

Director General Michael Lockwood speech to the Police Federation Conference 22 May 2018

Thanks very much for inviting me to speak at your conference this year – as you know the new Independent Office for Police Conduct came into being when I joined as its Director General in January this year.

Since January I have spent a lot of time listening to people in my organisation, and to many of you and other stakeholders about your views on the organisation, what is working and what is not. I have been very grateful for people's openness and candour.

I thought it would be helpful today if I set out some initial thoughts of where I hope to take the organisation.

First though, a little bit about my background.

Most of my career has been spent in the public sector and specifically in local government. I've been Chief Executive of two councils - latterly a London Borough - where I tried to meet the expectations of 250,000 residents and 63 councillors, with a near 50% reduction in our budget. It meant making some really difficult choices about where to put the limited money we had - children's social care and adult social care which was critical for our safeguarding responsibilities, or on bins and fixing potholes which were more visible to residents and more likely to get councillors re-elected.

So, while I do not have a police background, I would like to think I do have an appreciation of some of the financial challenges you face and some of the difficult choices you have to make. During my time in local government, I worked very closely in partnership with the local Borough Commander and his team on a range of

initiatives to help reduce crime and the fear of crime. It was always a priority for our residents so I tried to work with the police and local community to help solve this. I always took the view that the reduction in crime and fear of crime was not just a police issue but an 'us' issue that could only be best solved by us all working together.

That understanding of context must be critical to what we do at the IOPC. The first word in our title is Independent. I've been talking with staff about what the word independent has come to mean within our organisation and it varies quite significantly. I think our new start as the IOPC gives us a chance to clearly define what it means for all of the groups we work with.

For me, independence cannot mean isolation and I want to ensure that our efforts to be impartial don't mean we put unhealthy and unnecessary distance between ourselves and complainants or ourselves and you.

I am keen for my staff to have a better understanding of what it means to be a firearms officer, a police driver, a custody sergeant or a constable on the beat. I think it makes them more effective and insightful in their work, and better able to understand the context within which decisions are made.

I am also keen to have a workforce that includes a cross-section of experiences and backgrounds, to give us a rounded view of our work. About a quarter of our people have a police background.

There are those who believe that we shouldn't employ any ex-officers at the IOPC, but with respect, I think that is wrong. We already have a far lower proportion of ex-officers than other police watchdogs around the world – after all, three quarters of our staff, including myself and the IOPC's Corporate and Regional Directors, do not

have a police background. But we know that former officers bring with them a great deal of relevant and useful experience.

They understand how policing should be done and – critically – how it should not be done. As proud ex-officers, the last thing they want to see is the job being brought into disrepute by poor practice. I believe they are a strength to our organisation.

This year, 25 years after the murder of Stephen Lawrence, we have been reminded why the IOPC exists. It was the Macpherson report which argued for an independent body to be responsible for the police complaints system – ultimately leading to the creation of the IPCC in 2004.

What lay behind those arguments can be summed up in the word: ‘confidence’.

There was little confidence in a system where the police investigated themselves without independent oversight – particularly at that time and particularly among black and minority ethnic communities. The system was changed to create an independent body tasked with investigating the most serious incidents and charged with oversight of the wider complaints system. The IOPC has now inherited that mantle.

Confidence is a complex and fragile thing. There is no magic formula that will make individuals, communities or society at large, be more confident in the police complaints system – or in policing more widely.

Clearly, our independence is at the heart of the matter, but independence is a tricky thing to define and a trickier thing to prove. For evidence of this, just look at our Twitter feed.

We are an organisation that provokes strong opinions. It may not surprise you to learn that we hear a lot of comments from serving and former officers. Not all of them

support us! We are 'out to get coppers' and we are 'the criminals' friend'. But we also get criticism from some members of the public who are equally outraged. We are 'covering-up for coppers,' we are 'the police's friend,' we are 'biased and toothless'.

As ever, independence is in the eye of the beholder - and people with set opinions will seize upon the cases that support their view and ignore those that do not. One thing's for sure - if we chase popularity we are not going to win.

But respect – from all sides – is what I would wish to achieve. Changing from the IPCC to the IOPC will not be just about a new logo. I am keen to develop a new strategy and a new approach – one that I hope will be respected on all sides of the policing debate.

We must be truly impartial in our work and our decision-making; independent from the police, independent from families and communities and independent from the government. We must follow where the evidence leads us.

But as I have said, independence does not mean isolation. We need to understand the context within which you work, but we also need to understand the context of the communities' you police and the concerns they have about modern policing.

Being impartial doesn't mean we shouldn't take part in training exercises alongside police officers, as we have already done in the counter-terrorism arena, but neither does it mean we can't meet with community campaigners to talk about stop and search; or that we shouldn't develop supportive and professional relationships with bereaved families, through our family liaison team.

Independence doesn't mean we live in an ivory tower, it comes from managing all our relationships in a sensible and professional way.

We will not always agree. And the IOPC will not always be popular. But I hope that an unwavering focus on true impartiality, combined with better listening and improved relationships with communities and yourselves, will help us earn respect from all sides, even in disagreement.

So our independence plays a role in building confidence in the system. But confidence will also be shaped by the work that we do. And I want our approach to that work to change.

We have a clear job to do.

We investigate serious incidents involving the police and serious allegations against officers. We also adjudicate when the public appeal the decisions that forces themselves make, when dealing with the many thousands of complaints that do not reach the threshold for referral to ourselves and are handled locally.

At its most basic level, that's it.

We're not judge and jury. We give an opinion, based on the evidence, but we don't reach conclusions about Officers' conduct. We're not responsible for disciplinary panels or sanctions, for charging decisions or suspensions.

We are an important part of a system with many different players.

We are about accountability in the police service. We exist to see that officers can be held accountable, where necessary, for their actions – even up to the point of disciplinary or occasionally criminal sanction. This is our bread and butter work and it's vitally important for public confidence. Without accountability, the public's faith in the system will be lost.

And I have no qualms about holding to account police officers that do wrong. In my view – and I know yours – Officers who pervert the law they are sworn to uphold; who bully and discriminate; who abuse their position for financial or sexual gain or who are grossly negligent to the point of endangering lives are not fit to wear your uniform and they damage the good name of the vast majority of brave and committed officers who you represent.

However, I know – and you know - that some officers will find themselves under investigation because they made a mistake. Not because of malice or gross negligence, but because of a mistake, made under pressure. Like you, I don't want to see officers sanctioned because of a genuine mistake which could be better dealt with as an opportunity to learn and improve.

However, the line between mistake and misconduct is not clearly drawn.

Many of those I have spoken to have supported the need for an improved approach to addressing unsatisfactory performance within the police, so that mistakes and poor performance are recognised and treated as such - and the disciplinary route is focused on the most serious matters.

Many of our investigations do not start out as conduct investigations and in the case of deaths and serious injuries, our investigations often find that officers acted properly – this is often the case in shooting incidents, for example.

Sometimes, our investigations will find that the 'misconduct' line may have been crossed. In other words, there is a 'case to answer' which needs to be examined at a disciplinary hearing. Sometimes those proceedings can lead to sanctions and sometimes the case against the officer is not proven and he or she is cleared of blame.

An officer being cleared doesn't mean the investigation was flawed, or the hearing shouldn't have happened – any more than a 'not guilty' verdict on a civilian criminal case means your investigation was a waste of time. The system has worked and the incident was properly scrutinised.

I know that it can be a very difficult experience for the officers involved – but also for the family, who are desperate for answers.

This situation can however be made worse if their lives are put on hold for too long, waiting for an outcome.

The single biggest criticism that has been laid at our door in the past, is the length of time it takes to complete investigations. The headline from you is that we are bureaucratic and slow. It won't surprise you to hear that tackling this issue will be a big priority for me.

We need to do better as an organisation and a number of changes are already underway to speed up our processes in terms of how we allocate cases, keep the same investigator, resource investigations, process appeals, draft reports and improve our relationship with professional standards departments. I can tell you today: that we are now completing roughly a third of our investigations within six months and two thirds within a year and that good progress is happening. Since 2011/12 for the first time last year, we closed more cases than opened – and specifically that the closure rate was up over 60% from the previous year.

But you will rightly reply about the cases you know of, where an officer has been under investigation for far too long and the impact that has had on them and their families. And stories will always trump statistics. But we are getting quicker and I am determined to continue to do so.

There are also, as you will remind me, a number of legacy investigations dating back years before the IOPC came into being, that I am determined to conclude - but this is harder than any of us would wish. They are high profile, complex and often involve a myriad of other processes and other players – but we must try to bring them to a conclusion as soon as possible.

With timeliness in mind, I have volunteered to do a piece of work for the Ministerial Board on deaths in custody, looking across the system to identify all of the interfaces/ hand off points that contribute to delays in investigations. That includes the role of forces - the time it takes to organise interviews, the delay to decisions by the appropriate authority or the delays taken in organising a hearing; the delays in pathology, CPS decision-making, Coroner's proceedings and many more. I am very willing to accept that my organisation must lead by example, and we will, but as you will appreciate we are not the only player in the process.

And I will throw a constructive challenge back to you, as Federation representatives. I want to speed up investigations in the interests of both complainants and officers. You can help me with that by encouraging co-operation with our investigations, as far as you can.

Co-operation from witnesses makes a huge difference to the speed of progress in an investigation. For us, the accounts of police witnesses are crucial and when these are forthcoming quickly, as they often are, it makes a huge difference.

I'll read this, from one of our team who investigated the accidental discharge of a firearm:

“From the date of the incident, the report was completed within two weeks, helped by co-operation from the force. I was invited to the firearms unit and met with the head

of unit and chief instructor, who gave us a tour and spoke at length about training and processes.

“They also facilitated access to any information I required. I sought early engagement from the Fed and PC X provided a detailed written account. As such I had all the information I needed in a very short time and I was able to conclude the investigation incredibly quickly.”

I am told by my team that this level of co-operation is now much more common and that we often have very good working relationship on the ground with Federation reps, for which I am grateful.

However, this level of co-operation and helpfulness is not universal and where officers, supported by their Federation reps, delay attendance at interview, offer no comment and insist on responding in writing, you will appreciate it hampers progress and can add weeks, even months to an investigation which we all want to conclude quickly.

For example, an investigation into the police response to a death – when all ten officers who attended the scene provided identical two line accounts at the post incident procedure – all of which effectively said: “I was there.”

Or the investigation into a Taser incident, where the officers refused to answer questions, despite being witnesses, and then submitted written answers only to selected questions rather than providing a coherent narrative. When asked what we were doing to calm community tensions we had to say we couldn’t do anything meaningful, because we had no account of the officers’ actions.

Clearly all investigations are different and have their own complexities, but I hope we can work even better together. I know that a lot of work has been done over the past

year to improve our working relationship, this has involved frank conversations about your concerns and ours, and we have identified opportunities for improvement. Phil and his team have been central to this and I thank them for their approach to working with us. Thea Walton from the IOPC will update you today on that work and what we will do to improve our relationship towards the mutual respect I talked about earlier.

As well as speeding up our investigations, I'm also determined to improve the quality of work which you have also raised. I have asked for a review of quality across the whole organisation because I believe we can always get better. Thea will share with you some of the work we are doing to listen and respond to feedback and ensure that the needs of our service users - including yourselves involved in our investigations - inform how we do our work.

One initiative I am keen to quickly progress is the introduction of subject matter networks – points of contact in our organisation who will have the latest expertise in key areas such: deaths in custody, roads traffic incidents, mental health, domestic abuse, Taser and other less lethal force, disclosure and discrimination.

The aim of these 'subject matter networks' is to better draw together what we learn from our investigations, to work with the College of Policing, NPCC leads and key charities, and expert groups to help us improve our investigative practice and quality of our decision-making. I want them to have the latest expertise and knowledge in these key areas and ensure that we are better able to speak with authority on a range of critical policing issues.

The new IOPC, will do all it can to improve timeliness and quality but in the case of the former, we are not the only players in the system and we will need your help and support from others.

Before I joined the IOPC, I was seconded to work on the aftermath of the Grenfell fire as part of the Grenfell Response Team. I had responsibility for co-ordinating the response for the Tower site, working with contractors, police - DVI/forensics team etc. I also led on community engagement and family liaison with the bereaved and survivors. That's one of the reasons that the family liaison work we do is so personally important to me.

I am really keen that following a death we provide a Family Liaison Manager at the scene within 24 hours if that's what the family would want and that same person stays as the point of contact for the whole investigation to provide support and build trust.

Using our regional structures, I will also want the organisation to be more outward looking, improve its visibility, making the local community more aware of our existence. We need to proactively develop relationships with key opinion formers/community groups so ideally when there is an issue, it is not the first time they have seen us.

What I learned from listening to the Grenfell families was that yes – they wanted justice to be done: - for all they had suffered and all they had lost. But most importantly, they wanted lessons to be learned. They wanted to make sure it could never happen again. It's a message we hear at the IOPC time and time again from complainants and bereaved families.

The 'blame versus learning' debate within policing is one I'm sure you are familiar with. Phill quite rightly spoke about it in his introduction. For me, I want to put a greater focus on learning with the objective that change happens on the ground and we improve practice.

I tell my colleagues that the two things we can do to promote confidence in the police complaints system is firstly to demonstrate accountability when things have gone wrong but secondly and importantly to bring about change by learning to try and avoid it happening again. We regularly make learning recommendations to forces, resulting from our investigations – and sometimes, these recommendations are made nationally, to improve policing practice across England and Wales. I want to do more to capture our learning from across the organisation, which at the moment is quite fragmented and make it more thematic. And I want to review our recommendations and Learning the Lessons Bulletin to make them even more helpful to you.

But I believe our work in this area is in part hampered by the way we have been set up as an organisation. When the IPCC was expanded it was tasked with taking on many more investigations.

We have been striving to get the numbers up and that has meant we have tended to measure our progress in terms of the number of investigations we commence.

If we are to play a major role in the learning agenda – in making change happen so that policing learns from mistakes, we need to be much more thoughtful about the work we take on.

We should only become involved where the issues are either serious enough to require independent investigation, or are deemed sensitive because they impact on the confidence of the wider public or particular communities. We should prioritise cases where the ramifications of the incident have national implications or where there is an opportunity to gather learning that will improve policing practice.

A more focused approach to the cases we take on will, I believe, mean that some capacity can be better spent on improving our learning offer. Through my discussions with the College of Policing, HMICFRS, National Police Chiefs Council, community representatives and campaigning organisations – as well as through analysis of the many surveys and discussions we have held in the recent past – I am drawing up a list of thematic areas that matter both to the public and to the policing family and which by looking at them we can further improve public confidence in the criminal justice system and hopefully help you in learning in some key areas of importance. I am proposing that these themes could include:

- **Abuse of authority for sexual or financial gain** – a priority area within policing and one that is likely to rise with the increase of social media. It is an area I hope we can work jointly with the College and HMICFRS.
- **Discrimination** – always high on the agenda across the communities that you police. Almost 14% of referrals we received since April 2016 included an element of potential discrimination, making it one of the most frequent issues in our cases. It is a significant issue in terms of public confidence in the police.
- **Mental health issues** – all too often a factor in deaths in custody and a range of other cases. (In 2016/17, 8 of 14 deaths in or following police contact had known mental health problems). This is an area of concern from all our major stakeholders, the public and particularly yourselves. All agree there are big opportunities for learning and improvement.
- **Road traffic incidents** – the subject of much debate. The number of people killed in 2016/17 in police pursuits was the highest in more than a decade and two thirds were passengers, bystanders or other road users.

- **Domestic Abuse** – for too long a hidden outrage. This is an area we all believe there is learning to be had and the public identify it as a high priority.
- And **Near misses in custody** – a real chance to learn and prevent future fatalities.

We will not sort out all these issues in one year and we want to work with you and other partners to agree which aspects we need to focus on in these thematic areas. As this thematic approach develops, we could look at themes to better reflect local priorities across England and Wales.

For me, accountability is just part of the picture. Sharing insight; making learning recommendations and bringing about change is where we can really impact on public confidence in the Criminal Justice System. Targeting our effort on these areas - alongside the work we will always do to investigate deaths and serious injuries is in my view the best way to approach this new agenda.

But we can't do this work alone. The confidence business is a joint enterprise.

As Federation reps, you can do a lot to help embed the learning changes that arise from our work in your forces, so that the public benefits in terms of the service they receive, your members are less likely to make the same mistakes in the future and the nature of misconduct is better understood across the profession.

We have a stall here today, focused on the work we do to share learning and promote change – not least through our 'Learning the Lessons' bulletin, which is very well regarded in professional standards departments. Please have a look.

I know that Phill and others are engaged in the same ongoing discussions that we are. I think we can all agree that moving towards a learning culture which uses

complaints to shape the training and development of our police officers is preferable to a culture that believes that there is always an individual officer to blame. For all our differences, I do believe (I hope) there's some common ground here for us to build on.

If we: as the IOPC, as police forces, as the Federation, can demonstrate that when things go wrong, there is both accountability and change through learning – then we won't just be improving confidence in the complaints system; we will be improving public confidence in policing itself.

I hope that is an aim we can all get behind.

Thank you.