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# **Feasibility of an Independent System for Investigating Complaints Against the Police**

*KPMG*

Police Research Series  
Paper 124

# **Feasibility of an Independent System for Investigating Complaints Against the Police**

*KPMG*

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## Foreword

In 1984 the Police Complaints Authority (PCA) was established to increase independent oversight of investigations into complaints against the police. Demands for widening the remit of the PCA to include the carrying out of investigations by non-police personnel have persisted. Most recently, both the 1997 Home Affairs Committee of Police Complaints and Disciplinary Procedures, and Sir William Macpherson's report of the Inquiry into the Death of Stephen Lawrence, (published in February 1999), have recommended that consideration should be given to increasing independence in the complaints system.

In response specifically to the Macpherson report, but also in recognition of longer-standing pressures for change, a Home Office Action Plan resulting from the Macpherson Inquiry was announced in April 1999. It gave a commitment to examining the feasibility of introducing greater independence into the police complaints system. This report by KPMG fulfils that commitment.

KPMG conclude that the introduction of greater independence is both feasible and desirable if the police complaints system is to have greater public confidence. The report highlights the fact that independence is not just a matter of who carries out investigations. The locations where an initial complaint can be made and who makes the decision over how to deal with a complaint are also important factors in achieving greater independence from the police.

KPMG found much agreement between stakeholders over the principle of greater independence and over the need to increase public confidence in the police complaints system. They found less agreement over how to achieve this in practice. I hope that this report will provide a platform from which to take forward the debate on how to improve the current system.

**Carole F. Willis**

*Head of Policing and Reducing Crime Unit  
Home Office,  
April 2000*

## Acknowledgements

We would like to thank the members of all stakeholder organisations and those representing the interests of complainants who assisted in this research. Particular thanks go to organisations such as the Police Complaints Authority, ACPO, the Superintendents' Association, the Police Federation and individual forces' complaints and discipline units who gave freely of their time and afforded the project generous assistance and access to relevant information.

In addition, we would like to thank the Home Office PRC team for their support and advice throughout the project.

PRC would like to thank Professor Mike Maguire, Cardiff University, for acting as independent assessor for this report.

## Executive summary

### Background

This study was commissioned by the Home Secretary as part of the Action Plan in response to the Inquiry into the Death of Stephen Lawrence. It also followed a report by the Home Affairs Committee<sup>1</sup>, which concluded that “independent investigation would be desirable in principle, not least because of the boost this would give to public confidence in the system”.

<sup>1</sup> *Police Disciplinary and Complaints Procedures, First Report, 16 December 1997*

The aim of the study was to analyse the feasibility of introducing independence into the system of investigating complaints against the police, in response to public concerns.

In 1984 the Police Complaints Authority (PCA) was established to increase independent oversight of investigations into complaints against the police. However, demands for a fully independent complaints system persist. A key concern expressed has been the principle and practice of the police investigating themselves. In addition to this core problem, the Home Office identified the following issues:

- the perceived lack of involvement of both complainants and officers in the investigation of complaints;
- complex and lengthy investigative and criminal justice procedures;
- statutory and judicial constraints affecting communication between the PCA and complainants; and
- a lack of public understanding of the role and function of the PCA.

### The study

This study has been carried out in two phases. In Phase I, KPMG undertook an analysis of the views of stakeholders both from within and outside the criminal justice system on the advantages and disadvantages of the present system, and on whether and how it could be improved. We developed four possible models for introducing independence into the complaints investigation process. The models differed from each other only in respect of the composition of the investigative teams, but each included a set of recommendations for fundamental improvements to the system as a whole, rather than simply the conduct of investigations. We recommended that two models should be looked at in more detail in Phase II of the project. These were:

- wholly independent investigative teams. No direct involvement of police officers in the investigation of cases;

- mixed (lay and seconded police officer) teams. Police officers seconded to and reporting to an independent body for investigating complaints working with non-police investigators, led by a non-police investigating officer.

We also made recommendations on associated processes in the system, ranging from: access to the system; the sifting of complaints to decide whether and how they should be investigated; the supervision of certain investigations carried out by the police; the monitoring of other complaints carried out by the police; and the utilisation of knowledge about the system to bring about its continuous improvement.

In Phase II we have looked into how a new system might work in practice under the two models outlined above, in terms of their feasibility to implement and the extent to which they address the concerns of the public.

### **Our proposals**

We have undertaken wide consultation on the possible configurations which might meet the key tests of feasibility and public confidence. On the basis of this, we have developed a set of proposals for a new system which we believe will meet these tests in the optimum way.

At the heart of our proposals is the establishment of a new body to succeed the PCA, for which we have used the working name “Independent Agency for Complaints against the Police” (IACP). This body would provide an independent element at each stage of the complaints process, from accessing the system to reviewing disciplinary recommendations. The system which we propose offers:

- independence;
- fairness to both police and public;
- a focus on effective outcomes;
- a proactive role for the IACP;
- overall ownership by the IACP of the responsibility for the effectiveness of the process;
- a commitment to open and proactive communication with complainants and officers against whom allegations have been made;
- accessibility to and for the diverse range of customers in the public and police;
- flexibility of response under a range of circumstances;
- effective use of knowledge gained; and
- a grounding in the communities which the police serves.

The key elements of our recommendations for the processes are described below.

### *Access*

The public would have a choice of how to make complaints against the police. In addition to the possibility of making complaints directly to the force in question, which we believe should continue to be encouraged, complainants would be able to make complaints directly to the IACP, or using the services of intermediary bodies such as Citizens Advice Bureaux. Access should be easy and socially inclusive. Complainants would have clear guidance as to what they can expect from the complaints system.

### *Recording and sift*

We have made a series of proposals in this area, including:

- all complaints against the conduct of an officer should be recorded, even those which are subject to immediate and satisfactory resolution at the police station. The complainant could appeal to the IACP if unhappy that a legitimate complaint has not been recorded;
- the practice of Immediate Resolution of complaints, whereby the police are able to satisfy complainants directly, should be encouraged within clear guidelines as to when it is appropriate;
- the practice currently known as Informal Resolution should be encouraged, and renamed Local Direct Resolution (LDR), but complainants should be clear about when it is appropriately used, and should have the right to appeal to the IACP if they are unhappy about the way it has been used;
- the IACP would have the authority to record or reject complaints made to it directly;
- certain categories of complaint would be suitable for investigation by the IACP and would be sent directly to it for investigation; and
- for other complaints, the police force would prepare an investigation plan for independent approval by the IACP, which would approve or amend the plan, and decide whether to supervise the investigation.

### *Investigation and discipline*

We propose that, with the approval of the IACP, the majority of investigations would continue to be investigated by police forces. However, complaints in certain categories would be investigated by independent IACP teams. On current figures, the number of such complaints would be approximately 1,000 each year. These are



the investigations which tend to have the highest public profile, such as deaths in custody, fatal road traffic accidents, serious arrestable offences, and which it would therefore bring the most benefit to investigate independently, since we do not believe that it is practical that it should investigate all complaints (currently some 18,000 investigations).

Independent investigations would be carried out by teams led by lay Investigating Officers (IOs). Under Model 1, all the investigators would be non-police investigators trained in investigation techniques, many of whom could be drawn from investigatory backgrounds, such as with HM Customs and Excise. Under Model 2, there would be a mix of lay and seconded police investigators. On balance we believe that the latter model is more feasible, given the benefits of police experience and greater co-operation from forces which seconded officers would bring. In either case, investigators would belong to the IACP.

If investigations resulted in a proposal for discipline through a tribunal, or for criminal charges to be brought through the Crown Prosecution Service (CPS), the Home Office should consider whether the IACP should be responsible for presenting the case. We have also suggested that further work needs to be done on the feasibility of introducing an independent element to all disciplinary tribunals, although this could not be provided by the IACP if it was responsible for presentation.

#### *Supervision and monitoring*

The IACP would have a role in supervising certain investigations carried out by police forces, where particular circumstances laid down in guidelines justified it. These supervisions would need to be more proactive and better resourced than those currently conducted by the PCA, and would be conducted from regional centres. Non-supervised cases would be seen by the IACP both at their start (via the investigation plan), and their conclusion, through a continuation of the PCA's role in reviewing disciplinary recommendations. The IACP could also monitor other investigations which came to its attention, such as following an appeal by a complainant.

#### *Continuous improvement*

The IACP would play a strong role in gathering knowledge about the complaints system, and in developing proposals for continuous improvement of the processes both of the IACP itself and of the police forces. It would work closely with organisations such as Her Majesty's Inspectorate of Constabulary (HMIC) and the Police Authorities to share and use knowledge.

### *Public relations and community outreach*

The IACP would also need to be highly proactive in its relations with the public and the communities served by the police. It would need the resources to ensure that the complaints system, and the IACP's role within it, were thoroughly understood.

### *Regionalisation*

We suggest that the success of all the processes which we have proposed depends on the IACP having a regional basis. We believe that this would be essential to the quality of investigation and supervision, the knowledgeable review of investigation plans and disciplinary outcomes, and confidence building initiatives with local police forces as well as local communities. We have proposed that there should be six regional offices, with a central headquarters.

### **Costs**

We anticipate that the cost of the IACP would be in the order of £14 million annually. We anticipate that there would be some cost savings to police forces. However, the cost of the current complaints system, including the costs of complaints handling and investigation in police forces is not known and has not been analysed. This means that it is difficult to estimate possible savings, and also that some of our cost data has been based on assumptions in which we have a low level of confidence, given the non-availability of necessary data from police forces.

### **Next steps**

During the course of this study we have also identified some areas where more analysis would be required before the feasibility of the proposals can be fully evaluated. In particular we have identified:

- that much more comprehensive information on the current costs of complaints management and investigation is required; and
- that more precise and current information is needed about the level of public confidence in different aspects of the system, in order to understand better the real scale of and reasons for dissatisfaction.

Once a decision has been made to establish a new system, the first steps would be to:

- make a thorough evaluation of the legislative changes needed to bring about the new processes; and

- establish a detailed programme implementation plan, in order to prepare a pilot or shadow system to prepare for full roll-out.

### **Conclusion**

The focus on feasibility in this study led the team to adopt a practical approach to developing new alternatives for the complaints system, seeking the optimum balance between sometimes competing factors in the debate surrounding the complaints system. In this sense, the team was willing to accept compromises between independence, cost and efficiency. It meant, at each stage in the process, trying to strike a balance between those factors which would result in substantial improvements in the levels of independence at key points in the process, whilst at the same time ensuring that, in so doing, the system was not placed under unacceptable levels of bureaucracy which could undermine the confidence of both the public and the police.

The following table summarises the ways in which our proposals address both the concerns of the public and the demands of the feasibility test.

Inevitably, given the strength of opinion on both sides of the argument about the desirability of extending independence in the police complaints system, our proposals will not be wholly accepted by all parties. However, we strongly believe that what we have proposed is both feasible and desirable and would constitute a significant improvement to the existing arrangements.

**Table 1: Key principles and our proposals**

Factor	How our proposals address each factor
<b>Independence</b>	<ul style="list-style-type: none"><li>● impartial advice about how to make a complaint and make use of the complaints system;</li><li>● access to the system through an independent body;</li><li>● independent review of the allocation of cases to investigative routes;</li><li>● independent review of investigation plans;</li><li>● walk-in powers to supervise or investigate any complaint;</li><li>● independent dispensation not to investigate certain complaints;</li><li>● independent investigation of a proportion of complaints, including those which are of most concern to the public, such as deaths in custody, police shootings, fatal road traffic accidents involving the police, serious arrestable offences;</li><li>● meaningful monitoring and supervision of police investigations;</li><li>● independent decision making at critical points in the process.</li></ul>
<b>Transparency</b>	<ul style="list-style-type: none"><li>● clarity of role of independent body;</li><li>● focus on proactive and open communications with complainants and police.</li></ul>
<b>Effectiveness and efficiency</b>	<ul style="list-style-type: none"><li>● regional organisation to facilitate all the functions of the independent body;</li><li>● focusing of investigative resource on those cases of most concern to the public;</li><li>● proportionate response in the monitoring and supervision of cases which continue to be investigated by the police;</li><li>● highly trained investigators and staff, under both models, to ensure quality of investigations;</li><li>● organisation committed to developing relationships with public and police.</li></ul>

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# 1. Introduction

## 1.1 Background to the study

The calls for reform of the complaints system, and specifically the introduction of more independence, have been growing in recent years and have come from a number of quarters, including, for example:

- the PCA, which has argued for an extension of its independent role in the process, culminating in its submission to the Home Affairs Committee (HAC);
- the HAC report recommended independent investigation in principle, but with some reservations about the practicalities of establishing an independent system;
- representatives at all levels within the Police Service (Association of Chief Police Officers, Superintendents' Association and the Police Federation) have called for the reform of the current system and have argued, to various degrees, for the introduction of some form of independent investigation of complaints.
- the report of the Inquiry into the Death of Stephen Lawrence in February 1999, which recommended that consideration should be given to an independent system for complaints investigation.

Furthermore, the results of public satisfaction surveys suggest that there is an appetite for change of the complaints system amongst the public. Maguire and Corbett (1990: 159) cite the results of a British Crime Survey in 1988,

‘When asked how happy they (the general public) were with the present system, only 36 per cent declared themselves “very” or “reasonably” happy. Only one in six respondents were happy to leave all investigations to police officers.’

## 1.2 Terms of Reference

In response to the Lawrence Inquiry the Home Office undertook to examine the feasibility of an independent system. KPMG was commissioned to carry out this study in July 1999.

The aims of the work were threefold:

- to establish whether and in what way changes should be introduced to the investigation of police complaints;
- to determine whether, in terms of public confidence in the complaints investigation process, openness and transparency are more significant factors than independent investigation;
- to suggest possible organisational structures and to identify the practical, structural and resource implications of alternative systems for investigating police complaints.

### 1.3 Work carried out

#### 1.3.1 Phase I - Process

The objective of Phase I of the project was to present the Home Office with up to five alternative models which represented an enhanced degree of independence in the investigation of complaints than is demonstrated by the current system. Phase 1 represented the main fact-finding phase of the project and ran until the end of August 1999.

KPMG's approach in Phase I was to identify and examine:

- what stakeholders considered the most important factors affecting public opinion;
- the main factors determining the success of improving the degree of transparency in the investigation process;
- the issues affecting the quality, efficiency and effectiveness of investigations;
- the features of meaningful and effective oversight of the complaints process; and
- the feasibility and impact of introducing independence in the investigation of complaints.

An interview plan was agreed with the Home Office to include representatives of organisations reflecting the main views of the stakeholders of the current system, including those who might be categorised as neutral, critics or supporters of the current system, such as:

- the Home Office (including Her Majesty's Inspectorate of Constabulary (HMIC));
- the Police Service;
- the PCA;
- campaigning groups representing the views of complainants; and
- lawyers representing complainants.

A full list of those organisations consulted during this project is at Annex A.

#### 1.3.2 Evaluation frameworks

We gathered views and information from a wide variety of stakeholders during the project. In order to interpret and evaluate this information with reference to our remit for this study, we developed two evaluation frameworks.

The evaluation frameworks were developed to ensure that fundamental principles were captured in the development of each of our models. The frameworks were built, through consultation, to structure and evaluate the information gathered during the interviews in order to identify characteristics of a high performing complaints system. The first framework explored the relationship and trade-offs between the quality of investigation, independence and transparency of processes. This was used to develop outline models of four alternative investigation teams and a range of other improvements which we believe should be brought to bear on the complaints system. A second framework was then developed to rank these models with reference to the acceptability of these alternatives to both the public and the police. Both evaluation frameworks were validated by a selection of stakeholders. The frameworks have remained a point of reference in developing the high level processes for each of the components of our proposals.

### *1.3.3 Outcomes from Phase I*

As our study progressed, it became clear that there was a broad range of improvements which could be made to the current system for handling complaints. There was an overwhelming case for these recommendations to form an essential part of each of the four models we developed during Phase I. These recommendations therefore apply to each of the models described in the main body of the report. In summary these included:

- the independent investigation of specific complaints;
- the introduction of consistent processes, supported by common systems, for making and handling complaints, throughout all the police forces in England and Wales;
- the systematic recording and analysis of complaints statistics;
- independent oversight of the recording and allocation of complaints to particular investigative processes (including an appellate role for the independent body for the recording of complaints);
- greater use of less formal methods of handling complaints - including processes currently known as desktop, or Immediate Resolution, informal resolution and restorative intervention (with access to independent mediators);
- significantly enhanced supervision by an independent oversight body of complaints which would continue to be investigated by police;
- independent monitoring of complaints which are neither supervised nor investigated by the independent body;

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- the development of a learning environment to enable all of the organisations involved in the complaints process to learn the lessons from complaints against the police;
- a recognition of the importance of diversity issues and representation in the complaints process;
- clearer focus on and resourcing for communications and publicity about the system for making a complaint; and
- systematic costing and budgeting within the complaints system.

We suggested in our interim report that this range of improvements should be an absolute baseline for any future system for handling complaints and would need additional funds to ensure that they are successfully implemented and can be sustained.

On the question of alternative models for the investigation of complaints, our interim report put forward the following four models.

<b>Model</b>	<b>Composition of the Investigative Team</b>
1	Wholly independent investigative teams. No direct involvement of police officers in the investigation of cases.
2	Mixed (lay and seconded police officer) teams. Police officers seconded to and reporting to an independent body for investigating complaints working with non-police investigators, led by a non-police investigating officer.
3	Seconded police officers. Teams of police officers seconded to and reporting to an independent body, led by a police investigating officer.
4	Teams of officers from C&D units or outside forces, reporting within the Police Service, rather than to the independent body.

Under the terms of reference agreed with the Home Office at the outset of the project, two models were chosen with which to proceed to Phase II of the project, for further detailed investigation. We recommended models 1 and 2 (see Table 2 – Alternative investigative teams). In addition, we proposed that the more general recommendations discussed above should apply equally to both models of independent investigation. On that basis therefore, the terms of reference for Phase II of the project were to examine the two alternative models of investigation, in each case with the more general recommendations, and to determine whether they represented feasible models.

#### *1.3.4 Regionalisation*

We have argued in this report that the new organisation should be established on a regional basis. However, there is the view that there may be a risk of an unduly close relationship developing between the IACP regional offices and local forces, which might compromise the independence of the IACP's work. Our high level comparison of costs shows an increase in annual expenditure over a centralised model of £1.5 million (See Table 17 on page 99). However, the discussion of our proposals suggests strongly that the processes which we outline would each be more effectively carried out if the body is established on a regional basis.

We propose therefore that the IACP be established as a national organisation with a de-centralised operational capability. The IACP would have a central headquarters and six regional offices. This model has several precedents within the police service/criminal justice arena, such as HMIC, NCS and the CPS. We believe that the advantages of a regionalised structure would be to:

- ensure efficiency in the sifting process, which could otherwise act as a bureaucratic log-jam in the system;
- enable the IACP to develop an understanding of the local policing environment, and the concerns of local communities;
- facilitate the IACP's access to complaint cases, both for supervision and where applicable, investigation; and
- facilitate communication between the IACP and Complaints and Discipline (C&D) Units and complainants, thereby strengthening the role of the IACP in the dissemination of best practice.

Whilst this regionalised structure is our preferred model for the IACP organisation, we acknowledge that careful arrangements would need to be made to ensure that it retains sufficient flexibility to deal with the variations in workloads between the different regions.

#### *1.3.5 Phase II*

Given the complexity of the work to be undertaken in Phase II, a core group was established to guide the work at a high level. This core group comprised representatives of the:

- Home Office;
- Association of Chief Police Officers (ACPO);
- HMIC;

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- PCA; and
- Association of Police Authorities (APA).

It was planned that this core group should be advised by a group comprising organisations representing the views and concerns of complainants, but this group was unable to meet. We have therefore relied on written and face-to-face feedback on a draft of our proposals to ensure that all stakeholders' views have been considered.

To undertake the main body of work arising from the agreed recommendations of our interim report, three working groups were established to examine, respectively, the following features of the proposed system:

- access and sift;
- investigation; and
- supervision, monitoring and continuous improvement.

A table showing the case workload of the IACP according to these three functions is attached at Annex B.

Each working group looked in detail at the proposals agreed at the outset of Phase II. They highlighted the benefits and concerns relating to each. They looked, at a high level, at the staffing, resourcing and, where appropriate, the legislative implications of the proposals.

In addition, they made a limited exploration of alternatives to the proposals set out in the interim report. Whilst we believe that our proposals represent the optimum solution, in the course of discussions the core and working groups offered alternative solutions for each of the functions described above and some sub-variants emerged as the detailed work on the process was carried out. Our terms of reference and resources limited us to developing proposals agreed at the interim report stage of the project. However, we acknowledge that there are alternative solutions which may prove to be feasible. Where relevant, these alternatives are discussed in the sections that follow.

Phase II began in late October 1999, with the working groups completing their work in mid December 1999. Many of the organisations listed at Annex A were involved in detailed consultations as part of our working groups. This report represents the findings from Phases I and II of the project.

#### 1.4 Structure of this report

In this report we have separated the complaints system into three main areas: access and sift; investigation; and supervision, monitoring and continuous improvement. However, the system which we are putting forward is an integrated one, and there are key dependencies between different elements, so the three areas should not be seen as free standing building blocks. They are interdependent, but are discussed separately. These three areas form the core of this report.

The report is divided into nine sections:

- Section 1 - **Introduction** - discusses the background to this study and KPMG's terms of reference;
- Section 2 - **The police complaints system** - provides an overview of the current system and a top level discussion of our proposals for change;
- Section 3 - **Access and sift** - describes our proposals for the first key processes of our recommended system;
- Section 4 - **Investigation** - describes two alternative models for independent investigation teams and discusses their feasibility;
- Section 5 - **Supervision, monitoring and continuous improvement** - discusses our recommendations for processes for each of these functions;
- Section 6 - **The new independent oversight body** - provides an organisational overview, including the structure of the independent body, key functions, statutory basis and funding;
- Section 7 - **Costs** - discusses the cost implications for the changes we recommend;
- Section 8 - **Transition to a new system** - provides a framework for developing plans for the introduction of any new system;
- Section 9 - **Conclusions** - draws together our conclusions on the feasibility of our proposals and addresses the issues of value for money and next steps in the process.



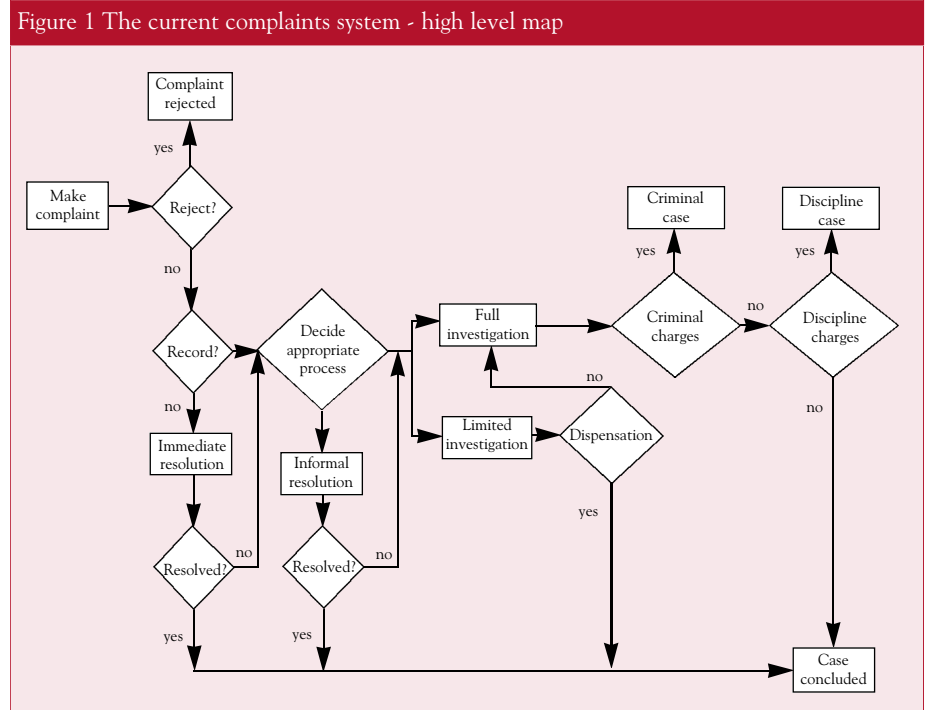
## 2. The police complaints system

### 2.1 Introduction

This section provides an overview of the current system for handling complaints against the police and of the key principles for an effective complaints system which we developed during the first Phase of this project. These principles have guided the development of the proposals set out in the main body of this report.

### 2.2 Current situation

The current system for handling complaints against the police is a highly regulated and complex process. The diagram below shows, at a high level, the main processes in the complaints procedure. It should be noted that at present there exists a different process for dealing with complaints against senior officers. In our view, as a matter of principle, the complaints process should be the same for all ranks of police officers. However, we have not made detailed recommendations on this issue in this report and the practical implementation of common processes has not been examined in detail. Figure 1 does not show the interaction between the Police Service and the PCA in the supervision of cases or in the oversight of disciplinary recommendations.



Our interviews suggested that there is a serious issue about public confidence in the system and that it is driven by the view that the current system is not sufficiently independent of the police. It was suggested to us that the public's lack of confidence in the system stemmed from two key issues: the current investigation of cases and the supervision of investigations. Specifically:

- the influence of police officers over access to the complaints system, and in deciding whether a complaint should be fully investigated;
- the investigation of all complaints, regardless of their seriousness, by police investigators;
- a fear that investigation by police officers offered the opportunity for the Police Service to 'protect its own';
- recent high-profile cases, including the Stephen Lawrence case, in which the independence and integrity of the police complaints system had been questioned;
- low levels of substantiated complaints;
- concern amongst complainants that even when substantiated, these cases did not result in remedies which were seen to be proportional to the cause of the complaint; and
- a lack of clarity about the independence of the PCA and the consequent belief that there was no independent oversight of the system.

Furthermore, research into levels of public confidence in the police complaints system has suggested that there may be a substantial number of members of the public who may be dissatisfied with police behaviour, but have not made a complaint. For example:

- the British Crime Survey data from 1988 (involving a random sample of over 6000 households) found that 20 per cent of the sample felt strongly enough about the behaviour of a police officer to complain about them, but only a fifth of these had actively taken steps to do so. Of those who had not taken their grievance any further, 31 per cent gave the reason that they thought a complaint would either have little effect or would not be taken seriously (Cited in Maguire & Corbett, 1990: 54);
- Maguire and Corbett (1990: 54) found that only 10 per cent of their sample of complainants stated that they had a clear idea of how the complaints system worked prior to making a complaint. They concluded that this suggests that 'a considerable number of potential complaints may "fall by the wayside" because of a lack of knowledge of how to proceed'.

We are aware that our proposals will not be able fully to resolve all these issues. For example, where there continues to be insufficient evidence to support a case for discipline or criminal prosecution, the process we propose would not increase levels of substantiation of complaints. We accept that the *public's satisfaction with the outcomes of investigations* may not be radically altered by our proposals where they remain unfavourable; however, we are convinced that *public confidence in the integrity of the system* would be significantly enhanced, above all by the introduction of an element of independence at each stage of the system.

### 2.3 A new organisation

At the heart of our proposals is the establishment of a new body to succeed the PCA, for which we have used the working name “Independent Agency for Complaints against the Police” (IACP). This body would provide an independent element at each stage of the complaints process, from accessing the system to reviewing disciplinary recommendations. Our consultations have exposed an almost universally held view that the name “Police Complaints Authority” has severe drawbacks as the name for an independent oversight body. In particular, its connotation appears to be that the organisation is part of, rather than independent of, the Police Service, and the body’s independence is therefore often not understood.

We therefore recommend an entirely new name for the new independent oversight body. This would also demonstrate that the new organisation is very different in aim and character from the current PCA. The new name must capture and instantly express:

- the independence of the body; and
- its main concerns i.e. the integrity of the police complaints system.

There are many possibilities for names which encapsulate these concepts, and names used in other countries, such as the Police Integrity Commission in New South Wales, or the Police Ombudsman in Northern Ireland are valid alternatives. The new organisation should be considered as a replacement for, rather than an evolution of, the PCA.

### 2.4 New features proposed

Table 3 illustrates, at a very high level, the key differences between the current system and our proposals, detailed in the remainder of this report.

## THE POLICE COMPLAINTS SYSTEM

**Table 3: Comparison of proposed and current arrangements**

Factor	Current arrangements	Proposed arrangements
Advice	Police station advice and PCA leaflets. Additional information available through intermediary bodies, such as solicitors, CABs, and Police Community Consultative Groups (PCCGs).	Proactive publicity about the police complaints system and direct advice services offered to the public via website and helpline. Additional information available through intermediary bodies, such as solicitors, CABs and PCCGs.
Making a complaint	In writing or in person to the police or via a representative.	In writing or in person to the police or directly to the IACP, through a range of different media.
Repeat or vexatious complainants	Recorded, followed by application to PCA for dispensation.	If received directly, the IACP can decide not to accept a complaint. On sifting can give dispensation to police.
Recording of complaints	Police.	Police and IACP.
Appeal against decision not to record	Not available.	Complainants may appeal to the IACP if they believe that the police have unjustly failed to record their complaint.
Appeal against conduct of Informal Resolution cases	Police.	Police and on appeal to IACP.
Sift	Police.	IACP authorise conduct of investigation proposed by police.
Walk-in powers	Walk-in powers.	IACP can decide to investigate any complaint.
Investigation	Police.	Independent investigation of some complaints, police investigation of remainder.
Investigation of non-complaint matters	PCA supervision at the request of Chief Constables.	IACP investigation or supervision at the request of Chief Constables.
Monitoring	PCA, though discipline review.	IACP, through discipline review and proactively in response to complaints from the public about the conduct of their cases.
Supervision	PCA supervision constrained by limited resources.	Systematic and thorough supervision by adequately resourced IACP.
Disciplinary Tribunals	Case presented by the police. Heard by tribunal comprised wholly of police.	Consider option for presentation of cases by IACP and some form of independent membership of tribunals.
Continuous improvement	PCA reports, HMIC inspections (to be limited by risk weightings).	IACP gathering and analysing information to support the role of HMIC in complaints and acting as direct coach for individual forces in their handling of complaints.

### 2.5 Roles of the IACP

The IACP as we have proposed it would be a multi-faceted organisation, with a variety of roles. These can be described as being along a scale of activity, from a primarily receptive and “soft” role to a highly proactive one, in its handling of different aspects of complaints.

**Table 4: Roles within the IACP**

	Role	How demonstrated
	Complaint receiver	Receives public complaints by post, phone, electronic means
	Advisor	Advises public and police through helpline and community relations, and through intervention on appropriate resolution
	Conciliator	Possible role in Restorative Intervention
	Arbitrator	Arbitrates on appeals from complainants about complaint handling and investigation
	Authoriser	Authorises police to investigate on basis of investigation plan
	Monitor	Monitors investigations through discipline reviews and in-progress reviews
	Supervisor	Supervises the investigation of certain complaints by police forces
	Investigator	Investigates certain categories of complaints

### 2.6 Organisational culture

We are convinced that an essential element in the success of the new organisation is that it must have its own, clearly identifiable, distinct organisational culture, which affects both the way in which the organisation carries out its work, and the way in which it is perceived by both the public and the police.

This culture must be based on a number of key principles and values which are fully understood and applied by the organisation’s staff. These values would need to be incorporated into the performance management regime of the organisation, perhaps through the introduction of a tool such as Investors in People (IIP), as well as through the leadership of the organisation.

The key values which we believe must underpin the organisation's work, and which have also informed our analysis of different organisational models throughout this report, include:

- **Clear vision:** working in the context of a clear organisational vision is itself a key principle. All staff should be working to a clear set of shared values, which must be actively promoted and demonstrated by the leadership;
- **Independent:** demonstrable and clear independence would be the corner stone of the success of the new organisation. Whether or not there is the involvement of police officers in the IACP's work, the organisation must be seen by the public and the police as being independent of the forces with which it deals, and reaching independent conclusions;
- **Accessible and approachable:** the IACP's role would be to provide a service to the police and the public, to ensure that complaints against the police are treated as fairly and effectively as possible. The organisation must therefore ensure that it is focussed on the needs of its customers amongst the public and the police, and that they find that it is easy and comfortable to access and communicate with the organisation. This would mean also taking into account diversity issues, to ensure that no sections of the population feel excluded from the system;
- **Fair:** the IACP must ensure that both the public and the police see it as demonstrating and promoting fairness. This applies both to its dealings between complainants and the police, and also between different parts of the country. This would mean that it needs to be consistent in its processes and its dealings with different constituencies;
- **Proactive:** the organisation must not be seen as a passive, reactive organisation. It needs actively to seek to use its authority to play a positive role in the complaints system. Crucially, it also needs to be proactive in its communications with the public and the police service, so that its role and achievements are well understood by both direct users and non-users (or potential users) of the system alike;
- **Ownership:** as the independent body at the centre of the complaints system, the organisation must be seen to have ownership of the system as a whole, and to exert real influence on its effectiveness and fairness. This does not mean that the IACP should own the treatment of individual officers - this must remain primarily the management responsibility of the force to which they belong; but the IACP needs to be seen to have ultimate responsibility for the complaints system, albeit exercising this responsibility in different ways for different types of case;

- **Flexible:** whilst consistency would be an important principle, this must not lead to over-bureaucratic, inflexible processes which create unwanted and unnecessary work for the IACP or police forces. Whilst guidelines and decision-making processes must be clear and well understood, they must allow the organisation discretion to make informed decisions focussing on required outcomes, not required inputs;
- **Outcome focussed:** to be both efficient and effective the organisation needs a professional culture based on a determination to achieve fair, effective and reliable outcomes from its work, as distinct from being driven by prescribed inputs (which may not add to the value of the outcome), or by particular outputs (such as reports, which may be necessary but not sufficient to ensure an effective outcome). Whilst by their nature, the outcomes of investigations would rarely please all parties concerned, the organisation would succeed only if the outcomes from its work are renowned as being based on objective, professional, thorough, high quality work, delivered within reasonable time scales and budgets;
- **Using knowledge effectively:** based on the recommendations on sift, supervision and monitoring in this report, the IACP would be in a position to gather an unprecedented amount of data and knowledge about the complaints system as a whole. It must ensure that it uses this knowledge effectively both to inform the work of existing organisations with a stake in the system, and as part of its wider communications role as an independent public body;
- **In touch with communities:** the organisation would fail if it is remote and out of touch with the real issues and concerns of the public and police in the communities in which they live and work. The organisation must use its regional foundation to ensure that it understands the local contexts in which police forces work, and the views and needs of local populations. It would need systematically to ensure that it works through close partnerships at a local level, and that it listens to and acts upon advice it receives through these partnerships. It should also ensure that it harnesses local structures to enhance its own role, such as by recognising the contribution of groups which voluntarily liaise between the public and police.

The way in which these values are translated into the processes and activities of the IACP is explored in each of the following sections.

## 3. Access and sift

### 3.1 Introduction

Our analysis of the current complaints system showed that there are two key points in the earliest stages of the complaint/investigation process which significantly affect public confidence in the system. They also have a crucial effect on the number of complaints in the system, and therefore the capacity of the system to be fair, thorough and effective.

The first of these is access to the system by complainants, including both where and how people can make their complaints, and how the system can be protected from having to deal with an excess of easily resolvable or illegitimate complaints.

The second key point is the decision as to how a complaint should be dealt with, either through informal, face to face means, or through a full investigation by the police or by the independent body.

We briefly discuss below our findings on views of the current system, and on the principles which need to underpin any new system. We then set out a proposed model for a new system, as well as discussing possible alternatives and their implications.

### 3.2 Current situation

Our analysis of the current situation leads us to conclude that the processes of accessing the system, and of deciding how complaints are dealt with, are fundamental to the extent of public confidence in the system. There is not overwhelming evidence of widespread inappropriate treatment of complainants at the stage of lodging and recording a complaint and deciding how it should be dealt with. However, there is a high degree of agreement that the lack of independence at the complainant's first point of contact with the system leaves it open to allegations of abuse, and may deter legitimate complainants from complaining due to lack of confidence in the system.

#### 3.2.1 *Public confidence*

One of the unknown quantities within the system is the real level of public confidence or otherwise in the way complaints would be handled. Whilst some surveys have indicated that 70% of the public are satisfied with the service they receive from the police, the 1988 British Crime Survey reported that only 20% of people who were "really annoyed" with a police officer went on to lodge a formal complaint (Maguire and Corbett, 1990: 54). It is very difficult to gauge how many people fail to complain because they are not confident in the system. It is just as hard to estimate how many people are not satisfied with the way in which their



*<sup>2</sup> We have also recommended elsewhere in this study that more research is needed before taking our proposals forward, in order to establish better the extent and precise cause of dissatisfaction.*

complaint, once made, is handled, but fail to register their dissatisfaction because they “give up” on the system. An important role for the IACP would be to undertake systematic soundings, through public opinion research and regular contacts with community organisations, regarding the public’s views on the system<sup>2</sup>.

Although it is hard to quantify the extent of dissatisfaction with the access and sift elements of the current system, evidence from those representing the views of complainants, as well as acknowledgements from parts of the police, suggest that what happens at the “front end” of the process plays a crucial part in forming public views of the complaints investigation system.

It is inevitable that some complainants will never profess themselves “satisfied” unless there is a disciplinary outcome against the officer concerned which they consider to be appropriately severe. However, there is a strong argument that it is possible to separate satisfaction with outcomes from confidence in the system, and that it is possible to take steps which increase overall public confidence in the system regardless of whether some individuals remain dissatisfied with disciplinary outcomes.

### 3.2.2 Making a complaint

Nevertheless, the views we have collected suggest that there are several aspects to the current system which need to be addressed. The first of these is the actual process of lodging a complaint. At present, complaints must essentially be made to the police force being complained about. Even if an intermediary body is used, such as a solicitor, Citizens Advice Bureau, or the PCA, the complaint must eventually be made to the police force, since they have the responsibility to record it and decide how it should be dealt with. There are several issues here:

- the need to complain to the police force in question may be intimidating for those who feel that they have suffered at the hands of the police;
- the duty on the police to take a statement from the complainant can lead to allegations that the statement taker is in an unduly strong position to “lead” the complainant to phrase the complaint in a way advantageous to the police;
- there is no guarantee that a complainant would have full and objective information on whether a grievance constitutes a genuine complaint, and what remedies might be expected under different circumstances;
- there is a lack of proactive public information about complainants’ rights, which leads to an ill understood system, and the lodging of too many grievances which do not constitute complaints, and, potentially, the under-recording of complaints which might legitimately be made; and

- the PCA's inability to record complaints itself, diverting all complaints back to the police force, leaves it appearing weak, and secondary in influence to the police.

### 3.2.3 *Recording a complaint*

As discussed in the Home Affairs Select Committee report<sup>3</sup>, the role of the police force in question in deciding whether a complaint may even be recorded, and therefore enter the complaints system at all, immediately implies a lack of independence in the system. Again, it is not clear how serious the potential partiality of this process is in practice, but the situation is influential in terms of perception.

<sup>3</sup> p. xix, para. 48

Guidelines as to whether a complaint should be recorded or not are notoriously difficult to interpret consistently, and may not be known to the complainant. There is currently no appeal mechanism if a police force decides that a grievance does not constitute a complaint, and it is difficult to monitor whether forces are appropriately recording complaints or not since, if a complaint is not recorded, it cannot be inspected.

### 3.2.4 *Deciding a course of action*

Once it has been established by the police that there are sufficient grounds to record a complaint, there are currently three or four possible next steps. The complainant has the right to choose one of the following courses of action:

- Immediate resolution (sometimes referred to as desk top resolution), whereby a matter may be dealt with and closed to the satisfaction of the complainant at the time of making the complaint, if the officer in question is available, or the complaint is resolved there and then by a senior officer;
- Informal Resolution (IR), whereby the facts of the case are established by a senior officer, and a formal response is made to the complainant in the form of an apology or explanation, in cases which would not lead to disciplinary action against the officer;
- investigation, whereby, if the complainant is not satisfied with IR, a formal investigation is triggered. The police force decides how the investigation would be carried out, whether to involve an external force, and whether it falls into a category to be referred to the PCA for supervision;
- in Thames Valley, a fourth option, Restorative Intervention (RI) is being piloted. This is a process whereby a trained mediator attempts to resolve the complaint to mutual satisfaction, but the complaint may or may not result in a disciplinary

outcome, and there is no further recourse available to the complainant once a complaint has been dealt with through this process.

There are two other scenarios short of full investigation: withdrawal of the complaint, and dispensation from the PCA for a police force not to investigate fully.

There are some important issues arising from this process:

- although formally the complainant has the right to choose the course of action, the police may have a powerful influence in suggesting which would be the most appropriate course. Whilst this helps to reduce the number of costly investigations of inappropriate or minor complaints, it does leave the police open to allegations of unduly putting pressure on complainants to accept solutions which fall short of full investigation. There is currently no recourse for complainants who feel that they have been unduly persuaded into accepting IR, or that the procedure was inadequately robust;
- on the other hand, if immediate or informal resolution are rejected by the complainant, this leads in some cases to disproportionately intensive investigation of what might be a minor or trivial complaint. The police force must investigate, unless granted a dispensation by the PCA. These dispensations are normally granted in “dead” cases, however, or those where the complainant is failing to co-operate in the investigation, rather than because a case is seen as too trivial. Whilst there are clearly cases where IR has been used inappropriately, there are also many cases in which forces might have effectively used the procedure, but pursued full investigation to avoid accusations of lack of thoroughness, or because complainants refuse to accept another remedy;
- as pointed out in the HAC report, the “informal” label attached to IR makes it seem to the complainant somehow not serious as a solution, and therefore less satisfactory;
- the system is inevitably inconsistent across the country, and leads to a situation whereby similar complaints are investigated to varying degrees in different locations. However, there is no systematic way of assessing these inconsistencies, or of enhancing the consistency with which forces look to different remedies;
- there is no publicly evident independent oversight of how a course of action is decided, except in cases where dispensations are applied for, and complainants can feel that it is “them versus the system”. Groups such as Police Community Consultative Groups (PCCGs) can play a positive role in brokering between complainants and the police, and advising on appropriate courses of action, but have no mandate to appeal or complain about practices. Police Authorities and

HMIC have roles in overseeing forces' practices in general, but neither have the resources to monitor individual cases in detail, and complainants do not have the confidence of knowing that there is an independent body which is responsible for ensuring that decisions on whether to investigate complaints or not are arrived at fairly and appropriately.

### *3.2.5 Deciding on the course of investigation*

Under the current system, the police force is responsible for deciding how investigations are carried out. The Police and Criminal Evidence Act 1984 (PACE) and other regulations establish when cases should or might be referred to the PCA for supervision. In cases to be supervised, the PCA has a role in agreeing the course of an investigation (supervision is discussed in detail in Section 5). However, it is left to the force to establish in non-supervised cases what the investigation should involve, and to interpret guidelines as to when to refer cases to the PCA. In the great majority of cases, therefore, the PCA may only be aware of a complaint investigation when a proposal has been made for disciplinary action to be taken.

This procedure raises the following issues:

- there is no independent prior view of how investigations are to be carried out in non-referred cases. This means that inadequate investigation processes are only likely to come to light once they have been completed, and then require re-opening. Alternatively, police forces are obliged to carry out extremely thorough investigations for even very minor complaints, for example, interviewing all witnesses in a large crowd in a complaint about minor incivility;
- it is difficult for a police force to handle “vexatious” or malicious complaints, as it is open to challenge if it decides that they are not worthy of investigation, and yet the investigation of such complaints can be time-consuming and expensive;
- the hierarchy of voluntary or mandatory referral puts the onus on the police forces to interpret guidelines, and may lead either to excessive or insufficient caution. This leads to potential inconsistency between forces. It also means that the PCA has no information before a non-referred investigation begins, and the possibility for it to “call in” particular cases or types of cases is therefore severely limited.

### **3.3 Critical paths to reaching proposed model**

Any new or improved system for investigating complaints against the police would therefore only be fair, effective and able to command public confidence if it addresses the issues discussed above. There are, however, numerous permutations of different models of a proposed new system to do this.

At each stage of the process, there are key decisions which need to be made as to which model should be pursued, which would fundamentally affect the character, procedures and resource requirements of a new system. In developing the proposed models for this feasibility study, we have followed a particular course of thinking which has led to the conclusions we have outlined. However, there are alternative decisions which might be made at each point, which would lead to alternative models.

To make clear the provenance of the models we have described in detail, it is useful to show the critical path which our thinking has followed for each part of the proposed system. In this way, it will become clear what alternative permutations might be pursued if different decisions are made at each step of the critical path. The critical paths to reaching our proposed models on access and sift are shown below.

In **Figure 2 Critical path for process of access to the system** we set out the critical path by which we arrived at the model which we are proposing for the process of accessing the system.

**Figure 3 Critical path for the sift process** shows the decision making path which informed our choice of model for the sift process.

### 3.4 Proposed model

#### 3.4.1 Introduction

In the section on the organisation's culture, we set out the guiding principles which we believe should underpin all aspects of the complaints system. The recommendations we discuss below apply these principles to the processes of access to the system, and the sifting of complaints. In particular, in order to address the issues outlined above, there are some particular considerations which need to be taken into account.

#### Public confidence

Public confidence needs to be addressed on several dimensions. A visible element of independence in deciding how complaints are dealt with is needed to reassure members of the public that police do not have unchallenged authority to come to a conclusion with the complainant on the course of action to be taken. This element of independence needs to be visible to complainants, and proactive enough not to rely on an expression of dissatisfaction before the element of independence is introduced; the independence should reduce the number of instances of

Figure 2: Critical path for process of access to the system

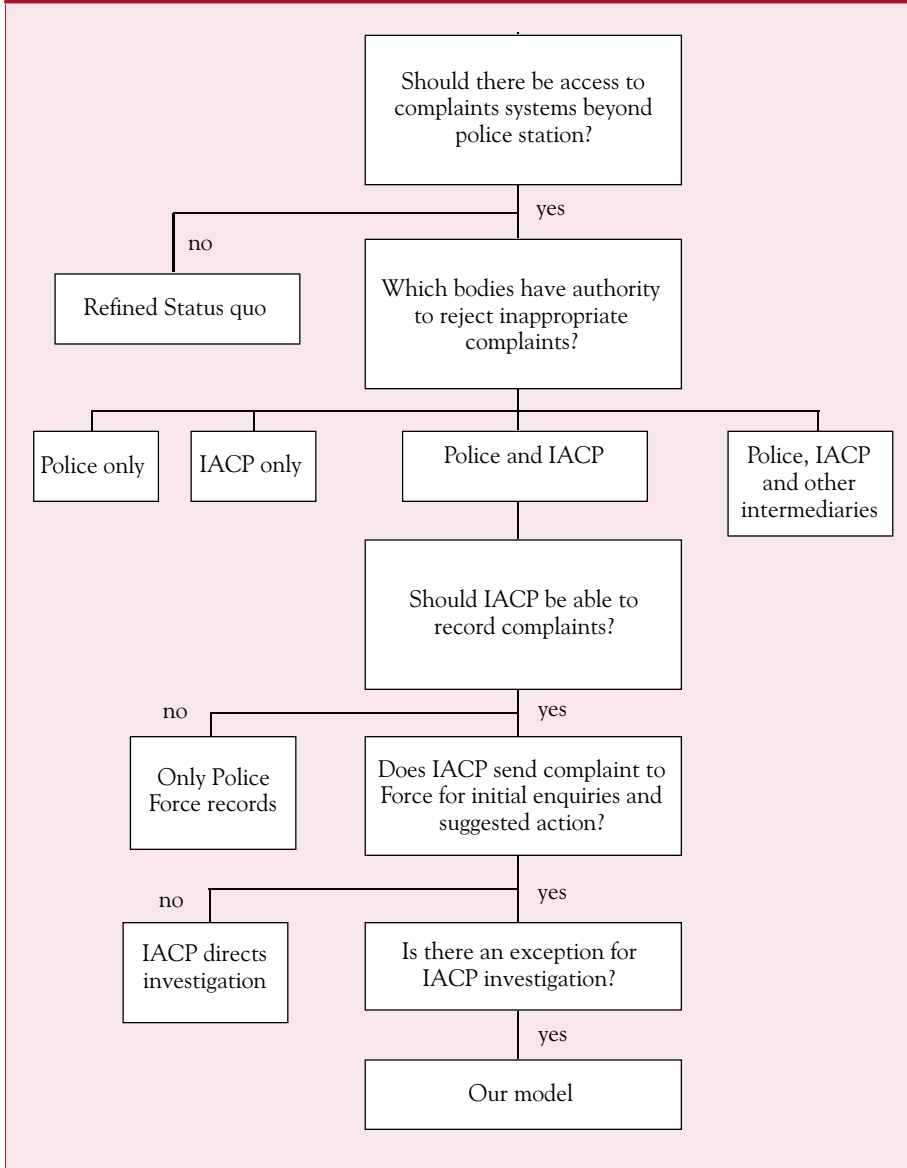
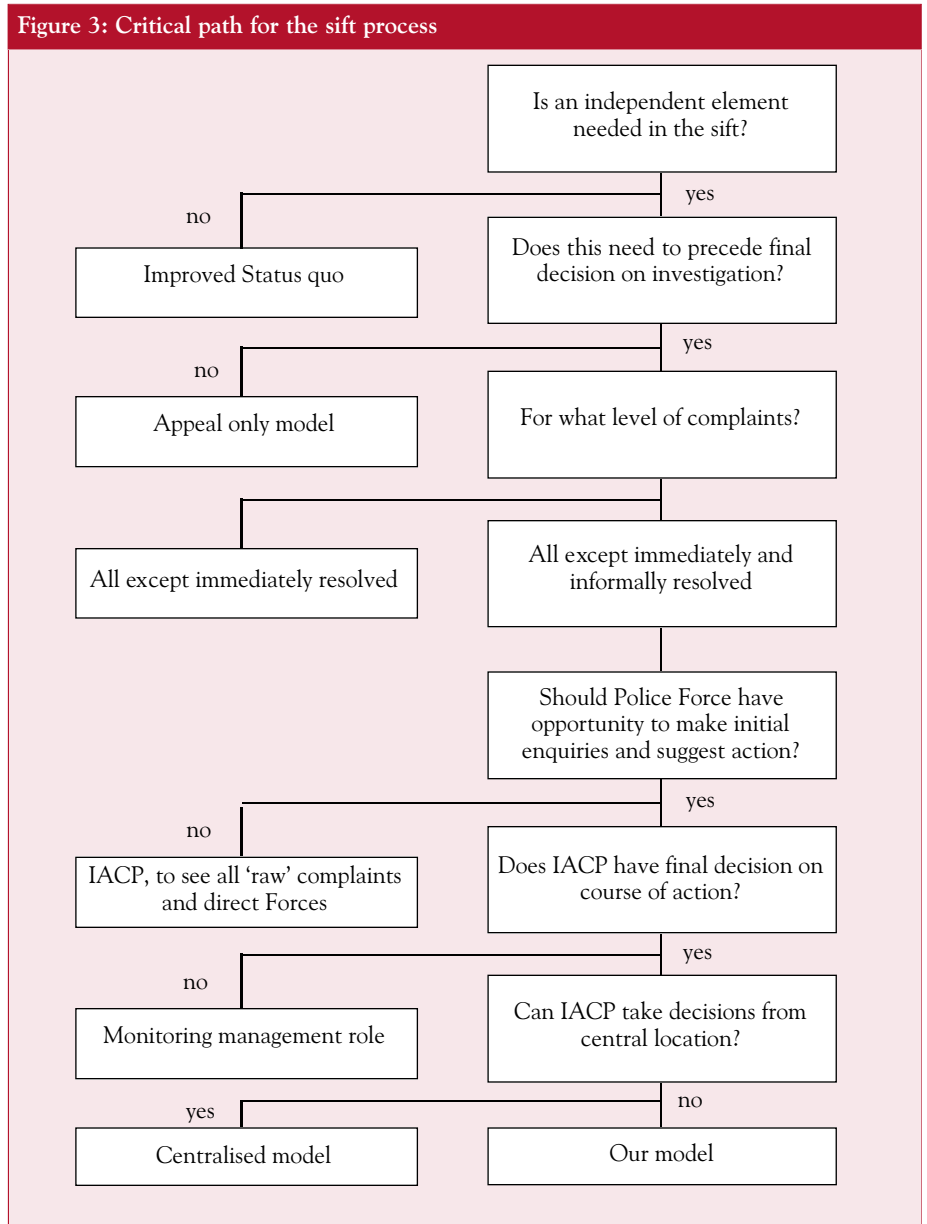


Figure 3: Critical path for the sift process



dissatisfaction, rather than merely enquire into them. However, the system also needs to allow complainants some recourse in cases where they are not satisfied that their complaint has been dealt with adequately.

Another aspect of public confidence will relate to the transparency of the system, and the public's understanding of how it operates. The public need to have the fullest possible knowledge about their rights and the options available to them, and about what constitutes an appropriate complaint. They need to understand the possible courses of action which might ensue, and the possible implications for themselves and the officer(s) concerned. Ensuring that this level of understanding exists will help to reduce suspicion that the police may try to influence complainants to seek a particular form of redress, as well as limiting the number of inappropriate complaints.

#### Fairness

A major consideration, particularly for the sift, is to ensure that it is fair to the officers concerned, as well as to complainants. Fairness to the public in terms of understanding of rights and options has been discussed above. Fairness to police officers is of course also fundamentally important. One issue here is about consistency of approach, ensuring that officers in certain parts of the country are not treated more or less leniently than those elsewhere. The current system, encouraging local management of complaints, risks such inconsistency, and a new system should ensure that variances in practice are monitored and a mechanism exists to redress them.

The system must also ensure that officers have the appropriate opportunities to present their case and to address complainants' concerns without the need for investigation and possible disciplinary action. The opportunities for Immediate Resolution and "informal" resolution need to be maintained and if possible extended, within a well defined framework which ensures both consistency and fairness to both parties, and allows independent monitoring of the fairness of the processes. Similarly, the treatment of apparently "malicious" or "vexatious" complaints needs to be fairly managed, so that officers are protected from the possible effects of such complaints where they are unfounded, whilst ensuring that there is a robust basis for rejecting such complaints.

Finally, the sift process needs to ensure that it is opening the way for investigations, where these are deemed necessary, which are thorough enough to provide all available relevant evidence by which to exonerate or find an officer guilty. Lack of evidence (such as witnesses to alleged incidents) would inevitably remain a problem,



but the sift process, at which it is decided whether and how an investigation should proceed, should ensure that the investigations to be pursued will be sufficiently robust, whilst not being unnecessarily burdensome and resource intensive.

### Efficiency

Any system of access and sift, however fair, would be counter-productive if it introduces unworkable bureaucracy which slows the system down so much that it reduces its own effectiveness. The system must not introduce unacceptable delays in commencing investigations or resolving matters informally, and should not be too resource intensive in itself. It should enable a more streamlined approach to how complaints are dealt with, which complaints are investigated, and the way in which complaints are investigated.

Many investigations are critically time-sensitive, and it is essential that a sift (or independent investigation; see Section 4) does not interfere with these sensitivities (such as ensuring that gathering of evidence at the incident scene during the first “golden hour” is fully carried out). Given that the time taken to look into complaints is often a cause of dissatisfaction with the current system, and would undermine confidence in any new system, fast and efficient treatment of complaints must be seen as an essential element in the success of the system.

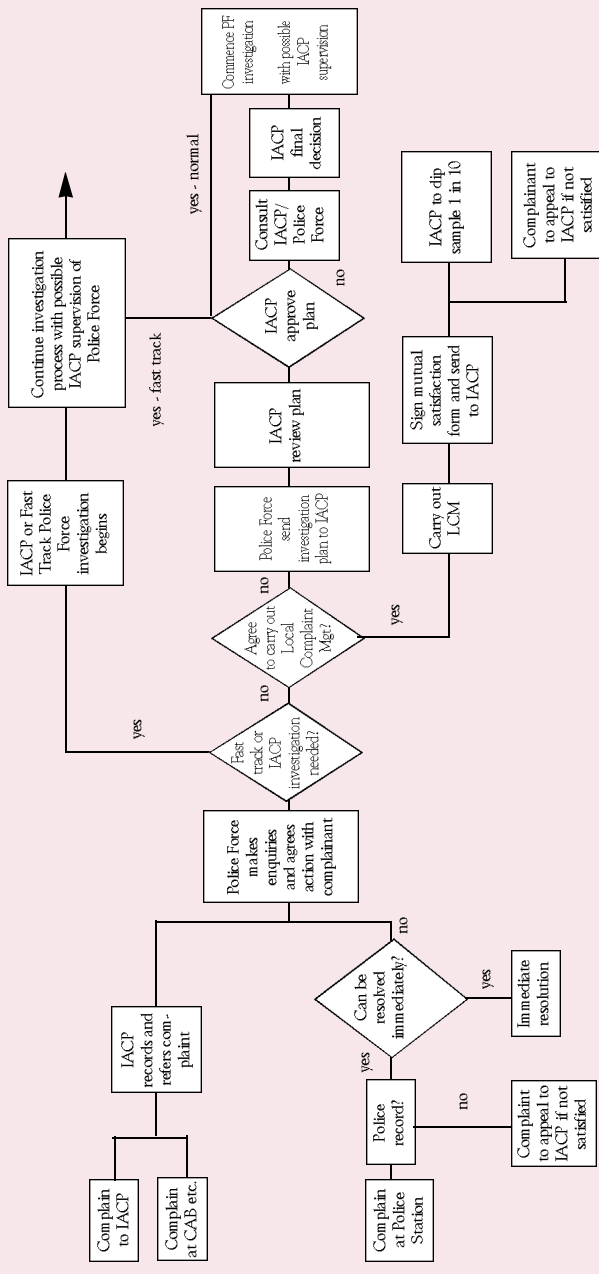
### *3.4.2 Description*

Figure 4 opposite shows at a high level the proposed process of access and sift which we believe will address the issues discussed earlier in this Section and adhere to the principles we have described.

It is important to note that the map does not show timescales and is therefore not “to scale”. Times between various actions will be critical to the success of the model, and target times would have to be strenuously set down and monitored. For example, the target time between the recording of a complaint (or incident), and the commencement of a fast track or IACP investigation should be a matter of hours. The time taken for the IACP to review an investigation plan should be, for example, a maximum of seven days. These targets are important for ensuring that the introduction of a sift does not clog the system, and that its resource requirements are fully taken into account.

The following description discusses the process shown in the map, and adds relevant detail. Clearly, in some areas there is another level of detail which we have not attempted to go into, such as, for example, the format of forms, or precise internal procedures. This secondary but important detail would flow from the primary elements of the system, and should not affect the feasibility of the proposals.

Figure 4 Access and sift process for IACP



### Making a complaint at the police station

*<sup>4</sup> We prefer the more self-explanatory term “Immediate Resolution” to the often used term “desk top resolution” which lacks clear meaning to the public.*

We maintain that it is highly desirable that complaints can be made directly to the police force in question, in order to facilitate Immediate Resolution<sup>4</sup> of those which can be resolved in this way. Such a situation often enables the complainant to “let off steam” to the officer in charge or the officer concerned, without triggering a formal process. It is a pragmatic approach to complaints which may be made in the heat of an incident, but which a complainant may not wish ultimately to pursue further. For complaints which cannot be immediately resolved, the effect of a complaint being made at the relevant police station is to enable early management of the situation, and preparation for local direct resolution or investigation.

However, to address some of the concerns which have been expressed about making a complaint at a police station, we propose the following innovations or improvements:

- the IACP should be proactive about ensuring and monitoring (perhaps with the help of Police Authorities) that full guidance in clear English (and other local community languages) is clearly available to all potential complainants, to help them understand what constitutes a justifiable complaint, and what courses of action are open to them and to the police;
- a standard complaints form should be introduced to be filled in by the complainant, which should cover all likely information which would be needed in managing the complaint. A police officer should only fill in the form if requested to by the complainant, so that as far as possible the complaint is made in the complainant’s own words. The complainant should sign the form and be given a copy for future reference;
- more emphasis should be given to a “customer relations” type role for officers and lay staff at front desk and custody suite desk, through focussed training programmes in complaints management, and explicit performance assessment;
- waiting times for making a complaint to officers in charge should be recorded and monitored and included in internal performance indicators; and
- a complainant who is not satisfied with his or her treatment whilst trying to make a complaint may appeal to the IACP.

### Making a complaint via an intermediary body

Although it is already possible to seek advice from various organisations such as Citizens Advice Bureaux (CABs) on making a complaint about the police, they do not have an explicit role in the process. We propose that CABs and other recognised community advice centres should be more actively connected with the IACP as

conduits for complaints, and that the IACP should make arrangements to ensure that advice staff are as well informed as possible about the complaints system, and the role of the IACP. This would enable them to assist complainants proactively to understand what constitutes a justifiable complaint, and what courses of action are open to them and to the police.

However, we do not suggest that intermediary bodies should have any formal filtering function, as this would imply a level of quasi-legal advice which is beyond the capacity of most such bodies, and which they do not want to take on. We suggest that the main function of such bodies would be to help complainants to fill in complaints forms appropriately, and to submit them either to the IACP or the relevant police station. However, we would also expect that their role in offering better guidance on complaints would help to reduce the number of inappropriate complaints made.

This role would fall within the current remit of CABs, and therefore should not require any additional funding. However, the IACP's resource for community outreach would need to include capacity for ensuring that CABs and other organisations were well informed about the system, and able to help boost their role as intermediaries. Consideration could be given to awarding a form of IACP accreditation to appropriate bodies, on the basis of meeting a required level of training and understanding about the system. However, this would have resource implications in terms of the process of awarding and monitoring the accreditation, which we have not covered in this study.

#### Making a complaint directly to the IACP

Currently, it is possible to make a complaint to the PCA, but this is then forwarded immediately to the relevant police force for action. The PCA has no formal mandate to receive complaints, and its systems do not allow it to facilitate them. We propose that the IACP should be a visibly more customer-oriented organisation, with a strong focus on being accessible to the public and a legitimate alternative receiver of complaints against the police. Alongside this, we propose that it should also have the authority to reject complaints which it considers to be inappropriate for entering into the complaints system. This would ensure that IACP is seen as having genuine authority in the complaints process, and help to protect the police from vexatious complaints.

In order to fulfil this role effectively, we propose that the following conditions should be put in place:

- it should be possible to make complaints to the IACP through a variety of media, utilising where possible other access points to public services, such as those provided by local authorities. Media might include phone, fax or letter, but also mechanisms such as e-mail/ internet or video booth. The IACP's community outreach staff should ensure that it is proactive in seeking all possible liaisons with other public access media. Ideally, the IACP should also have capacity to accept complaints in person at its regional offices, so long as security can be assured;
- where complaints are not made on a complaints form, a form should be filled in by the IACP and a confirmatory signature should be sought from the complainant, both in order to ensure that the complaints form is completed to the satisfaction of the complainant, and to reduce the number of idle complaints generated by the increased ease of access;
- a 24-hour helpline should operate both to advise potential complainants on complaint matters, and to accept any matters which need to follow fast-track investigation procedures.

### Recording of complaints

We concur with the conclusion reached by the HAC that “it should be mandatory for all representations which could constitute a complaint [under the 1984 PACE Act] to be registered [i.e. recorded] by the police”. However, as discussed above, we propose that members of the public should be more proactively informed as to what should or should not be recorded. We also propose that, if a complainant believes that their complaint should have been recorded, they may appeal to the IACP for an independent view.

Where complaints are made to the IACP directly, the IACP should have the power to decide whether to record it, and to refer the complaint to the force only when it has already been recorded.

### Immediate Resolution

As noted above, we support the immediate resolution of complaints where this is possible and acceptable to both sides. By Immediate Resolution, we refer to the process whereby a complaint is formally made, but either the officer in question or a more senior officer is able to satisfy the complainant on the spot, by making an apology, explaining a difficult situation more fully, or in another way which enables

the complainant to be satisfied that they have been listened to and sufficient amends have been made.

We suggest that complaints made and settled in this way should be recorded, and fed into management information, but need be taken no further.

We believe that other aspects of our proposals, such as better customer relations training, clear guidance to complainants, quick response by officers in charge, and the advice given by intermediary bodies, would work in favour of a higher proportion of complaints being resolved on the spot.

There will still be cases where a complainant expresses a grievance in the heat of the moment or rashly (such as whilst being taken into custody), which could be interpreted as a complaint, but which the “complainant” does not intend as a formal complaint. Officers will still have to exercise judgement as to when a recordable complaint is being made, and the guidance on this needs to be clear, and its application monitored by duty supervisors. Publicity about the availability of the IACP as a channel for complaints should ensure that complainants who feel that their complaint should have been recorded will have recourse to this if necessary.

The process of Immediate Resolution should not be confused with what is commonly currently called “Informal Resolution”, which is discussed in detail below under Local Direct Resolution (LDR).

#### Initial enquiries and proposal of a course of action by the police

Once a complaint has been recorded at a police station, there are four immediate alternative courses of action:

1. the officer in charge considers that the complaint falls into a category which means that it must be mandatorily and immediately referred to the IACP for independent investigation, and takes appropriate agreed steps to secure the scene of the incident etc<sup>5</sup>, and contacts the IACP;
2. the officer in charge considers that the complaint falls into a category which means that the complaint would need to be investigated by the police force, and requires immediate steps to secure the incident scene and gather initial evidence for further investigation (fast track investigation). This is likely to apply mainly to cases which could lead to possible criminal charges;
3. the officer in charge considers that investigation would be necessary but that there are no immediate steps to be taken, other than to gather information for the investigation plan;

<sup>5</sup> See Section 4 for discussion of this process

4. the officer in charge agrees with the complainant that the matter may be resolved without a full investigation, and informs the complainant of the process of Local Direct Resolution (LDR) which would be followed.

The objective here is to ensure that the involvement of the IACP in investigations, whether they are to be carried out by the IACP or not, does not hinder the processes of good policing in the vital period immediately after a suspected crime or breach of discipline comes to light. For investigations likely to be conducted by the police force, the purpose of the initial evidence and information gathering would be to inform the investigation plan.

Where complaints are recorded by the IACP, either the IACP would decide that it is a case which it should investigate itself, and therefore commence the investigation, immediately informing the force that it is doing so, or it would inform the force that a complaint had been received, and having recorded it, forward it to the force to propose a course of action.

#### Local Direct Resolution (LDR)

Local Direct Resolution (LDR) is the term we propose in order to describe the procedure by which, once a complaint has been recorded, the officer in charge may try to resolve the matter through a process of discussion with the complainant and the officer against whom the complaint is made. We favour this term over the often confusing term Informal Resolution, which is sometimes confused with Immediate Resolution, and has implications of lack of seriousness, as discussed in section 3.2<sup>7</sup>. We suggest that the term LDR, or a similar one with the same connotations, should replace Informal Resolution, and that the IACP should promote consistency and clarity in how the new terms are used.

<sup>7</sup> The name of the process was discussed during the HAC inquiry, and several alternatives were suggested (p. xx, para. 54)

The process may result in an apology on the part of the officer concerned, or an agreement to differ, and may or may not imply an acceptance of fault by the officer. The key point is that it is understood that no further investigation would be required.

We suggest that LDR should in principle be actively encouraged both in order to support the principle of community policing, and to relieve the burden on the complaints investigation system. However, given the difficulties with Informal Resolution as noted earlier, we propose that LDR should only be encouraged provided that:

- information on the appropriate use of LDR is made clear and available to all those to whom it is proposed;

- the complainant continues to have the final say as to whether to accept LDR or not;
- the IACP can recommend (but not dictate) to a complainant that the complaint is more appropriately dealt with through LDR;
- the complainant must sign a statement to the effect that he or she is satisfied that his or her complaint has been adequately managed;
- even if such a statement is signed, the complainant can, with due justification, appeal to the IACP if he or she feels that they were inappropriately encouraged or coerced into accepting LDR;
- a copy of the signed LDR statement is sent to the IACP for the record and to form part of its information gathering role;
- the IACP has a role of monitoring satisfaction with the LDR procedure by random ex post sampling, or in cases where there is reason to believe it was inappropriately applied; and
- the IACP can instruct a police force to investigate a complaint more fully if it deems LDR to have been inappropriately applied.

We are not making detailed proposals in this study about a possible role for the IACP in Restorative Intervention (RI). Whilst the current pilot scheme taking place in Thames Valley appears to offer promising prospects for an independent conciliation role, we do not yet have enough information to suggest that the IACP should fulfil this role, or to estimate the cost of this. We propose that if the pilot scheme proves successful there would be a strong case for the IACP to have specialist resources to facilitate RI.

#### IACP approval of a police force investigation plan

We suggest that the IACP should make the final decision on the most appropriate way to investigate all complaints which have not been resolved through the Immediate Resolution or LDR procedures, and which are not subject to independent investigation by the IACP. The advantages of this are that:

- there is a known and visibly independent element in the decision as to how complaints would be investigated, and an opening of the decision to greater scrutiny;
- the IACP would have knowledge at an early stage of all investigations being conducted and this would enable it to decide whether it wishes to “call in” a particular investigation for supervision<sup>7</sup>, and remove the complex and insufficiently transparent concept of voluntary referral for supervision by the current PCA;

<sup>7</sup> The circumstances under which it might do this are discussed in detail at Section 5.



- it would enable the IACP to assist police forces in a structured way by agreeing with them the extent to which full and lengthy investigations are necessary even for the investigation of apparently more minor complaints;
- it would encourage consistent approaches to similar situations in different areas of England and Wales;
- it enables an independent decision to be taken on which complaints can be dismissed as vexatious or malicious; and
- it would enable the IACP to refer back to the initial complaint and investigation plan when undertaking discipline reviews at a later stage.

However, we propose that the IACP makes its decision on the basis of a proposed investigation plan<sup>8</sup> made by the investigating force. This would give each force the opportunity to propose how its investigative force would be deployed, and keep the management of complaints close to the force. As some “fast track” investigations would already have begun (see section above on ‘Initial enquiries and proposal of a course of action by the police’), the plan would need to include information on steps already taken, without which the investigation would have been jeopardised or unduly delayed. The plan would briefly set out:

- the complaint background;
- investigation steps already carried out;
- the scope and objectives of the investigation;
- constraints to and assumptions about the investigation, or potential contentious issues;
- the tasks or activities required, and their sequence and estimated timing;
- any request for involvement of the IACP; and
- the estimated resources needed by the Force in order to carry it out.

We suggest that this plan should be briefly set out on a prepared form, to which more information may be added if needed. Whilst this would introduce more paperwork, it would enable forces to focus their efforts on meeting the stated objectives of the investigation, and enable faster investigation of apparently easily resolvable complaints, or form the basis of a dispensation not to investigate at all. The plan should be submitted to the IACP within two days of the complaint being made.

We also believe that the need to estimate resources is good management practice, and should be pursued in any case as part of an effort to control the overall costs of complaints and discipline<sup>9</sup>.

<sup>8</sup> Investigation plans similar to those proposed are currently in use in New South Wales as part of a move to reform complaints and management practices to incorporate contemporary management tools. The approach differs significantly from the system proposed here in that it emphasises local management of investigations, and gives the Police Integrity Commission only monitoring responsibility; however, the project management principles which it proposes are highly relevant to the current discussion.

<sup>9</sup> See our comments in Section 9 regarding current complaints and discipline costs

The investigation plans would be reviewed by IACP staff within a tight timescale (a target of seven days is suggested). The following outcomes would be possible:

- approval of the investigation plan, and permission to commence a new investigation, or proceed with investigations already underway;
- referral back to the investigating officer, with questions and/or suggested amendments;
- a decision by the IACP to supervise an investigation (or to investigate itself, if relevant);
- intervention by IACP with the police force and complainant to encourage the LDR procedure to be pursued; or
- permission to dispense with an investigation.

#### Informing the complainant of the course to be pursued

Once it has been decided that an investigation will take place, the IACP should inform the complainant by letter that it has approved the investigation plan, and encourage the complainant to co-operate. It may also give some indication of likely timescales. The main purpose of this letter would be to give demonstrable evidence of an independent element in the investigation process.

#### Regionalisation of the IACP

The process above puts important and difficult responsibilities onto the IACP and its staff. We suggest that these responsibilities could only be effectively carried out if the IACP were set up on a regional basis, rather than a single centre. This is because:

- regional offices provide a much more accessible, customer-focussed organisational set-up, and bring the IACP closer to the communities which the police serve, allowing it to undertake essential tasks such as linking proactively with local partnerships to explain and promote its role in the complaints system;
- only a regional set-up can enable IACP staff to understand the community circumstances of particular forces, and enable it to take sufficiently informed decisions about investigations; and
- regional offices would allow closer relationships between IACP staff and forces, and enable constructive discussions rather than distant negotiations where views initially differ.

### 3.4.3 Benefits and concerns

The benefits of the proposed system of access and sift have been articulated throughout this section. Some of the main benefits include:

- increased information to complainants about the system, and better knowledge about their expectations from it;
- the option of a non-threatening, neutral environment for submitting complaints;
- an independent final decision on how complaints should be investigated;
- continued police force responsibility for complaints which can be resolved without investigation, and for proposing how complaints should be investigated;
- independent endorsement of the non-pursuit of vexatious and malicious complaints;
- more comprehensive information at a central point about the way in which the system is operating;
- increased consistency of approach;
- maintenance of the responsibility of the police force to carry out initial enquiries and investigation;
- a balance between the responsibilities of the IACP and police forces;
- a structured and coherent way for the IACP to operate its walk-in supervision role; and
- greater emphasis on a project management-style, efficient approach to investigating complaints, and the monitoring of resources and costs.

Inevitably, there are potential concerns about the system which we are proposing. We anticipate that various stakeholders may express concerns in particular about:

- the time and resources required by the IACP to analyse investigation plans, and to deal with appeals about Immediate Resolution and LDR, and the sufficiency of information upon which to make judgements;
- the removal of the police force's ultimate right to direct investigatory resources as it sees fit, for example, if the IACP instructs a force to investigate particular complaints, or aspects of complaints;
- conversely, public concern at the continued right of the police force to make an initial proposal on how a complaint should be investigated; and
- the possible overloading of the system with complaints due to greater ease of access to the system.

We believe that the benefits of the system we are proposing outweigh the concerns. In particular, we acknowledge that there are important resource considerations in what we are proposing (as detailed below), but take the view that these are justified by the advantages which would arise. It is essential to accept, however, that the system which we propose would be counter-productive if insufficient resources are available for it to function efficiently. It is vital that the resource implications are fully taken into account in weighing the feasibility of the model proposed.

#### 3.4.4 Volumes

Based on figures from the past three years, we estimate that a total of some 30,000 complaints might be made per year in England and Wales. Of these, under the current system, some 12,000 could be expected to be resolved informally, and 18,000 to lead to investigations. We are therefore basing our calculations on a figure of a total of 18,000 complaints to be investigated.

Under the system which we are proposing in this study, some 1,000 of these might be investigated independently by the IACP (see section 4), leaving 17,000 to be investigated by forces themselves. Thus on the basis of six regional offices, it might be expected that each office of the IACP would need to review some 2,800 investigation plans per year<sup>10</sup>.

These figures do not take into account the possible fluctuations in volumes caused by the introduction of a new system. For example, it is possible that, initially at least, easier access and a desire to “test the system” might lead initially to a higher number of complaints being made. On the other hand, the better quality advice available through literature, the IACP and intermediary bodies might lead to a reduction in the number of complaints, as might greater use of Local Direct Resolution and Restorative Intervention.

#### 3.4.5 Staff implications

The system we propose has staff implications both for the IACP and for police forces.

#### IACP

Table 5 sets out the main functions which arise for the IACP from the system as described, and attributes estimates of the number of Full Time Equivalent (FTE)<sup>11</sup> staff which would be required to carry them out for each of six regional offices assumed to have similar workloads. It does not include management time, and this tier of staff needs therefore to be taken into account in addition.

<sup>10</sup> Notwithstanding regional differences in volumes, as discussed in Section 6 on the Regional Office.

<sup>11</sup> For the purposes of this study, we assume one FTE to mean 218 working days.

We suggest that the majority of these functions can be undertaken by teams of staff of seniority ranging from the equivalent of standard civil service grades between EO and Grade 7<sup>12</sup>. The average costs of these staff may therefore be in the region of £24,000 each<sup>13</sup>.

<sup>12</sup> Standard civil service grades used as a benchmark only. The IACP would not necessarily use this grade structure.

<sup>13</sup> Upper quartile mark is £24,090, according to "Civil Service Statistics 1998" Government Statistical Service, December 1998. Average salary suggested here reflects need for non-civil service backgrounds, flexible incentive schemes, and sufficiency of more senior grades.

<sup>14</sup> The resources required for handling complaints to be investigated or supervised by the IACP are covered in subsequent sections. Public/community relations and outreach is an essential element of this part of the system, but we assume that each regional office would require one staff member for all such functions, and do not include it separately here.

**Table 5: Staffing implications for access and sift functions**

Function	Assumptions		FTE required/region
	Volumes	Times	
Receiving/ recording/ clarifying direct complaints	Number unpredictable; assume 500 per year	3 handled per day	0.8 FTE
Monitoring LDR outcomes	200 per year (10% of the 2,000 LDR cases per region)	1 hour for each complaint (= 26 working days FTE)	0.1 FTE
Reviewing, discussing and approving investigation plans	2,800 per year (13/ day)	1.5 per day per person	8.5 FTE
Complainant relations (informing re: new and ongoing investigations)	3,000 per year	14 contacts per day	1 FTE
Appeals on making, recording and resolving complaints	Number unpredictable; assume 220/ year	1 day of attention each	1 FTE
<b>TOTAL<sup>14</sup></b>			<b>11.4 FTE</b>
<b>COST</b>	<b>@ an average of £24,000 /year</b>		<b>£273,600 per region =£1.64m. total</b>

Police forces

The resource effects on police forces of the system we propose are hard to predict, and may change over time. There may be an increase in workload caused by:

- more time spent with complainant explaining the system, and more duty resource required to cut complainant waiting times;
- training on customer relations;
- more time spent on Local Direct Resolution;
- time spent completing investigation plans; and
- time spent liaising with IACP over investigations.

However, this should be off-set by:

- fewer complaints leading to investigations, as resolved through LDR or agreed with IACP to be vexatious or malicious;
- more streamlined investigations in certain cases, following agreement with IACP of objective-led investigation plans; and
- as discussed in section 4, the proposed shift of some 1,000 investigations to the IACP which would also relieve the burden on Complaints and Discipline Units.

### 3.5 Viable alternatives - benefits and concerns

Our consultations have demonstrated that there are many possible ways of introducing independence into the area of complaints categorisation and deciding what course of redress, if any, should be pursued. We have identified that a balance needs to be struck between the level of independence which is introduced in the process, and the bureaucracy which would be required in order to deliver it.

At one end of the scale, a fully independent sift of all complaints other than those immediately resolved, before any material involvement of the police force in question, could bring large potential benefits in terms of public confidence. It would mean that all complaints were independently reviewed for their suitability for LDR or various types of investigation. However, it would probably be impossible to deliver effectively, due to the volumes of complaints handled, the corresponding cost, and the delays which it might introduce into the system.

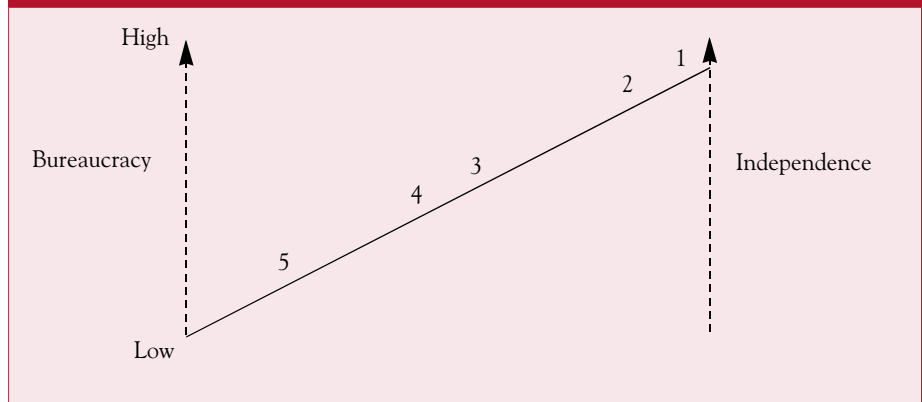
At the other end of the scale, an IACP might act only as a monitor and arbiter where complainants are dissatisfied with the way in which their case is handled. This would have a much smaller workload, and would have the advantage of keeping decisions about investigation close to the management of the police force. On the other hand, it would not be seen to be proactively independent, and would rely primarily on the dissatisfaction of a complainant before being involved in the process. The IACP would be seen to be of only secondary authority to police forces.

This scale is represented in Figure 5. A range of possible options is shown on the line. This is not an exhaustive list, but shows that there are a number of configurations of the sift which would have advantages and disadvantages in relation to independence and bureaucracy. The options numbered are:

1. Fully independent prior sift of all complaints, other than those immediately resolved;

2. Fully independent prior sift of all complaints, other than those immediately resolved and those resolved by LDR. LDR processes and outcomes would be recorded on a form and sent to the IACP for review;
3. Approval/ re-direction of investigation plans, and monitoring of LDR plus appeal arbitration (our proposed model);
4. Monitoring of the processes and outcomes of police sift of all complaints other than IR and immediately resolved;
5. No independent sift, but arbitration on appeals made where complainant is dissatisfied with complaint handling.

**Figure 5: Relationship between independence and bureaucracy in alternatives for access and sift**



There is a general correlation between the level of bureaucracy and the cost of the process. Models 4 and 5 above would almost certainly be cheaper options than models 1 and 2, for example, although without developing the models in detail it is difficult to estimate the magnitude of the difference in cost.

Alternative and less costly models to the one proposed in this study are feasible. For example, it would be legitimate to remove the IACP’s function of reviewing and redirecting investigation plans, and leave only its appeal and monitoring functions.

However, the consequences of adopting these less costly models in terms of visible and proactive independence, and therefore their ability to increase public confidence significantly, should not be underestimated, and we suggest that our proposals strike the optimum balance between costs and independence.

### 3.6 Conclusion

The issues of access and sift in the police complaints investigation system have given us cause for much discussion during the course of this study. There is widespread acceptance of the need for an independent element at the earliest stages of the process, and there is agreement that ease of access to the system is vital in ensuring that it is a democratic and socially inclusive system.

However, there is a wide range of opinion on the practicality of introducing proactive mechanisms which significantly affect the way in which complaints are handled, categorised and subsequently pursued.

We are confident that the proposal we have described is an optimal solution in terms of transparency, independence and practicability, and could in our opinion be made to function highly effectively, provided that sufficient resources are made available for it. Other models are also feasible, but their impact on the visibility of independence, and on time and resources should be clear from the discussion above. We believe that an independent body needs to have a clear and proactive role at the earliest stages of the process, and that resources need to be made available for it to do this.



### 4. Investigation and discipline

#### 4.1 Introduction

The feature of the current system which is most subject to public criticism is the investigation of complaints against the police by the police. This concern has led to growing calls in recent years for the introduction of independent investigation of complaints. However, there has been little agreement about the form and extent of independent investigation that will both satisfy public concern. This section examines in detail the prevailing concerns about the current system of investigation of police complaints and explores some of the issues surrounding them. Where appropriate it draws comparisons with the investigation systems in other jurisdictions. It should be noted that to date there has been no comprehensive sampling of the public's views on the complaints system. We have, therefore, had to rely on the evidence of those who have worked closely with the public in complaint matters.

#### 4.2 Current situation

Under current arrangements, recorded complaints are investigated in cases where:

- Immediate Resolution or informal resolution has failed;
- when the allegations are of such seriousness that either of the above means of resolving the complaint would be inappropriate;
- in cases where the PCA has refused the force's application for a formal investigation to be dispensed with.

Cases which are investigated may be supervised by the PCA, if they fall within the categories of cases set out in PACE (Police and Criminal Evidence Act, 1984) and its associated regulations. Certain of these categories stipulate that the PCA must supervise; in others, the PCA exercises discretion about whether to supervise the investigation or not. Over recent years, the number of cases supervised by the PCA has remained consistent, in contrast to the changing numbers of overall complaints. This has led to concern that decisions about whether investigations should be supervised is unduly influenced by the resources available to the PCA.

In addition Chief Constables may call in the PCA in cases which are internally generated, but which they believe merit, perhaps in terms of public interest, PCA supervision. The PCA's role in supervision is discussed in more detail in the following section.

The team undertaking the investigation may be made up in the following ways:

- members of the force's Complaints and Discipline (C&D) Unit;

- officers within the force, but outside the C&D unit, perhaps from CID;
- an investigating officer from an outside (external) force, who may use resources from the home force or his own to undertake investigations. (In PCA supervised cases, the PCA agrees the appointment of an investigating officer).

Thus, the investigating team comprises solely police officers, who conduct all aspects of the investigation, from interviewing the complainant and officers against whom allegations have been made, to detailed research and more technical tasks.

The investigation concludes with the submission of the Investigating Officer's (IOs) report to the senior officer with responsibility for complaints, setting out: the facts of the case; their opinion of whether the allegations made in the complaint are founded; and a recommendation about whether charges should be preferred (the system in the Met is rather more complex than this, but is similar in the essentials). In all cases, once the investigation and an initial review of the discipline issues has been completed, the file is sent to the PCA, where a discipline review is carried out (again, see following section). In cases where allegations of criminal conduct have been supported by the IO's report, the file would go to the Crown Prosecution Service (CPS) to determine whether criminal charges should be brought against the officer.

The current system has provoked the following concerns from the public:

- the principle of police investigating police is wrong and that given the seriousness of complaints against the conduct of police officers, complaints should be investigated independently;
- specifically, there was concerns about failure to follow up on all lines of enquiry and an unwillingness to communicate with or understand the perspective of complainants.
- lack of transparency in the process and at key decision points<sup>15</sup>
- perception that the existing system of supervision does not go far enough in extending independence into the complaints process and that only independent investigation will really change the culture and outcomes of complaints investigations;
- a lack of consistency in the handling of complaints by different forces, which it is suggested leads to different standards of investigation around the country;
- lack of satisfaction about disciplinary outcomes. (This issue about discipline has not been the main focus of our review of the system. Whilst we do make a limited number of recommendations, further work will be needed to examine the feasibility of these recommendations in practice.)

<sup>15</sup> *There was considerable debate during our interviews and workshops about the specific question of whether the IO's report should be disclosed. Disclosure is currently being examined by a working group and we have therefore not made recommendations on this issue in this report.*

From the Police Service's perspective, the ongoing media speculation about the quality of police investigation of complaints undermines their confidence in the system and leaves officers who have rightly been cleared of the complaints allegations subject to ongoing suspicion about their innocence.

### 4.3 Our proposals

We concluded from our interviews with key stakeholders that there was sufficient concern about the current conduct of investigations to merit examining different forms of independent investigation of complaints. Our interim report suggested four alternative models for investigative teams. These models were developed with reference to the two evaluation frameworks (see 1.3.2), which enabled us to make judgements about the relative merits of alternative models. The Home Office accepted our recommendations that two models of investigative teams to be taken forward into Phase II of this project. They were:

- teams of wholly non-police investigators (Model 1); and
- mixed teams comprising non-police and police investigators, in each case led by a non-police investigating officer (Model 2).

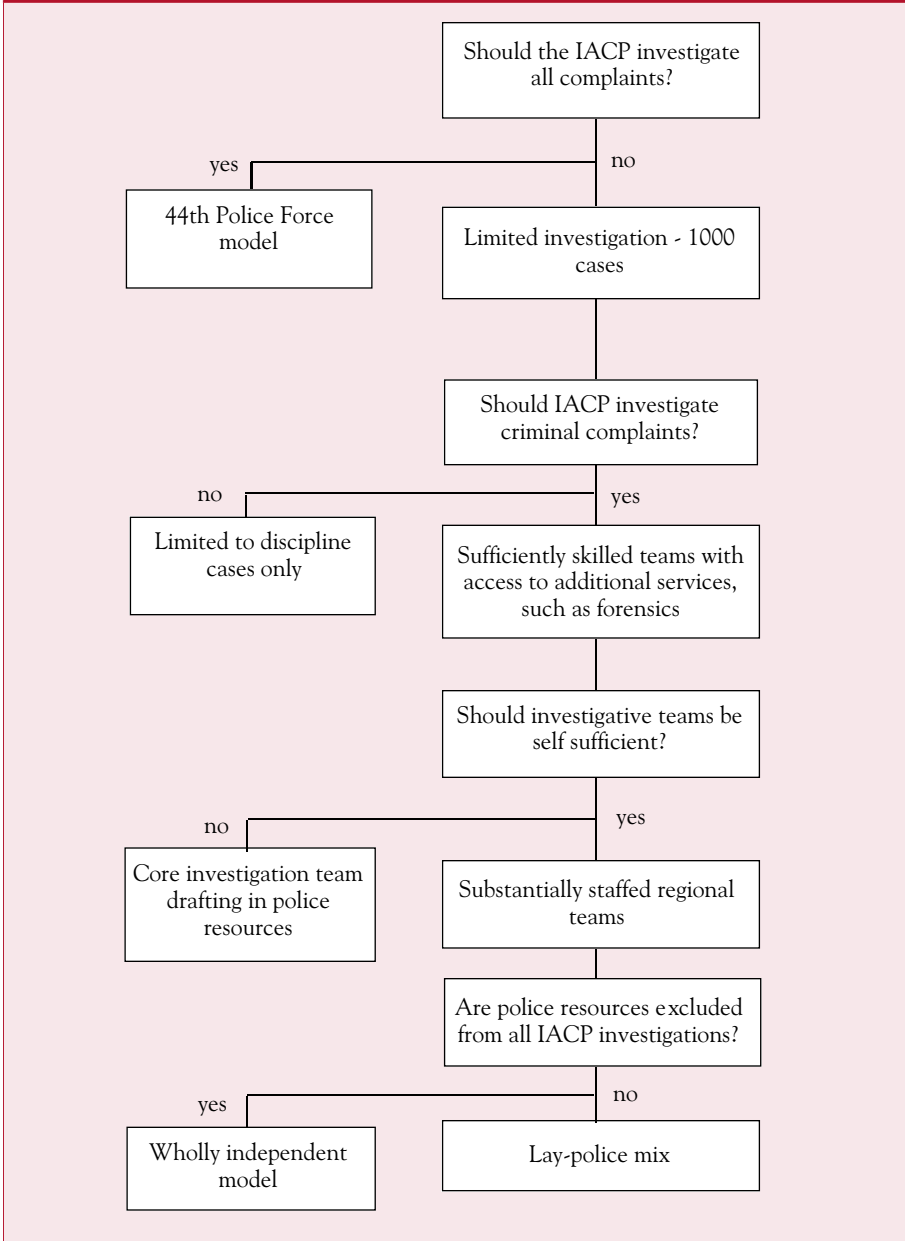
Figure 6 illustrates the top level decisions which were made in arriving at our proposals for the two models of investigative team discussed above. Each of the issues arising from the critical path are examined in more detail in their respective headings below. The critical path also highlights some of the alternative proposals which were put forward to us in the workshop sessions. The evaluation frameworks were used to critique the alternative proposals.

### 4.4 Proposed model 1 - wholly independent investigative teams

#### 4.4.1 Description

Under this model, the IACP's investigative team would be staffed wholly by civilian investigators. The teams must have access to additional specialist skills and the view of the working groups was that these should be drawn from outside the Police Service in order to maintain public confidence. In our opinion, whilst independent investigation is the most important factor in influencing public opinion, it is not the only one and the public may be willing to accept compromises between independence, efficiency and effectiveness if it believed that this best met the needs of quality of investigation and was supported by transparency of process. As discussed above, within the scope of this project, we have not been able to identify the additional costs associated with specialist services, and as a result they are not factored into our costing calculations.

Figure 6: Critical path - Investigation



The Police Service would, however, still play a part in securing evidence in the earliest stages of some investigations. In our opinion there is simply no other solution to the need to secure evidence as early as possible in the process. This process must be clearly defined and legislated for.

### 4.4.2 *Benefits*

Using the evaluation frameworks, a number of key benefits of the wholly independent model were identified, such as:

- that the organisation would be seen to be thoroughly independent in the eyes of the public;
- that it would have a demonstrably different culture from the current PCA, in the sense that it is given active and extensive powers to extend independence into the complaints system;
- that complainants would feel better able to co-operate with the independent investigators, than with police investigators;
- that police officers would value the endorsement of an independent investigation if their cases were investigated and the allegations against them that the IACP concluded were unfounded; and
- that independent investigators could be given the necessary powers to equip them to undertake the whole spectrum of cases, though this would inevitably take time and would be a complex process.

### 4.4.3 *Concerns*

In evaluating this model against the frameworks a number of concerns about a wholly independent system were exposed:

- the most critical concern about wholly independent teams was the required level of resources to ensure that teams were able to thoroughly and professionally investigate the most serious level of complaints. This is particularly true when compared with the more flexible model 2, which allows for the use of additional police resources in exceptional circumstances. The need to staff the investigative teams and hold a reserve of investigators under this model, to cope with unexpected peaks in the investigation cycle makes this an expensive option;
- without the proper powers, independent investigators would be unable to deal with criminal and internally generated cases, resulting in independent investigation reaching only the least serious cases;

- independent investigators may not have the necessary specialist skills and experience of a police officer, which would lead to higher training costs for the organisation and in a more serious scenario could result in the quality of an investigation being seriously compromised. This would undermine the confidence of both the public and the police in the investigative function of the IACP;
- from the outset, the confidence of police officers in independent investigators would be difficult to establish. They would need reassurance about the level and quality of skills possessed by the investigative teams;
- inevitably, it would take time to establish fully operational independent investigative teams, particularly if there are difficulties in recruiting staff with suitable experience and qualifications. This may mean that the quality of investigations is compromised early in the life of the independent body and that improvements in the public perception of the organisation are undermined. Furthermore, it could lead to unjust outcomes both for complainant and police officers against whom complaints have been made.

#### *4.4.4 Recruitment*

During the study we spoke to a number of organisations who use civilian investigators. In principle, they suggested that there was a sufficient body of civilian investigators to staff up the independent body. They cautioned, however, that the IACP would need to be clear about the skills and levels of expertise which would be needed and the degree to which these could be made available through training, rather than requiring specific experience which would narrow the available pool of resources.

#### *4.4.5 Acceptability*

How acceptable would this model be to both the public and the police? There is a strong argument that it would be highly acceptable in principle to the public and those organisations representing the views of complainants. In contrast there is some concern that it would not be acceptable, in principle, to police and associated organisations both on the grounds of efficiency, but also because the organisation would be seen as outside the police force and there may be the fear that the organisation looks unfavourably upon the police. If this were the case, our interviewees believe that in some circumstances officers may decline to co-operate with the independent investigators, an approach which may be reinforced by Human Rights legislation, but which would undermine the effectiveness of any investigation.

In practice, this model may prove equally unacceptable to the public, if the concerns about independent investigation detailed above are not successfully addressed. For

example, as in Ontario, it may be that wholly independent teams, in practice, are unable to deliver what the public would perceive to be a more thorough or “better” investigation than the police. Specifically, it is not clear whether the public would be willing to tolerate complaints investigations taking longer than under the current arrangements or whether they would continue to support independent investigation if the number of cases in which allegations were substantiated remained similar to that under the current system.

### 4.5 Proposed model 2 lay-police mixed teams

#### 4.5.1 Description

Under this model, the investigative team would be made up of a combination of independent civilian investigators and police officers on secondment to the independent body. As in model 1 they would need access to specialist skills, but would have the option to use police providers or to second specialist police resources to meet the need for these services. In addition, in exceptional circumstances they could call in additional resources from the Police Service to meet unexpected peaks in demand for independent investigation of cases<sup>16</sup>. Under this model the split of police to civilian staff is assumed to be 50:50, though there is a bias in favour of civilian investigators towards the top of the team structure. This would mean that in every case, the investigating officer would be a civilian. Furthermore it should be clearly set out in the IACP’s operating procedure which tasks were appropriate for seconded police officers to conduct and which were not. For example, the IACP might consider that it would be inappropriate for seconded officers to interview key witnesses or the officers against whom the allegations were made on their own or indeed at all.

<sup>16</sup> CIB2 in the Metropolitan Police maintain a surplus of 18 officers (30% of their full complement) in order to deal with changes in their case load.

Careful consideration needs to be given to the rules relating to the forces from which seconded officers may investigate complaints cases and any subsequent recruitment of seconded officers to these forces.

#### 4.5.2 Benefits

The benefits of this model include:

- seconded police officers would bring the necessary powers for criminal investigation without the need for all members of the team to obtain them;
- seconded police officers understand the culture of the Police Service and may, in the first instance inspire the confidence of police officers more than civilian investigators;

- seconded officers would have the skills and aptitude for investigation, for which civilian investigators may have to be trained;
- the model would promote skills transfer in both directions, that is from civilians to seconded police and vice versa which would help to promote understanding and develop skills;
- this model could provide a stepping stone on the way to an ultimately independent model as part of transitional arrangements;
- it is more flexible in its deployment of resources in allowing for additional police input in exceptional circumstances;
- it would ensure that criminal justice experience is available at different levels within the investigative team.

### 4.5.3 Concerns

The following concerns have been raised about this model:

- this model would not be as acceptable to the public as model 1, which represents a significantly greater degree of independence than this model;
- the independent philosophy of the IACP may be undermined by the presence of significant numbers of police officers;
- the working relationship within the team may be made difficult if there are seen to be two distinct chains of command - one for civilians and one for police;
- deference to rank in the Police Service may affect the way in which the team operates and may not promote the type of culture which the organisation is seeking to establish;
- there may be problems in attracting the best secondees from the Police Service, particularly if the reputation of the independent body is not good;
- the cost of mixed teams would be more than wholly civilian teams, because of the additional staffing costs associated with police officers (see detailed costing models below at Annex B)
- there would be differences in the training requirements of police and non-police investigators and in skill levels, which may lead to problems with the dynamics of the team;
- although improved in comparison to model 1, access to specialised additional skills remains an issue for independent investigation.

### 4.5.4 Recruitment

The recruitment issues for civilian staff in this model are the same as for model 1 (see 4.4.4). Clearly, the independent body, in this model, needs to attract top-quality



police officers for secondment. There would need to be recognisable incentives for good officers to apply to secondment in order to justify their two to three years outside mainstream policing. We accept that the vast majority of officers are thoroughly committed to the professional and dispassionate investigation of complaints against the police. Their commitment needs to be reflected by forces in the way that they encourage promising officers to take up secondments with the IACP and in the way their secondment period is viewed by the force on their return. NCIS (National Criminal Intelligence Service) and NCS (National Crime Squad) may offer models for how such incentivisation might work. They also demonstrate the importance of the independent body having a strict veto on officers who may be referred to the IACP by their Chief Constable. Furthermore, officers should understand clearly that failure to perform satisfactorily on secondment to the IACP would be viewed as seriously by the force as their failure to perform satisfactorily on operational activities.

Given the importance of attracting the right people to work in the investigative function of the IACP, there is a strong argument for recruitment of both civilian and police staff to be as open as possible. Recruitment standards should be uncompromising, to attract only the best resources to the investigative function. The IACP would have to demonstrate the quality of its investigations, and by implication, its staff, in a climate of intense public scrutiny of the complaints system, in order to develop confidence in both its competence and independence.

The management of seconded officers is an important element in ensuring that these officers play a positive role in carrying out their independent investigative function. Police officers would need to be integrated into the team management and performance management structure of the organisation.

#### *4.5.5 Acceptability*

In principle, the lay-police model would have a significantly lesser impact on public confidence in the system than a wholly independent model. It has been argued that it falls short of the public's expectation of substantial change to the system. Our view is that, rather, it should be taken in the context of the whole series of proposals we have made for change in this report and seen as an additional extension of independence in the system. We believe that this option would be more acceptable, in principle to policing organisations. This is because it addresses many of their concerns about the skills, competence and access to specialist skills for investigations. It would also, they suggest be more acceptable to serving police officers who would have more confidence in the ability of investigative teams in which police officers, even on a seconded basis, were operating in the investigative teams.

In practice, particularly in the short term, we believe that this model offers more certainty of maintaining the quality of investigations of complaints. We believe that public confidence would be as sensitive to failures of the independent body as it currently is to the police or PCA. For this reason, having experienced and skilled officers closely integrated into investigative teams gives us confidence that from the outset, investigations would be carried out to at least the same standard as under current arrangements. Clearly this is dependent on the quality of officers seconded to the IACP and the ability of the IACP to develop the same philosophy of independence in these officers that it seeks for all its staff.

In addition, we believe that the inclusion of police officers with specialist skills in this model helps to overcome the problem of equipping teams with specialist investigative skills, either through legislation, training or the contracting in of services. We have not considered in detail what the relative skills matrix of the team should be, or indeed where in the team structure these skills should be held; this is a matter for recruitment and training planning in operationalising the IACP.

### **4.6 General issues**

#### *4.6.1 Numbers of cases for independent investigation*

We concluded from the interviews in Phase I of the project that there was not a widely held view that all cases, regardless of their seriousness, should be investigated independently. This was true even of the most severe critics of the current system. It was accepted that independent investigation should apply only to a proportion of cases. It was in deciding how many cases would fall into this category that our interviewees differed, depending crucially on their view of the extent of the problem with public perception of the complaints system. For example, critics of the current system argued that the low levels of public confidence in the system arose from concern about the handling of complaints of all degrees of seriousness. Whilst this did not lead them to conclude that all cases should be investigated independently, it did suggest to them that a significant proportion of complaints should be. In contrast, those interviewees who argued that it was a small number of high profile cases which undermined the public's confidence in the system argued for a small proportion of cases to be independently investigated, perhaps 1- 2 per cent of all cases.

In the absence of any detailed or systematic sampling of public opinion on this issue, KPMG accepted the view that dissatisfaction and public concern about the system had indeed been generated at all levels of complaints. It was not in our remit to review individual cases to determine whether the quality of the investigation was appropriate. This led us to accept the PCA's view that the quality of the

investigation of some cases had been unacceptably low and we concluded from this that independent investigation of some cases would be desirable (complemented by our other recommendations on access and sift, supervision and monitoring for all other cases). However, we also accepted the PCA's view that the majority of cases were investigated thoroughly and properly. This led us to consider that the majority of cases should continue to be investigated by the police (again, see our supporting recommendations in the following chapter on supervision of these cases), with somewhere in the region of 1,000 cases being investigated independently under either of the models we proposed. This figure represents the number of cases which are referred to the PCA for supervision, although the PCA currently supervises somewhere in the region of three quarters of these cases.

In contrast to the way in which the system currently works, with the legislative framework relating to the voluntary and mandatory referral and supervision of cases, under our proposals, all cases (other than those for Immediate Resolution or local management of complaints) would be passed through the IACP during the sifting stage. At this point the IACP, acting in accordance with legislation and its own policy on investigations, could opt to investigate particular cases. Furthermore, the IACP could elect to take over the investigation of cases which were being only supervised or monitored during their lifetime if there was sufficient cause. As a baseline the IACP would have an obligation to investigate cases such as deaths in custody, fatal road traffic incidents, serious assaults and police shootings.

### *4.6.2 Types of cases*

We intend that the IACP would be able to exhibit a degree of flexibility in deciding which cases it should appropriately investigate. For example, the IACP may consider whether it is in the public interest for it to investigate a case which falls into a lower category of seriousness than those it usually investigates. At the same time, it is important that there is some degree of certainty about the types of cases which it would investigate so that it can budget effectively and most importantly so that forces understand clearly which cases must be referred as a matter of urgency to the IACP for investigation. We found no criticism of the current arrangements under which the PCA is notified immediately of incidents, including matters on which a complaint has not formally been made (such as a road traffic accident involving a police vehicle or a death in custody). A key criticism of the model of independent investigation in Ontario, Canada is that there was a lack of common understanding between the police and the Special Investigations Unit (SIU), which investigates serious complaints matters about the types of case the SIU will investigate. This led to the failure of the police to notify the SIU of some incidents at all, or of significant and damaging delays in the start of the SIU's investigation of cases. It is critical that this situation is not allowed to develop in the system in England and Wales.

We do recognise the concern of the Police Service that in undertaking a significant number of investigations, particularly those of a serious nature, the C&D units would be left fewer cases and a much higher proportion of low level cases to investigate. Police officers were concerned that this would lead to a de-skilling of C&D units, making a C&D posting an unattractive career move for promising officers. (A significant proportion of our interviewees commented that the C&D units of some forces are already unattractive to potential high flyers, it was suggested because of the low priority given to the investigation of complaints.) On the other hand, it has also been put to us that we should not assume that because the IACP is undertaking investigations that substantial cost savings can be made in the C&D units because of a number of other key initiatives, such as integrity testing, which the police are committed to undertaking which will involve the resources of the C&D unit. We hope, also that in a climate of reform of the complaints system, forces may be encouraged to adopt a more positive approach to the handling of complaints and will be supported in this by the IACP. We believe, therefore that the C&D units can be made to be attractive to officers. In model 2, of course, the IACP itself must create an attractive environment for good quality officers on secondment.

### 4.6.3 Resources

In approaching the question of how many and what types of cases should be investigated by the IACP, we considered the relationship between the seriousness of cases and the length of time they took to investigate. What became clear from the study was that it is difficult and indeed dangerous to generalise about different types of complaints, based on their categorisation under the present legislation. For example, cases which fall into the same category will rarely have similar investigation patterns and, equally, cases from different ends of the spectrum in relation to seriousness may demand the same time and resources as a result of their complexity. This made the task of estimating the time and resource implications of any investigative model unreliable.

This lack of consistency in the time and resources taken to investigate cases of similar levels of seriousness is compounded by the fact that different forces have very different compositions of C&D units both in terms of number and balance of rank. In addition, the limited data available demonstrates that the resources deployed in similar cases across the country varies significantly, as does, for example, the average time taken to complete a complaints investigation<sup>17</sup>.

<sup>17</sup> See Annex D for C&D unit variations.

This issue of resourcing is very important, because in any independent investigation model it is essential that the independent body is sufficiently resourced to conduct investigations adequately. Experience from other countries which have introduced

<sup>18</sup> *Consultation Report of the Honourable George W Adams, QC to the Attorney General concerning Police co-operation with the Special Investigations Unit (Ontario), May 14th 1998.*

independent investigation has shown that lack of resources is one of the most significant factors in undermining the credibility and effectiveness of independent investigation. For example, in his report<sup>18</sup> on independent investigation in Ontario, George Adams, QC noted that whereas the police will typically deploy 20 to 30 officers at a homicide scene, Ontario's independent investigative body, the Special Investigations Unit, could send only two to three, often with a considerable delay.

This issue of resourcing therefore raised the question about the balance of independence, costs and the effective and efficient conduct of investigations. Is there a case for diluting the degree of independence in order to ensure that scenes are secured and that the considerable volume of work involved in a complex investigation is undertaken swiftly and efficiently? Our working group on investigation concluded that under model 1 - wholly independent investigative teams, it would be considered unacceptable, from the perspective of public confidence, for the teams to use police complaints staff to any significant degree, other than to secure scenes in readiness for the arrival of the independent investigators.

In contrast, under model 2 - mixed lay and seconded police officers - the working group believed that given that the police were involved in the investigation of complaints, though reporting to the independent body, it would be more acceptable to use additional police resources in exceptional cases. This may mean, for example, that in a complex case, with lots of footwork to be done, the senior investigating officer (SIO) may consider calling on police resources to undertake basic data gathering or research. It would not be acceptable for the SIO to use police resources for sensitive or critical evidence gathering.

#### *4.6.4 Primacy - criminal investigations*

One of the most important assumptions we made in developing these models was that the IACP should have the authority to investigate the criminal aspects of complaints. Inevitably, some of the most serious complaints against the police allege criminal conduct of some sort. It seemed therefore untenable that independent investigation should be limited only to the lowest level of cases, which could result in disciplinary, rather than criminal charges. Furthermore, the arguments examined which supported this more limited scope of investigation were based on the difficulties of giving teams the necessary powers to investigate criminal cases, rather than objection in principle. We concluded that it was of fundamental importance for public confidence in that the IACP team should investigate criminal allegations.

Consequently, the investigative teams would have to have the statutory powers to conduct criminal investigations, equivalent to the powers of the Office of Constable.

We were advised in the working groups that this could be achieved and that it would simply take legislative time, rather than being an insurmountable obstacle. In addition, the IACP itself would need to have access to a wider range of specialist skills in the conduct of criminal investigations than the more limited disciplinary function. For example, it would need to have either in-house provision of, or access to, specialist services such as, amongst others:

- scenes of crime;
- surveillance;
- forensics;
- ballistics;
- photographic services;
- medical examination services; and
- forensic accounting.

Our study did not include a detailed exploration of the best mechanisms for ensuring access to services such as those outlined above, or the costs of these services as a part of the cost of complaints investigations. We had access to data on the total costs to the Police Service of these services, but they were not broken down to a level at which we could identify the costs of these services to the investigation of complaints matters. We would not, therefore, be confident about attributing costs for the provision of these services to the investigative teams.

#### *4.6.5 Primacy - evidence gathering*

An additional aspect to the primacy debate is the issue of whether the IACP takes precedence over the police in access to the scene of an alleged incident and evidence associated with it. In searching for evidence in relation to the complaint, investigators may compromise evidence associated with parallel criminal investigations legitimately being carried out by the police. For example, in circumstances in which a police shooting incident occurred at the scene of a robbery, evidence would need to be gathered in connection with both the shooting and the robbery. In other jurisdictions, independent complaints organisations have been afforded primacy in evidence gathering. The members of the workshops agreed that this was the right approach given the imperative to secure evidence for serious complaints investigations. The workshop participants suggested that in order for this principle of primacy to be operationalised effectively, tightly defined protocols would need to be put in place, to ensure that rules on evidence gathering were maintained by the police and the independent investigative team. Experience from other jurisdictions, particularly Ontario, has demonstrated the significant difficulties which have arisen when these protocols are poorly defined or do not have a statutory basis.

Another important issue in relation to evidence gathering is the timing of the arrival of the independent investigative team. The widely used term “the golden hour” refers to the critical period immediately following an incident in which the identification of crucial evidence (including witnesses) significantly increases the rate at which cases, in a criminal context, are resolved. We believe that the IACP should accept that in some cases it must rely on the police to capture this evidence in the first few vital hours. Clearly, it is an imperative for the IACP team to be at the scene of the incident as soon as possible, but it is likely that the police would be present before them. We believe that in such circumstances the police should seek to secure evidence which may be used by the complaints investigation team. Again, as with the main primacy issue, in operationalising this proposal a robust and very clear statutory framework must be established.

#### *4.6.6 Regionalisation*

Both investigation models assume that the IACP is established on a regional basis and that investigating officers are assigned to individual regional units. We have proposed a regional model for the following reasons:

- ease of access to scenes of crime, evidence and witnesses. One of the difficulties associated with the current PCA supervision of complaints is that members are too remote from investigations and are often unable to play a more active role because of the distance of the investigation from London. Furthermore, experience from other jurisdictions shows how critical it is that investigative teams are on site as soon as possible. There would still be delays, during which police would have to capture evidence;
- supporting the development of understanding of local circumstances and procedures in the forces which come under the investigative remit of the IACP, in order to mitigate against cultural barriers;
- making the IACP more attractive and limiting expenses. Interviewees considered that staff would find regional working more attractive than a centralised investigative team, which could be deployed anywhere in the country. In addition, anecdotal evidence on costing from external investigations under the current system shows that the cost of travel and subsistence for long term investigations can be substantial. Regionally based teams should help to keep such costs down.

There would, however, need to be flexibility of deployment between regions to cope with fluctuations in case loads. We have built in a degree of contingency to our staffing plans for investigative teams. We have consciously limited the number of regional investigative centres by balancing access with issues of cost and efficiency.

There are a number of alternative models of regional organisation which might be considered. It was beyond the scope of this project for us to examine this in more detail. Consideration in any future work should be given to alternative solutions.

### 4.7 Discipline

The functions of investigation and discipline are closely linked. The focus of this study has been on the investigation of complaints. However, we are aware both that there is some criticism of the current discipline process as it relates to complaints and that our proposals have an impact on the discipline process which we should address. These proposals are in outline form only and would need considerable additional examination to bring them to a point at which the principles and processes could be tested. There are three key areas for discussion:

- Preferment of discipline charges - the PCA currently reviews all investigated cases and agrees the discipline charges to be brought against the officer concerned. In a small number of cases, the PCA has disagreed with the charges suggested by the force. There is a mechanism for handling disagreements about whether discipline charges should be brought and what form they should take. Under our proposals, it has been suggested that if the IACP is undertaking investigations and producing IO reports, it should decide whether charges should be brought against the officers involved in the case and what those charges should be. This function is critical to the bringing of successful cases against officers. There was limited anecdotal evidence from the study to suggest that where the PCA has sought to alter charges (usually by preferring more serious charges) the case had failed at the tribunal, whilst the set of less serious charges might have secured disciplinary action against the officer. We are not able, at this stage to comment further on this issue, in the absence of further information, but it would need to be considered carefully;
- The presentation of complaints cases to discipline tribunals - this point is similar to that on the preferment of discipline charges. If a case is investigated by the IACP it would be inconsistent for the IACP to then pass the file back to the police for presentation at the discipline tribunal. Some interviewees argued that under both models this would fail the independence test. The solution would be for the IACP to present the case, or to engage counsel to present the case on its behalf, depending on the seriousness of the allegations. Again, the implications of this solution have not been examined in detail;
- A wider debate about the composition of discipline tribunals is taking place, with for example, Police Authorities, sitting on tribunal appeal panels. The issue in relation to our proposals is one of confidence: would tribunal panels comprising wholly of police officers have sufficient confidence in the quality of the



independent investigation of complaints by the IACP to find against their own officers? Beyond that we are concerned that real or perceived lack of confidence in independent investigation by the tribunals may fundamentally undermine the success of our proposals. We have not examined solutions to this concern in detail. One proposal would be to include one or more lay members on the tribunal panel.

#### 4.8 Investigation staff implications for IACP

Table 6 sets out the main functions which arise for the IACP from the system as described, and attributes estimates of the number of Full Time Equivalent (FTE) staff which would be required to carry them out for each of six regional offices assumed to have similar workloads. It does not include management time, and this tier of staff needs therefore to be taken into account in addition.

We suggest that the majority of these functions can be undertaken by teams of staff of seniority ranging from the equivalent of civil service grades between Executive Officer and Grade 3. The average costs of these staff may therefore be in the region of **£33,000 each**.

Table 6 - Staffing requirements for investigative function		
Function	Assumptions	FTE required/region
Investigation of cases of high public profile, and advice on investigative operation and policy.	3 equivalent Senior Superintendents nation-wide, who would be required to service all 6 regions.	0.5 FTE
Lead IO for high profile or particularly complex cases plus general supervision of IACP investigations.	Equivalent of one Superintendent per region.	1 FTE
Investigating Officers	Equivalent of 2 Detective Chief Inspectors per region, with responsibility for around 160 investigations per year.	2 FTE
Investigating team	Equivalent of 4 Detective Inspectors, 2 Detective Sergeants and 1 Detective Constable for the bulk of investigative work, each dealing with around 15 investigations per year, lasting an average of 225 working days. <sup>19</sup>	7 FTE
<b>TOTAL</b>		<b>10.5 FTE</b>

<sup>19</sup> This is on the basis of an average of 160 investigations per year per region, reflecting the 960 cases, nation-wide, presently supervised by the PCA. The present nation-wide performance target of 120 days for an investigation is rarely met in the case of complex investigations. The average investigation time for public complaints matters in CIB2 in 1998/99 was 209 days.

The total investigative resources required for the IACP over the six regions therefore would be 63 FTEs, whose total cost would be for Model 1 in the region of £1.9 million, and for Model 2 in the region of £2.1 million. This cost is explained in detail in Annex C.

### 4.9 Alternatives

During our study a number of alternative models of investigation were suggested to us, some of which are noted on the critical path diagram illustrated at Figure 6. We considered these models with reference to our evaluation matrix and the other proposals we have developed for other key processes in the system;

- 44th Police force option - under this model all complaints would be investigated by an independent body. This model would represent the most radical reform of the complaints system, fundamentally restructuring it and offering the opportunity for wholesale change to all of the processes within it. We have not pursued this option, because we do not believe that the problems identified with the current system warrant such extensive change and the expenditure that would be associated with it. We have not investigated the costs of this option, but given the number of complaints investigations the staffing requirement would be very considerable.
- A limited or “core” investigative team, comprising wholly independent investigators, or a lay-police mix, perhaps just two or three investigators per region. This core team would have access to police resources to staff individual investigative teams. The model is highly flexible and considerably less resource intensive than our proposals. However, we believe that the balance between IACP investigators and police in investigations would not be acceptable to the public and that the levels of independence this model allows for are not sufficient to address concerns about public confidence. This model is particularly incompatible with the wholly independent teams, because it compromises the levels of independence in investigations.
- Skilled and experienced agency staff - in recent years the police have made increasing use of recently retired police officers as agency staff. For example, the Police Associates Register holds the details of nearly 3,000 recently retired officers who could be made available under a number of alternative models to provide additional, but skilled, resources. Given the temporary nature of their employment contracts, this offers a highly flexible solution to the problems associated with the need for short term access to either highly specialised resources or numbers of investigators. Again, this model has not been developed to any degree. There would clearly be a question of whether retired police officers

would be considered by the public to be sufficiently independent or whether their accountability within the organisation of the IACP and to the public would be acceptable.

### **4.10 Conclusion**

We have concluded that both models of independent investigation are feasible, though both would require legislation to establish and significant resourcing to ensure that investigations could be carried out within an acceptable timeframe. As in Ontario, the independent body would come under severe criticism if its competence is challenged as a result of insufficient resources to carry out all of its functions, but especially investigation, effectively.

Our preferred model is the mixed team of lay and seconded police officers. We believe that this strikes the best balance between independence, practicality and acceptance by both the public and the police. Crucially, we have more confidence that this model would deliver, particularly in the short term, investigations of sufficient quality and level of independence at an acceptable cost.

## 5. Supervision, monitoring and continuous improvement

### 5.1 Introduction

The third major area of discussion which our research has highlighted is a broad one. It includes the wider role of the independent complaints body in ensuring the quality of the complaints system as a whole, and learning and disseminating lessons from knowledge of the system.

This incorporates three main activities which the PCA already carries out, and to which a new independent body would need to have an approach. These are:

- supervision by the IACP of particular investigations undertaken by the police;
- monitoring the remainder of investigations undertaken by the police, and which are not supervised by the IACP; and
- managing the knowledge gained from the collection of data and information about police complaints, and disseminating this in a way aimed at continuous improvement of the system.

We have proposed in this study that, in the interests of practicability, an independent body would investigate only those complaints which came into certain categories, and that it might therefore investigate some 1,000 complaints per year. However, an element of independence also needs to be visible in those complaints which continue to be investigated by the police, and at each key point in the system, since the current problem of public perception is clearly not limited to perceptions about the investigation only of the most high profile cases. The IACP therefore needs a significant and positive role permeating the entire system. At the same time, this role needs to be appropriate and proportional to the problem it is intended to address.

### 5.2 Analysis of the current situation

Our discussions have revealed consensus between stakeholders that the complaints system requires strengthened and independent oversight. Although the PCA supervises some 1000 cases per year, and in some cases this supervision is high profile and highly effective, overall the current role and powers of the PCA have been described as inadequate and remote. It is not currently structured or equipped to meet the needs of either the public or the Police Service in ensuring the overall integrity and continuous improvement of the complaints system.

### *5.2.1 Supervision*

Supervision is currently the best known and most high profile function which the PCA exercises. The PCA supervises cases which are either mandatorily or voluntarily referred to it by police forces, depending on the categories set out in the 1984 PACE Act and accompanying regulations. In turn, the PCA is either mandated or permitted to undertake supervision of these investigations. There is no doubt that the PCA has highly committed and competent staff, and that, within the limits of its capacity, it has been able to carry out some highly effective supervisions, and in many cases develop excellent working partnerships with the police force.

However, reservations about its supervisory role come from several quarters. The Police Service is concerned that the PCA caseworkers and staff are remote from their issues and lack training in the investigative process. This means that they sometimes regard the PCA's supervision as toothless and irrelevant, and fail to develop relationships with PCA staff which help either the supervision or the investigation.

Public interest groups, on the other hand, have expressed concern that the limited scope of the PCA's supervisory capacity means that many cases are left outside the oversight of the PCA and that they are effectively powerless to work proactively and meaningfully with a force during supervision, to make a genuine contribution to ensuring the quality of investigations. The PCA's supervision is sometimes portrayed as being no more than a "rubber stamping" exercise when an investigation is completed. Moreover, the PCA is not sufficiently separated in the public mind from the Police Service. This is partly because of the impression caused by its name, which associates it with the police, and partly because it has not been able to communicate effectively enough with the public in general to make its independent role clear and well known.

The PCA has itself made clear its own dissatisfaction with the limits of its capacity and powers, and has pointed in particular to its lack of resources, and its geographical remoteness from the site of many investigations. It has also indicated that it would also like "walk-in powers" to enable it to supervise cases deemed to be of public interest but not currently requiring mandatory referral by police forces. On the other hand, there are many instances in which forces refer cases to the PCA with what is seen by them to be excessive caution, and this puts a further burden of work on the stretched resources of the organisation.

### *5.2.2 Monitoring*

The PCA's mechanism for monitoring the vast majority of cases is through its role in overseeing the outcome of disciplinary charges. It reviews and agrees all decisions

reached by police forces (concerning some 18,000 complaints) about whether to prefer charges against officers on the outcome of the complaint investigation.

This is potentially an effective way of ensuring that the organisation is informed of trends and developments in the investigation of complaints more generally. The main constraint on this is that resources do not allow it to draw systematic conclusions from its oversight, and that the information on which its analysis is based is all subsequent to the investigation and disciplinary recommendation, and it is therefore very difficult for PCA case workers to interpret the facts and issues in individual cases and come to robust conclusions about the sufficiency of investigations and the appropriateness of disciplinary decisions. Indeed in practice their role is to form a judgement on the disciplinary decision not on the conduct of the investigation. Since the small proportion of disciplinary outcomes which arise from the investigation of complaints is one of the areas of greatest scepticism amongst some members of the public, and in particular the legal profession, the weakness of the PCA's monitoring role is an area of significant concern in terms of its contribution to increasing public confidence.

Since it is not informed of the great majority of ongoing investigations until they are complete, the PCA also lacks any means of monitoring ongoing investigations, in terms of their duration, quality, and style. It is therefore effectively powerless with regard to any non-supervised cases.

### *5.2.3 Continuous Improvement*

The PCA has made efforts in recent years to increase its role in contributing to improved knowledge about the complaints system, and developing guidance and advice for police forces and public institutions. It has published reports which have been described by the police as influential. It also plays a role in gathering data on complaints.

However, by its own acknowledgement, and as expressed by other stakeholders, the role which it plays in this regard could be more influential, more proactive and more useful to other stakeholders than it currently is. There is agreement that a key benefit of independent oversight is the central collation and analysis of complaint trends. However concern was raised by police stakeholders about the comprehensiveness and reliability of the statistical analysis produced by the PCA. This has damaged the relationship between a number of forces and the PCA. As a result a potentially beneficial oversight function has in fact led to the deterioration of some relationships.

### 5.2.4 Links with other public organisations

The PCA is part of a network of public organisations with responsibility for the effectiveness and integrity of the police. As well as its obvious connections with police forces, and with its sponsor department, the Home Office, the PCA has and needs close links in particular with Police Authorities, and Her Majesty's Inspectorate of Constabulary (HMIC). This relationship applies in particular with regard to the monitoring of complaints and overall performance of Complaints and Discipline Units.

#### Police Authorities

Police Authorities (PA) currently have a statutory duty to monitor complaints. This is undertaken most commonly through the review of case files presented by a local force to the PA. It is clear that different authorities have the capability and knowledge to exercise this duty to different degrees and with differing degrees of co-operation from the local force. Stakeholders agree that the current arrangements are largely reactive and do not enable PAs to monitor complaints meaningfully so that they may subsequently contribute to performance improvement initiatives in the system.

We believe that strengthening and standardising the PAs' involvement in the monitoring of complaints would contribute towards more effective oversight. Furthermore the involvement of the PAs would bring a valuable complementary 'lay' element into the oversight process<sup>20</sup>. They could also contribute more to the oversight of the investigation of complaints and the development of good practice if their relationship with the PCA was closer.

However, oversight by PAs alone would not be sufficient to increase public confidence in the complaints system as the public is liable to see PAs as part of the Police Service.

#### Her Majesty's Inspectorate of Constabulary (HMIC)

HMIC already plays a key role in:

- the oversight of Complaints and Discipline Units;
- fulfilling its duty to keep informed about complaints and discipline issues in all forces;
- assessing the performance of police forces in general; and
- setting of standards for investigation and management of complaints through its statutory responsibility to inspect the performance of police forces.

<sup>20</sup> In this report we have made several recommendations about possible roles for Police Authorities. However, we have not attempted to estimate the cost or other wider implications of these suggestions, as we assume that any new roles which they would take on would be in the context of their more general development.

Inspections are conducted against standard protocols and referenced against a data base of performance indicators and recognised good practice. From April 2000 forces will be inspected on a risk basis which may result in a force either not being inspected or only being inspected in part in a particular year. If a force is not visited, its performance will be subject to examination, usually by a desk-top review. In addition, under the recently introduced Best Value initiative all functions must be reviewed within a five year period.

We believe that HMIC's role in setting standards and inspecting the work of the Complaints and Discipline Units is crucial to the effectiveness of any complaints system. There are concerns, however, that the potential infrequency of inspections as from this year will lead the public to believe that oversight of the complaints process is not sufficiently rigorous. Clearly this is of concern and we believe that additional more frequent monitoring arrangements of all investigations of complaints needs to be put in place for any new independent body.

### **5.3 Critical path to the proposed model**

Figure 7 shows the decision making path we have followed to arrive at the model for supervision we describe in the following section. The model we are proposing emphasises flexibility and effectiveness, to make supervision a meaningful but proportionate tool for the IACP.

### **5.4 Proposed model**

#### *5.4.1 Introduction*

In response to the current situation, as discussed earlier in this section, the system we are describing in this section attempts to meet some fundamental objectives.

#### *5.4.2 Public confidence*

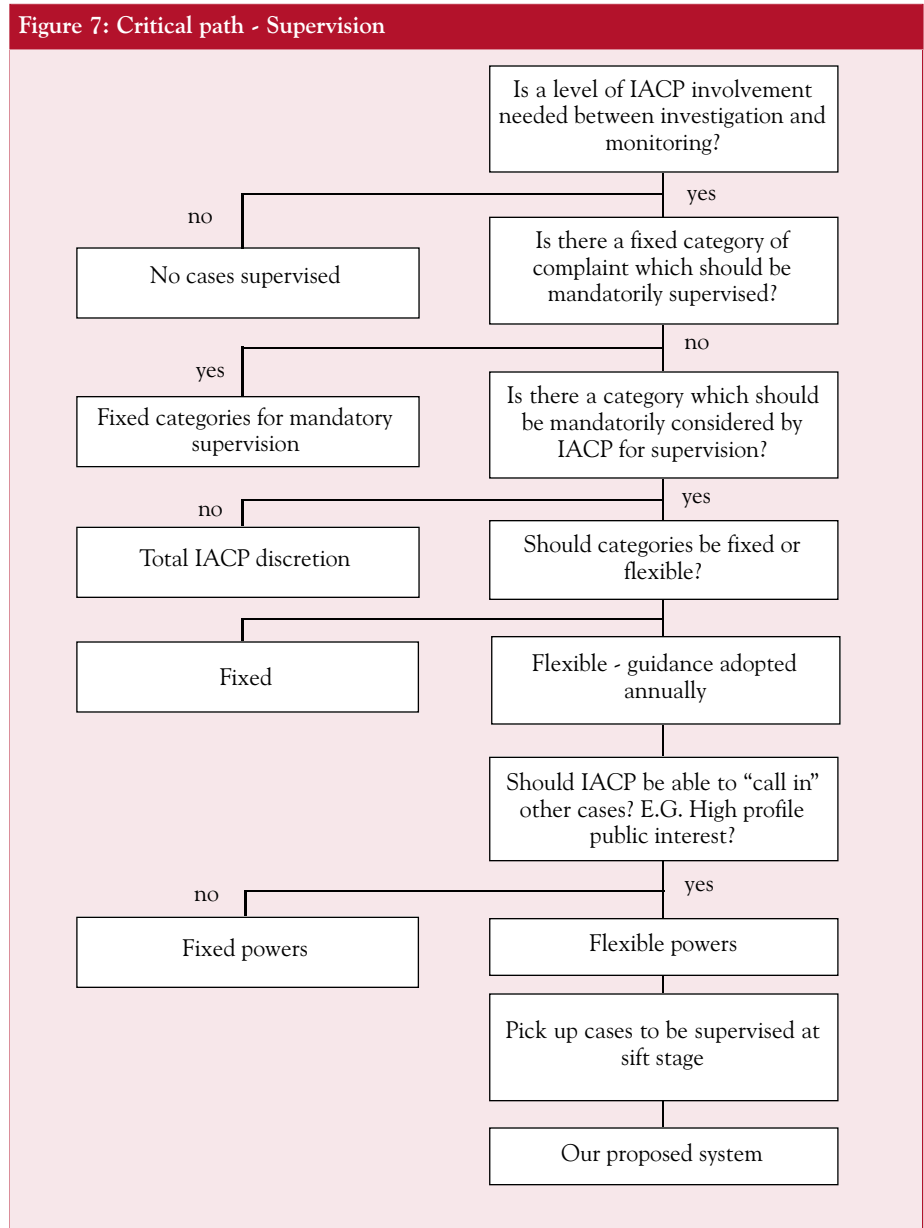
One of the primary aims of supervision and monitoring in the system is to raise the level of public confidence in the system. A pre-requisite for this is that the IACP's role in supervising cases and in monitoring investigations is well known, and seen to be effective. Part of the IACP's public relations and community outreach role must therefore be to make it clear that this role exists, and is used influentially to uphold high standards in investigations.

#### *5.4.3 Meaningful intervention*

In order to have a real effect, the IACP must have the resources and the authority to make meaningful interventions whether through its supervision role, its monitoring of cases, or its use of its knowledge to bring about continuous improvement in the system.



Figure 7: Critical path - Supervision



In the case of supervision, this means that it would need to be able to get close enough to investigations, and to be able to be knowledgeable enough about them, in order to be able to make a genuine impact on their conduct, should this be needed. The IACP's role needs to be carried out in such a way as to give the police confidence that the IACP is able to make a genuine contribution to enhancing the quality of the investigation, and that it is not merely a retrospective, routine endorsement of work carried out.

Similarly, the monitoring of investigations should yield meaningful results, and be used purposefully to help improve the quality of both specific investigations and general approaches to investigation.

### *Collaborative*

Whilst the IACP needs to have the authority and independence to intervene appropriately, its role also needs to be one of positive collaboration with the police, and to offer support and assistance where it can be used. For example, in supervised cases, the supervising officer may be able to be called upon by the investigating officer to attend or even facilitate interviews, where an independent intervention might help to secure the co-operation of a witness or complainant. Its role in continuous improvement can also be highly positive and collaborative. Whilst it may involve in some cases identifying weaknesses or issues to be resolved, it can frequently consist of advice and support, perhaps through less formal channels, in order to help bring about a consistently high quality of complaints management.

### *5.4.4 Description*

#### Supervision - types of investigation to be supervised

We propose that the sift stage (at which the IACP reviews investigation plans) should form the basis for a decision by the IACP on whether to supervise an investigation. Since it would have sight at an early stage of the process of all complaints being investigated, it would be in a strong position to make this judgement. This removes the current concept of mandatory or voluntary referral of complaints to the PCA, and gives the IACP rather than the police force the responsibility of deciding what is appropriate for supervision (although the investigation plans might well suggest or request IACP supervision).

The category of complaints or incidents which would be investigated independently by the IACP according to the system we propose should capture the majority of what are often referred to as the "most serious" complaints. However, there would be complaints which, whilst not falling into this category would nevertheless benefit from IACP supervision of their investigation because:

- they fall into a category of sensitive complaints which nevertheless do not require independent investigation. This category would be set out in guidance - which might be agreed annually with stakeholders - and could include both perennially sensitive issues, such as non-fatal road traffic incidents (RTI) or actual bodily harm (ABH), and topical public interest issues, such as racial or sexuality-related issues, or the use of new equipment by the police, depending on current perceived needs;
- the IACP wishes to pay special attention to cases which are investigated by particular officers or a particular Complaints and Discipline Department, on the basis of past performance. This would need to be handled discreetly, in order not to undermine public confidence in those officers or C&D Units, and would require close collaboration with the appropriate Chief Constable;
- the IACP wishes to “call in” an investigation for supervision for any other reason, such as the involvement of a well known public figure, or particular circumstances of public interest.

We propose that, whilst the IACP should be required to consider supervision of complaints in certain categories set out in guidance, it should have discretion as to whether supervision would be beneficial. For example, whilst a complaint might refer to a non-fatal RTI, it might appear from the facts of the case as set out in the investigation plan that the investigation would be very short and straight forward, and the investigation does not warrant the supervision of the IACP.

On the other hand, there would be cases which the IACP considers appropriate for supervision, which are not explicitly covered in guidance. The IACP’s role at the sift stage makes this a powerful tool, and may cause it to supervise cases which would not be referred to the PCA under current guidelines.

The decision to supervise an investigation would need to be taken in every case by a Member of the IACP, upon the recommendation of a case worker.

### Supervision - process

The PCA’s current guidelines already grant it considerable powers to supervise cases. For example, with the support of case workers, PCA members may supervise cases through:

- visits to the incident scene;
- meetings or other discussions with the Investigating Officer (IO);
- agreement of sufficiency of resources and appropriateness of investigation plan;

- setting dates for consultations between the IO and member; and
- sitting in on interviews.

We do not propose major changes to these powers. We do however propose that the IACP is equipped and resourced to be able to carry out its role proactively and visibly in a greater number of the cases to be supervised, and that its involvement should be agreed and structured from the start, through agreement as part of an investigation plan on the nature and timing of the IACP's supervisory role in each case.

We also propose that most aspects of supervision might be conducted effectively and economically by staff who are more junior than current PCA members, but more senior than the PCA's case workers. Whilst each supervision should have an IACP Member attached to it, much of the supervision and field work could be undertaken by suitably qualified staff of mid-ranking seniority, supported by teams.

We believe, however, that the two most important factors in increasing the effectiveness of supervision are:

- sufficiency of resources to supervise all selected cases proactively; and
- a regional base for supervision.

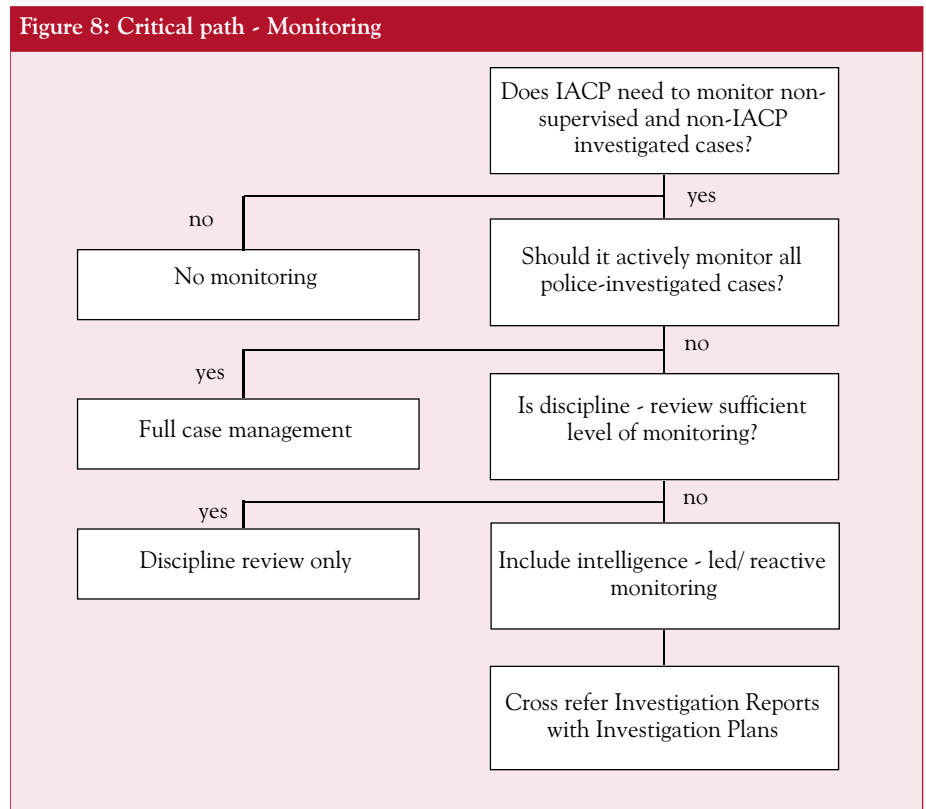
This latter point is particularly important to ensure that supervision officers are thoroughly acquainted with local circumstances and with IOs, and that they can flexibly and economically be present at the scenes of incidents and during the investigations themselves.

Proximity to the location of investigations, and familiarity with local circumstances and individuals would also allow IACP staff to play a positive role in supporting IOs and their teams where this is useful. For example, the IO may call on the supervision officer to attend interviews where the presence of an independent third party might give a complainant or witness the confidence to co-operate fully with an investigation.

### Monitoring

Our proposals for monitoring are based on the premise that in the interests of public confidence and of ensuring that the IACP has a comprehensive overview of all forms of complaints investigation, it should monitor the investigations of those complaints which are investigated by the police forces without being supervised by

the IACP. This monitoring needs to be active enough to be useful, but discreet enough not to overburden the IACP with tasks, nor to interfere unduly with the course of what might be in most circumstances straight forward investigations. Figure 8 shows the decision making path we have followed to arrive at our model.



The PCA currently carries out a form of monitoring through its reviews of discipline outcomes. We propose that the IACP directly inherit this function, but that it should be enhanced by:

- the ability to refer back to the initial investigation plan approved at the outset of the investigation, to give a better overall knowledge of the investigation. Where the IO's report shows that the course of investigation differed from the plan, this would be justified and explained;

- more active use of the ability of case workers to challenge, where appropriate, the course of an investigation, not merely the disciplinary outcome recommended;
- a better informed legal opinion for IACP challenges, to ensure that its recommendations on disciplinary outcomes are legally sound and sustainable; and
- a regional monitoring function, which would allow close knowledge of local circumstances and individuals, and facilitate discreet and proportionate monitoring on a case by case basis, based on sensitive and appropriate use of this knowledge.

In addition to the discipline review, we also suggest that there should be in-process monitoring of certain other cases. We are not suggesting that the IACP should undertake active case management of investigations being carried out by the police, although it would be quite feasible for the IACP to do this using a computer-based case management system and milestones drawn from the investigation plan. However, we are not convinced that the benefit of doing this would justify the resources which it would require. Nor are we persuaded that random sampling of ongoing investigations would be an effective way of ensuring a high quality of investigations more generally, although this too would be a viable option.

We do, however, recommend that the IACP should have the capacity and authority to monitor investigations as it sees fit, for example:

- if a complainant alerts the IACP to substantial allegations that an investigation is being conducted inadequately or inappropriately;
- if there are external circumstances, such as the possible linking of an investigation with other complaints; or
- if the overall duration of an investigation exceeds the target time as stated in the investigation plan; whilst, as stated above, we do not recommend day to day case management by the IACP, a system which alerts case workers to target completion dates would be simple and effective in monitoring investigation durations.

We propose that the IACP has flexibility to monitor cases in the most appropriate way, which may often fall far short of the attention given to supervised investigations. However, we propose that there should be a formal process of notification if a case is being monitored, so that the IACP cannot be accused of “harassing” forces.

### Continuous Improvement

We propose that the IACP should have a positive and influential role in contributing to the continuous improvement of the complaints system, and that its responsibility in this regard should be explicitly recognised. We believe that it can contribute effectively to this through:

- maintaining a comprehensive central statistical database of accurate and comparable complaints data;
- developing a repository of knowledge on complaints and investigation trends at regional and central levels, in order to contribute to the analysis of exceptions and patterns;
- the collection and dissemination of best practice on complaints management and investigation techniques;
- employing contemporary management techniques to ensure that systems aimed at continuous improvement both in police forces and the IACP are in place and put into practice;
- collaborating with HMIC and Police Authorities, as well as with Chief Constables, the Home Office and other stakeholders, to complement their information and analysis of police forces' performance on complaints matters within the context of their own responsibilities;
- contributing to views on the value for money of police forces complaints management and investigation functions; and
- maintaining and analysing research on public and police satisfaction with the complaints system, and with the IACP's own role within it, in order to inform ongoing adaptation of the system to the concerns of the public and police.

We propose that, as an independent body, the IACP should have the freedom to report as it sees fit on complaints issues in the Police Service generally, and in specific police forces. For example, the IACP may wish to publish annual comparative data and commentary on police forces' complaints strategies and performance. It is also likely to have a useful role in carrying forward the PCA's work of producing reports on specific issues relating to police complaints, such as policing techniques which typically generate or minimise the incidence of complaints.

However, the emphasis of its publications would be to make a positive contribution to improvement, and it would need to find a balance between being open and frank, and ensuring that it does not unduly damage either public confidence in the system or its own relationships with the Police Service and other public bodies who are stakeholders.

To achieve continuous improvement, it is critical that all IACP employees have a role in sharing knowledge on matters such as best practice, as well as, on an operational level, ensuring that their own functions, whether sift, investigation, or monitoring, are properly entered into the Management Information System on a timely basis. Our experience suggests that meaningful knowledge sharing represents a cultural shift for many which should be facilitated by among other things, reflection of knowledge sharing responsibility in the staff appraisal system.

In addition to each individual contributing to continuous improvement, we recommend that a dedicated, well resourced Research Centre be established to collate and analyse data. This is discussed in Section 6.1.11.

### *5.4.5 Benefits and concerns*

From our consultations, we believe that the proposals we have outlined on supervision, monitoring and continuous improvement are relatively uncontroversial, as they mainly involve ways of strengthening and improving mechanisms which are already in place, but which the PCA has not been resourced to carry out as actively as it might.

The main benefits of what we are proposing are:

- there would be real and visible involvement of an independent body in the investigation of even those cases which are not being independently investigated, and this would give confidence to complainants and police officers involved in investigations of all types;
- the IACP would gain greater flexibility about which cases it needed to supervise, and this would promote a more targeted use of resources, and consequently a more active and effective form of supervision;
- the IACP would be able to monitor the outcome of all investigations on the basis of familiarity with them from their inception, and would thus be involved at the most critical stages;
- the IACP would have the information with which to decide which cases should be supervised or monitored, without police forces having to refer investigations voluntarily;
- regionalisation of the IACP would permit more thorough and economical supervision of investigations by allowing supervising officers to be closer to the investigations physically and through a better knowledge of the environment and relationship with the forces concerned; and



- the IACP would form the nucleus of a knowledge repository on police complaints which could be used for structured and positive efforts at continuous improvement of all parts of the system.

The main concerns about the system we suggest are likely once again to concern the resources required in order to deliver it. We are confident that other stakeholders would accept that the IACP can make a positive and non-intrusive contribution, provided that the level and capability of the resources recruited to carry it out the designated tasks is appropriate.

#### 5.4.6 Volumes and staff implications

It is hard to estimate precisely how many investigations would be supervised or monitored under this system, as the flexibility in the system brings obvious uncertainties. The following estimates in Table 7 are therefore based on some broad assumptions about volumes and times. Again, the estimates are made for each region, and do not include the time of the senior tier of IACP staff:

Function	Assumptions		FTE required/region
	Volumes	Times	
Supervision of cases, including establishment of plan, supervision, and acceptance	100 investigations per region per year to be supervised	4 days input per case worker	1.7 FTE
Discipline review	680 investigated cases per region per year; up to 650 dispensations per year <sup>21</sup>	1 disciplinary review, plus 3-4 dispensations per person per day	4 FTE
In-progress monitoring activities	Max. 250 cases per year	1 day's work each	1.1 FTE
Continuous improvement, research, data analysis etc	Central research and CI team (6 FTEs)		n/a
<b>TOTAL</b>			6.8 FTE
<b>TOTAL COSTS</b>	<b>@ an average of £24,000 /year</b>		<b>Total per region £163,200 =£979,200</b>

<sup>21</sup> In the year to 31 March 1999, the PCA considered the detailed evidence in 4,134 fully investigated cases, after deleting those cases dealt with by dispensation, although the number of complaints within these cases was approximately twice this number. The FTE figures we propose represent approximately an increase of 25% on current PCA provision of 20 case workers. This also includes a provision for reviewing dispensation requests, although many of these may be picked up at the sift stage.

We estimate that the profile of staff teams carrying out these roles would be similar to those carrying out the sift functions. As a guide, therefore, we estimate the average cost per head at £24,000, making a total of £979,200 for all regions for this element of the IACP's work.

### **5.5 Viable alternatives - benefits and concerns**

The main alternatives to the system we have outlined would include the supervision of a greater number of investigations, or all of those which fall into particular categories, and a more comprehensive, case management approach to monitoring.

One possible approach to supervision is for the IACP to supervise mandatorily all of those investigations which fall into a certain category of "seriousness" below those which are independently investigated and in addition, any other investigations which it saw fit. This would have the benefit of added clarity and comprehensiveness, since, for example, all RTI investigations would therefore be supervised. However, we consider that the flexibility afforded by the system we propose is preferable to a rigid system whereby the IACP may be obliged to employ its resources to supervise investigations which from the outset are clearly relatively straight forward.

A further configuration for supervision would be for the existing system of mandatory and voluntary referrals by the police to the PCA to be continued in an IACP context. This would apply if a sift were not introduced, and the IACP were therefore not able to have sight at an early stage of the investigations to be undertaken. However, we have made clear our preference for a sift to facilitate this early view in earlier sections.

We believe that in terms of the process of supervision, our proposals would be widely accepted, since there is broad agreement that the current level of supervision is inadequate.

We have considered two possible further innovations in the monitoring of investigations. One of these is to introduce a thorough case management process, whereby IACP staff use an IT-based case management system to monitor the progress of cases regularly. The IT system would enable IACP staff on-line access to information recorded regularly by the police force Investigating Officer (IO), which would allow an up-to-date view of progress against the Investigation Plan. This would have the benefit of giving IACP full information at any stage on all investigations, and would help in particular with communication with complainants, who would be reassured that the independent body had close oversight of the investigation process.

Alternatively, the IACP could engage in random dip sampling of investigations being carried out by police forces, in order to “spot check” the quality of investigations, and make IOs aware that this detailed oversight might be applied to any investigation. This would help to ensure that thorough processes were observed. However, we have not pursued these possible courses as we are persuaded that the “heaviness” of the former process, and the randomness of the latter, make them less effective and less practicable than the systematic but non-intrusive proposal which we have put forward.

### 5.6 Conclusion

The proposals we have made do not radically alter the current system. They are more aimed at:

- ensuring that the IACP can be proactive in its supervision, monitoring and improvement roles;
- introducing greater flexibility to enable this proactivity;
- setting the level of available resources high enough to give the IACP the opportunity to exercise its functions effectively; and
- giving confidence that there is a genuine independent element at all points of the system, and that this is not restricted to the investigation of a relatively small proportion of cases.

We suggest that these improvements could address effectively the current difficulties experienced by the PCA.

## 6. The new independent oversight body

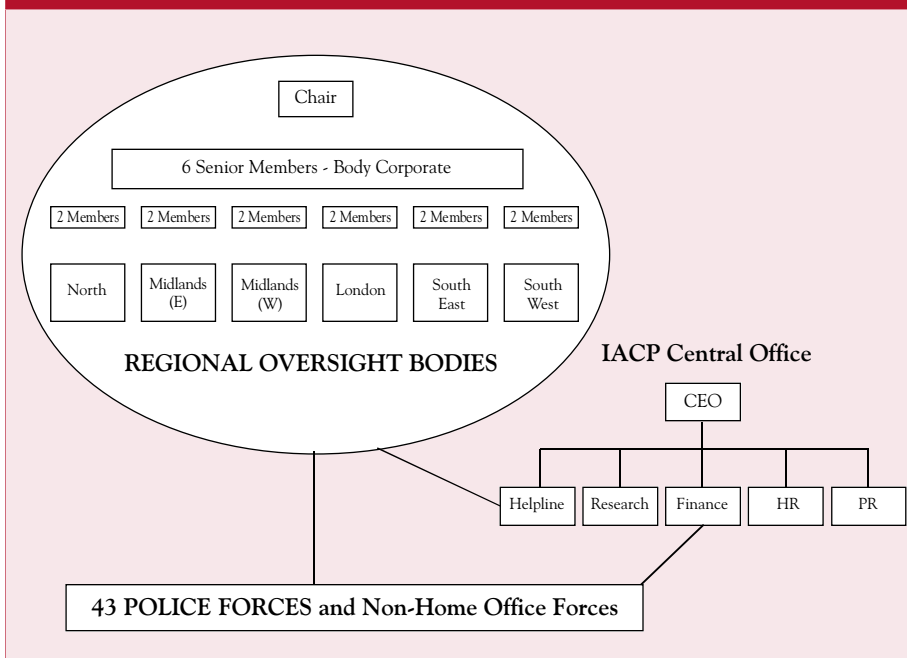
### 6.1 Structure and functions

This chapter outlines the rationale for the structure, staffing, and functions of the proposed independent oversight body. It covers management and leadership, the roles of the central and regional offices and relationship between them, and the governance and funding of the organisation. It describes the responsibilities of the Finance, Human Resources, Public Communication and Community Outreach functions, and the Information Technology support required by the IACP. At the end of the chapter there is a discussion about possible governance and funding structures for the new organisation.

#### 6.1.1 Management and leadership structures

Figure 9 shows the proposed management structure of the organisation.

Figure 9: Management structures



We envisage a two tiered organisation, along the lines of a Board/Executive arrangement, which would involve different roles and responsibilities for the Board of Members, and for the staff working under the Chief Executive.

### Chairman and Members

We envisage that there would be a total of eighteen Members, three in each of the regions. Of these, a Board of six Members (one from each region) would be selected (or elected), one of whom would be the Chairman. The Members would need to be distributed amongst the regional offices, as they would have important day to day functions which would require them to be present on site.

The role of the Members would be to:

- represent the organisation and take responsibility for its actions and decisions, and for the deployment of its budget;
- develop the organisation's policies and strategies, in co-operation with its sponsoring organisation (see section on accountability structures, below);
- appoint the Chief Executive and senior officers;
- quality assure and approve the investigations carried out by the IACP;
- approve IACP decisions on which investigations to supervise, grant dispensation, order re-investigation, and take other key decisions as set out in guidance; and
- promote the IACP's relationships with police forces and community groups, and safeguard its reputation.

The profile and leadership qualities of the Chairman would be essential to the success of the organisation. Given the IACP's function and objectives, the Chairman would need to be a high profile public figure, who is demonstrably independent of both the police and particular interest groups. He or she also needs to be an experienced strategic thinker with proven leadership and management qualities. In addition, he or she would need to have credible knowledge of the criminal justice system.

We propose that the Members should be drawn from a range of relevant backgrounds (as is the case with the current PCA), in order to bring a mix of experience, and ensure that the organisation has its own distinctive culture. We would also envisage, however, that the Board would have a substantial basis of experience in the legal and criminal justice spheres.

### Chief Executive and senior officers

The Board would appoint a Chief Executive (CEO) whose responsibility would be to manage the organisation's day to day operations. We envisage that the CEO would lead a small senior management team including a Chief Finance Officer (CFO) and

Human Resources Director (HRD). This team would be responsible for ensuring the effective implementation of the policies and strategies established by the Board, and for the efficient day to day running of the organisation. The senior management should be experienced and well established managers from either public or private sectors. Their managerial roles are distinct from the more strategic and representative roles of the Board.

### Other staff

The various functions of the core complaints and investigation handling staff of the IACP are described elsewhere in this document, and are not re-iterated here. As far as possible, we propose that there should be mobility between functions, both in order to enrich the nature of the work for the individuals concerned, and hence attract a high calibre of staff, and in order to ensure that there is the greatest amount possible of sharing of knowledge and experience amongst the different functions, which essentially represent different stages of a single process. Where possible, therefore we suggest that teams have a “cradle to grave” responsibility for individual cases.

However, given the specialist skills which would be required by the investigative teams themselves, only those staff who have been specifically trained would be engaged at a professional level on investigative teams, although mobility at the administrative level would be desirable. We would suggest, however, that in order to bring fresh and relevant experience of front line investigating to bear on the supervision, monitoring and sift functions, trained investigators should spend time on a rotating basis in these teams. We would also suggest that staff in these teams should have the opportunity as part of their career progression to train as investigators. This would offer attractive career possibilities.

The skills and background of the investigative teams have been discussed in section 4. Other functions, such as Public Relations, would require fully trained specialist professionals. For many of the tasks, however, staff would need to be recruited more on the basis of aptitude than experience. We suggest that the IACP should be uncompromising in ensuring that it recruits only the appropriate calibre of staff for individual functions (even given the risk that, as has been the case with the Criminal Cases Review Commission (CCRC), this makes it initially difficult to attract a sufficient corps of staff), and that these are given robust and specialised training programmes, which would also make the organisation an attractive and career-enhancing place to work.

Although we have used civil service grade equivalents in this document as a benchmark for competency levels and salary structures, we propose that the organisation should have as flat a structure as possible, and should not be confined by traditional public sector hierarchies and salary levels. It is important that the organisation is able to attract recruits from all sectors and backgrounds, and that its culture and rewards promote this. Its career and promotional structures need to be based on a structured but flexible appraisal system using competency frameworks and personal objectives, rather than on a more traditional long-service ethos. Personal development and achievement should incorporate the organisation's values and culture as emphasised throughout this study.

### *6.1.2 Central and regional offices*

We believe that a regional approach to the system of dealing with complaints against the police is fundamental to the success of the IACP because a regional organisation would provide:

- closer access to the communities it serves;
- more constructive relationships with police forces;
- greater flexibility and speed of process; and
- capability to be more proactive and accessible.

Throughout this report, we have worked on the basis of an IACP made up of six regional offices. All the costings and assumptions in the report are based on this. However, we are also aware that there are arguments for a regional structure based on the existing structures of the Government Offices for the Regions.

### *6.1.3 Six region model*

As a guideline proposition, we have divided England and Wales into six indicative regions on the basis of existing police force strength and the level of complaints over the past three years and within the confines of what is geographically sensible. These regions do not correspond with other existing regional Government structures, nor with HMIC regions.

We have used this approach as we believe that the purpose of regionalisation is functional rather than administrative, and the priority is to have the most effective spread of resources, whilst limiting travel distances. We believe that six regions would allow a large enough number of investigators to be located in each region in order to handle the volumes, but small enough to allow close relations to be developed with the police forces within those regions.

The volume and complexity of the workload and associated resource requirements would vary across the regions. These regions, and the corresponding police forces they would cover are:

1. **North.** Serving Lancashire, North Yorkshire, South Yorkshire, West Yorkshire, Humberside, Northumbria, Durham, Cumbria, Cleveland;
2. **Midlands (West) and North Wales.** Serving North Wales, West Mercia, Dyfed Powys, Merseyside, Greater Manchester, Cheshire;
3. **Midlands (East and Central).** Serving Derbyshire, Nottinghamshire, Lincolnshire, Leicestershire, Staffordshire, West Midlands, Northamptonshire, Norfolk, Suffolk, Cambridgeshire, Bedfordshire, Warwickshire;
4. **South East.** Serving Surrey, Kent, Sussex, Essex, Hertfordshire, Thames Valley;
5. **South West and South Wales.** Serving Devon and Cornwall, Dorset, Wiltshire, Avon and Somerset, South Wales, Gwent, Hampshire;
6. **London.** Serving the Metropolitan and City of London police forces.

In terms of volumes, we have not made distinctions between regions based on current figures. We should emphasise that the regions we have selected are for the purposes of developing indicative costings only and that further detailed research would be required to determine the optimal division of the police forces of England and Wales.

#### 6.1.4 Ten region model

Although we have based this report on a six region model, there may be arguments for establishing the regions to correspond with Government Offices for the Regions, in the interests of administrative simplicity and “joined up government”.

These regions are:

1. **Wales.** Serving South Wales, North Wales, Gwent, Dyfed-Powys;
2. **North West.** Serving Greater Manchester, Merseyside, Cheshire, Lancashire, Cumbria;
3. **West Midlands.** Serving West Midlands, Warwickshire, Staffordshire, West Mercia;
4. **Yorkshire and the Humber.** Serving North Yorkshire, South Yorkshire, West Yorkshire, Humberside;
5. **North East.** Serving Northumberland, Cleveland, Durham;
6. **East Midlands.** Serving Nottinghamshire, Derbyshire, Leicestershire, Northamptonshire, Lincolnshire;



7. **South West.** Serving Devon and Cornwall, Avon and Somerset, Wiltshire, Gloucestershire, Dorset;
8. **London.** Serving the Metropolitan and City of London police forces;
9. **East.** Serving Essex, Hertfordshire, Cambridgeshire, Suffolk, Norfolk, Bedfordshire;
10. **South East.** Serving Kent, Thames Valley, Sussex, Hampshire, Surrey.

We believe that this would also be a feasible approach, and one which should be given serious consideration. However, we suggest that should this model be pursued, the following factors would need to be considered and compared to the six region model on which we have based our assumptions:

- a ten region model will involve additional costs both in staff and running costs, and we estimate these additional costs at about £2.5 million, or an increase of about 18% (See section 8 for a more detailed discussion of these costs);
- one of these extra costs would result from the need for additional investigators, since we believe that there would need to be a “critical mass” of investigators based in each region in order to meet demand, and be able to manage peaks and troughs in the demands on their time;
- on the other hand, smaller regions would enable Regional Offices to be closer to the communities they serve, and promote closer co-operation with police forces; and
- travelling distances for investigators and supervisors would typically be less.

However, we have not made detailed analyses of the implications of this, our cost assumptions in this study reflect the alternative structure as set out below.

It is envisaged that each Regional Office would be accommodated in a major town or city in the region, located as centrally as possible to facilitate proximity to the greatest number of police forces. Accommodation would be in existing Crown Estate offices, or arrangements could be made with other appropriate organisations, such as local councils, providing that the appropriate level of security is available for the sensitive functions of the IACP, and that they are cost effective.

#### *6.1.5 Regional Office functions*

We suggest that the regional offices would have the following functions:

- **Sift, Investigation and Monitoring:** The resources required for these functions (described in sections 3, 4 and 5) for each of these regional offices would reflect the anticipated workload based on existing complaint statistics;

## THE NEW INDEPENDENT OVERSIGHT BODY

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- IACP Members - as described above;
- Management and Support: Each regional office should have a Regional Manager with an assistant who would bear responsibility for the overall operational efficiency of the regional offices and for liaison with the central IACP office. They would organise local recruitment of administrative staff, have authority for a certain level of purchasing and payment, and ensure the office was sufficiently equipped;
- Community Relations - as described below;
- Administrative Support Staff;
- Technical Support: The volumes of investigation for each regional office are too small to justify the expense of a dedicated photography and forensics department, so we suggest that these specialist technical services would be purchased in the same way as by large forces, and purchased at a regional level;
- Training - see below;
- Information Technology - see below.

The staff assumptions for a “typical” region, and the aggregate cost estimates, are set out in the table below.

Table 8: Regional office – staff overview		
Function	Assumptions	Nation-wide Indicative Costs/ annum
Members	3 FTE per region	£1,260,000
Regional Manager plus assistant	1 pair per region	£288,000
Sift	11.4 per region	£1,641,600
Investigation	10.5 per region	£2,066,400
Supervision	1.7 per region	£244,800
Monitoring	5.1 per region	£734,400
Community outreach	1 FTE in each regional office	£120,000
Regional IT co-ordinators	5 FTE	£125,000
Administration	4 FTE assistants per region	£360,000
<b>TOTAL INDICATIVE</b>		<b>£6,840,200</b>

### 6.1.6 Central office

A professional operational culture would be critical to the success of the IACP. One necessary feature of this is a streamlined central office whose most critical functions

would be leadership and management information. It is important that the functions in this office do not duplicate the work of the regional offices and do not add any additional bureaucratic burden to the complaints process. Rather, the central body should provide management information advice, process facilitation and professional services (such as Human Resources and Finance).

We recommend that a small central office be established as a headquarters in a major central city such as Bristol, Nottingham or Manchester. We recommend that this office be located outside London to avoid too close a perceived association with the Home Office and other Government bodies.

We suggest that the central functions should be located in one of the regional IACP offices for the sake of cost and efficiency. We are aware that in some instances, this can create tensions between central and regional roles, but on the other hand co-location can help to ensure that central office is grounded in the “real” work of the organisation. The central office would be a focus for the following IACP functions:

**Table 9: Central offices – staff overview**

Function	Assumptions	Indicative Costs/annum
Chief Executive Officer	1 FTE	£70,000
Central PR capability	1 senior and 2 more junior PR professionals	£90,000
Central IT strategy manager	1 FTE	£30,000
Central HR function	1 Human Resources Director plus 2 assistants	£60,000
Central Finance function	1 senior Finance Director/ Management Accountant and 2 assistant financial accountants	£90,000
Research centre	6 researchers and analysts	£120,000
24 hour Helpline	5.5 FTEs	£132,000
Administration	3 FTE assistants to CEO, HR and Finance Directors	£45,000
<b>TOTAL INDICATIVE COSTS</b>		<b>£637,000</b>

#### 6.1.7 Public communications and community outreach

We have emphasised in previous sections that making clear to the public the role of the independent body in police complaints, and proactively ensuring that the public understands the system, is a crucial part of improving the level of public confidence.

The public relations and community outreach functions of the organisation are thus a key element of our recommendations. The resources to fulfil this role effectively are vital to the success of the organisation.

The public communications element of the organisation would need to include the following:

- Transitional internal and external communications: the IACP would need to promote the fact that it would be a new and different organisation well in advance of becoming a fully operational body. The targets for these promotional activities would need to be both public and police;
- Media relations: the organisation would need proactive media relations through a strategic and ongoing campaign, in order to ensure that the organisation is regularly and positively discussed in the media;
- Crisis management: in the nature of the IACP's work, there would times of intense, and potentially critical public and media interest in the IACP and complaints system as a whole. The organisation needs to be able to deal effectively and professionally with these occasions;
- Advertising and general provision of information: the organisation would also need some direct advertising to reach sections of the public in all social contexts. This advertising includes leaflets and other promotional materials, as well as potential street and media outlets.

We propose that the IACP should have experienced core PR staff, and that they should work with an external agency to deliver a strategic campaign and publicity materials.

In addition to this public communications function, we envisage that there would be very important work for the organisation to do in making links proactively with community-based organisations. The objective of these links would be to:

- explain and discuss the IACP's role in local fora;
- establish appropriate means of providing access to the system through links with local organisations;
- gather information on public and police satisfaction with the complaints system;
- explore the most effective ways of communicating with the widest sections of the public possible; and
- ensure that all groups feel that the IACP is a fully independent body which "belongs" neither to the police nor to any partial viewpoint.

We propose that each regional office should have a dedicated community relations officer, who might also handle initial and local press enquiries. However, we also see that the Members attached to each regional office would have a vital role to play in the IACP’s community relations work.

We estimate that the resources required for these activities might be:

<b>Table 10: Community and public relations – staff overview</b>		
<b>Function</b>	<b>Assumptions</b>	<b>Costs/ annum</b>
Central PR capability	1 senior and 2 more junior PR professionals	£90,000
PR Agency and advertising costs	Including materials	£400,000 in Year 1 £200,000 in subsequent years
Community outreach	1 FTE in each regional office	£120,000
TOTAL		£410,000 per year (£610,000 in Year 1)

#### 6.1.8 IT

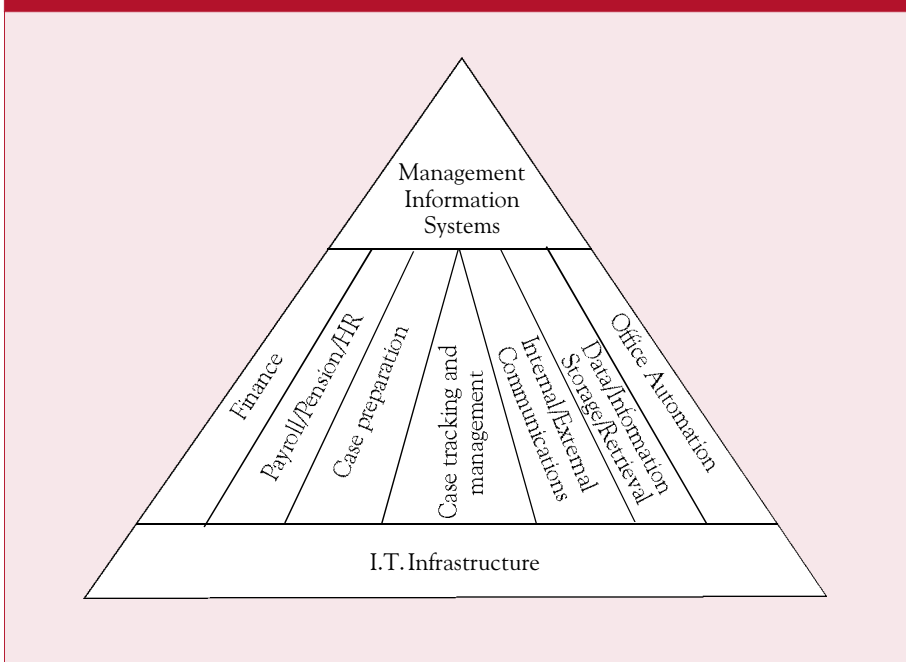
The IACP’s functions would need to be supported by significantly more sophisticated information systems than currently serve the PCA. This is partly because of the more complex set of tasks which it would need to carry out, and partly because communication between its offices, and with police forces, would be essential to its effective functioning. Given the large amount of information which would flow through the organisation, and which would need to be stored by it, information systems would need to ensure fast and effective communications, and the minimum possible amount of paper. Clearly, communications and data storage would also need to be suitably secure.

Figure 10 shows the main functions which the information technology of the IACP as a whole would be required to support.

Figure 11 shows the way in which the IACP’s Headquarters (which would also be one of the Regional Offices) would communicate with Regional Offices and with police forces. It shows the HQ being host to the organisation’s main server, and having connections with external networks such as the Police National Computer (PNC) and possibly other databases such as those held by the NCS and NCIS, as well as with public networks such as the Internet.

It would have a private connection with each Regional Office, each of which in turn would have a connection with at least one other office in order to protect against failures of direct connections. Each regional office would have its own office automation systems and local area network (LAN) server, but would access its main data and information sources through HQ, and feed into these.

Figure 10: IT functions

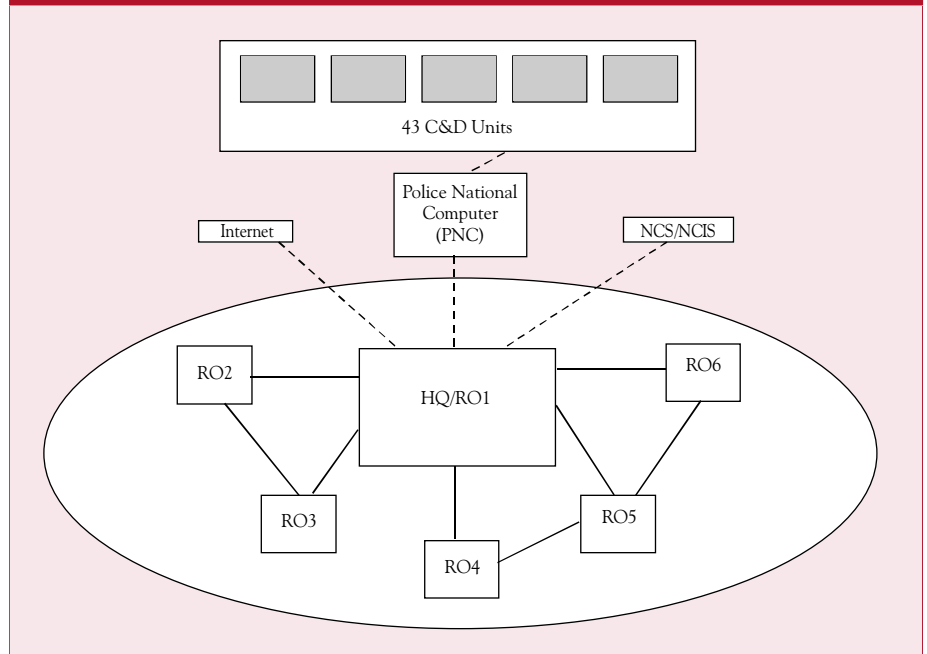


Connections between offices would need to be through appropriately secure private lines, as would connection to other police databases. The system would need to be integrated into the National Strategy on Police Information Systems (NSPIS).

As shown in Figure 11, the IS/IT system would have several main functions, all of which would contribute to the management information systems which staff would need:

- Office automation: this includes all office systems relating to general document production and storage, and communication through e-mail systems;

Figure 11: Outline IT architecture



- Data and Information storage and retrieval: this function includes both the storage and retrieval of information and data collected by the IACP itself, such as data on police complaints numbers and outcomes, and information accessed from other databases to which, by agreement, the IACP would have access, such as the Police National Computer, and data of the National Crime Squad (NCS) and National Criminal Investigation Service (NCIS). It may also require more sophisticated data mining software;
- Internal/ external communications: this includes communication with police forces through a secure e-mail system, as well as with the public and intermediary bodies such as Citizens Advice Bureaux, probably through an internet connection. This function also includes the scanning of paper documentation into the IT system, such as statements and reports, as well other important information such as media and policy reports;
- Case tracking and management: the IACP would need a bespoke case tracking system for its sift and monitoring roles, with more sophisticated case management capabilities for its investigation and supervision functions;

- Case preparation: some completed investigations would be prepared as cases for presentation by the CPS, and the IACP would need standard case preparation software to enable this;
- Payroll and human resources: the IACP would need standard personnel software for its HR management functions, including payroll, contracts, and recruitment functions;
- Finance: the finance function would require support for both its accounting and budgeting purposes. Like the personnel service, this would be held centrally, with access from regional offices.

Costs and purchasing strategies

Other comparable organisations, such as the National Crime Squad (NCS) and the Criminal Cases Review Commission (CCRC), which have established IT support systems for new and, in the case of NCS, multi-centred organisations, have procured IT through private-public partnerships with providers. Under these models, the strategy and policy are held by the organisations themselves, whilst implementation and programme management are managed by the provider, as well as IT support capability. In this way, the cost is spread evenly over several years. However, we would suggest that the IACP should employ its own regional IT co-ordinators to monitor the contract locally, and provide on-the-spot support.

Based on a comparison of needs with CCRC and NCS, we estimate that the annual costs of the IT system outlined above, with some 230 users in six locations, might be up to £2 million.

Table 11: Staffing implications for IT structure		
Function	Assumptions	Costs/ annum
Central IT strategy manager	IACP staff * 1 FTE	£30,000
Regional IT co-ordinators	IACP staff * 5 FTE	£120,000
Annual contract for development and implementation		£1,850,000
<b>TOTAL</b>		<b>£2,000,000</b>

6.1.9 Human Resources

As discussed above in the section on Management and Leadership, a Human Resources Director would be part of the management team, assisted by two more junior Human Resources professionals.



### Recruitment

Senior and central appointments and recruitment for non-administrative functions should be under the overall responsibility of the Human Resource Director. He or she would also have responsibility for recruitment policy and induction of new staff, to ensure congruence with the organisational strategy and culture.

Other organisations, notably the CCRC, have found that recruiting a high enough calibre of staff has been a challenge. Both the processes of recruitment and assessment, and of advertising, head-hunting and making the organisation attractive to employees, require highly professional and intensive attention. We would suggest that the IACP would draw on the services of professional recruitment consultants and assessment specialists in order to recruit its professional staff.

Recruitment of local administration and IT staff should be retained in the regional offices by the Regional Manager.

### Appraisal and development

This function should be regionalised except for the senior management of each regional office, who would be appraised by a combination of regional staff and central management.

Appraisal and development have been discussed more fully earlier in this section. We believe that sophisticated appraisal and staff development schemes are required, both to ensure that the organisation is an attractive employer for potential recruits in all sectors, and can retain staff in whom it invests substantially training and development, and to ensure that the organisation itself has a culture of learning and improvement. We propose that, for example, the following methods are needed:

- adoption of performance improvement and development models such as Investors in People and the Business Excellence Model; and
- the development of assessment and appraisal techniques using competency frameworks and objectives linked to the aims and values of the organisation.

### Training

The success of the IACP would be critically dependent on the quality of its people. It would need to develop and then maintain the confidence of the public and police so that it can carry out its many functions in a professional, effective and efficient way. Specifically, in the field of investigation it would need to convince the police that the quality of its investigations is at least as good as those undertaken by the police under current arrangements.

The IACP would therefore need to invest heavily in training its people<sup>23</sup>. Training would need to be offered both to new joiners, especially those requiring specialist investigative training, and on an ongoing basis, as part of the organisation's commitment to be an excellent employer. It would potentially jeopardise the success of the whole new system were sufficient training not to be provided.

In operationalising any proposals for a new organisation, and in developing a training and development plan, the following issues would need to be considered:

### Training needs analyses (TNAs)

Each function would need to be examined to determine what skills are needed to carry out each of the functions effectively. This is used to develop TNAs for each of the functions, which map these skills onto a training matrix which would deliver the required levels of skills or knowledge.

### Developing training programmes

It is important that training courses are carefully designed to ensure that the skills identified by the TNAs are effectively delivered to staff. Effective training design should ensure that staff receive appropriate levels of training at the right time in their career development and that resources are not spent training staff in skills they would not use in the short term, otherwise these skills would quickly fade.

Under the mixed team model, in the early life of the independent body, there may be differences in the skills and experience of members of the investigative teams. It is important that the relative skills of team members is assessed to ensure that the training they receive is highly focused and tailored to their specific needs.

### Who should provide the training?

The IACP would need to establish what, if any, of the content for the training courses should be provided by the police, perhaps through their centre of excellence at Bramshill Police Staff College. In addition, the IACP would need to decide how important it is that those delivering training have "currency and credibility", ie that they can demonstrate recent and applicable use of modern techniques and skills in investigation. We have not specifically investigated training provision but we feel confident that there are a number of competent private sector training providers who could deliver appropriate training. Furthermore, the IACP should decide whether and in what way civilian investigative skills and training methods can be brought to bear. For this, the IACP would need to be aware of training best practice in civilian organisations with an investigative function.

<sup>23</sup> We have based our assumptions on training costs on an average cost of between £1-2,000 per week of training, and that average training costs for investigators in their first year of joining would be approximately £12,000, and £4,000 in subsequent years, whilst for non-investigative professionals Year 1 training costs would be £5,000, and £2,500 subsequently. We have also assumed a 10% turnover of professional staff, and added on a small amount for training for administrative staff.

**Table 12: Staffing implications for HR and Training functions**

Function	Assumptions	Costs/ annum
Central HR function	1 Human Resources Director plus 2 assistants	£60,000
Training	Mainly provided externally by specialist providers	£550,000
<b>TOTAL</b>		<b>£610,000</b>

#### 6.1.10 Finance

The finance function of the IACP should be based in the central office, comprising a team of a Finance Director assisted by two financial accountants. Their responsibilities would include payroll, expenses, purchasing, financial reporting and management accounting functions such as budgeting and forecasting. They would work closely with the central research function to determine future resources requirements and to set performance targets.

**Table 13: Staffing implications for Central Finance function**

Function	Assumptions	Costs/ annum
Central Finance function	1 senior Finance Director/ Management Accountant and 2 assistant financial accountants	£90,000

#### 6.1.11 Central research

The collection and analysis of complaints data and management information about investigations is critical to establishing performance targets and hence achieve an efficient and effective organisation. As discussed in detail at 5.4.4, the management of institutional knowledge would make a positive contribution not just to the IACP itself but to the complaints process as a whole.

Within each region, it would be the responsibility of each investigating team to record data such as start and end times for investigations and time taken to monitor

**Table 14: Staffing implications for Central Research function**

Function	Assumptions	Costs/ annum
Research centre	6 researchers and analysts	£120,000
Report production	External	£50,000
<b>TOTAL</b>		<b>£170,000</b>

and oversee cases. That data would be accessible and analysed at the central IACP office via a networked Management Information system.

The researchers would produce quarterly figures on elapsed time taken to process complaints at the sift, supervision and monitoring phases, man-days per investigation, as well as general information on the type of complaints referred and called in to the IACP. They would provide regional comparisons which would help determine the resourcing needs of the body as well as best practice.

The research centre would be responsible for the production of annual reports and other publications it sees fit to produce.

### *6.1.12 Public helpline*

The central office would house the call centre for receipt of calls into the 24 hour helpline. This would be staffed by 5.5 FTEs at a cost of £132,000.

### *6.1.13 Administrative support*

A small team of administrators would assist the CEO, the Human Resources Director and Finance Director. We suggest a provision of £45,000 per year to cover these costs.

### *6.1.14 Legal and professional support*

The organisation, dealing with some highly sensitive issues in the legal domain, as well as with general issues of procurement and other technical areas, will require support from external professional organisations. A provision will need to be made for this in the organisation's budget. We suggest that a provision of £200,000 be made to this end.

## **6.2 Governance and funding**

There is a range of feasible options for the constitution and institutional positioning of the IACP. We would emphasise that any statutory basis should ensure:

- that the IACP is, and is seen to be, genuinely independent of any interest group, and that decisions regarding its management, especially senior appointments, fully reflect this independence;
- that it is transparent and publicly accountable in terms of value for money;
- that it is under the authority of a higher body of appeal, should its own operations give cause for public complaint; and

- that the way in which it is funded is fair and transparent, and appropriate to its functions, and enables the organisation to secure sufficient resources to meet its requirements.

We discuss some possible mechanisms for ensuring adherence to these principles below.

### *6.2.1 Statutory basis*

We propose that the IACP should be established as a body corporate by statute, with the status of a Non-Departmental Public Body. We recommend that the Chairman and Members should be appointed by the Crown on the recommendation of the Prime Minister, although the posts should be advertised nationally.

The body's sponsor department would be the Home Office, with which it would agree a Management Statement, setting out its mission and objectives, its division of responsibilities with the Home Office, and its accountability to the Home Secretary and through him to Parliament. A Public Service Agreement would also set out the agency's objectives and performance indicators.

We favour this model as it achieves a suitable balance between autonomy and accountability, and guarantees that its Chairman and Members are appointed in the most independent way possible. The organisation's performance in value for money terms would be overseen by the National Audit Office in the same way as other NDPBs.

We have considered alternatives, such as the body's establishment under a Service Authority in the same way as the National Crime Squad is established. There are possible advantages to this in terms of the increased role of stakeholders in the management of the organisation, which may help to root the organisation more firmly within existing structures, and thereby help to maintain a healthy relationship with other key stakeholders. It would also facilitate a funding mechanism through a levy on police authorities, and ensure that the organisation was tied in to the disciplines of Best Value.

However, we feel that the need for a Service Authority, which would be "above" the Members, would be cumbersome and potentially jeopardise the visible independence of the organisation.

### *6.2.2 Recourse to an avenue of appeal*

There would be times when the decisions and activities of the IACP would be challenged by the public, whether they are dissatisfied with the processes or

outcomes of the IACP’s work. We do not propose that there should be a formal appeal mechanism for the IACP’s decisions, as this would be both unwieldy and potentially undermining of the IACP’s authority.

However, we suggest that should a member of the public or the police have a genuine grievance over the IACP’s work, recourse to the Parliamentary Ombudsman should be open to them.

6.2.3 Funding options

We have identified a range of possible funding mechanisms for the IACP. Each of these has certain advantages and drawbacks with regard to certain features which we see as being desirable. These are set out in Table 15.

**Table 15: Funding options for the IACP<sup>23</sup>**

Evaluation criteria/Funding option	Promotes accountability of funders	Incentivisation and freedom from perverse incentives	Ease and transparency of calculation	Annual certainty	Economy to administer	Independent	Fairness
Independent grant funding	X	X	✓✓	✓✓	✓✓	✓✓	✓✓
Home Office only grant funding	✓	X	✓✓	✓✓	✓✓	✓	✓
Charging to Home Office and Police Authorities	✓✓	✓✓	✓	X	X	✓	✓✓
Cost sharing between Home Office and Police Authorities	✓✓	✓	✓	✓	✓	✓	✓✓
Cost sharing between Police Authorities	✓	✓	✓	✓	✓	X	✓
Charging to Police Authorities	✓	✓✓	✓	X	X	X	✓

<sup>23</sup> ✓✓ - fully meets the criteria  
 ✓ - goes some way to meeting the criteria  
 X - does not meet the criteria

In outline, the possible funding structures which we have examined are:

- Independent grant funding: this might include direct funding from, for example, the Treasury, and would ensure that the funding comes from an entirely neutral source;
- Home Office grant funding: this would imply only direct grant, with no sources from elsewhere;

- Charging to Home Office and Police Authorities: this would necessitate identifying the particular services which the Home Office and Police Authorities use, and therefore could purchase from the IACP on a quantitative basis;
- Cost sharing between the Home Office and Police Authorities: this would imply a mixture of Home Office grant funding, and a contribution from Police Authorities, through a levy;
- Cost sharing between Police Authorities: this would mean that the levy on Police Authorities would cover the whole cost of the organisation;
- Charging to Police Authorities: again, charges for particular services would be introduced, but only for Police Authorities.

As Table 15 shows, the funding mechanism which we estimate to be the most appropriate is that of cost sharing between the Home Office and Police Authorities. This has the following advantages:

- it promotes the accountability of both the Government and the Police Authorities in ensuring that the IACP is run fairly and offers value for public money. Both sets of funders are therefore likely to have a vested interest in promoting the organisation's effective and efficient running;
- it offers an incentive to police authorities to ensure that the forces under their responsibility put the least possible pressure on the system, and thereby reduce its costs and burden of work, by actively ensuring that there are mechanisms in place to limit the number of complaints which need to be investigated, and which therefore fall within the remit of the IACP;
- although requiring a formula by which to calculate the levy to be placed on Police Authorities, this would be relatively simple to calculate on the basis of existing similar levies, such as those applied to fund the NCS. Certainly, this would be easier to calculate, and more transparent than charges. The direct grant funding element is straight forward in this respect;
- whilst the annual formula might be modified to meet particular conditions, the overall revenue to the IACP would be predictable, as the levy could be set to meet its needs, and Home Office funding could be expected to be consistent within certain limits;
- since levying mechanisms are already in place, and the approach would only require annual calculation, neither the charges to Police Authorities, nor the Home Office component, would require substantial administration costs;
- although not as independent as grant funding from an independent source, sharing the costs between the Home Office and Police Authorities would ensure

that no single stakeholder could use its funding to influence the work of the IACP;

- being shared between all Police Authorities, and with the Home Office, the mechanism would be basically fair to all the funding organisations.

We recommend that cost sharing would be the most effective funding mechanism. However, as the table shows, there are also advantages to purely Home Office grant funding, although the accountability and incentivisation of the Police Authorities would then be lost. We suggest that this should also be considered. The outcome of this may depend on the extent to which “new” Government money is available to Police Authorities which might be used to finance the IACP.

### *6.2.4 Performance measurement*

As expressed above, the IACP would need to be strictly monitored against a comprehensive set of performance indicators. Under the model proposed above, these indicators would be set out in the Management Statement or Public Service Agreement agreed with the Home Office. These indicators would need to cover a range of issues relating to the organisation’s stated objectives, relating to the organisations performance in terms of the effectiveness of its processes, the level of satisfaction of its users amongst the public and police, its role in continuous improvement of the system and of its own staff, and its economy in delivering results. Indicators might include, for example:

- public and police levels of satisfaction with the IACP’s processes and approach;
- indicators of volumes of complaints handled at all stages (investigations, supervisions, investigation plans, etc.);
- times taken to complete various parts of the processes;
- number of IACP investigations with disciplinary/criminal outcomes;
- number of interventions in police investigations through supervision or monitoring; and
- cost per investigation and in relation to other activities.

These PIs would need to be converted into targets for each year.



## 7. Costs

### 7.1 Annual cost of IACP

The costs for IACP of carrying out each component of the system which we are putting forward are set out in each corresponding section of this study, along with the assumptions on volumes, processing times and salaries which underlie our calculations. Bringing together all the functions and resources mentioned above, along with estimates for accommodation costs, and general running costs, the total indicative annual cost of the IACP is in the region of £14 million pounds per annum. The components of this cost structure set out in Table 16 uses Model I (Lay/Police Mixed teams) as its basis. We estimate that the cost of Model II (Lay Only teams) is very marginally lower (in the order of £125,000). The costs are based on a regional structure. The effect of this, as opposed to a centralised structure, is discussed below.

### 7.2 Year One costs

In Section 8, we discuss possible models for the transition to a new system. We suggest that there are different approaches which might be taken, including the possibility of introducing pilot projects which would lead to a more gradual transition to a new system, and would permit significant preparations to be made before the legislation enabling the system's full running. We have not attempted to cost possible pilots, as their timescales and character could take many different forms.

However, it is useful to identify which costs would be significantly different in the first year of a new system, if there was a "big bang" approach to implementation. Table 17 therefore sets out indicative costs for Year 1 of a new organisation. This suggests that the additional cost in the first year would be something in the order of 10%. This assumes that some major costs, such as on IT, would be met through a public-private partnership arrangement, and therefore spread evenly over a period of several years.

### 7.3 Costs of regionalisation

We have expressed throughout this study our belief that the system which we are suggesting would operate more effectively if based on a regional model. Indeed, we believe that there is a risk that some of our suggested elements would be counter-productive if not carried out on a regional basis.

Nevertheless, we are mindful of the argument that the additional costs of following this approach would need to be weighed against the benefits of doing so. Table 18 gives an outline of the differences in the cost elements if a centralised rather than regional model was established. In terms of personnel, we believe that any

**Table 16: Ongoing employment and running costs for IACP**

<b>EMPLOYMENT COSTS (includes social security and pension)</b>				
<b>REGIONAL OFFICES</b>	<b>FTEs per region</b>	<b>Total FTEs</b>	<b>COST/FET (£)</b>	<b>TOTAL COST</b>
Sift	11.4	68.4	24000	1,641,600
Investigation	10.5	63	32800	2,066,400
Supervision	1.7	10.2	24000	244,800
Monitoring	5.1	30.6	24000	734,400
Members	3	18	70000	1,260,000
Regional Manager + Assistant	2	12	24000	288,000
IT support	1	5	25000	125,000
Administration	4	24	15000	360,000
Community Relations	1	6	20000	120,000
<b>SUBTOTAL</b>	<b>39.7</b>	<b>237.2</b>		<b>6,840,200</b>
<b>Central Office Management</b>				
CEO		1	70000	70,000
Administration		3	15000	45,000
PR		3	30000	90,000
Finance		3	30000	90,000
Human Resources		3	20000	60,000
Helpline		5.5	24000	132,000
IT		1	30000	30,000
Central Research & Publications		6	20000	120,000
<b>SUBTOTAL</b>		<b>25.5</b>		<b>637,000</b>
<b>TOTAL STAFF COSTS</b>		<b>262.7</b>		<b>7,477,200</b>
<b>RUNNING COSTS</b>				
Accommodation	including rent, rates and service charges			1,500,000
	overheads			1,500,000
Recruitment	assumes 10% new joiners per year, £3000 each			78,810
Training	assumes 10% new joiners per year			550,000
Travel and Subsistence	based on £8000 pa per investigator			504,000
Technical Support Services	IT contract			1,850,000
Publications/Paperwork	annual report			50,000
	PR agency fees and advertising			200,000
Office Service and Supplies	stationery and consumables (@£240/head)			63,048
	furnishings (@£30/head)			7,881
Legal/Professional Fees				200,000
<b>TOTAL – RUNNING COSTS</b>				<b>6,503,739</b>
<b>GRANDTOTAL</b>				<b>13,980,939</b>

## COSTS

**Table 17: Employment and running costs for IACP in year one**

<b>EMPLOYMENT COSTS (includes social security and pension)</b>				
<b>REGIONAL OFFICES</b>	<b>FTEs per region</b>	<b>Total FTEs</b>	<b>COST/FET (£)</b>	<b>TOTAL COST</b>
Sift	11.4	68.4	24000	1,641,600
Investigation	10.5	63	32800	2,066,400
Supervision	1.7	10.2	24000	244,800
Monitoring	5.1	30.6	24000	734,400
Members	3	18	70000	1,260,000
Regional Manager + Assistant	2	12	24000	288,000
IT support	1	5	25000	125,000
Administration	4	24	15000	360,000
Community Relations	1	6	20000	120,000
<b>SUBTOTAL</b>	<b>39.7</b>	<b>237.2</b>		<b>6,840,200</b>
<b>Central Office Management</b>				
CEO		1	70000	70,000
Administration		3	15000	45,000
PR		3	30000	90,000
Finance		3	30000	90,000
Human Resources		3	20000	60,000
Helpline		5.5	24000	132,000
IT		1	30000	30,000
Central Research & Publications		6	20000	120,000
<b>SUBTOTAL</b>		<b>25.5</b>		<b>637,000</b>
<b>TOTAL STAFF COSTS</b>		<b>262.7</b>		<b>7,477,200</b>
<b>RUNNING COSTS</b>				
Accommodation	including rent, rates and service charges			1,500,000
	overheads			1,500,000
Recruitment	assumes £3000 each			788,100
Training				1,000,000
Travel and Subsistence	based on £8000 pa per investigator			504,000
Technical Support Services	IT contract			1,850,000
Publications/Paperwork	annual report			50,000
	PR agency fees and advertising			400,000
Office Service and Supplies	stationery and consumables (@£240/head)			63,048
	furnishings (@£300/head)			78,810
Legal/Professional Fees				200,000
<b>SUBTOTAL – RUNNING COSTS</b>				<b>7,933,958</b>
<b>GRAND TOTAL</b>				<b>15,411,158</b>

economies of scale would be largely offset by the fact that in order to ensure the same quality in the investigations, supervision, and other processes, more time would be required in order to achieve the same level of understanding of each case, in addition to the extra travelling time and expense. As Table 18 shows, we estimate that by establishing a centralised model, cost savings might be in the order of some 10%.

<b>Table 18: Annual costs of centralised option</b>			
<b>EMPLOYMENT COSTS (includes social security and pension)</b>			
	<b>Total FTEs</b>	<b>COST/FET (£)</b>	<b>TOTAL COST</b>
Sift	68.4	24000	1,641,600
Investigation	63	32800	2,066,400
Supervision	10.2	24000	244,800
Monitoring	30.6	24000	734,400
Members	15	70000	1,050,000
Administration	24	15000	360,000
Community Relations	6	20000	120,000
CEO	1	70000	70,000
PR	3	30000	90,000
Finance	4	30000	120,000
Human Resources	4	20000	80,000
Helpline	5.5	24000	132,000
IT	1	30000	30,000
Central Research	6	20000	120,000
<b>TOTAL STAFFCOSTS</b>	<b>241.7</b>		<b>6,859,200</b>
<b>RUNNING COSTS</b>			
Accommodation	including rent, rates and service charges		1,350,000
	overheads		1,000,000
Recruitment	assumes 10% new joiners per year		72,510
Training	assumes 10% new joiners per year		500,000
Travel and Subsistence	based on £16000 pa per investigator		1,008,000
Technical Support Services	IT contract		1,350,000
Publications/Paperwork	annual report		50,000
	PR agency fees and advertising		200,000
Office Service and Supplies	stationery and consumables (@£240/head)		58,008
	furnishings (@£30/head)		7,251
Legal/Professional Fees			200,000
<b>SUBTOTAL – RUNNING COSTS</b>			<b>5,795,769</b>
<b>GRAND TOTAL</b>			<b>12,654,969</b>

### 7.4 Alternative regional models

In Section 6 we discussed two alternative models for a regional structure for the IACP. We indicated that our preferred regional model was based on six regional offices, rather than on the Government regional offices model, comprising ten offices. Table 19 illustrates, at a very high level, the additional costs that would be incurred in opting for the ten office model. The key areas in which cost differ are:

- numbers of investigation staff;
- supporting administrative staff;
- accommodation; and
- associated overheads.

### 7.5 Volume sensitivities

We have made some assumptions on the volumes of complaints to be handled by the IACP, based on statistics from the PCA and forces from the most recent years. The effect on the levels of complaints of introducing a new system is hard to estimate.

Clearly, the ultimate goal is to reduce the number of complaints by giving the public less cause to complain. Some of the innovations we have suggested, such as better and more independent information about what constitutes an appropriate complaint, may help to reduce overall numbers.

On the other hand, it is also to be hoped that increased confidence in the complaints system may lead to an increased level of complaints, as complainants believe that making a complaint is a worthwhile and constructive action.

We have not run detailed sensitivity analyses on the effect of various fluctuations in complaint levels. However, we have estimated that, due to fluctuations in the levels of staff required and the overheads thus incurred, a 20% fluctuation in the volume of complaints would, for example, increase the annual cost of the IACP by about £1 million, or some 13%.

### 7.6 Comparison with current costs

Our recommendations for a new system are not limited to the work of the IACP. Elsewhere in this report, we have also touched on the roles of other organisations such as Police Authorities, HMIC and other external bodies, and made some suggestions about how their roles might fit in with or be adapted to the work of the IACP.

**Table 19: Comparison of costs for six region and ten region model**

<b>EMPLOYMENT COSTS (includes social security and pension)</b>						
<b>REGIONAL OFFICES</b>	<b>FTEs per region</b>	<b>Total FTEs</b>	<b>COST/FET (£)</b>	<b>TOTAL COST</b>	<b>Total FTEs with 10 regions</b>	<b>TOTAL COST</b>
Sift	11.4	68.4	24000	1,641,600	68.4	1,641,600
Investigation	10.5	63	32800	2,066,400	80	2,624,000
Supervision	1.7	10.2	24000	244,800	10.2	244,800
Monitoring	5.1	30.6	24000	734,400	30.6	734,400
Members	3	18	70000	1,260,000	20	1,400,000
Regional Manager + Assistant	2	12	24000	288,000	20	480,000
IT support	1	5	25000	125,000	9	225,000
Administration	4	24	15000	360,000	40	600,000
Community Relations	1	6	20000	120,000	10	200,000
<b>SUBTOTAL</b>	<b>39.7</b>	<b>237.2</b>		<b>6,840,200</b>	<b>288.2</b>	<b>8,149,800</b>
<b>Central Office Management</b>						
CEO		1	70000	70,000	1	70,000
Administration		3	15000	45,000	3	45,000
PR		3	30000	90,000	3	90,000
Finance		3	30000	90,000	3	90,000
Human Resources		3	20000	60,000	3	60,000
Helpline		5.5	24000	132,000	5.5	132,000
IT		1	30000	30,000	1	30,000
Central Research & Publications		6	20000	120,000	6	120,000
<b>SUBTOTAL</b>		<b>25.5</b>		<b>637,000</b>	<b>25.5</b>	<b>637,000</b>
<b>TOTAL STAFF COSTS</b>		<b>262.7</b>		<b>7,477,200</b>	<b>313.7</b>	<b>8,786,800</b>
<b>RUNNING COSTS</b>						
Accommodation	incl. rent, rates and service		1,500,000		1.19	1,791,207
	overheads		1,500,000		1.19	1,791,207
Recruitment	assumes 10% new p.a., £3000 each		78,810			94,110
Training	assumes 10% new joiners p.a.		550,000			656,776
Travel and Subsistence	based on £8000 pa per invgr.		504,000			441,000
Technical Support Services	IT contract (outsourced)		1,850,000			2,209,155
Publications/Paperwork	annual report		50,000			50,000
	PR fees and advertising		200,000			200,000
Office Service and Supplies	statry and consum. (@£240/head)		63,048			75,288
	furnishings (@£300/head)		7,881			9,411
Legal/Professional Fees			200,000			200,000
<b>SUBTOTAL – RUNNING COSTS</b>			<b>6,503,739</b>			<b>7,518,153</b>
<b>GRAND TOTAL</b>			<b>13,980,939</b>			<b>16,304,953</b>

Most significantly, however, our recommendations will inevitably have quite major ramifications for the way in which police forces currently work, especially in complaints and discipline units.

We had intended to benchmark the figure for the new system against the existing cost of the complaints system. However, during the course of this study, it has become apparent that information about the cost of the current complaints system both on an aggregate level and on a force by force basis is not collected.

Whilst forces typically have budgets for the staffing of complaints and discipline units, these fail to represent many elements of the true costs of managing complaints. For example, they do not include resources for the considerable time spent on the informal resolution of complaints, and do not take into account the differing responsibilities of individual forces' C&D Units with regard to criminal allegations against police officers or internal discipline investigations. In addition, the costs of ancillary services such as forensics, scenes of crime and photography, are not available with specific reference to complaints, being aggregated into more general figures.

Estimating the inputs into, and therefore the costs of, particular types of investigation is even more problematic. Records are only very rarely kept of the true time inputs made by different individuals in specific cases. Whilst records are kept of elapsed time, there is no correlation between this and time spent. We have been able to make some estimates of time spent (see section 4), but the real costs of investigations are also not systematically recorded.

The figures in this section are therefore indicative only, based on estimates of resource requirements developed from our own models using what limited consistent data we have been able to gather. We have been unable to ascertain any meaningful data on costs of technical services such as Forensic Science Services, which may add substantially to the overall costs, and these are not included.

In addition, we have not assessed current police spend on such matters as training, and where we have made recommendations which may affect these internal costs, we have not attempted to estimate the magnitude of their effect.

Whilst these constraints have not prevented us from making an estimate of the costs of the IACP, we have not been able to make a robust comparison with current costs, as this information does not exist.

We therefore recommend strongly that a further, detailed study be commissioned to ascertain the true cost of the existing system before the resourcing of a new body can be properly estimated with confidence. This would involve an intensive piece of process costing work with at least a sufficiently representative sample of forces, as costs and practices vary considerably between forces. We would suggest that, in order to ensure the necessary access to and co-operation of a sufficient number of forces, the good offices of the ACPO sub-committee on complaints and misconduct matters could be enlisted to facilitate the study.



## 8. Transition to a new system

One of the key measures of the feasibility of introducing a new system is whether the transition from one system to another can be carried out efficiently and effectively without jeopardising the integrity of the system as a whole. The introduction of a new system would inevitably involve some disruptions, uncertainties, and a process of learning for all those concerned. A new system would therefore need to be introduced in such a way as to minimise the potential weaknesses which this might introduce, even if temporarily, into the system.

### 8.1 Readiness for change

An important element in managing the transition to a new system would be the readiness for the various stakeholders to change, and their willingness to participate actively in the change process. Where there are obstacles to change, these would need to be managed as part of the transition plan. An early task in the implementation of a new system would be to analyse the form and extent of communications needed with all the various stakeholders, and to devise a suitable communications plan.

However, our consultations suggest that there is already a high degree of readiness of change in principle. It is clear that the conclusions of the Stephen Lawrence Inquiry and the Home Affairs Select Committee endorsed the need for change, dependent on the feasibility of doing so. The PCA itself has regularly and openly pointed out that there are weaknesses in the current system and in its own mandate, and that changes are needed.

Within the Police Service, there are some variations in the level of acceptance of the need for change, and in what ways change is required, and at what points in the system. Nevertheless, our impression is that there is rapidly growing acceptance that independence in the system is not only acceptable but desirable, necessary and feasible. Recent comments by Sir Paul Condon<sup>24</sup>, for example, have suggested that the case for change is accepted by some of the most senior ranking officers. Many other officers of various ranks have expressed their support for changes.

<sup>24</sup> *The Express*, 10 January 1999

However, there would inevitably be some individuals or groups who are not ready to accept the kind of full scale change which would be needed to make a significant difference to the perception of the complaints process. From the point of view of transition planning, whatever innovations are introduced into the system, these would need to be carefully presented and explained within the Police Service, in order to emphasise the benefits to the police, the ways in which their concerns are to be addressed, and the importance of ensuring that the transition is effectively carried out.

The readiness for change amongst the public is clearer. Much of the impetus for the current project and the inclusion of the feasibility study in the Home Secretary's Action Plan stems from public pressure for changes to be made. The threat to the transition to a new system in this respect comes from the risk that changes introduced are not fundamental enough, and they are insufficient to convince the public that there is enough independence in the system. Some groups, such as lawyers and organisations representing complainants, may be unconvinced of the merits of the new system unless it is wholly independent, as the Northern Ireland system is seen to be (although this system itself involves an element of "leasing back" certain complaints to the Royal Ulster Constabulary, and has not yet been fully tested).

If this is the case, the transition might be jeopardised by public impatience to see quick and substantial changes in outcomes, and a failure to understand that significant changes have been introduced throughout the complaints process, from start to finish. The IACP's PR effort needs to include very careful preparation of the public for the extent and nature of the changes being introduced.

Lastly the commitment of the implementing Government department to overcome obstacles during the preparatory and implementation stage will be critical to a successful implementation.

All of these factors will form major considerations in the establishment of a communication plan to form a critical part of the transition plan.

### **8.2. Implementation**

There is a range of options for the pace and strategy for transition to the new system. Essentially, these include either a "big bang" approach, where the systems at no point run in parallel, and the new system in its entirety in all areas simultaneously, or a more phased approach, so that the transition is gradual, and allows time for problems to be ironed out without them threatening the integrity of the system as a whole.

There are some highly significant factors which need to be borne in mind when considering the transition:

- how much of the new system can only be implemented following changes in legislation;
- the timetable in which primary legislation can be expected to be passed in Parliament;

## TRANSITION TO A NEW SYSTEM

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- which elements of the system could be put into place by the PCA, and whether this would be desirable;
- when and how the PCA relinquishes its functions to the IACP;
- whether any elements of the new system could be implemented at the same time in all areas, or whether there should be a process of piloting the changes;
- what structures need to be in place to plan the implementation, and to implement pilots;
- what feedback mechanisms would enable a view to be taken of how satisfied the public and police are with the new system; and
- at what level and in which areas pilots might take place.

The key questions are whether there can be a smooth transition from one system to another, and whether the timetable for full implementation can be kept sufficiently short for the new system still to be applicable to the circumstances in which it is being introduced.

We suggest that an analysis of the legal implications of change is a pre-requisite for making detailed proposals on a transition plan. However, we suggest that the sequence and potential timings of such a plan might be as follows:

**Table 20: Timetable for transition to new IACP**

	Months lapsed from Home Secretary approval				
	6	12	18	24	30
Study legal implications of change					
Establish Programme Implementation Team and Plan					
Prepare limited pilot schemes					
Run limited pilots					
Evaluate pilots					
Legislation passed			X		
Pilots take on full powers					
Prepare full roll-out					
Full roll-out begins					

A brief assessment of the tasks and issues concerned in this is as follows:

### *8.2.1 Legal implications*

The proposals outlined in this study would have important legal implications. Some of the changes would require changes in primary legislation. This is likely to take time, and depends on time being available in the parliamentary timetable. Nevertheless, pilot schemes could be begun before the necessary legislation has been passed, but they would only be able to include processes which require no changes in legislation. A detailed legal analysis would therefore be required at an early stage. Where regulations and guidelines, rather than full legislation, need to be changed or put in place, this would also need to be done at this stage, at least for those processes likely to be undertaken by a pilot.

### *8.2.2 Programme implementation team and transition plan*

The programme would need to be managed as a concerted programme. Planning the transition is a major task, and requires consideration of a wide range of issues. The first step of the transition itself would be to make a detailed transition plan, and this should be done at an early stage so that all potential issues are identified and taken into account. It would need to identify separable sub-projects, by grouping change activities that are manageable in size and comprised of related tasks. Each of these sub-projects would need to identify objectives, steps to be taken, timeframes, resources, risks and inter-dependencies. The plan would also need to identify and agree the specific activities of project sponsors, and in particular, identify communication needs for both public and police.

The implementation of this programme would include many change management issues. We have pointed to many of these elsewhere in this report, and in particular we have pointed out some of the staff and human resources implications. The change management process needs to identify stages or plateaux of change, and plan change on four dimensions:

- management and organisation;
- infrastructure;
- processes and services; and
- people, skills and culture.

### *8.2.3 Pilot schemes*

In our experience of the implementation of large multi-sited change programmes, a pilot scheme is indispensable in testing the process, human resource and practical implications of the proposed change. We believe that it would be an essential stage

in the implementation of the IACP. However, as discussed above, running pilots need not, and should not, imply major delays to full implementation of the programme.

We suggest that limited pilots could be run, applying only those processes which could legally be carried out under existing legislation. Some other processes could in principle be run in “shadow” form. The pilots might most effectively and efficiently run in small units, in order to demonstrate how the system might function in different environments. For example, small predecessor IACP offices could be established in 3-6 regions, each applying to one selected force in that region. The forces selected might represent a mixture of urban and rural, small and large, multi-ethnic and more homogenous areas.

Once the pilots have been running for a sufficient period, a period of ongoing evaluation should be set in place, in order to learn and apply the lessons being learnt. A protocol would be required with the PCA in pilot scheme areas, whereby the PCA's authority would be suspended, but could potentially be re-activated if this became necessary.

Whilst operating in this way, they would also be able to make preparations for taking on their full powers when legislation allowed. At the same time, preparations would be being begun for full roll-out, with full regional and central offices in all regions.

### *8.2.4 Post-legislation pilots*

Once the legislation is in place, the pilots would be upgraded to apply the full range of processes. At the same time, the preparation for full roll-out would be finalised. A further option at this stage would be for certain whole regions in which pilots had successfully been implemented to “go live” shortly after the legislation comes into force. This would enable the PCA to be gradually wound down as an organisation, and potentially for some its staff and Members be deployed in the new organisation.

### *8.2.5 Costs*

We have not attempted to cost this transition plan, as the timescales and size of pilots are very uncertain. We would suggest that costing of the transition would be an early task of the programme implementation team, the costs of which, over two to three years, should also be taken into account.

## 9. Conclusions

Our proposals for a new system for handling complaints against the police have been developed with reference to a number of basic criteria developed from our Phase I work:

- independence;
- quality of investigation;
- fairness;
- efficiency and effectiveness;
- openness and transparency;
- acceptability to both the public and the police; and
- cost.

At each stage of their development we have sought to ensure that our detailed proposals strike an optimum balance between each of these factors. We are confident that these proposals represent feasible options for improving the confidence of the public in the complaints system, yet at the same time delivering a high quality complaints system in which the police, too, would have confidence.

### 9.1 Proposals

Our proposals included a range of reforms to the complaints system as a whole, not simply the composition of the investigative team. Given that we believe that it is only feasible for in the region of 1000 cases to be investigated independently there must be additional safeguards built into other key parts of the process. We believe that for each of the key processes in our recommended system we have succeeded not only in introducing the key principles outlined above, but have done so in such a way as to optimise them. We believe that the argument in favour of whole-scale reform of the system is compelling, given the informed evidence we have received during this study and that the recommendations we have made will significantly enhance the effectiveness, fairness and independence of the system. The sections below highlight the ways in which our recommendations meet our evaluation framework principles.

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### 9.1.1 Access and sift

Table 21: Access and sift – impact of our proposals	
Factor	How our proposals address each factor
Independence	<ul style="list-style-type: none"> <li>● impartial advice about how to make a complaint and make use of the complaints system;</li> <li>● access to the system through an independent body;</li> <li>● independent appellate role in the cases of non-recording of complaints;</li> <li>● independent review of the allocation of cases to the appropriate process;</li> <li>● independence at critical decision making points.</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>● proactive publicity about the complaints system and the role of the independent body within it;</li> <li>● clear communication of the ownership of complaints by the independent body to complainants</li> <li>● openness and transparency in day to day dealings with both complainants, the police and police officers against whom allegations have been made.</li> </ul>
Effectiveness and efficiency	<ul style="list-style-type: none"> <li>● proportional response to the introduction of independence in the access and sift process;</li> <li>● independent dispensation not to investigate certain complaints.</li> </ul>
Acceptability	<ul style="list-style-type: none"> <li>● meets the needs of complainants (see comments on independence) whilst giving the Service sufficient flexibility to design appropriate resolution processes.</li> </ul>
Cost	<ul style="list-style-type: none"> <li>● represents an optimised model for introducing key principles whilst seeking to limit costs wherever possible.</li> </ul>

9.1.2 Investigation and discipline

Table 22: Investigations and discipline – impact of our proposals	
Factor	How our proposals address each factor
Independence	<ul style="list-style-type: none"> <li>● walk-in powers to investigate any complaint;</li> <li>● independent investigation of those complaints which cause most public concern.</li> </ul>
Transparency	<ul style="list-style-type: none"> <li>● independent decision making supported by the commitment to consult and communicate with all stakeholders;</li> <li>● common processes within the independent body.</li> </ul>
Effectiveness and efficiency	<ul style="list-style-type: none"> <li>● regional organisation to facilitate investigative functions of independent body;</li> <li>● focusing of investigative resource on those cases of most concern to the public;</li> <li>● highly trained and adequately resourced investigative teams.</li> </ul>
Acceptability	<ul style="list-style-type: none"> <li>● proposed model (Model 2) reflects the most appropriate compromise between independence and efficiency in order to ensure the quality of the investigation.</li> </ul>
Cost	<ul style="list-style-type: none"> <li>● significant increase in costs over the current PCA arrangements, but an optimised solution for introducing meaningful independent investigation of complaints.</li> </ul>



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### 9.1.3 Supervision, monitoring and continuous improvement

<b>Factor</b>	<b>How our proposals address each factor</b>
Independence	<ul style="list-style-type: none"><li>● independent monitoring and supervision of police-led investigations;</li><li>● independent review of discipline recommendations;</li><li>● independent input to the reporting on the handling of complaints by individual forces and by the Police Service as a whole.</li></ul>
Transparency	<ul style="list-style-type: none"><li>● independent body ensuring common procedures and processes;</li><li>● commitment to improving the quality of the complaints system, through open dialogue with the Police Service and other key stakeholders in relation to the dissemination of best practice.</li></ul>
Effectiveness and efficiency	<ul style="list-style-type: none"><li>● proportionate response to the requirement for independent supervision and monitoring;</li><li>● continuous learning role contributes to best practice policing and the handling of complaints, which in the longer term should drive down the number of complaints in the system.</li></ul>
Acceptability	<ul style="list-style-type: none"><li>● proportionate solution to need to provide independent and meaningful supervision and monitoring.</li></ul>
Cost	<ul style="list-style-type: none"><li>● optimised solution to operationalising key principles.</li></ul>

### 9.1.4 Preferred investigative model

We concluded in our interim report at the end of Phase I of this project that the introduction of some form of independent investigation of a proportion of complaints would contribute to enhanced public confidence in the system. Indeed, significant figures in the Police Service now accept the case for change and have contributed very positively to this study. We believe that the two models taken forward to Phase II are feasible, though both will need legislative change to operationalise them. We believe that they can deliver effective, high quality investigations, within an acceptable timeframe and that they can be equipped with the necessary investigative and specialist skills to undertake complaints investigations which are fair both to the complainant and to those police officers involved.

We have concluded that of the two models taken forward into Phase II of this project, our preferred model is the lay-police mixed team model. We believe that this model strikes the right balance between introducing independent investigation and maintaining the effectiveness and efficiency of those investigations. We believe

that, in the final analysis, any independent system would be just as subject to public scrutiny as the current system is. As a result, we believe it is necessary for police officers with the necessary skills and experience to continue to play a part in the investigation of complaints, within well defined roles and subject to the control of independent investigating offices and the independent body.

As we have emphasised throughout this report, there are a number of pre-requisites for the successful implementation and ongoing operation of the proposals we have made.

### *9.1.5 Regional basis*

- Regional offices provide a much more accessible, customer-focussed organisational set-up, and bring the IACP closer to the communities which the police serve, allowing it to undertake essential tasks such as linking proactively with local partnerships to explain and promote its role in the complaints system;
- Only a regional set-up can enable IACP staff to understand the community circumstances of particular forces, and enable it to take sufficiently informed decisions about investigations;
- Regional offices would allow closer relationships between IACP staff and forces, and enable constructive discussions rather than distant negotiations where views initially differ.

### *9.1.6 Adequate resourcing*

- The quality of the investigations under these proposals will be critical for developing and sustaining the confidence of both the public and the police. Investigative teams must be adequately resourced both to ensure that there are sufficient, high quality investigators to undertake the investigations and that they have access to high quality specialist services;
- Resources must be available for meaningful supervision. The system will fail to ensure proper independent oversight if the depth of the supervision process is undermined by inadequate resources;
- The sifting process must be carried out speedily, both to give the public confidence that the system is dealing with their complaint in a timely way and so as not to unnecessarily delay the police in carrying out their investigations, where appropriate;
- Communication with the public on the establishment and subsequent performance of the new system will be critical (we have suggested that specialist professional resources should be used to support this effort);

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- Each of the functions and processes we have described in the main body of this report will rely on well trained and motivated staff. Training in the new IACP will need to be comprehensive and well targeted. Investigation training must be at least as good as the training currently provided to police investigators.

### *9.1.7 Political support*

- The proposals we have made represent a radical change to the current system. The implementation of these proposals will take time. It is important that having come to a conclusion about the scale and form of change to the system, that the initiative is strongly supported at the highest levels for a sustained period so that it can establish itself effectively.

### *9.1.8 Public and police understanding*

- We have sought to balance the demands of the public for independence with the Police Service's concerns about effectiveness and quality. The IACP and other stakeholders in the complaints system should strive to ensure that these principles are well understood by the public and the police and that they are put into practice, to ensure that the system is seen to be fair both by complainants, the Police Service and individual officers against whom complaints are made.

### *9.1.9 Value for money*

We have developed our proposals in such a way as to optimise their cost, whilst ensuring that the key features we believe are essential for the complaints system are adequately provided for. We believe that they represent good value for money in comparison with the current cost of the PCA, given the significant improvements which they would introduce. In operationalising these proposals, a strict regime of performance indicators should be established to ensure ongoing analysis of value for money and the performance of the independent body.

However, throughout this report we have been careful to emphasise that the quality of data available on the complaints system and the relationships between caseload and resources has been very poor. It is widely recognised that a substantial piece of work is needed to establish baseline information about the complaints system and to undertake further analysis of costs. Whilst we believe that our proposals are good value for money when compared with the current costs of the PCA, we are not able to say whether they are when compared with the total cost of the existing system, including the functions currently carried out by the police. In addition, we have not been able to establish whether there would be substantial cost savings within the Police Service as a result of these proposals.

## 9.2 Next steps

During the course of this study we have also identified some areas where more analysis will be required before the feasibility of the proposals can be fully evaluated. In particular we have identified a need for:

- A comprehensive analysis of the current costs of the police complaints system. Data is currently not collected in a way which enables the costs associated with complaints to be isolated from more general policing costs within the Police Service. This means that the current costs associated with force C&D units do not reflect the true cost of complaints to the Service. This means that a comparison of costs under our proposals with those of the current system cannot be made;
- A qualitative understanding of the performance of the current system and of public confidence in the system. In the absence of detailed examination, we have relied on informed opinion on the performance of the current system. We have made assumptions on important issues in the light of this opinion, but without detailed qualitative examination. Further work should be done to establish reliable performance data and information in order to provide a strong foundation for evaluating these and alternative proposals.

Once a decision has been made to establish a new system, the first steps would be to:

- make a thorough evaluation of the legislative changes needed to bring about the new processes; and
- establish a detailed programme implementation plan, in order to prepare a pilot or shadow system to prepare for full roll-out.

In conclusion, therefore, we believe that we have developed proposals which are feasible and which optimise the need for independence, openness and transparency, effectiveness and efficiency. We anticipate that there will be sections of both the Police Service and critics of the current system who will consider that these changes are either too radical or not radical enough, but we believe that they constitute a significant improvement to the existing system.

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## Annex A: Organisations participating in the study<sup>25</sup>

<sup>25</sup> It should be noted that in many cases, several different individuals from the organisations listed have been consulted

<b>Governmental bodies</b>	
Police Complaints Authority	Home Affairs Select Committee
Home Office Race Relations Division	Home Office Police Policy Directorate
Home Office Legal Division	Home Office Finance Department
Her Majesty's Inspectorate of Constabulary	Association of Police Authorities
Financial Services Authority	Crown Prosecution Service
HM Customs and Excise	Commission for Racial Equality
Parliamentary Ombudsman	Local Government Ombudsman
Criminal Cases Review Commission	Office of the Adjudicator
Prisons Ombudsman	Kent Police Authority
Property Advisors to the Crown Estate	
<b>Police Organisations</b>	
ACPO	Police Federation
Superintendents Association	Cleveland Police
Metropolitan Police Service	West Yorkshire Police
Hampshire Police	
Essex Police	
Black Police Officers' Association	
<b>Police Complaints and Discipline Departments</b>	
Cambridgeshire Constabulary	Metropolitan Police Service
Thames Valley Police	Gwent Police
West Midlands Police	North Wales Police
Lancashire Constabulary	Norfolk Constabulary
Dyfed Powys Police	Nottinghamshire Police
Kent Police	Northumbria Police
North Yorkshire Police	

## ANNEX A

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<b>Related policing organisations</b>	
National Criminal Intelligence Service	National Crime Squad
Representative from the Queensland jurisdiction	Representative from the New South Wales jurisdiction
Former Hong Kong Police Officer	Police Associates Register
<b>Northern Ireland</b>	
Northern Ireland Office	Independent Commission for Police
Complaints (NI)	
Royal Ulster Constabulary	
<b>Organisations representing complainants</b>	
National Association of Citizens Advice Bureaux	Liberty
Bhatt Murphy Solicitors	
An anonymous complainant	Inquest
Lambeth Community Police Consultative Group	Southwark Police Community Consultative Group
<b>Private Sector Organisations</b>	
Virgin Atlantic	

## Annex B

**Table 24: Workload of new IACP**

Function	Assumption	Complaints per year
Sift	Complaints received directly at IACP (subsequently to be referred back to PFs)	1200
	Monitoring LMC outcomes	1200
	Reviewing, discussing and approving investigation plans	16800
Investigation		1000
Supervision	100 investigations per region supervised	600
	in progress monitoring of complaints	250
Discipline review		19000



## Annex C

The cost of the investigation function based on a lay-police team of 10.5 investigators per region, that is 63 investigators across the country, is £2,063,640, or £32,756 per investigator.<sup>26</sup>

<sup>26</sup> The average cost per investigator is calculated using Home Office statistics for police salaries (effective from September 1999) and using Civil Service salary band figures taken from Civil Service Statistics 1998.

**Table 25: Investigative teams and indicative costs – Model 1 All Lay organisation**

ALL LAY INVESTIGATORS	Number of FTEs	COST	TOTAL COST
C.S.Grade 3/5	3	£55,000	£165,000
C.S.Grade 5	6	£45,000	£270,000
Grade 7	12	£35,000	£420,000
SEO	24	£28,000	£672,000
HEO	12	£22,000	£264,000
EO	6	£18,000	£108,000
<b>Total</b>	<b>63</b>		<b>£1,899,000</b>
<b>Average cost (per investigator)</b>			<b>£30,143</b>

**Table 26: Investigative teams and indicative costs – Model 2 Lay-Police Mix**

POLICE INVESTIGATORS	No.	Cost	Total Cost	Lay Investigators	No.	Cost	Total Cost
Detective Chief Superintendent	1	£53k	£53,000	C.S.Grade 3/5	2	£55k	£110,000
Detective Superintendent	2	£47k	£94,000	C.S.Grade 5	4	£45k	£180,000
Detective Chief Inspector	4	£39k	£156,000	Grade 7	8	£35k	£280,000
Detective Inspector	12	£35k	£420,000	SEO	12	£28k	£336,000
Detective Sergeant	7	£27.52k	£192,640	HEO	5	£22k	£110,000
Detective Constable	4	£24k	£96,000	EO	2	£18k	£36,000
	30		£1,011,640		33		£1,052,000
<b>Total costs</b>							<b>£2,063,640</b>
<b>Average cost (per investigator)</b>							<b>£32,756</b>

The cost of the investigation function based on an all lay investigator team is £1,899,000 or £30,143 per investigator, 8% lower than the lay-police mix.

## Annex D

This table illustrates how difficult it is to determine resourcing needs for complaint investigation. It takes data from ten Complaints and Discipline Units (for each of whom we have complete and recent information) for 1998/99. The table shows that there is little correlation between size of force and number of complaints on one hand, and the resourcing of the investigation teams and time taken to complete investigations on the other. For example, the complaint burden per Complaints and Discipline Unit member in Force D was 51 complaints per FTE, whereas it was 85 complaints per resource in Force F, which has an identically sized Complaints and Discipline unit. The Complaints and Discipline Unit in Force C, with a complaint burden per Complaints and Discipline Unit member of 56 per year turns around complaints in 80 days, whereas Force D, with a similar complaint burden per year, turns around complaints in 109 days.

Police Force Complaints Units	Size of force (FTEs)	No. of complaints handled	C&D staff nos. (FTEs)	Complaint burden per C&D member	Time (days) for investigation
A	1013	180	4	45	91
B	1396	429	4	107	132
C	1360	338	6	56	80
D	1410	456	9	51	109
E	7215	1684	24	70	51
F	2269	762	9	85	66
G	3802	613	21	29	108
H	3200	680	7	97	141
I	3790	689	9	77	58
J	n/a	154	60	3	209
K	26106	7087	76	93	112

## Annex E

**Table 28: Breakdown of resource requirements by region**

Region	Sift	Investigators Staff	Monitoring	Other regional IACP staff	Central office	TOTAL STAFF
NORTH	10	10	8	10		38
MIDLANDS – West	9	13	7	10	25.5	64.5
MIDLANDS – East and Central	8	11	7	10		36
SOUTHWEST	7	9	6	10		32
SOUTHEAST	6	6	5	10		27
LONDON	18	14	9	10		51
<b>TOTAL</b>	<b>58</b>	<b>63</b>	<b>42</b>	<b>60</b>	<b>25.5</b>	<b>248.5</b>

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