

- The police to release information
- A force to initiate disciplinary action
- The force to reinvestigate the recording of the complaint.

Over two-thirds (70%) of appellants stated that their appeal had not been upheld by the IPCC. Just over a fifth (21%) stated that their appeal had been upheld, and the remainder reported that part of their appeal had been upheld (5%) or that they were unsure about the final outcome (4%).

Of the appellants who lacked faith that their complaint would be dealt with fairly (n=31) only four had their appeal upheld by the IPCC. However, of those who expressed a degree of confidence with the IPCC's fair handling of their complaint (n=54), 11 had their appeal upheld by the IPCC. Interestingly, when we asked appellants if they were satisfied with the outcome of their appeal, only 11 per cent stated that they were, regardless of the fact that 21 per cent of appellants had had their appeal upheld, perhaps suggesting that expectations held by some appellants may not have been about whether the appeal was upheld or not but about whether an officer was punished as a result of the appeal or force procedures changed. In some cases appellants' dissatisfaction with the final outcome was based on the force or officers concerned not receiving the action thought necessary or appropriate by the appellant. In other cases appellants believed they had only been part of a 'paper exercise' and nothing – at a local level – had changed. The following quotes illustrate some of the reasons for dissatisfaction with the final outcome offered by appellants whose appeal was upheld:

*I was very happy with the IPCC as they agreed with me. I'm not happy with the outcome as it was only words of advice for the officer. I felt it wasn't appropriate. More action was needed.*

*It [initial police treatment] was appalling treatment of my mum and brother. They messed up. They should have called an ambulance and not neglected my brother. It was neglect by the two police officers. The PSD took statements from the officers and said there was no case to answer. The IPCC referred it back to [named] police Professional Standards Department. They cautioned the two police officers and took statements. At the end of it they said they had no case to answer. I didn't get what I wanted.*

Appellants were almost equally divided on the issue of whether they felt that the IPCC had provided them with a clear reason for their decisions. A slightly greater proportion of appellants (49%) did not believe the IPCC had furnished them with clear reasons for their decision than did (44%). The quotes below illustrate ways in which appellants believed the explanation about the final outcome of their appeal could have been improved:



*There needs to be a more individualised explanation not just a standard letter.*

*It would have been helpful if they explained why they agreed with me.*

*The IPCC need to use plain language. It [the letter] goes into jargon and repeats itself. It's not in everyday common language.*

*There is no real analysis given of how they've made their decisions.*

Only two respondents said that they were contacted directly by a member of IPCC staff to inform them of the outcome of their appeal. Both appellants were contacted by phone. The remaining 98 complainants received a letter from the IPCC detailing the outcome of their appeal.

### **Satisfaction with the appeals process**

We asked complainants about their satisfaction with several different elements of the appeals process other than just the result. Table 2.4 outlines appellants' satisfaction with:

- The ease with which appellants were able to access information from the IPCC during the process
- The timeliness with which the IPCC kept appellants updated
- The regularity of contact appellants had with the IPCC during their appeal
- The effort appellants believed the IPCC had invested in the process on their behalf
- The sensitivity with which the IPCC conducted the appeal.

**Table 2.4: Appellants' satisfaction**

	<b>Very satisfied</b>	<b>Satisfied</b>	<b>Mixed opinion</b>	<b>Dissatisfied</b>	<b>Very dissatisfied</b>
Ease of access to information	9	18	19	10	43
Timeliness	5	20	14	14	46
Regularity of contact	5	15	8	20	51
Effort invested in the process	7	6	6	10	67
Sensitivity when conducting appeal	9	9	16	9	52

N.B. numbers do not always add to 100 due to some respondents not expressing an opinion.

During the course of the interview we also asked appellants how satisfied they were with the manner in which the IPCC dealt with their appeal. Four-fifths of complainants (80%) stated that they were either ‘dissatisfied’ or ‘very dissatisfied’ with the manner in which their appeal had been dealt with. The remainder either had mixed feelings about their satisfaction or were ‘very satisfied’ or ‘satisfied’ with the handling of their appeal.

Based on the answers given by our interviewees on the various measures of satisfaction shown in Table 2.4 above, we gave 92 interviewees an overall satisfaction score<sup>8</sup>. Forty-one per cent of interviewees were either ‘dissatisfied’ or ‘very dissatisfied’ with every element we asked them about. Forty-four per cent of interviewees, however, expressed mixed levels of satisfaction with the process. Seven interviewees expressed no dissatisfaction with the process at all. Table 2.4 illustrates the relationship between the satisfaction levels of appellants with the process and appeal outcome.

**Table 2.5: The relationship between appeal outcome and satisfaction**

	Upheld	Not upheld	Partially upheld	Unclear/N/K
Very satisfied/satisfied	4	2	1	0
Mixed	9	31	2	2
Very dissatisfied/dissatisfied	5	32	2	1
Through a solicitor	3	5	0	0

The quotes below illustrate interviewees’ views about their level of satisfaction with the IPCC:

*The IPCC were excellent. I have no complaint with the handling of my complaint by them. I’m just not happy with [police force].*

*An excellent service. Very thorough and prompt.*

*Not sure why they are there. The whole thing was a farce, they are totally incompetent. I have no confidence and I’m not satisfied.*

*I felt they let me down. It was a waste of time. I was very disappointed in their response.*

*They tick all the boxes and are helpful, but the procedures don’t get to the root of the problem.*

<sup>8</sup> Eight interviewees were excluded from the analysis as they did not answer all of the satisfaction measure questions.

*It's very clear they need to investigate the complaint, not the report.*

*I can only think that the IPCC are not as independent as they proclaim or they have such time constraints they can't give as much attention to cases as they deserve.*

#### *Impartiality of the appeals process*

Appellants were also asked if, having had an appeal considered by the IPCC, they believed the process was an impartial one or not. Just over a fifth of respondents believed that the process was either 'completely' or 'fairly' impartial, or were unsure about their views on impartiality. Seventy-eight respondents stated that, in their view, the process lacked any impartiality at all. Finally, we asked appellants if, having experienced the process, they had more or less faith in the complaints system and if their experience had altered their view of the IPCC. Eighty per cent of respondents stated that they had 'far less' faith in the complaints system. Nine per cent stated that they had more faith in the system. Just over one in four appellants stated that their experience of the appeals process had changed their view of the IPCC. Eighty-four per cent of appellants tended to leave the process with a slightly more disillusioned and/or negative perception of the IPCC as an organisation and what it is able to achieve. Ten per cent, did, however, leave the process feeling satisfied that they had received a fair and objective service from the IPCC and that the process had delivered what they expected and wanted it to. The following quotes illustrate both points of view:

*I just think they are very good. They are required for the checks and balances.*

*They were a very helpful, useful service. They were reassuring.*

*The people I dealt with at the IPCC were very nice and I felt comfortable dealing with them. The IPCC is a really good way of getting satisfaction.*

*I'd never used them before. I didn't know what to expect. I'm slightly more confident. My experience of them is they are very good.*

*I think a lot less of them and wouldn't recommend anyone to go to them. They are a sheer waste of public money. My advice would be don't go to the IPCC, just sue the police.*

*I didn't really have a view on them before. Now my view is very much for the worse. I have no confidence in them at all as a result.*

*Before when I've seen them on TV I thought they were good, as they are an independent body. Now I think they are a waste of tax payers' money and the people are not doing a very good job.*

*I thought the process would be a lot more open and honest. I feel let down. I've also lost all faith in the police.*

## **In Summary**

- We conducted 100 telephone interviews with members of the public about their experience of the appeals process.
- Just over a third of interviewees (37) had made more than one complaint against a police officer; just over a fifth (22) had previously appealed to the IPCC.
- Just over half of the sample (54) stated that they were either 'very' or 'fairly' confident that the IPCC would treat their appeal fairly.
- Nearly all interviewees contacted the IPCC by letter (61%), or telephone (20%).
- Just under half of the sample (44%) was happy that the explanation provided by the IPCC about the process.
- Appellants tended to appeal because they wanted the officer(s) they had originally complained about punished (28); wanted an apology (19) and/or wanted their complaint re-investigated (17).
- Just over two-thirds (71%) stated that they were not updated about the progress of their appeal.
- Just over half (54%) believed that the time taken to complete the appeals process was either proportionate to their appeal or that the process had been dealt with particularly quickly.
- Over two-thirds (70%) of appellants stated that their appeal had not been upheld by the IPCC. Only 11 per cent of appellants were satisfied with the outcome of their appeal.
- Just under half of appellants did not believe the IPCC had furnished them with clear reasons for their final decision.
- Four-fifths of complainants (80%) stated that they were either 'dissatisfied' or 'very dissatisfied' with the manner in which their appeal had been dealt with.
- Eighty per cent of respondents stated that they had 'far less' faith in the complaints system.

### 3 IPCC independent investigations

This chapter presents views about the IPCC held by police officers and other police staff<sup>9</sup> subject to an independent investigation, and by members of the public whose complaints were independently investigated. The chapter begins by providing background details of the two samples. It then examines beliefs held about the IPCC and about the complaints system before investigation of the current complaint began. Interviewees' experiences of the investigation of the current complaint are then discussed. Finally, it describes the satisfaction levels of interviewees with the way the current complaint was handled by the IPCC and, where appropriate, with the input provided by other parties. Where officers and complainants were asked similar questions, responses to these are compared. Caution should be exercised in interpreting the results of these comparisons, given the small numbers in both groups.

#### **Police and complainant samples**

Interviews were held with 30 police staff. These comprised 15 constables (13 uniformed, two detectives), four sergeants, three inspectors, one detective inspector one chief superintendent, two civilian support staff, and four retired police officers (of whom two had been detective constables, one a detective sergeant, and one a detective superintendent). All 30 police respondents were white. Twenty-five were male, and five were female. Their average age was 42, with a range from 28 to 65 years. The mean length of service was 17 years, ranging from five to 31 years.

Police interviewees had received an average (mean) of seven complaints during their service, of which an average of four had been dealt with by Local Resolution. Since 2004, when the IPCC began operating, and including the current case upon which this research was focused, police respondents had had an average of one complaints/misconduct cases investigated.

Interviews were conducted with six complainants. All were male, of whom five were white, and one was mixed race. The average age at interview was 37, with a range of 25 to 49 years. Three complainants were employed, two were unemployed, and one was a serving prisoner. Only one had had a complaint independently investigated before; this same

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<sup>9</sup> Police officers and staff are typically referred to throughout this report as "police interviewees".

complainant had also had four complaints investigated by his local force's PSD. A second complainant had had one complaint dealt with by Local Resolution.

### **Knowledge about the complaints system and the IPCC**

Police interviewees and complainants were asked how much they knew about the IPCC before their current investigation began. Interviewees in both groups were most likely to have little or no knowledge about the IPCC before the investigation began. Responses are shown in Table 3.1

**Table 3.1: Levels of knowledge about the IPCC prior to the current complaint**

	<b>Police staff (n=30)</b>	<b>Complainants (n=6)</b>
<b>Considerable amount</b>	2	0
<b>Moderate amount</b>	6	2
<b>A little</b>	14	4
<b>Nothing at all</b>	8	0

Police interviewees and complainants were also asked if they had any worries prior to the investigation of their complaint taking place. Unlike complainants Police interviewees were equally divided as to whether they had any worries or concerns, as Table 3.2 illustrates:

**Table 3.2: Did police interviewees and complainants have any worries or concerns when the complaint was initially made?**

	<b>Police staff (n=30)</b>	<b>Complainants (n=6)</b>
<b>Yes</b>	15	1
<b>No</b>	15	5

In the case of police interviewees, 32 reasons for concern were offered. The most common, mentioned by 13 interviewees, related to the stress, strain and impact of the complaint on the health of the interviewee and on members of their family. The following quotes illustrate these concerns:

*We were being investigated about causing the death of two people. It was stressful at work, and at home it was multiplied as I've got family, children and friends.*

*[The IPCC] gave me the Regulation 9<sup>10</sup> notice and the caution...in an abhorrent way in an open working office. I've struggled to keep a lid on my emotions – it had had a devastating effect. Even if we get some legal redress it won't bring back three birthdays, three Christmases and things I've said to my ex.*

*I had to take anti-depressant tablets for two weeks because I couldn't sleep. It had a huge effect on my family. I didn't have any support and there was no understanding of what went on. It caused massive stress and worry...The wife was crying every day; the home was on the line. It was a very traumatic time.*

The other 19 reasons for concern noted by police interviewees included:

- Work-related reasons (including the threat of suspension, unsupportiveness of the organisation, and the inability to take due retirement) (4)
- The fact that this was the first independent investigation they had faced (4)
- The possibility that the complaint would be substantiated, that the interviewee would feel like a criminal, and that they would query their own judgement (5)
- The fact that the complainant had felt let down, and that the interviewee regarded this as a personal slight (1)
- The high profile of the case due to the complainant's family's standing in the local community and the possibility of media involvement (3); and
- The officer had not expected to be complained about and general worries about the independent investigation process (2)

Six reasons were offered by police interviewees for lack of worry or concern when the complaint was first made. Three of these, reproduced below, reflected the belief that the interviewee believed they had done nothing wrong, and could support this:

*Because I was quite happy that everything I did was justified and transparent. Prior to the investigation being made, the CPS had been consulted and the procedure 'policied'.*

*We expected something to come our way and had started making statements that evening I knew we hadn't done anything wrong, and plenty of members of the public had seen it, and we had technology in the vehicle supporting our version of events.*

*I had no initial concerns as I'd done nothing wrong.*

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<sup>10</sup> Police officers subject to an independent investigation by the IPCC are often, although not in all cases, issued with a Regulation 9 notice under the Police (Conduct) Regulations 2004. Regulation 9 requires this to be served as soon as practicable, although it may not always be issued immediately if this could hinder a criminal investigation.

Of the remaining three reasons offered, one interviewee was content that an independent investigation was the most appropriate way to deal with the complaint, another was confident that it was a minor complaint, which had only been made to deflect attention away from the fact that one of the complainants involved was facing criminal charges and the final officer believed that he had done nothing wrong so had nothing to worry about.

### **Expectations of the investigation process**

Complainants were asked what they wanted to achieve when they first decided to make a complaint. They were given a list of 12 options and were asked to select which applied to them. The three most common aims, each selected by five of the six complainants, were:

- To stop the situation happening to somebody else;
- To be provided with an apology; and
- To be provided with an explanation.

All interviewees were asked how confident they were before the investigation began that the complaint would be dealt with fairly. Thirteen of the 30 police interviewees described themselves as “confident”, five felt “fairly confident”, eight said they were “not confident” and four were “unsure”.

Between them, police interviewees offered 30 reasons for feeling ‘confident’ or ‘fairly confident’. Two reasons most commonly cited were that the interviewee assumed the IPCC to be a professional independent body (mentioned by 12 interviewees), and thus well equipped to tackle the task of investigating the complaint, and that the interviewee had done nothing wrong (mentioned by five interviewees), and therefore had no reason to feel apprehensive about the investigation the following quotes illustrate these beliefs:

*At the time I thought they were going to do a fair job because of the word ‘independent’.*

*Because they're independent - you'd think they'd have an open minded, fact-find, and be thorough and have an unbiased view.*

*The man who investigated...explained it was a complaint against the organisation more than against the individual. You thought, ‘Well, I haven’t got too much to worry about’.*



*It was quite obvious to a blind person we'd done nothing wrong. I thought in a month or so these notices would be withdrawn. I was confident, although slightly tinged [sic] that we were issued with the notices at all.*

Other reasons for feeling confident that the complaint would be dealt with fairly offered by our police interviewees included: that the interviewee had sufficiently strong evidence to support their version of events; that an IPCC representative had reassured the interviewee with an explanation of how the investigation would proceed; and that the interviewee had many years' experience and knowledge gained as a serving police officer.

Between them, the eight police interviewees who were not confident that the complaint would be dealt with fairly offered 18 reasons for this. Nine of these reasons involved scepticism that the IPCC's ability to conduct the investigation in a thorough, professional and sensitive manner, or properly observe procedures. The following comments illustrate these concerns:

*I didn't feel they were following any form of guidelines. They served the notice in front of my colleagues without any introduction. They photocopied documents in front of the entire office. They made me exhibit<sup>11</sup> my own documents against myself, which is poor legal practice. From the outset it didn't fill me with confidence at all. 'Careless' and 'carefree' would describe their attitude. They lacked sensitivity towards me as a person. They breezed in, served me a notice, showed me no confidentiality. It felt like they didn't give a damn about your feelings.*

*There was coverage on the news of IPCC staff saying they'll root out the truth in all investigations. From the way it was set up, it appears that if the official side have done absolutely nothing wrong, the IPCC'll find something to appease the complainant.*

*Having seen colleagues dealt with previously, it's clear to all police officers that the IPCC aren't independent – they have total disregard for officers' and their families' welfare, work by their own set of rules, and conduct investigations in a manner in which they consistently fail to keep officers updated. It would seem their main drive is to get convictions.*

Further concerns expressed by police staff were that the IPCC investigators would find reasons to substantiate the complaint even though the officer involved believed there were none, and that previous IPCC investigations of close colleagues had been poorly conducted, and that others that should have been investigated were not.

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<sup>11</sup> In other words, this police officer recounted being asked by the force PSD to collect information about himself for use in the investigation. Other interviewees also reported being asked to do this. This interviewee, who further noted that a colleague in the same department was also asked to collect information about the case, suggested that a more hands-on IPCC investigator would have appreciated that this approach was not sensitive.

Of the six complainants, one was “very confident” that the complaint would be dealt with fairly, three were “fairly confident”, one described himself as “not at all confident”, and the last said he was “neither confident nor unconfident”. Of the four expressing some degree of confidence, three did so because they believed the IPCC to be independent, while the fourth was reassured after some initial contact with a member of IPCC staff. The following quotes illustrate these views:

*I thought the IPCC investigate any police matter that goes wrong, so I thought we were in good hands.*

*Because I assumed it would be investigated by a body independent of the police.*

*Once I learned it was the Independent Police Complaints Commission, I thought that there were so many procedural breaches that something would be found.*

Complainants’ reasons for lack of confidence that the complaint would be dealt with fairly related to previous negative experiences of IPCC contact, and a belief that the police wielded influence over the Commission and therefore compromised its independence.

### **Explaining the independent investigation process**

To understand the investigative process and the potential outcome(s) of any independent investigation it is important the procedure is well explained to complainants, police officers and police staff. Eliciting a sound grasp of the process and the possible consequences increases the procedure’s transparency and helps to provide realistic expectations about the end result. Importantly, having a good understanding of what is involved in an independent investigation is a factor likely to influence police officers, staff and complainant satisfaction at the end of the process.

#### *Availability of information: the complainant view*

We asked complainants whether the IPCC contacted them to explain the independent investigation process. Table 3.3: outlines how complainants first contacted the IPCC and the information made available to them.

**Table 3.3: Complainant contact with the IPCC and information made available**

<b>IPCC mode of contact and information provided</b>	<b>Number of complainants (n=6)</b>
Contacted by letter	3
Contacted by telephone and letter	2
Contacted in person	1
Provided with printed and web-based information	2
Provided with printed information	2
Not provided with information	1

All of those who received information about the independent investigation process were directed to it by an IPCC investigator or member of staff. Four out of the six found the information to be both useful and informative. One respondent was unable to recall being given any information and one complainant described it as uninformative and long-winded.

We asked complainants whether the information about IPCC investigations was made available early enough for their needs. Four complainants stated that it was, one felt it made no difference, and one was unable to comment as he could not recall receiving any information.

*Availability of information: the police view*

Being the subject of an independent investigation by the IPCC can cause a great deal of stress and concern for officers and members of staff involved. Knowing what to expect from the process and when, particularly if an officer or staff member remains operational and their duties are unrestricted during the course of the investigation, is important in enabling an officer to continue working confidently. We asked police interviewees whether the IPCC had contacted them before the investigation began to explain the independent investigation process<sup>12</sup>. Four respondents were sent a letter, two received email correspondence, two were spoken to in person by an IPCC staff member, and one was telephoned by an IPCC member of staff. However, 18 reported that the IPCC did not write, email or speak to them in person to explain what the process would entail. Quite often, however, IPCC investigators will provide all the initial information for an officer to the union representative of the officer

We also asked police officers whether they were provided with any printed information about the independent investigation procedure, or directed towards any internet information on the

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<sup>12</sup> After submitting this report to the IPCC one investigator commented that it is normal practice for IPCC investigators to provide officers with a Regulation 9 at the start of the process and thereafter send any additional correspondence to officers through their union representative.

IPCC website. In total eight officers were given printed information or made aware of internet information, five of whom felt this information was made available early enough for their requirements. Twenty-two described not being provided with printed information or being directed towards any internet information whatsoever. Those told about or provided with information relating to independent investigations had mixed feelings about its value, six respondents described it as useful and/or informative and two respondents described it as unclear. Below are the views of two officers who expressed concerns about the information they were provided with:

*The printed info was unclear. It was gibberish – written as if they were speaking inter-departmentally – as if they expected us to understand what they were talking about. The website stuff – can't remember.*

*It didn't actually explain that you might be served with further papers, or tell you timescales, how long it might drag on. It was all 'goobledygook' really.*

### **Updating individuals on the progress of independent investigations**

Both complainants and police officers will want to know that their complaint is being taken seriously and that the investigation is being pursued with rigour, objectivity and impartiality. They will also appreciate knowing when they can expect to hear the findings of the investigation. Perceived exclusion and isolation from any process in which you have an involvement can generate a sense of division, uncertainty and feelings of powerlessness. Keeping participants informed about the progress of an independent investigation is important in terms of maintaining confidence in the IPCC as an investigatory body, and will undoubtedly have an impact on their overall levels of satisfaction with the investigation process.

The Statutory Guidance places slightly different requirements on IPCC investigators in terms of providing timely updates to complainants, police officers or police staff subject to an independent investigation. In the case of complainants the Statutory Guidance requires that:

- An estimate of how long the investigation will take is provided
- That estimate is reviewed on a regular basis, and
- An update is provided every 28 days unless otherwise agreed.

We asked complainants whether the IPCC made it clear that they should expect an update every 28 days. Three complainants reported that they were told this, one indicated that they

were not informed, and two were unable to recall whether they were given this information. Only two complainants were able to recount the type of information these updates might consist of:

*[The IPCC] said they'd be checking into this/that, maybe. Confirmed they'd found the bell in the cell was defective and would probe further as to why.*

*[They said they would inform me about the] progress of the investigation and what was happening.*

Three complainants reported being provided with an actual update every 28 days, two said this occurred every two to three months, and one said the update was provided less than once a month. None of the complainants who received their updates less frequently than once every 28 days reported agreeing an alternative timeframe for being kept informed about the progress of the investigation<sup>13</sup>.

The Statutory Guidance also requires that officers and police staff are provided with an estimate of how long the investigation is likely to take, but does not require the IPCC investigator to update them every 28 days. Instead the Guidance states the updates should be provided at appropriate points during the investigation. We asked officers whether they were told they could expect regular updates. Almost half (14) of the officers we interviewed stated they were informed of this fact, although only five officers reported being told about the likely content of these updates. How often officers actually received an update varied across the sample. Seven officers were given regular updates every 28 days, others received less frequent updates.

### **Satisfaction levels with the IPCC and other parties**

In this section we consider the satisfaction levels of police interviewees and complainants with various aspects of the way the IPCC handled their investigation. The section also includes the two groups' satisfaction with other individuals and organisations that have a role to play in aspects of the independent investigation process.

#### *Police interviewees and complainants*

Police respondents were asked how satisfied they were with the information provided in the updates from the IPCC. Of the 30 police interviewees:

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<sup>13</sup> It should be remembered that some complainants were discussing events that took place four years ago and may therefore have had difficulty recalling exactly whether or not and how frequently they received updates from the IPCC.

- 18 respondents were dissatisfied with the information they received
- Three described themselves as satisfied with the information they received
- Three were satisfied with some of the information given; and
- Six did not receive any updates.

Those who were not satisfied gave a combined total of 19 reasons for this, shown in Table 3.4.

**Table 3.4: Reasons for lack of satisfaction among police interviewees with information contained in IPCC updates**

<b>Reason</b>	<b>Times mentioned</b>
<b>Content bland/said little/had to request it</b>	12
<b>Content evasive</b>	4
<b>IPCC came across as dismissive</b>	3
<b>General unhappiness at content</b>	2

As Table 3.4 illustrates, police interviewees' chief reasons for dissatisfaction related to what they perceived as a lack of substantive information contained within the updates – although two interviewees acknowledged that the IPCC may have been restricted in the amount of information it could make available. Two interviewees noted that they were only able to secure more information by asking for it. The following quotes illustrate these points:

*They may as well not have sent anything, it was just garbage. It was an update telling you there is no update. It was just like a pro-forma.*

*[The update] didn't tell us whether statements had been taken, or what investigations they were doing. All we got was dates when they might want to see us.*

*Me and my colleague had to chase them up...by emailing an IPCC representative. We were pretty much told they were busy. We weren't impressed, put it that way.*

The six complainants were also asked to rate their satisfaction with the updates provided by the IPCC, from a pre-defined list of options. Table 3.5 shows the available options and the responses given.

**Table 3.5: Complainant satisfaction with updates provided by the IPCC (n=6)**

<b>Rating</b>	<b>Times mentioned</b>
<b>Very satisfied</b>	1
<b>Satisfied</b>	2
<b>Neither satisfied nor dissatisfied</b>	0
<b>Dissatisfied</b>	3
<b>Very dissatisfied</b>	0

As with the police staff interviewed, dissatisfaction among complainants tended to stem from what they considered the small amount of information provided within the updates.

#### *Staff associations*

Once they knew a complaint had been made against them, 28 of our 30 police interviewees contacted a representative of the Police Federation, the Superintendents Association or, in the case of the three civilian staff, UNISON. Twenty-two did this immediately; the remaining five made contact once the investigation process was underway. All but two of the 27 had representation throughout the subsequent investigation. Between them, representatives provided police staff with four main types of support and assistance:

- Guidance and advice on the investigative process (mentioned by 17 interviewees)
- Accompaniment to meetings and interviews and attendance when papers were served (10)
- Advice on financial support (legal aid) and solicitors' services (11)
- Acting as a conduit for information between the interviewee and other parties (for example, a solicitor) (5)

Police interviewees were asked to rate the assistance, support and advice offered by their union representative, according to a pre-defined list of options devised by the research team. Between them, the 16 offered 37 separate ratings, as shown in Table 3.6.

**Table 3.6: Police interviewees’ description of the intervention offered by Police Federation, Superintendents’ Association and UNISON representatives (n=30)**

<b>Positive comments</b>	Supportive	18
	Useful	18
	Informative	16
	Invaluable	6
<b>Negative comments</b>	Unsupportive	0
	Unhelpful	1
	Uninformative	0
	Unclear	2

Of the 61 ratings offered, 58 were positive. The quotes below are indicative of this:

*[My rep] was very good – he phoned regularly, kept me apprised of what was happening and liaised with senior management.*

*My rep was persistent in trying to get updates on how the investigation was proceeding and where it was going.*

*I don’t know what I would have done without representation. I got legal representation and I think without it I’d have been bullied throughout the process.*

#### *Complainant assistance*

Two of the six complainants sought advice from a solicitor during the independent investigation. Both did so for part of the investigation’s duration. One found the advice positive – describing it as “informative” and “supportive”. This same interviewee also approached a local pastor, a probation officer, and his ex-foster parent for assistance and support during the investigation. He viewed the help offered from these sources as “useful” and “informative”. The only other complainant to access the services of a solicitor described the advice received as “unhelpful”. He was also the only other interviewee to also approach other sources for advice, namely a local charity and a prominent rights activist. He was positive about the latter’s input, classing it as “useful” and “informative”, but viewed the charity’s advice less favourably, regarding it as “uninformative”, “unsupportive” and “unclear”.

#### **The outcome of the investigation**

In 20 cases, police staff faced no disciplinary or misconduct proceedings as a result of the investigation. In five cases, either the interviewee was given “words of advice”, or the force was told there were “lessons to be learned”. In one case the commissioner decided there



were disciplinary or misconduct issues, which resulted in a written warning. The remaining four cases were referred to the CPS by the Independent Police Complaints Commissioner for consideration. Two of these led to a superintendent's warning; the remaining two resulted in no action.

Five of the six complainants reported that they were unaware of any disciplinary action or misconduct charges resulting from the complaints they made, although one complaint made by one of these complainants was upheld. The final complainant reported that he was unsure how the complaint had been finalised.

Selecting from a list of options drawn up by the research team, police interviewees and complainants were asked how long they felt it had taken to complete the investigation. Responses are shown in Table 3.7.

**Table 3.7: Police interviewees and complainants' judgement of how quickly the investigation was completed**

	<b>Police staff (n=30)</b>	<b>Complainants (n=6)</b>
<b>Very quick</b>	0	0
<b>Quite quick</b>	1	1
<b>About the right amount of time</b>	7	0
<b>Slow</b>	4	1
<b>Much too slow</b>	18	3
<b>Unsure</b>	0	1

Most of our police interviewees and complainants believed the process had been either "slow" or "much too slow". The following quote illustrates the view of a complainant who considered the process had been "much too slow":

*They could've dealt with my complaint separately. I don't see what effect it had on [slowing up] my ruling whether my friend was convicted or not<sup>14</sup>.*

Asked if the IPCC had made it clear to them that they would be able to comment on the outcome of the investigation, one complainant said "yes", three said "no", and two could not

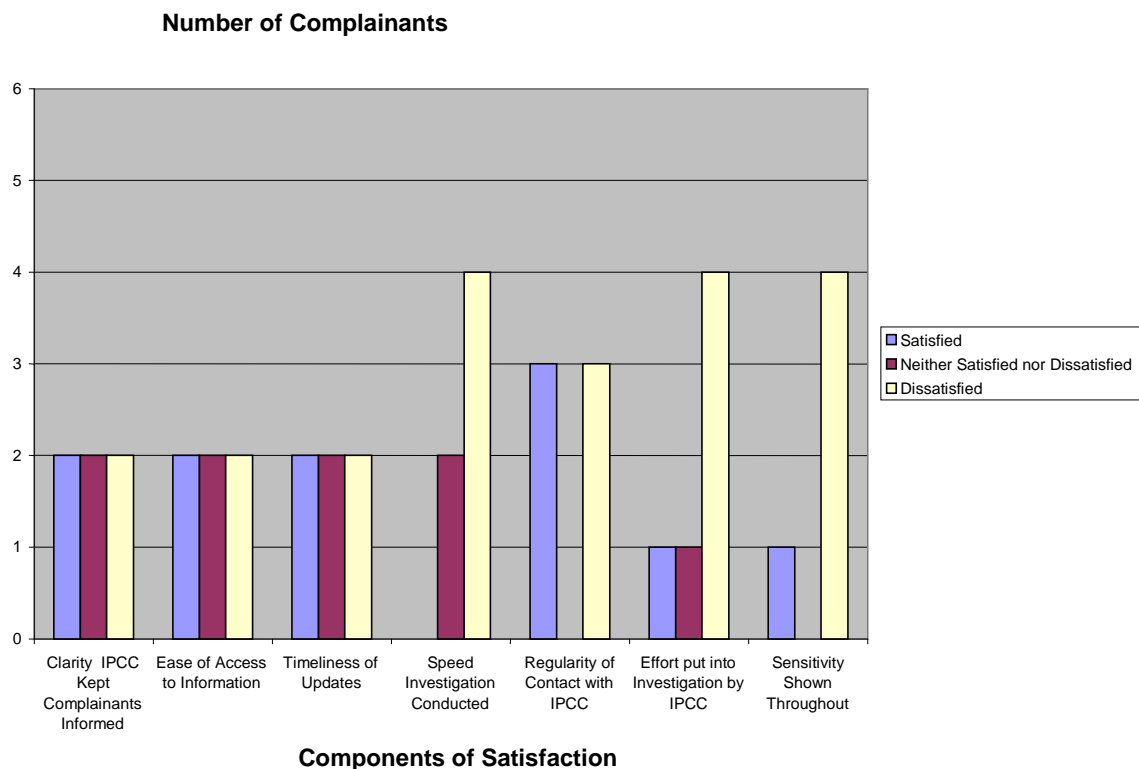
<sup>14</sup> Where a complaint is attached to a criminal case, the criminal case must be finalised before the complaint can be dealt with due to *subjudice*, a point the complainant appears to be unaware of.

remember. Regardless of this fact, three of the complainants did comment on the outcome, two did not, and one could not remember.

### Complainant satisfaction with the independent investigation process

We asked complainants about their satisfaction with the IPCC investigator and about different elements of the independent investigation process. As our sample of complainants is small, it is difficult to draw any firm conclusions. Data we collected suggest that dissatisfaction with the process increased when complainants were asked about the length of time it took to complete the investigation, the effort put into it by the investigating officer, and the sensitivity shown throughout. Figure 3.1 shows complainant satisfaction with the investigating officer and the investigative process.

**Figure 3.1: Complainant satisfaction with the independent investigation process**



Most complainants felt they were treated politely and fairly. Criticisms tended to focus on evidence gathering and a sense that the police and the IPCC close ranks, as the responses below illustrate:

*It dragged on. I had to chase them up; writing letters to see what was going on. The investigator was nice about it, and explained what they were going to do, whilst making it quite clear that it would be difficult to establish certain things because he was aware that the police would close ranks. That was what made me think maybe*

*we will get somewhere with this. He also gave me confidence that he was impartial and not in the police's employment and would be sincere and try to get to the truth.*

*The flow [of the information] was satisfactory but the appropriateness and content was less satisfactory. I was very dissatisfied when it came to asking for something specific. They put an awful lot of effort in, but it was to exonerate the police! The first thing they did was to find witnesses to support the police, then ask them leading questions, which directed them towards supporting the officers' version of events. Some of these witnesses later had to be disqualified from giving evidence<sup>15</sup>.*

*They just took our statements and worked solely off what was written down. A monkey could have come up with that decision. I was not happy they passed information over to the police.*

At the end of the process, four (out of six) complainants felt the investigation was not an impartial one. The main reasons put forward for this were that the investigation favoured the police because the IPCC investigator was an ex-police officer and the investigations were often perceived to be conducted out of a police station.

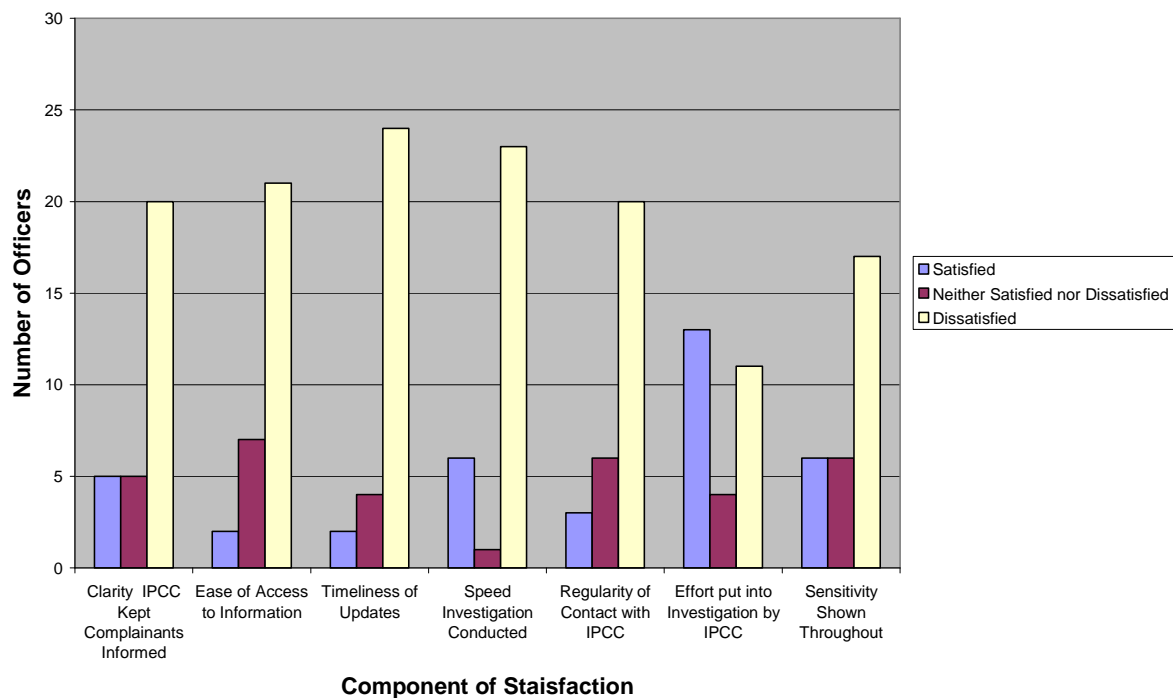
### **Police interviewees' satisfaction with the independent investigation process**

Police officers and staff were also asked about their satisfaction with various elements of the investigation process, as shown in Figure 3.2. The graph below shows that satisfaction does not outweigh dissatisfaction, and there were very few occasions on which an officer described being 'very satisfied' with the handling of their complaint. Mirroring the findings for complainants, dissatisfaction appeared more prominent for length of time taken to complete the investigation, timeliness of updates and sensitivity demonstrated by the IPCC throughout the process.

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<sup>15</sup> In all independent investigations the IPCC appeal for independent witnesses.

**Figure 3.2: Officer satisfaction with the independent investigation process**



Police interviewees expanded on their satisfaction ratings, collectively providing 112 responses. Thirty-nine responses focussed on poor communication by the IPCC and what appeared to be excessively long investigations. In particular, police interviewees highlighted receiving limited updates on the investigation, felt that the IPCC were dismissive when approached directly for information, and believed that it failed to explain delays and disclose important information. The quotes below illustrate some of these points:

*We received a bog standard letter and insufficient information. We weren't given any access to information. Even when we contacted them, we were just fobbed off basically. You were happy you received a letter, but the letter didn't tell you anything or provide you with an update. For what was required the investigation was too lengthy. It was straightforward and should have taken 2-3 months. You're just a name and number.*

*I didn't fully understand what I was being investigated for. The Reg 9 notice wasn't specific. I was told formally of the offence under investigation at the beginning of my interview with the IPCC.*

*I emailed people with questions and felt as if I were swept to one side without explanation.*

Contrary to the belief of complainants that the investigative process is supportive of and biased towards the police, a number of officers (16) expressed the view that the IPCC

investigators were inexperienced and lacked the necessary evidence-gathering and interview skills required to conduct complex investigations, as the examples below highlight:

*The interview was simply a series of questions read from a piece of paper with sections underneath to allow for answers. There was no scope for probing or exploring issues. I just thought, shit, if this is the quality of investigations, what will the rest of it be like. It didn't fill me with confidence.*

*I've got no confidence in their ability. I was exhibiting my own evidence. They had no knowledge about how documents and exhibits should be seized. If they can't get the basics right, how can you have confidence in anything else they do?*

*The other issue around sensitivity is around the information they collected. A DC within our department was appointed to collect information about the case by our central PSD. The IPCC, if they were more hands-on, should have noticed that this was not the most sensitive and appropriate person to ask. Sometimes I was in a position where I was being asked to collect information about myself for the investigation*

Eight officers commented that the IPCC showed a lack of sensitivity towards their private and workplace situations. Seven officers in four separate cases were particularly critical about information being disclosed to the press before they were made aware of it. The following quotes are from two officers who learned about aspects of their case via the media:

*There were 15 officers served with Reg 9 notices. I found out via the media that a file had been sent to the CPS for criminal considerations. I found out I might be charged criminally by way of a press release. This was all over the 6 o'clock news. The barrister on television was saying that if found guilty these police officers could be sent to jail. I came home to find my wife in floods of tears. It wasn't until [later] that we discovered that the file was in respect of six [name of force] police officers [this officer's case had not been sent to the CPS]. You have to ask the question: was I one of the officers facing a criminal review? And if not, why wasn't I told I wasn't on the file. The IPCC have a duty of care to me. For me and my colleagues to find out certain pertinent parts of the inquiry are happening through the media is absolutely disgraceful. I don't think they treat the officers with enough respect. They came into [this case] wanting to cut their teeth and to prove they were valuable as an investigating body, rather than conducting an objective investigation. They were very dismissive to us as individuals.*

*[The IPCC] dealt with the press awfully. The press knew about the complaint before I did. It was in the papers before I was served with my Reg 9.*

Officers also expressed disappointment with the perceived lack of regard paid by the IPCC investigator to the sensitive nature of the work they were involved in. The officer in the first quote above described how he and a colleague were issued with Regulation 9 notices in the middle of a working office in front of the unit they worked with and how they were then required to exhibit their own evidence to be used by the IPCC in the complaint case. The second officer was involved in a high profile (organised crime) case being heard at Crown

Court. This particular officer was particularly critical that IPCC staff failed to take account of the gravity of the case and as a result conducted the IPCC investigation in isolation of the Crown Court case resulting in the (IPCC) investigation displaying a lack of understanding of the position she was in and a certain dismissiveness for her personal safety and professional integrity.

Twelve police interviewees felt that, at times, the IPCC investigation appeared overly focussed on achieving a result, rather than being engaged in an objective truth-finding exercise, as the quotes below illustrate:

*My solicitor summed it up by saying, "Who wrote these statements? Who did this investigation?" They had all this information, but could not process it to find out who was telling the truth. The investigators lost sight of their independence and were attempting to prove wrongdoing and not to seek the truth. They were making me doubt myself because they hadn't checked the phone records which would have cleared me and if they had, they hadn't come back to me and cleared me of the criminal charges. The report was sent to [the officer's force] police and not to me. That's no way to treat anyone....I feel they were just out to get someone. They showed complete tunnel vision. There's little doubt the investigators did not have the skill set to effectively and professionally investigate the case....the criminal charges could quickly have been dealt with by checking phone records. If I didn't have support internally or from Unison I'd have sunk without recognition.*

*[The IPCC] said we'd done nothing wrong although some of the evidence didn't meet current legislation. However, the evidence was historical [and not subject to the new legislation] and they still wanted to say there could be lessons to be learned according to current policy and procedure. Ultimately the press release went out without that, but [my force] had to fight hard for that. They stated that 'lessons could be learned', the implication being that we had done something wrong. They could have just exonerated us, but it felt like they just had to justify their existence by saying lessons could be learned, when it was clear we'd done nothing wrong.....the issue around the first press release was that it stated that we will ensure that "lessons will be learned", which implied wrongdoing before the investigation began. And the final press release supported their argument, but was not the finding of the investigation. It seemed easier to give a 'no smoke without fire' press release, and you're then in danger of pre-judgement and not being objective. The implication of this false impression impacts on the confidence the public has on the police and that other police officers have in the anti-corruption unit.*

Although our police respondents were critical of many aspects of their investigations, they were also sympathetic to the problems and difficulties faced by IPCC investigators in progressing investigations, particularly if investigating officers had substantial caseloads and few staff. Overall, though, only three officers indicated they were satisfied at the end of the investigation. All three cited professionalism, good communication and appropriate sensitivity as the basis of their satisfaction, as the quotes below show:

*The fact they went to my inspector first, I thought that was good. I was surprised that they bothered to come down and speak to me in person about the complaint, not to interview me, so the sensitivity shown was really good.*

*I was reasonably satisfied with the professionalism and efficiency. They were more sensitive than I'd thought [they'd be], in fact.*

Despite being quite critical of the IPCC investigators, just under half (14) the police sample described the investigation process as 'not at all impartial'. The remaining half thought it was either 'fairly' (6) or 'completely' (10) impartial.

### **Confidence and faith in the complaints system and the IPCC**

In light of their experience of the independent investigation process, we asked our police respondents and complainants whether their faith in the complaints system had increased, decreased or remained the same. Findings are shown in Table 3.8:

**Table 3.8: Faith police interviewees and complainants had in the complaints system post-independent investigation**

	<b>Police interviewees (n=30)</b>	<b>Complainants (n=6)</b>
<b>A lot more faith</b>	2	
<b>A little more faith</b>	3	
<b>No difference</b>	6	1
<b>A little less faith</b>	6	
<b>Much less faith</b>	13	5

Table 3.8 shows that both police interviewees and complainants tended to have a reduced level of faith in the complaints system as a consequence of having a complaint against them independently investigated by the IPCC. In total there were 57 reasons put forward by police interviewees for having reduced faith in the complaints system. For this group, their responses can be placed into four groups:

- The IPCC was perceived to be 'seeking a result', not conducting an objective investigation (18)
- Police interviewees lacked confidence in IPCC investigators (15)
- The IPCC was seen as communicating poorly and as being dismissive of individuals (6)
- IPCC staff were believed to lack sensitivity in their handling of the investigation (3)

Reasons put forward by those staff who felt more positive about the complaints system as a consequence of the independent investigation focussed on the professionalism and methodical approach of the IPCC and a belief that an independent investigation would address policy and practice, in addition to individual action (9).

Finally, we asked complainants and police interviewees whether their experience of having a complaint independently investigated had changed their view of the IPCC. Table 3.9 outlines the responses.

**Table 3.9: Has experience of an independently investigated complaint changed complainant and officer views of the IPCC**

Rating	Police interviewees (n=30)	Complainants (n=6)
Yes	22	4
No	8	2

One complainant expressed a positive view of the IPCC in light of his experience, and another indicated that, having no opinion at the outset, he was unable to comment. The remaining four complainants indicated that their opinion of the IPCC had become negative. The main reasons put forward for this were that the investigation was seen as an “exercise in spin”, and that the IPCC was viewed as a “toothless organisation” and was not considered to be entirely independent, as the complainant below highlights:

*I used to work at the [nearby] prison and would hear prisoners there say there was no point in complaining about the police and I wouldn't necessarily believe it, but now I've been through it, it's a whitewash. You'd expect someone you know is knowledgeable [to investigate them] – head teachers, heads of universities – who you know will listen to both sides. It's not independent at all.*

Five police interviewees indicated their perception of the IPCC had changed for the better subsequent to their involvement in an independent investigation. In general terms, the remaining officers felt the IPCC and their investigators had been less professional than originally expected. This perceived lack of professionalism, as with the components of dissatisfaction, focussed on poor communication, poor evidence-gathering and interviewing, a focus on achieving an outcome and a lack of regard for individuals. The following quotes illustrate how two officers felt about the IPCC after the completion of their investigation:



*They actually praised me after three years [length of the investigation]. It was clear to me I wasn't on the file sent to the Crown Prosecution Service, they could have told me a long time before and the relief that would have given me can't be measured. I don't care what they think, I don't respect them. We got a Crown Court commendation from the judge. I will never get over being cautioned or having to say "no comment". In some ways that has ruined my 19 years of service.*

*At the beginning I was willing to give them a run for their money, but by the end, and I told them this, I had no faith at all. I wasn't expecting much from the start, but now I wouldn't trust them with anything. I wouldn't trust them to make a cup of tea.*

### **Complainants' suggestions for improving the independent investigation process**

The small sample of complainants we interviewed made a limited number of suggestions about how to improve the independent investigation process, which included having one consistent point of contact throughout the investigation, not employing ex-police officers, ensuring that the recommendations from reports are enforced and being offered an apology if the complaint is upheld.

### **Police interviewees' suggestions for improving the independent investigation process**

Police interviewees often referred to their own experience of the investigative process when presenting ideas about how the investigations could be improved from a police perspective. Their ideas centred around three main areas:

- Quicker investigations with better communication and provision of information (28)
- Ensuring that IPCC staff have the correct skills (9)
- Improved sensitivity (9)

Mirroring the findings from the majority of previous police complaints studies, most of our police interviewees suggested improvements to communication and provision of information. Some police respondents referred to procedures the IPCC currently carries out but which, in their view, could be conducted more effectively, particularly the provision of updates on the investigation's progress, as highlighted by the following officer:

*Regular contact, being informed about the processes and timeframes, rather than you're being investigated and that's it.*

Others suggested more innovative improvements to the process, such as learning-based de-briefs and, like complainants, the capacity to ensure recommendations are implemented and enforceable, as the officer below explained:

*Have a de-brief done by the IPCC to explain and address the positive and negative outcomes [of the complaint]. The IPCC report should be available as a matter of course, which would help their transparency. The recommendations they make should be checked to see if they have been put in place and implemented and they should have the powers to enforce changes. The cell that got smashed up [which related to the complaint] did not meet Home Office specifications and is still the same now.*

Areas where the potential for improvement was highlighted included better handling of press releases and use of the media, the serving of Regulation 9 notices to officers and staff in person, and a need to think about officers as individuals and to give consideration to their current operational situation.

### **In summary**

- Face-to-face interviews were held with 30 police officers, police staff and six complainants
- Police interviewees and complainants generally had little or no knowledge about the IPCC before the investigation began.
- Police interviewees were far more likely than complainants to have concerns or worries.
- Complainants tended to be motivated to complain to the IPCC because they wanted to stop the situation happening to somebody else; or to be provided with an apology; and/or to be provided with an explanation.
- Thirteen police interviewees described themselves as “confident” that the complaint would be dealt with fairly; four of the complainant interviewees were either “very” or “fairly confident” that the investigation would be dealt with fairly.
- Concerns expressed by police staff about the investigation were that the IPCC investigators would have poor knowledge and little experience and that the investigation would make them a scapegoat for organisational shortcomings.
- Eighteen police respondents had no contact with the IPCC prior to the independent investigation beginning. In total eight officers were given printed information or made aware of internet information.
- Three of the six complainants reported that they were informed that they should expect an update from the IPCC every 28 days.
- Twenty-eight of the 30 police interviewees had union representation throughout the investigation. Two of the six complainants sought advice from a solicitor during the independent investigation.

- In 20 cases, police interviewees faced no disciplinary or misconduct proceedings as a result of the investigation. In five cases, either the interviewee was given “words of advice”, or the force was told there were “lessons to be learned”.
- Most police respondents and complainants believed the investigation process had been either “slow” or “much too slow”.
- Complainant dissatisfaction tended to centre around the length of time it took to complete the investigation, the effort put into it by the investigating officer, and the sensitivity shown throughout. Most complainants, however, felt they were treated politely and fairly
- At the end of the process, four (out of six) complainants felt the investigation was not an impartial one.
- Sixteen officers expressed the view that the IPCC investigators were inexperienced and lacked the necessary evidence-gathering and interview skills required to conduct complex investigations.
- Eight officers commented that the IPCC showed a lack of sensitivity towards their private and workplace situations.
- Overall, only three officers indicated they were satisfied at the end of the investigation.
- Police interviewees and complainants tended to have a reduced level of faith in the complaints system as a consequence of having a complaint against them independently investigated by the IPCC.
- The small sample of complainants we interviewed made a limited number of suggestions about how to improve the independent investigation process, which included having one consistent point of contact throughout the investigation, not employing ex-police officers, ensuring that the recommendations from reports are enforced and being offered an apology if the complaint is upheld.
- Police interviewees believed that for the process to improve the IPCC needs to: conduct quicker investigations with better communication and provision of information; ensure that IPCC staff have the correct skills to conduct the investigation, and be sensitive to the needs of officers throughout the process.

## **4 Implications for policy and practice**

This study has explored the experiences, views and perceptions of complainants, police officers and appellants about the appeals process and independently investigated complaints, and examined satisfaction levels with various aspects of the IPCC. It has shown that, while some interviewees have been satisfied with some aspects of the process, there are several areas in which members of the various groups believe the IPCC could improve. In this chapter we offer recommendations on how these concerns can be addressed.

As noted previously, it should be borne in mind when considering the study's findings that this study attracted a greater number of appellants and complainants who had prior experience and knowledge of the complaints system than many other police complaints studies; which may lead the study's findings to be biased towards a sub-population that painted a more negative picture of IPCC processes than is perhaps the case.

### **The IPCC as an independent body**

Given the nature of the IPCC's work, some degree of scepticism about its impartiality is probably inevitable, from complainants and police officers alike. However, the number of interviewees in both samples who expressed doubts about IPCC bias was worryingly high. This was not restricted to those for whom the outcome of the investigation or appeal did not support their version of events. Based on those interviewed for this research, the IPCC is considered, from the complainants'/appellants' perspective, to constitute the police investigating themselves, while from the viewpoint of police officers it is seen as an organisation more intent on establishing some level of wrongdoing than on seeking the truth. The IPCC has, since its inception, gone to great lengths to emphasise its independence. However, to convince potential complainants and the wider public it would appear that this fact needs to be better publicised, and both complainants and police officers need to be made aware of the IPCC's purpose "to increase public confidence in the system for dealing with police misconduct and complaints by acting independently and improving the efficiency and effectiveness of the system" (IPCC, 2006: 48) prior to embarking on any process. The IPCC could publicise key facts about their organisation through more effective use of the media and by ensuring that both complainants and officers are made aware of some of the key principles that underpin the work of the IPCC prior to initiating a complaint or appeal.

## Recruitment and supervision of IPCC investigators

In this study, both groups of interviewees were dissatisfied with IPCC investigators. For police officers, a common concern was the *calibre* of the investigators employed. Complainants, on the other hand, often doubted the *impartiality* of the investigating officer, based on the fact that they had formerly been a police officer.

Recruiting former police officers into the investigating officer role certainly risks making the investigation process *appear* to complainants as weighted in favour of the police. However, the reality is that the proportion of IPCC investigators who are ex-police officers is, at present, unknown although we suspect it is unlikely to be the full complement of investigators employed by the IPCC.

As police interviewees in this study have noted, the task of conducting an investigation calls for a very specific skill set, for which very few jobs other than police work can serve as preparation. This situation may change in time, as the IPCC is able to train staff from other professions for this role. In the meantime, there is a need to convince sceptical complainants that ex-police officers are, at present, among some of the best-equipped people to conduct independent investigations. The IPCC may, however, also want to consider publishing and making available to complainants and officers the percentage of their investigator workforce from ex-police officer ranks with the view to providing officers and complainants with as much information about those conducting investigations and the organisation they are employed by.

Gathering evidence in accordance with current legislation and guidelines, doing so in a robust and thorough manner, and demonstrating competent interview techniques were key factors that influenced the confidence police officers and staff placed in the IPCC investigators. From a police perspective, one of the main problems apparent from this study was the perceived inexperience of the investigators with whom they came into contact. If police officers and staff, including those against whom complaints are upheld, are to have confidence in the decisions reached by IPCC investigators, it is essential that they have confidence that those investigators have the skills and knowledge necessary to carry out the task. It is clear from several of our police interviewees that this confidence was in short supply.

Many police interviewees also believed that IPCC investigators failed to conduct the investigation of the complaint in a professional manner. Failure to follow up, or even to

request, information available to the staff member facing the complaint was reported by more than one interviewee. For many, this stemmed from a belief that the investigator did not appreciate that the purpose of the process was not to prove guilt, but to determine the truth. Neither was this view confined to those police interviewees who saw the IPCC as a politically motivated appeasement to those who believed its forerunner, the Police Complaints Authority, was slanted towards the police.

These views are perhaps inevitable; the average length of service of our police interviewees was 20 years, and in consequence they possessed considerable knowledge of the investigative process. However, there may be scope for increasing police interviewees' confidence in an investigator's ability to conduct an investigation efficiently and professionally, by making clearer to them the credentials held by the investigator. Paper qualifications alone may not convince police interviewees of an investigating officer's capabilities in the practical environment of an independent investigation. Therefore, IPCC senior investigating officers should ensure that investigating officers are trained and competent to conduct independent investigations. To inspire greater confidence in police officers and staff, it should also be made clear to them that investigating officers have recourse to this senior advice, and that they are part of a team which does possess the necessary skill set to handle the complexities of an independent investigation.

### **Professionalism towards those subject to a complaint**

Police officers recounted several examples of lack of sensitivity shown by IPCC staff at various points in the process. This took many forms. Papers were reportedly not served in a discreet fashion, but in an office in full view of colleagues; officers were in some cases required to exhibit their own evidence; and others were dissatisfied that they heard about pertinent aspects of their complaint via a press release or other media sources. Sensitivity should be employed by IPCC staff when issuing Regulation 9 notices so that officers receive such notices in a private and confidential setting. The IPCC may also want to consider issuing guidelines regarding evidence gathering and have in place a media strategy that involves notifying officers of all information that is passed to the media prior to such information being made public.

### **The investigation team and information provided**

Some complainants reported that they did not believe information they gave to the IPCC investigator was treated in the manner they would have expected. For example, in cases

where the incident leading to the complaint had led to a court case, details disclosed to the IPCC by the complainant were passed to the prosecution. When the IPCC are within their rights to do this, or are legally obliged to do so, the complainant should be left in no doubt about this.

### **Twenty-eight-day updates**

Leaving aside officers' negative views about the usefulness of the updates they received, many were also critical of the regularity with which they were provided. Some officers reported receiving no updates at all.<sup>16</sup> It is accepted that there is little point in providing regular updates if an investigation has not progressed significantly. However, there seems little purpose in distinguishing between the need for these updates to be provided to complainants but not to officers, irrespective of how much feedback there is to report. If information cannot be provided, it would be helpful if complainants, as well as police officers and members of staff, received an explanation as to why this is the case. The IPCC in its current 'stock take' is, however, examining the possibility of issuing an early interim statement on independent investigations to improve the openness and transparency of the system and to reassure the public that serious incidents and complaints are handled quickly and fairly.

### **Realistic expectations about the content of updates**

If the purpose of an update is purely to inform police staff and complainants of procedural developments (e.g. possible future interview dates) rather than more substantive findings (e.g. the taking of statements or the disclosure of fresh allegations), then complainants and police staff should be under no illusions about this from the outset. Directing complainants and police staff to the IPCC website, or even providing this information within a large bundle of other printed matter, may not necessarily be preferable to failing to pass it on at all; as one interviewee noted, complaints are a daunting process, and the emotional impact that making a complaint can lead to, for either party, may mean that some information, even if it is provided, is not readily taken in. As a solution, an IPCC member of staff, preferably the investigator with whom the complainant or police staff member will have ongoing contact during the investigation, should communicate the likely content of updates face-to-face, as well as providing the complainant/police staff member with written material.

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<sup>16</sup> In a number of cases, police officers reported not receiving a copy of the final investigation report. It is likely that these reports were sent to their forces, but were not sent to them personally.

## **The role of police staff associations**

In a previous study of the Local Resolution process (May et al, 2007), we argued that Police Federation representatives played a critical role in helping to ensure that members were subject to a genuinely fair and open complaints process. This study suggests that the same applies to the independent investigation process. Most officers and staff sought representation by the Police Federation, the Superintendents' Association or UNISON, and relied on their representative to stay with them throughout the process. If the IPCC want to change the mainly negative views held by officers and encourage officers to feel part of the complaints process, closer working links with all the staff associations are imperative. We believe that, for officers who decide to seek representation, encouraging a closer relationship between the officer's union representative and the IPCC will improve satisfaction with the independent investigation process.

Given the history of the complaints system, IPCC staff cannot immediately expect to command trust from police officers and are poorly placed to engineer what amounts to a cultural change within policing. If the IPCC are to convince police officers and staff that they have their best interests at heart, they will need to develop strong working relationships with the staff associations. One suggestion, made in our previous work on LR, might be that the IPCC develop training packages aimed at challenging the conceptions held by officers about both complainants and the overall complaints process and do this in collaboration with local staff associations. The IPCC should be aware, however, that without staff association support it is likely that any attempt to change officer attitudes or win support for new ideas will be met with resistance.

## **Managing investigation findings**

Disappointment was reported by police officers and staff that, when a complaint was found by the IPCC to be unsubstantiated, the exoneration of the officers involved was not as clear cut as it should have been. This may be due to the fact that some unsubstantiated complaints may involve some systemic failures, gaps in policies or other lessons for the force or individual to learn which still need to be fed back to the officer and/or police force concerned. This was considered important as a way of ensuring that doubts did not linger about the officers' integrity and competence. Since only one complainant in our sample reported having a complaint substantiated, it is not possible to draw similarly widespread conclusions in relation to the complainant sample. However, this interviewee's understanding was that no action was taken as a result of the IPCC finding, leaving him to



conclude that, without sufficient leverage to enforce change, the IPCC appeared toothless. To avoid this, it is important that, if action results from the investigator's finding, steps are taken to communicate this to the complainant. If action is not taken, the complainant should also be made aware of this and of the reasons why.

### **The findings of the investigation report**

Even allowing for the fact that they understood that statements and documents would not be included in the final report, many interviewees regarded the content of the final report as thin, and lacking in substantive feedback. In addition, almost half the appellants in the study, and most of the complainants and police officers and staff, regarded the time taken to complete the investigation as either slow or much too slow. In some cases the length of time taken may be unavoidable; however, if developments relevant to the circumstances of the complaint occur in the meantime (for example, structural improvements to fixtures and buildings; improved communication systems; new or refresher training programmes) this may be worthy of inclusion in the investigator's final report.

### **Meaningful feedback**

Police officers and staff whose case was resolved by means of "words of advice" or "lessons to be learned" were dissatisfied with this. On one level, it was seen as implying that the officer had indeed committed some wrongdoing, even though the case would not be referred to the CPS and no misconduct or disciplinary proceedings would result. Feedback of this sort was also regarded as unhelpful and ambiguous, giving the officer and, reportedly, their supervisor, little indication of what might be done in response. If the intention is to leave the subsequent course of action to the discretion of the officer's supervisor, this should be clarified. If not, the IPCC investigator should issue more specific direction.

### **Customer service agreement**

Finally, it may be beneficial for the appeal and independent investigation process to include some form of customer service agreement to which complainants and police officers commit at the start of the process. It would be preferable that all parties provide their signature to confirm that they have read and understood the agreement. Such an agreement could comprise:

- A brief statement about the purpose of the investigation or appeal
- An agreement that the complaint may be used for training purposes
- An agreement about how (and how often) the complainant/officer will be informed of progress
- An agreement about the potential content of any update (including an explanation of why certain information cannot be included)
- An agreed contact person who can address concerns and queries held by officers and complainants
- An acknowledgement of the IPCC's limitations. In the case of upheld complaints, for example, it would be important to explain that the IPCC can only make recommendations about appropriate sanctions and that actual decisions are made by the CPS and individual police forces. Also recommendations about procedure and protocol can only be made by individual forces, if they choose to, and are not directly enforceable.
- An agreement about how the outcome will be communicated to the complainant/officer
- An agreement about providing feedback once the complaint has been completed (particularly to officers, if requested) on any potential learning
- An agreement about how information is passed to the media

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