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IPCC investigations into cases involving a death

Independent research report

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Executive summary

Context

Established in April 2004, the Independent Police Complaints Commission (IPCC) oversees the police complaints system in England and Wales and sets the standards by which the police should handle complaints. It is independent, making its decisions independently of the police, government and complainants.

Police forces must refer the most serious cases, including all deaths and serious injuries and whether or not someone has made a complaint, to the IPCC so that it can decide how they should be investigated (IPCC, 2013a). An overarching aim of the IPCC's work is securing and maintaining public confidence in the police complaints system.

Article 2 of the European Convention on Human Rights protects the right to life. Deaths that occur during or following police contact may involve a breach of Article 2 by the police. Examples of cases where there might be a breach are:

- Deaths caused by police use of force, including police shootings;
- When an individual has died while in police custody or under arrest;
- If a death has resulted from a third party's criminal use of force, where the police failed adequately to investigate the third party's actions where they knew or ought to have known there was a real and immediate risk to life; and
- Fatal road traffic incidents (RTIs) involving the police.¹

Where a death may have been the result of police action or failure to act, Article 2 requires there to be an independent and effective investigation to decide the circumstances and causes of the death. The IPCC plays an important part in meeting this requirement by independently investigating all cases where there may have been a breach of Article 2 by the police. Coroners and the Crown Prosecution Service (CPS) also contribute to meeting the requirements of Article 2.

In 2012, the IPCC began a review of their investigations of deaths during or following police contact. The IPCC commissioned NatCen Social Research (NatCen) – an independent research organisation - to conduct research in parallel with the wider review. The findings of the NatCen research have informed the IPCC review on an ongoing basis.

Research approach

Research was carried out by NatCen between December 2012 and August 2013. The research explored three specific areas: how the IPCC conducts investigations involving a death, how the IPCC engages with external parties including bereaved family members, and how the IPCC demonstrates independence and maintains public confidence in this area of its work. The research comprised:

¹ This has been adapted from the *Review of the IPCC's work in investigating deaths: Progress report* (IPCC, 2013c). For further information on Article 2 and potential breaches please see Annex A of the review.

- Three in-depth interviews with bereaved family members, plus two written submissions;
- Four in-depth interviews with police officers who had been subject to IPCC investigation, one in-depth interview with a Police Federation representative and one written submission from a Police Federation representative;
- Four in-depth interviews with external stakeholders in the fields of law, human rights, or advocacy and support for bereaved families;
- Four in-depth interviews with IPCC Community Reference Group members; and
- Eight in-depth interviews with IPCC Commissioners and five focus groups with IPCC staff.

Methodological challenges

Conducting research on a sensitive topic and with vulnerable people can be challenging. While the research team sought to overcome these difficulties at every stage of the research process, it is important to acknowledge the challenges faced.

Careful consideration was given to how to communicate the research to bereaved family members and police officers who had been investigated by the IPCC. For ethical and data protection reasons, it was decided that the initial approach should be made by professionals with an ongoing relationship with these groups, as they had an understanding of the individual's needs and circumstances and could tailor the nature and timing of their approach accordingly. It was not possible to identify suitable individuals to approach police officers directly and so the research was publicised online and not targeted at individual officers. The research team, alongside NatGen's Research Ethics Committee, did not feel alternative approaches adequately protected the interests of family members and police officers.

The interviews conducted with family members and police officers provide a rich, detailed and important perspective on IPCC investigations involving a death. However the relatively small number of interviews conducted means that it is possible that some perspectives are missing from the research. The fact that the findings from the interviews with families are consistent with the interviews conducted with other participant groups, and the 'listening days' for families run by the IPCC as part of their review, provides some confidence that the key issues have been identified.

Key findings

The key findings of the research have been grouped under the following themes: independence; conducting investigations; and communication and engagement. The final section of the summary draws together the key issues from the research.

Independence

Independence is the cornerstone upon which the IPCC must carry out its work if it is to be seen as credible, effective and trustworthy. One view on the IPCC's independence was that the IPCC was independent of the police service and government. However it could appear to lack impartiality to the external world and this eroded public confidence. An alternative perspective was that the IPCC was not

sufficiently independent of the police force. Issues impacting the independence of the IPCC included:

- The employment of former police officers and staff at the IPCC was controversial and gave the impression that the IPCC was inherently biased toward the police service.
- The IPCC was seen as similar in culture and mindset to the police service and the boundaries between the police service and the IPCC were perceived to be *'blurred'* both at an individual and organisational level.
- The IPCC routinely rely on police forces at vital points during independent investigations, for example initial scene management and securing evidence.
- The opposite view was also expressed. The IPCC was reported to have failed to treat police officers under investigation fairly and impartially on some cases. There was reported to be a perception amongst some police personnel that the IPCC set out to apportion blame to the officer(s) involved before all the facts of the case had been gathered.

Conducting investigations

Referral

The time taken by the police force to refer incidents to the IPCC and the time taken by the IPCC to decide whether and how to investigate an incident was criticised by participants. IPCC decision making was also considered to be inconsistent and not supported by a clear rationale. The quality and timeliness of decision making by the IPCC was attributed to factors related to the decision making process itself and inadequate staff resources.

Initial steps in an investigation

Participants expressed concern that the IPCC did not always deploy investigators to the scene immediately, and about the time taken by the IPCC to reach the scene and take control of the investigation. Factors contributing to deployment challenges included inadequate resources and infrastructure, misplaced confidence in the integrity of police forces, and lack of clear internal guidance on deployment.

Participants felt strongly that the same police force involved in the death should not have a role in the initial stages of the investigation. Reducing the IPCC's reliance on police forces was perceived to require training and support to enable IPCC investigations to take adequate control of the scene and robustly oversee the work of specialists. The development of greater in-house specialisms and skills in areas such as crime scene management was also advocated.

Joint working between the IPCC and family members was considered important when defining the parameters of the investigation (terms of reference). The overall effectiveness of an investigation was felt to be impacted by its scope. Investigations which were too broad in scope could lack focus and face delay. Failure to address critical aspects of an incident during the investigation was also problematic and limited the extent to which lessons were learned.

Conducting investigations

Poor quality investigations significantly undermined the credibility of the IPCC and public confidence in its work. Failure to gather critical evidence at all or in a robust

way was a concern for participants. Four issues were raised about the accounts of witnesses and suspects: maintaining the integrity of accounts, interviewing police personnel as suspects, collecting statements from family members, and reconciling conflicts in accounts. The effectiveness of obtaining accounts and gathering evidence was influenced by issues such as:

- The extent to which police personnel cooperated with the investigation.
- The organisational culture of the IPCC and historic ways of working acted as barriers to the IPCC making greater use of its powers, and treating officers as *'suspects'* (where this was warranted).
- The powers of the IPCC over contracted police staff and to obtain evidence from third parties were considered insufficient.
- The competency of IPCC investigators was perceived to be mixed, with some individuals reported to lack the confidence and expertise required for the role. The management of poorly performing staff was identified as an issue for the IPCC.

The use of external experts on IPCC investigations was welcomed but their involvement raised challenges. The process of appointing experts was considered insufficient, the credibility and suitability of the experts appointed was mixed, and the instruction of experts by the IPCC was poor in some cases.

Concluding stages of the investigation

Publication of investigation reports was welcomed as a way of ensuring transparency and facilitating public scrutiny. However several factors were felt to hinder access. This included a need to restrict access to reports or redact information, so as not to compromise any resulting criminal proceedings or to safeguard individuals involved in the investigation.

The quality of investigation reports was reported to vary. Poor quality reports failed to provide an accurate, thorough and fair account of the circumstances surrounding the death and omitted key issues. The quality of reports was affected by the quality of the investigation itself as well as the involvement of investigators and Commissioners in the production of the report.

The IPCC Learning the Lessons bulletins² and thematic reports were seen as successful in drawing together and disseminating learning and good practice from across investigations. There was a desire for the IPCC to continue to build upon its work in this area, and improve the quality of the recommendations it makes on some of its investigations.

The recommendations made by the IPCC were reported to have improved police force policy and practice in some cases. However the recurrence of particular types of deaths, nationally or at a force level, sparked criticism of the police service and its capacity for change. Participants were also critical of the IPCC for being inconsistent in the way it followed up recommendations. Views differed on whether the IPCC's powers in this area should be strengthened and/or extended.

Satisfaction with the outcome of IPCC investigations varied and was underpinned by how far the outcome was seen as fair, impartial and supported by robust evidence.

² Since 2007, the IPCC has published a regular Learning the Lessons bulletin to help the police service learn lessons from completed investigations into police complaints and conduct matters undertaken by the IPCC or by the police service locally.

Participants were critical of investigations which were inconclusive about the circumstances surrounding the death and the culpability of individuals, or reached conclusions about matters which were beyond the IPCC's powers and remit.

Actions arising from IPCC investigations

Participants felt the credibility of the IPCC was often undermined by the outcomes of criminal and/or disciplinary processes following investigations and it was recommended that the IPCC clarify its remit to external audiences.

The IPCC was criticised for failing to make adequate use of its power to direct the type of disciplinary action taken by the force on some of its investigations. However the value of this power was also questioned, with one view being that it was ultimately unlikely to affect the outcome of the disciplinary process. Views differed on whether the IPCC's involvement in the police disciplinary process should be strengthened. Some participants were in favour of the IPCC having the power to present disciplinary cases, sit on disciplinary panels or direct the outcome of the process.

The quality, timeliness and impartiality of the prosecution decisions made by the CPS were reported to have been problematic in some cases. The IPCC's involvement in the prosecution of the cases it investigated was also criticised for the following reasons:

- The criminal case was reported to have been compromised by the IPCC's failure to interview under caution.
- Some police personnel believed that the IPCC referred some cases to the CPS because they did not feel comfortable making the decision that there was no case to answer. Some police personnel were also critical that the IPCC had not offered an opinion on the strength of the case against the police when making referrals to the CPS. It was recommended that the IPCC is required to provide this information in the future.³
- The process for referring cases to the CPS was not sufficiently understood by all IPCC Commissioners and impacted the referral of cases.

Although inquests were not a focus of the research they raised a number of important issues for participants:

- The IPCC's failure to attend the inquest and the poor conduct of some IPCC investigators at inquests were discussed.
- Concerns were raised about delays to the inquest process and the '*adversarial*' style of inquests in some areas of England and Wales.

Stakeholder communication and engagement

Effective communication and engagement between the IPCC and its stakeholders were viewed as critical. Factors which were felt to limit the effectiveness of communication and engagement included: lack of public understanding of how the IPCC works; a need for the IPCC to prioritise its limited resources on case work and investigations; and a perception that the IPCC had historically been defensive in the face of criticism. Legal considerations and lack of confidence in the quality of investigations were perceived to be barriers to the IPCC sharing information.

³ Currently, the IPCC cannot legally be involved in charging decisions.

Working with families

One of the key groups the IPCC works with is bereaved families. Views were mixed on whether an IPCC staff member with responsibility for the relationship with the family (a Family Liaison Manager) was required on every case involving a death. Concerns were raised amongst IPCC staff that the Family Liaison Manager function was not sufficiently valued and resourced by the IPCC and this (amongst other reasons) had sometimes prevented their involvement. Given the importance and sensitivity of communication with families, it was felt that all investigations staff should receive training and support for this role.

The timing, nature and location of the IPCC's initial contact with families were important and getting this wrong could damage relationships. Delays contacting family members could undermine confidence in the IPCC, however approaching family members when their loved one was in a critical condition or before they appointed a lawyer was considered to be equally problematic. Family members had different preferences for communicating with the IPCC. Where a face to face meeting was wanted, choice over the location was important as one family member had found it distressing to be asked to meet with the IPCC in their home.

The information provided by the IPCC to family members at the outset of the investigation did not always meet their needs and could leave them unclear about crucial aspects of the investigation, such as the role of the IPCC or the purpose and timescale of the investigation. Family members appreciated being signposted to specialist agencies providing practical, emotional or legal support and were critical of the IPCC when this had not happened.

Family members said they required regular and meaningful updates on the progress of the investigation and appreciated when this had been provided. However accessing adequate information about the investigation process, findings and outcomes was very difficult for other family members and required support from their lawyer. Family members who did not receive adequate information felt that the IPCC was reticent to share this because the quality of the investigation was poor or because the IPCC wished to conduct the investigation *'in secret'*.

IPCC staff and family members were critical of impersonal forms of communication such as the monthly progress letter. The time taken by the IPCC to share information with family members was also criticised and providing partial information to family members was reported to have had negative consequences. One family member said prior warning of particularly sensitive or difficult material and greater support to *'make sense'* of the information would have been beneficial. Without this it had been difficult for the family member to have a *'voice'* in the investigation.

Interactions between family members and the IPCC (staff and Commissioners) varied. One family member spoke positively about the personal qualities of their Family Liaison Manager and described them as compassionate, approachable and dependable. The support provided by the Family Liaison Manager was valued and delivered in a way which was sensitive to the family member's needs. However other family members described their relationship with IPCC staff as characterised by a lack of sensitivity, respect and empathy, and individuals were described as *'arrogant'*, *'nasty'* and *'patronising'*.

Working with officers

Officers' preferences for communicating with the IPCC in the initial stages of investigation varied. Direct communication with the IPCC was preferred by some

officers and there were officers who appreciated the IPCC contacting them shortly after a death to make them aware an independent investigation would be carried out. Other officers were more comfortable communicating with the IPCC through their Police Federation representative or lawyer due to the possibility of disciplinary or criminal charges. The quality of the information provided to officers in the early stages of the investigation varied. Unclear or partial information about issues such as whether the investigation would appear in the press and the scope and timescale of the investigation were additional sources of worry for officers at an already difficult time.

The quality of ongoing communication between the IPCC and officers was generally considered poor and in breach of the IPCC's own guidelines. Officers reported going without information about investigation progress for long periods of time. When the IPCC did communicate with officers, the style of communication was criticised for being impersonal and the quality of the information was considered poor. Not knowing how the investigation was progressing could have a significant emotional impact on the officers and their families, particularly where an officer had been suspended or removed from particular duties during the investigation. Communication with officers at the end of investigations was also variable. There were cases in which officers reported receiving no formal notification of the investigation outcome or limited information on the criminal charges they may face.

Community Reference Groups

Community Reference Groups (CRGs) are one way in which the IPCC has sought to engage local communities in the investigation. These groups vary in composition, how often they meet and their purpose. CRGs were seen as valuable when there was strong community interest in a case. However challenges were also experienced setting up and maintaining these groups. For example, CRG members said they required sufficient information about the investigation to engage constructively with the IPCC, but this had not always been provided. As such, the benefits of having a CRG could be one sided; providing the IPCC with feedback from the community, but offering them little in return. Participants therefore stressed the importance of using a range of approaches to effectively engage with communities including greater work to publicise the progress and outcomes of investigations.

Communicating with the media and public

Press releases are one of the ways in which the IPCC publically communicates its work. Examples of good practice in the way in which the IPCC worked with families around media communication were provided, but there were family members and officers who were dissatisfied with how this had been handled by the IPCC. Concerns were also raised about the timing of press releases and the inclusion of unverified or partial information at the outset of the investigation. Participants were also critical that the IPCC did not always use the media to publicise the outcome and recommendations of the investigation, or to comment on the outcome of subsequent criminal or disciplinary action. Lack of confidence in the quality of some of its investigations was reported to inhibit greater transparency by the IPCC.

Cross-cutting issues

The following issues, discussed below, were felt to impact on all aspects of the IPCC's work: staffing and resources; IPCC structures and systems; powers; and accountability.

Staffing and resources

Four staffing issues were raised by participants.

- There was a perception that levels of staffing for IPCC investigations fell far short of the resources the police would have for a similar sized investigation. It was felt that staffing shortages could hamper investigations in a range of ways.
- Multidisciplinary working between IPCC staff and Commissioners was perceived to have been challenging and ineffective on some investigations. One reason for this was that multidisciplinary working had not been underpinned by clear procedures and was consequently ad-hoc in nature. However, recent changes to operational practice were perceived to have resulted in some improvements. Practical issues such as the geographical dispersal of IPCC staff and Commissioners could also pose a challenge for multidisciplinary working.
- There was a view that poor performance on IPCC investigations following a death was not consistently addressed.
- Participants identified a number of areas in which IPCC staff (particularly investigators) and Commissioners would benefit from additional training and ongoing support. Examples included: specific investigative skills and greater knowledge and understanding of relevant legal issues.

Additionally, gaps in equipment and infrastructure were perceived to have impacted on the quality of some IPCC investigations.

IPCC structures and systems

Participants fed back a broad concern that the work of the IPCC was not underpinned by clear structures, procedures and guidelines. Consequently, investigations following a death were perceived to vary in quality.

Powers

There was a desire for the IPCC to use its existing powers more effectively on future investigations. For example, to arrest officers and interview them under criminal caution. In other areas, the investigative powers of the IPCC were perceived to be inadequate. Questions were also raised about whether more far-reaching reforms to the structure and powers of the IPCC were required.

Accountability

Participants external to the IPCC were concerned by what they perceived to be an absence of adequate mechanisms to hold the IPCC to account. There was support for the IPCC routinely attending inquests to give an account of its actions. The development of statutory guidance on the conduct of independent investigations was also suggested as an additional mechanism for holding the IPCC to account.

1 Introduction

1.1 Background

1.1.1 Overview of the IPCC

Established in April 2004, the Independent Police Complaints Commission (IPCC) oversees the police complaints system in England and Wales and sets the standards by which the police should handle complaints. It is independent, making its decisions independently of the police, government and complainants.

Police forces deal with the majority of complaints against police officers and police staff. The IPCC considers some appeals from people who are dissatisfied with the way a police force has dealt with their complaint. Since November 2012, the responsibility for determining appeals is shared with local police forces. Police forces must also refer the most serious cases, including all deaths and serious injuries and whether or not someone has made a complaint, to the IPCC so that it can decide how they should be investigated (IPCC, 2013a). An overarching aim of the IPCC's work is securing and maintaining public confidence in the police complaints system.

Article 2 of the European Convention on Human Rights protects the right to life. Deaths that occur during or following police contact may involve a breach of Article 2 by the police. Examples of cases where there might be a breach are:

- Deaths caused by police use of force, including police shootings;
- When an individual has died while in police custody or under arrest;
- If a death has resulted from a third party's criminal use of force, where the police failed adequately to investigate the third party's actions where they knew or ought to have known there was a real and immediate risk to life; and
- Fatal road traffic incidents (RTIs) involving the police.⁴

Where a death may have been the result of police action or failure to act, Article 2 requires there to be an independent and effective investigation to decide the circumstances and causes of the death. The IPCC plays an important part in meeting this requirement by independently investigating all cases where there may have been a breach of Article 2 by the police. The work of Coroners and the Crown Prosecution Service (CPS) also contributes to meeting the requirements of Article 2.

1.1.2 IPCC investigations into cases involving a death

There are four different Modes of Investigation (MOI) that the IPCC can determine cases to be investigated by: independent, managed, supervised and local. Independent investigations are carried out by IPCC investigators, and an IPCC Commissioner has independent oversight of the investigation, in order to secure and

⁴ This has been adapted from the *Review of the IPCC's work in investigating deaths: Progress report* (IPCC, 2013c). For further information on Article 2 and potential breaches please see Annex A of the review.

maintain public confidence in the police complaints system.⁵ Managed and supervised cases are carried out by the police, with varying degrees of direction and oversight from the IPCC. Local investigations are conducted by the police with no IPCC involvement. The IPCC has stated recently that any case involving a death where there is an indication that the police may have breached Article 2 should initially be investigated independently by the IPCC (IPCC, 2013c). Therefore the focus of this research is primarily on independent investigations.

Once the decision has been made to carry out an independent investigation, IPCC investigators will handle the initial stages of the investigation including evidence gathering. Terms of reference are drawn up at the outset of an investigation. The investigation itself involves analysis of evidence and conducting thorough witness interviews. The Commissioner might also decide to set up and consult a Community Reference Group (CRG). CRGs are groups of stakeholders and community members with specific interest or expertise related to a case, type of case, or geographic area where a death has happened. They provide an opportunity to gather information about specific community concerns around an investigation and to hear the views of relevant stakeholders.

A report is written at the end of an investigation. Reports should detail and analyse all the evidence gathered during the investigation. They may also provide local and national recommendations about police practice, and say whether there is a case to answer for misconduct or for consideration of criminal charges. The report is disseminated to the bereaved family members, the relevant police force, the coroner and to other agencies as appropriate, such as the Health and Safety Executive (HSE). If the case is considered a criminal matter, the report is also sent to the CPS, who then decides whether or not to prosecute.

1.1.3 The Review

In 2007-08, the IPCC carried out a review (the Stocktake) into the handling of complaints against the police, which resulted in recommendations for change in their own practices and those of the police. In 2012 the IPCC announced that they would carry out a similar exercise in relation to their investigations of deaths during or after police contact. The IPCC consider such cases as *'one of their most important functions'* and therefore want to be confident that they are conducting investigations that are thorough, robust and fair (IPCC, 2013c). The main aim of the IPCC review, as outlined in the IPCC's Progress Report (Ibid.), was to identify and implement changes to ensure that this aspect of their work is:

- Thorough, transparent and effective;
- Sensitive to the needs and expectations of bereaved families; and
- Able to build and sustain public confidence.

The IPCC have sought feedback from a range of groups including bereaved families, IPCC staff and other stakeholders including Black Mental Health UK, British Transport Police Youth Board, the Police Action Lawyers Group and INQUEST Lawyers Group.

⁵ Commissioners provide clear direction and scrutiny at a strategic level, satisfying themselves that key questions in the terms of reference have been sufficiently addressed. They also have responsibility for designated police forces and other agencies subject to IPCC oversight. Commissioners come from a range of backgrounds but by law, they can never have worked for the police (IPCC, 2013b). At the time of writing there were seven Commissioners in post.

Responses to an ongoing survey of police officers who have been subject to an IPCC investigation were also analysed (IPCC, 2013c).

The IPCC acknowledged that some groups or individuals might have been unwilling to express their views directly to them. Therefore, they commissioned NatCen Social Research (NatCen) to carry out independent research into the views and experiences of bereaved families, IPCC staff and Commissioners, police officers and other external stakeholders. This report presents the findings of the independent research conducted by NatCen only. The findings of the NatCen research have informed the wider IPCC review on an ongoing basis, including the published reports.

1.2 Research aims and objectives

Research was carried out by NatCen between December 2012 and August 2013 on how the IPCC carries out investigations into cases involving a death. The research explored the perspectives of IPCC Commissioners and staff, external stakeholders (including CRGs), family members bereaved by a death following police contact, and police officers who had been a witness or subject to an IPCC investigation. The specific areas explored were:

- How the IPCC conducts investigations into cases involving a death, including the process of deciding whether to carry out independent investigations;
- How the IPCC engages with families, external organisations and other interested parties in relation to cases involving a death; and
- How the IPCC demonstrates its independence to ensure public confidence in this area of their work.

1.3 Research approach

1.3.1 Qualitative research

A qualitative approach was used to address the research aims and objectives. The different encounters are outlined below, and further detail about sampling, recruitment, conduct of the interviews and analysis is provided in Appendix A.

Bereaved family members

Three in-depth interviews were carried out with bereaved family members, involving four participants in total. Two families submitted written accounts of their views and experiences. The interviews were all carried out face to face, at a time and place convenient for the families, and lasted between 70 and 110 minutes. Due to data protection and ethical issues, family members were initially approached to take part in the research by an IPCC representative involved in their case, such as the lead investigator, Family Liaison Manager, or Commissioner. IPCC staff were considered best placed to determine whether it was appropriate to approach individuals, as they were able to assess their emotional wellbeing, as well as the circumstances of their case and what stage the investigation was at. For ethical reasons, family members had to opt-in to the research and either consent for their contact details to be passed to the NatCen research team or contact them directly, if this was their preference.

To gather a range of perspectives, purposive sampling⁶ criteria was initially set. However due to difficulties accessing bereaved families, all those who were willing to take part in the research were interviewed. Of course, the families that took part in the research will not reflect all of the diverse experiences and circumstances of bereaved families more widely. However, the interviews with families still captured a range of views and experiences and are of immense value to this research.

Police officers and Police Federation representatives

Four in-depth interviews were completed with police officers who had been subject to an IPCC investigation involving a death. An opt-in approach was used for police officers to express their interest in taking part in the research due to the potential sensitivities and risk of harm involved in the IPCC contacting these individuals directly. The research was advertised via the IPCC and Police Oracle websites, in one of the IPCC's Learning the Lessons bulletins⁷ and the IPCC's Twitter page. To complement these perspectives an additional in-depth interview was carried out with a Police Federation representative, who opted into the research. The interviews lasted between 45 and 125 minutes. A second Police Federation representative sent a written submission.

External stakeholders

Four in-depth interviews were conducted with external stakeholders, involving five participants in total. The four organisations represented dealt with legal and human rights or provided dedicated support, advice and advocacy for bereaved family members. Interviews lasted from 50 to 120 minutes.

CRG members

Four in-depth interviews were carried out with CRG members (two of the interviews involved two participants), and lasted from 55 to 110 minutes.

IPCC Commissioners and staff

Eight interviews were conducted with IPCC Commissioners, including three new Commissioners who were appointed in January 2013 and five existing Commissioners. Interviews lasted between 45 and 90 minutes.

Five focus groups were conducted with different types of IPCC staff, including: Family Liaison Managers⁸, case workers, investigators, and press and legal staff. The size of groups ranged from four to ten participants. Given the significance of their role for this research, two focus groups were carried out for investigators and one with each other job role. The focus groups lasted from 105 to 130 minutes.

⁶ Sampling in this way involves selecting individuals based on dimensions that reflect key differences in the study population, relevant to the research objectives (Ritchie et al., 2013).

⁷ Since 2007, the IPCC has published a regular Learning the Lessons bulletin to help the police service learn lessons from completed investigations into police complaints and conduct matters undertaken by the IPCC or by the police service locally.

⁸ Note that this is different to the police Family Liaison Officer role and is discussed in more detail in Chapter 4.

Interview conduct and analysis

Topic guides were developed for use in the interviews and focus groups (see Appendix A). All encounters were recorded on encrypted digital devices and transcribed verbatim. Transcripts were analysed using the Framework approach (Ritchie et al., 2013), a systematic approach to qualitative data management that was developed by NatCen (see Appendix A). Verbatim interview quotations are used throughout this report to illustrate themes and findings where appropriate.⁹

The findings in this report show the range and diversity of views and experiences among those interviewed. However, as this is qualitative research, the prevalence of particular views and experiences in the wider population cannot be estimated.

1.3.2 Stakeholder workshop

On 7th October 2013 the IPCC held an event in London to bring together individuals who had contributed to the Review. The purpose of the event was to share the interim findings and to set out and gather feedback on the IPCC's proposed programme of actions. The event was attended by three main groups: bereaved families and their representatives; police representatives and other statutory agencies such as the CPS; and community representatives and third sector organisations.

The event began with a presentation by the IPCC outlining the key findings of the Progress Report (IPCC, 2013c) and the IPCC's intended actions arising from it. Each group then participated, separately, in two workshop sessions covering the following areas:

- The independence of the IPCC;
- IPCC engagement with bereaved families (this was discussed by families and their representatives only); and
- Conducting effective IPCC investigations.

Notes of the issues discussed were taken by delegates (in conjunction with IPCC staff and the NatCen research team). These written records were collated and analysed by NatCen, and a summary of the issues was produced for the IPCC. The document has been published as an annex to the Review of the IPCC's work in investigating deaths: Final report (IPCC, 2014).

1.4 Report structure

The overarching aim of this research is to explore how the IPCC carries out investigations in cases involving a death. The findings are presented as follows:

- Chapter 2: Independence
- Chapter 3: Investigation of cases involving a death
- Chapter 4: Completion of investigations
- Chapter 5: Stakeholder communication and engagement
- Chapter 6: Conclusion

⁹ To protect their anonymity, all IPCC staff and Commissioners are referred to as 'IPCC participants' when quoted directly in the report.

2 Independence

The IPCC exists to provide oversight of the police complaints system, and to investigate the most serious incidents. Being independent of the police service and government is the cornerstone upon which the IPCC must carry out its work if it is to be seen as credible, effective and trustworthy. It was agreed that strengthening the independence of the IPCC was a priority and participants identified three sets of issues related to the actual or perceived independence of the organisation, discussed below.

2.1 Perceived bias towards the police

2.1.1 Employing former police personnel

The employment of former police officers and staff at the IPCC was seen as controversial, and the number and seniority of IPCC investigators who had worked in the police service was of particular concern. Such employment practices had led to perceptions that the IPCC is inherently biased towards the police. There was also a view that the staff profile of the IPCC had given rise to culture and practices which were similar or sympathetic to the police service. For example, former police officers and staff working at the IPCC were perceived to inadvertently give officers *'the benefit of the doubt'*. On other cases the investigators appeared unwilling to criticise the force or the officer despite the evidence gathered.

An alternative perspective was that employing former police personnel could result in officers receiving unfavourable treatment from the IPCC. The example provided by an officer was that there was a risk that certain practices that are unsuitable for the IPCC (such as interviewing techniques) may be transferred from the police service.

Concerns about lack of impartiality led some participants to recommend the IPCC should avoid employing individuals who had worked for the police service. An opposing view was that former police officers and staff who are committed to the IPCC's values are an asset due to the skills and expertise they bring. However the potential to rebalance the staff profile of the IPCC by employing investigators from a broader range of professions was also acknowledged. There was also a need for greater care identifying potential conflicts of interest on particular investigations when employing former police officers and staff.

2.1.2 Culture

There was a view that the IPCC is too similar in culture and mindset to the police service, and that this was a barrier to conducting independent investigations. Examples included:

- Instances of IPCC staff using the term 'we' when referring to the police service;
- Police language being used in investigation reports; and
- A perception that some IPCC staff carry out investigations through the lens of a police officer. One example was that some investigators were felt to work on the assumption that the accounts of individuals in contact with the police are not trustworthy. This was reported to have resulted in investigations that focused on

procedures, rather than addressing important issues such as whether the actions of police personnel met public expectations.

2.1.3 Boundaries between the IPCC and police service

The boundaries between the IPCC and police service were perceived to be *'blurred'*, both at the organisational and individual level. Some family members did not perceive the IPCC to be independent of the police and there was a perception that the two organisations were working *'hand in hand'*. Concerns about the impartiality of the IPCC went beyond individual investigators and investigations; some families considered *'corruption'* to be widespread among the IPCC and the IPCC was perceived to routinely shield the police from criticism and *'cover up'* police wrongdoing. These families perceived the IPCC to be corrupt because it had failed to conduct a thorough and robust investigation into the death of their loved one (and into the deaths of others). Ways of working that gave the impression of corruption included failure to interview the officer under caution or to *'test'* the officer's account. The fact that one family felt they had to continually *'push'* the IPCC to carry out basic investigation work also gave the appearance of an organisation which was not fit for purpose.

Historically, the relationship between some IPCC staff and serving police personnel was considered inappropriate. For example, the line between professional and personal relationships had blurred on occasions with the potential to undermine the integrity and independence of the IPCC.

2.1.4 Failure to use powers and treat officers as 'suspects'

As discussed in Chapter 3, the IPCC was perceived to have had a history of working collaboratively with officers and forces, and a culture of *'risk aversion'* around utilising powers was felt to have developed within the IPCC out of concern for the consequences of *'getting it wrong'*. The result of this was that the IPCC did not make full use of the powers available to it. Individual members of staff were perceived to be reluctant to treat officers as suspects and arrest non-compliant officers due to lack of confidence and expertise using powers, as well as a lack of practical knowledge about how to do this effectively.

2.1.5 Reliance on forces

Limitations in the number, geographic spread and expertise of IPCC investigators resulted in reliance on police forces at vital points in the investigation, and this raised serious concerns about the extent of the IPCC's independence. The period between the death and the point at which the IPCC announced it would conduct an independent investigation, and the use of a local force to manage the scene and assist with securing evidence and accounts, were points at which the independence of the investigation was particularly vulnerable to being compromised. The appointment of serving or former police officers and staff as experts on investigations also went against the principle of independence in the eyes of some participants.

2.2 Failure to treat officers fairly

While there were officers who were confident the IPCC was independent of the police, others said they were suspicious of the IPCC and were concerned that as an organisation it was *'out to get'* officers.

There's always gonna be that suspicion that the IPCC are there to get you, and I don't think you'll ever get away from that. Very much like people think the police are always there to get you. (Police personnel)

In addition, there was a view that the IPCC failed to treat officers fairly and impartially throughout independent investigations. The following issues fundamentally impacted on confidence in the IPCC to carry out its role effectively and without bias:

- There was reportedly a perception amongst some police personnel that the IPCC set out to apportion blame to the officer(s) involved before all the facts of the case had been gathered.
- IPCC press releases could give the impression of police wrongdoing before this had been ascertained.
- The outcomes of IPCC investigations were not considered to be sufficiently fair and impartial. An example of this was when the IPCC concluded that criminal action had occurred after the CPS decided not to charge the officer. A second issue was that the IPCC made judgements about aspects of a case which were beyond its remit. In other cases the IPCC was perceived to have unduly influenced the CPS decision to prosecute officers.

2.3 Independence from government

The IPCC was perceived by some to be insufficiently independent of the Home Office. The independence of specific investigations was reported to have been undermined by the information shared with the Home Office about the case. Concerns were raised about ultimate responsibility for the police service and the IPCC resting with the Home Office. An alternative suggestion was for the IPCC to be directly accountable to Parliament.

2.4 Strengthening independence

Two aspects of the IPCC were felt to be able to strengthen its independence of police and government:

- Commissioners help safeguard the independence of the IPCC. They have not worked for the police service and provide oversight of the decisions made about the investigation and the investigation report. As such, a review of Commissioners' responsibilities was recommended. Action to raise the profile of Commissioners in their local areas to increase accountability and combat the notion of the IPCC as a 'faceless' organisation was also felt to be beneficial.
- A cultural shift was felt to be emerging and was bringing about new ways of working aligned with an independent IPCC. Strong leadership was essential to sustaining momentum and strengthening the IPCC's reputation.

Additional measures were also proposed by participants:

- Disseminating information about the IPCC's role and independent status through a national media strategy, while using CRGs to cascade information locally.
- There was a desire for the IPCC to have a clearer view of its own purpose, and to use this as the foundation for its work. Participants identified five main purposes of the IPCC:
 - An independent, fact-finding body that may decide to independently investigate the most serious cases involving the police;

- A *'watchdog'* for police standards that illuminates police failings and publicises improvements made, and in so doing inspires confidence in the police complaints system among key stakeholders and the general public;
- A body with responsibility to independently investigate all cases in which there may have been a breach of Article 2 by the police;
- To engage with bereaved family members with empathy, to answer their questions and provide as much information as possible about the death of their loved one; and
- To disseminate findings and recommendations from investigations to police forces to ensure that lessons are learned, with the aim of preventing future deaths.

However three issues were raised in relation to these aspirations:

- A tension was identified between some of the perceived purposes. For example, being an investigative, fact-finding organisation could be incongruous with engaging with bereaved families in an empathetic manner. Similarly, there was felt to be a fundamental difference between the IPCC holding an officer to account for misconduct or criminality on the one hand, and ensuring police officers act in a way that is in line with public expectations on the other. Participants felt it was necessary for the IPCC to keep in mind the need to maintain public confidence in policing when conducting investigations.
- Participants felt the IPCC does not prioritise the five different roles, outlined above, in a consistent or systematic way. Staff should be involved in discussions about the purpose and priorities of the organisation, and they need to be understood internally and disseminated externally.
- Further discussion about how to define independence was thought to be beneficial. Participants cautioned against the IPCC conflating 'neutrality' and 'independence' and were in favour of the IPCC having a clear sense of its values, and confidence to model its values on investigations and when fulfilling its guardianship role.

3 Investigations of cases involving a death

This chapter describes participants' views and experiences of IPCC investigations of cases involving a death, including:

- The referral of incidents to the IPCC and the MOI decision;
- The deployment of IPCC investigators to the scene;
- The investigation terms of reference;
- The gathering of evidence and accounts; and
- The use of external experts on IPCC investigations.

It draws on the views of IPCC Commissioners and staff, families, police personnel and external stakeholders.

3.1 Referral

3.1.1 Referrals to the IPCC

Incidents involving a death are referred by the police force to the IPCC. For the early stages of the investigation to be conducted effectively, forces need to notify the IPCC promptly. The length of time taken by some forces was said to be inadequate and a review of the referral protocol, as well as clear guidance on expected referral timeframes, were suggested by participants. However, an alternate perspective provided by a Police Federation representative was that early contact with the IPCC can divert resources from important investigative work such as preserving critical evidence.

Failure by the IPCC to respond promptly to the referring force undermined the force's confidence in the IPCC and resulted in delays to the IPCC taking control of the investigation. IPCC staff thought the process for informing the IPCC investigations team about cases involving a death should be clarified and reviewed.

3.1.2 MOI decisions

The IPCC has responsibility for deciding whether a referral should be investigated. If a decision is taken to investigate an incident, the type of investigation is also considered by the IPCC. This is known as the Mode of Investigation (MOI) decision. On the whole, IPCC staff and Commissioners were confident the IPCC investigated the 'right' cases, and reported greater consistency in MOI decision making since the change from regional to national decision making. National decision making also enabled the IPCC to carry out its *'guardianship'*¹⁰ function more effectively.

¹⁰ While the term 'guardianship' was used by participants, the IPCC now refer to 'oversight and confidence'. The IPCC has a statutory obligation to secure and maintain public confidence in the police complaints system in England and Wales. It is important that the wider public and those who come into contact with the system have confidence that through it they will achieve a fair outcome, lessons will be learnt and the police will be held to account. The IPCC's day to day work, their investigations and their decisions on appeals about how the police have handled complaints all contribute to meeting this obligation.

Significant challenges with MOI decisions were also reported across participant groups:

- MOI decisions were inconsistent and the rationale for decisions was not always clear.
- Some MOI decisions were delayed and prevented the IPCC from taking control of the scene within an appropriate timeframe, which had implications for the subsequent investigation. Participants were particularly uncomfortable about the period of time that the local force managed the scene without direction from the IPCC.

Factors influencing quality of MOI decisions

The quality of MOI decisions was influenced by two issues: the MOI decision making process and resources.

Decision making process

Failure to involve Commissioners and IPCC lawyers in MOI decisions - particularly on the most challenging and complex cases - was felt to affect the quality and consistency of the decisions made. A resistance within the IPCC investigations team to seek legal advice and the failure of some Commissioners to robustly review MOI decisions contributed to poor decision making. The quality of the MOI decisions made by the IPCC was expected to improve through Commissioners and IPCC lawyers having a more integral role in future decision making.

Resources

IPCC resources also influenced MOI decisions and meant that the organisation had to prioritise the referrals it received and the number of independent investigations it carried out.

Gaps in the knowledge of IPCC investigations staff, such as Article 2 and a perceived lack of awareness or sensitivity to equality issues was also reported to affect the quality of MOI decisions.

In a domestic violence case there is a tendency, sometimes, to... downgrade those by Commissioners and investigators because... of inherent cultural issues within the IPCC... They're not perceived to be as serious. (IPCC participant)

Improving MOI decisions

Suggestions for possible solutions to the challenges experienced included starting all cases involving a death as independent investigations and reviewing the MOI decision in the early stages of the investigation. Participants were also in favour of the IPCC making more effective use of its existing resource by prioritising independent investigations of cases involving a death over other types of cases, as well as issuing clear guidance on MOI decisions to IPCC staff and other interested parties to improve transparency.

3.2 Initial steps in an investigation

3.2.1 Deployment and controlling the scene

Deployment challenges

When a decision is made to conduct an independent investigation consideration is given to whether to send IPCC investigators to take charge of the scene of the incident and secure evidence and accounts. Two issues were raised with this:

- The IPCC did not always deploy investigators to the scene immediately. Deployment decisions were inconsistent between investigations (particularly when incidents occurred out of office hours) and were felt to lack transparency.
- The length of time taken by investigators to arrive at the scene was also of concern as this was rarely within the ‘golden hour’ – the optimum period for preserving and gathering evidence. This was at odds with public expectations for the IPCC and incongruent with robust and impartial investigations.

Factors influencing deployment

Difficulties dispatching investigators to the scene were linked to the following:

Resources and infrastructure

The geographic remit of the IPCC, current staff capacity and the distribution of IPCC offices and staff across the country were felt to pose significant challenges for deployment. As such, IPCC staff and Commissioners proposed that out of hours staffing and the number and geographic spread of investigators across England and Wales be reviewed (especially in large metropolitan areas).

Confidence in the integrity of forces

The IPCC’s reliance on forces in the early stages of the investigation was driven by confidence that forces have specialist skills and expertise to effectively manage the scene and preserve critical evidence. However this confidence was considered misplaced in some circumstances. For example, a family member reported that the integrity of critical evidence had been compromised because the investigator trusted the force to gather it.

Travelling to the scene

The willingness of investigators to travel to the scene of the incident out of hours was perceived to vary between individuals and was a barrier to the IPCC making appropriate deployment decisions. Investigators reported that improving the standard of vehicles and increasing the availability of equipment such as Sat Nav and hands free telephone kits would improve the speed of arrival at the scene.

Guidance on deployment

The IPCC did not appear to stakeholders to have clear guidance on deployment and this had resulted in inconsistent, and in some instances poor, decision making. Participants said the early management of investigations could be improved by having processes in place to identify and prioritise cases in most need of rapid deployment of investigators to the scene, and by the IPCC developing protocols for working with Road Traffic Police on cases involving RTIs.

MOI decisions

As discussed above, delays in the referral of cases to the IPCC and in the IPCC's MOI decision making prevented investigators from arriving at the scene promptly.

Managing the scene and initial gathering of evidence and accounts

IPCC investigators are responsible for managing the scene and gathering evidence and accounts, and work with external specialists such as Scenes of Crime Officers¹¹, forensic scientists and others. Participants felt strongly that the IPCC should not rely on specialists from the same police force involved in the death, as this compromised the impartiality of investigations and undermined confidence.

The IPCC... [would say] they don't need to be at the incident because the police officers are already there and they'll do their job and collect the evidence. Yes, they would normally do that but where they are the actual perpetrators in our view, why would they collect evidence about their own wrongdoing? That's ridiculous. (External stakeholder)

Using a different police force to manage the scene and secure evidence was felt to be a practical solution to the limited number of IPCC investigators and lack of specialist expertise within the IPCC. Some participants were confident that a local force could carry out the role effectively, under direction from the IPCC. However relying on a police force to conduct key aspects of the investigation did not sit comfortably with other participants. An alternative solution was for the IPCC to deploy to the scene more quickly and to have more specialist in-house resource in areas such as crime scene management. Reducing the IPCC's reliance on forces required training and support to address the following issues:

- Failure in some investigations to take adequate control of the scene and issue clear instructions to the force to maintain the integrity of evidence and accounts (such as separating officers to prevent conferring).
- Lack of confidence and specialist knowledge, resulting in the IPCC deferring to the expertise of the force in some instances.

3.2.2 Terms of reference

The terms of reference set out the purpose and scope of the IPCC investigation and was an important factor affecting the perceived quality and timeliness of investigations and the extent to which lessons could be learned.

Multidisciplinary working

Both the lead IPCC investigator and the Commissioner are involved in defining the terms of reference. Partnership working was valued by Commissioners and helped the IPCC to identify the salient issues of the case at an early stage. However achieving consensus could be challenging and lead to delays to the investigation.

Multidisciplinary teams who were not co-located were reported to face additional challenges drawing up the terms of reference.

Working with families

The IPCC aspired to work collaboratively with family members to reach a shared understanding of what was in and out of scope of the investigation. One family

¹¹ An officer who gathers forensic evidence for the police.

member valued the opportunity to inform the terms of reference, however others felt less able to have their say and were grateful for the advocacy and support of their lawyer in the early stages of the investigation for this purpose. Another family described feeling too traumatised to comment on the terms of reference.

Family members discussed three key aims of IPCC investigations and felt these should be reflected in the terms of reference:

- To understand the circumstances surrounding the death of their loved one;
- To determine whether police wrongdoing had occurred; and
- To identify and disseminate key learning to prevent future deaths.

IPCC investigations had mixed success meeting these aspirations from the families' perspectives:

- One family member received full disclosure of evidence from the IPCC and felt they understood the circumstances surrounding the death as a result. In contrast, other families did not feel their understanding had improved following the investigation.

It was very difficult to gain any information, as it all seemed a bit hush-hush. The IPCC keep their cards very close to their chest. I would have liked the IPCC to be transparent and honest. (Family member)

Another family found it challenging that they still did not know the identity of the officers involved in the death.

- It was important to families that the IPCC was open to the possibility that wrongdoing had occurred and one family had been shocked to discover that the officers would not be interviewed under caution. On another investigation the IPCC had recommended the officer faced disciplinary action. This came as a surprise to the family member who expected the IPCC to have the power to decide the outcome of the disciplinary process.
- While not all investigations had reached the stage where the IPCC could identify key learning to help prevent future deaths, one family member whose case had completed was disappointed this had not happened as part of the investigation.

Working with officers

Some police personnel said they would have welcomed the opportunity to inform the scope of the investigation but had not been given this option. More importantly, officers involved in the death wanted to be clear about the parameters of the investigation and were anxious when this information had not been provided.

Challenges in defining the terms of reference

Appropriately setting the scope of the investigation was said by IPCC staff and Commissioners (among others) to be challenging in two key ways:

'Too broad'

Problems arose when the scope of the investigation was too broad as this meant that investigations did not have a clear focus and were not completed in an adequate timeframe. Some IPCC staff were also concerned that investigations which started off with an appropriate focus had become unwieldy as the investigation progressed. While flexibility was viewed positively, IPCC staff did not think it was helpful for the scope of the investigation to continually evolve and expand early in the investigation.

‘Overly narrow’

On the other hand, a very narrowly focused investigation (such as those focusing on the action of individual officers) was also problematic as it meant that critical questions were not addressed by the investigation and key lessons were not identified for the agencies involved.

Sometimes if we are not careful we can actually stymie ourselves from looking at the broader picture of an investigation if we just focus too much on certain aspects. So, we don't look at what happens before, what led up to certain things or what happened after. We may just look at ‘well, what did you do while they was in your custody?’ (IPCC participant)

Aspects of a case which external stakeholders felt to be important, but had not been within the scope of an investigation included:

- Relevant police operational policies and procedures;
- Equality and diversity issues such as gender, ethnicity and mental health; and
- The actions of non-police agencies and multidisciplinary working. However questions were also raised about how far the actions of non-police agencies fall within the remit of the IPCC.

Failure to include important aspects of a case within the terms of reference was attributed to individual investigators who were reported to sometimes be blinkered in the way they thought about cases. A lack of expert knowledge of the substantive issues or understanding of the local context was also thought to contribute to important aspects of a case being overlooked. Improvements to learning from previous investigations were also recommended by stakeholders.

There should be dynamic learning between cases... For example, mental health restraint cases. They [the IPCC] have now dealt with several of these contentious cases and I've sat in a meeting where in the terms of reference they still are not detailing mental health as one of the areas in terms of the terms of reference. Well that's basic; they should have proper standard documentation. (External stakeholder)

Resource constraints also placed limitations on the parameters of investigations. The IPCC aspired to carry out ‘proportionate’ investigations and in some cases a narrow remit was considered appropriate and meant that greater resource could be afforded to other cases where this was required. Poorly defined terms of reference were also attributed to insufficient consideration being given, due to demand on IPCC resources.

3.3 Conducting an investigation

3.3.1 Gathering of evidence and accounts

IPCC staff and Commissioners felt that investigations were generally rigorous and thorough, but acknowledged that quality had been an issue on some high profile cases and this affected external perceptions of the organisation. Examples of thorough and robust evidence gathering were also discussed by participants external to the IPCC, but there was concern that the IPCC did not appear to have clear protocols and guidance around evidence gathering and that practice varied significantly between investigators and cases. Poor quality investigations were

considered to be a significant failing of the IPCC and blighted the reputation of the organisation, particularly in the eyes of family members. They were characterised by:

- An unsystematic and partial approach to evidence gathering;
- Failure to pursue avenues of inquiry and gather critical accounts or evidence; and
- Failure to robustly analyse evidence and reconcile any conflicts.

You have to fight or push the IPCC to do their job properly. To go and look at this, to go find that evidence. They don't go out and get it on their own unless they are pushed. (Family member)

Securing evidence

The IPCC was not considered to have been robust enough when gathering evidence on some investigations. Cases which involved mental health or alcohol and drug dependency were felt by some participants to be particularly at risk of a 'light touch' approach to evidence gathering as there was a perception the death 'might've happened anyway'. Failure to secure critical evidence was also attributed to the competence and experience of individual investigators. For example, in one case involving restraint the IPCC had not gathered information about the length of restraint. The significance of this omission raised questions about the necessary skills and expertise of the organisation and individual members of staff.

There's a question about how the organisation is building itself up to perform the distinct function that it plays. It's policing within a social context... and therefore that cuts across... social services, mental health, the police... its right across. The IPCC have to have an understanding of that context. (External stakeholder)

Failure to preserve and collect vital evidence was also attributed to the current deployment and post incident management procedures of the IPCC, which were shaped, at least in part, by the organisation's limited resources. The effective use of external specialists to collect and analyse evidence was also felt to be constrained by resources. A family member reported that the IPCC was unable to contract an expert to carry out detailed analysis of forensic evidence because they did not have the resource to pay for this.

An additional challenge related to securing evidence was that some family members (and other participants) did not believe this was carried out in a transparent way.

Gathering accounts

The accounts of suspects and witnesses are an important part of the evidence collected during the IPCC investigation. This section covers participants' views and experiences of issues related to maintaining the integrity of accounts, interviewing police personnel as suspects, collecting statements from family members, and reconciling any conflicts in accounts.

Maintaining the integrity of accounts

Participants were concerned that the integrity of evidence from police personnel was compromised when officers were not prevented from conferring and this was reported by one family member to have been the case on the investigation into the death of their loved one. The integrity of evidence was also felt to have been compromised by the IPCC investigator allegedly disclosing significant information to the police personnel involved in the investigation.

Interviewing police personnel as suspects

At the start of the investigation a decision is made by the IPCC about whether criminality or misconduct *may* have occurred. This decision was seen as significant as it determined the investigative powers¹² on the case and could affect the integrity of any criminal or disciplinary proceedings arising from the investigation. Participants were concerned that a misconduct interview and/or an interview under criminal caution had not been carried out on some investigations where it appeared that criminality and/or misconduct may have occurred. A second issue related to interviews under criminal caution was that the question of whether criminality may have occurred was not always perceived to have been answered consistently at different stages in the investigation and no attempt was felt to have been made to reconcile the discrepancy. For example, a family member said it was incongruent for the terms of reference to set out to address whether criminal conduct had occurred, only for the investigator to decide early on that there was no evidence of wrongdoing and an interview under criminal caution could not be carried out.

Family members and their legal representatives had not received timely information about whether there may have been criminality and the reasons for this decision. For one family, it had been extremely distressing to discover in the final stages of the investigation that the officer involved in the death would not be interviewed under criminal caution. The conduct of the interview under caution was symbolically significant for families and seen as a way of holding the police to account and demonstrating that police personnel are subject to the same standards as other people. The likelihood of a 'no comment' interview was not felt by families to be an acceptable justification for the IPCC failing to interview officers under a criminal caution.

If it was on the outside, if I as an individual was involved in a death of anybody, I would be put on that caution immediately. So, why should it be different for the police force? Nobody's above the law. (Family member)

Police personnel had mixed experiences of being interviewed as suspects by the IPCC. This was affected by the skills and qualities of the investigator and the timing and location of interviews. The IPCC investigator in one case was felt to have been a very professional and skilful interviewer.

It was two civilian investigators from the IPCC who were actually very good... The lead interviewer put me at ease as much as possible... and came across like they wanted to just gather the evidence, was solely interested in getting all the information... When towards the end of the interview they made challenges, they just clarified a few inconsistencies... They were respectful, not unnecessarily confrontational, quite professional... and I feel gave me an opportunity... to reflect. (Police personnel)

However other investigators were considered to lack impartiality and be 'cold'. This could exacerbate an already daunting experience for police personnel. The interviewing techniques of some investigators were also considered poor, failed to meet the Police and Criminal Evidence (PACE¹³) code of practice and even felt to be

¹² Where there may have been misconduct the IPCC has the power to conduct a misconduct interview and the officer(s) may face disciplinary action. Where there may have been criminality the IPCC has the power to conduct an interview under criminal caution and the officer(s) may face criminal prosecution.

¹³ The PACE Act 1984 legislates the powers of police officers in England and Wales and provides codes of practice for the exercise of those powers.

'underhand'. Further examples of where interview conduct had been unprofessional or failed to follow legal processes included: the investigator failing to take any notes during a witness interview; witness interviews being carried out for unacceptable lengths of time impacting on the reliability of the evidence; and the IPCC using multiple investigators to interview officers on a case.

The timing of interviews was sometimes considered inappropriate. Officers were frustrated when they were not asked to attend interview at an early stage in the investigation process and considered this bad practice as it could affect the quality of the evidence provided. A failure by the IPCC to take into account the needs of police personnel when selecting an interview location was also a concern and felt to be part of a broader issue of some investigators adopting an uncooperative approach to working with police personnel. This was considered to be unnecessary for officers who wanted to cooperate with the investigation and had indicated this to the IPCC.

Collecting statements from family members

Families discussed their own experiences of providing statements to the IPCC. They reported finding this challenging for a number of reasons. Providing evidence very shortly after the death of their loved one was understandably very difficult for family members, at a time when they were grief stricken and possibly in a state of shock. It was particularly confusing for those who were unclear about the purposes of the IPCC investigation and concerned that they or their loved one were being investigated, or for those who were daunted by the formality of the process. Families also found it difficult to only be asked about the circumstances surrounding the death. One family member said they had wanted the opportunity to talk about their loved one more personally, particularly the *'sort of person they were'*. Finally, one family member felt the written statement produced from their oral account was not an accurate reflection of what they had said and they were concerned that the IPCC had excluded information it considered unimportant.

Reconciling conflicts in accounts

Failure to reconcile discrepancies in accounts was discussed by a family member, and other participants. In this case, aspects of the police and family member's accounts had been at odds with one another. The family member perceived that the IPCC had failed to adequately reconcile the discrepancy in accounts and so felt they were not believed by the IPCC, which led them to feel *'voiceless'*.

Factors affecting evidence gathering and obtaining accounts

Participants discussed a number of factors which they felt affected the IPCC's ability to adequately collect evidence and accounts during investigations:

Police cooperation

Participants expected police personnel to attend interview and provide information about a death (especially as a witness) as a matter of professional duty, and were shocked to discover that this did not always happen. The refusal of some officers to attend interview was reported to undermine trust in policing and fuelled perceptions that police wrongdoing is *'covered up'*. IPCC staff and Commissioners spoke of the professionalism of individual officers in relation to providing accounts, but were disappointed when other officers refused to answer a family's questions about the death and were frustrated that the IPCC currently lacked the powers to obtain accounts more assertively. External stakeholders and IPCC Commissioners were alert to and respectful of the rights of officers whilst also calling for a cultural change within policing.

We give to a group of people special powers because that's necessary in a democratic society... and... we expect when something goes wrong that those people understand that they have a duty to be accountable for the actions that they have undertaken, in accordance with the powers that they have been given. It's all part of the contract. Police officers, generally, at the moment seem to think that they don't have that obligation, and it's a debate that we must have to get some balance re-established. (IPCC participant)

The police personnel interviewed saw it as important that they provided the IPCC with their account of events. Some officers regarded this as a matter of professional duty and something they owed to the family of the person who had died. However officers also recognised that the issue of providing accounts to the IPCC was complex and had to be judged on a case by case basis.

It wouldn't sit right with me if I was... a member of [their] family and I knew that in some kind of self protection the officer refused to answer questions. That would make me very angry... But... I know that this has come up recently in the press hasn't it, where the IPCC have said, we have a problem with officers... going 'no comment' or refusing to give accounts. It's difficult because there's so many pieces of legislation and human rights, you can't incriminate, you've got to allow people... the right to silence, so it didn't sit right with me to do that. (Police personnel)

Officers had found it very frustrating when they were not able to provide their account to the IPCC. A number of barriers to providing accounts to the IPCC were discussed by officers:

- Police cooperation was undermined when the IPCC was not clear about whether officers were being treated as suspects or witnesses at an early stage in the investigation. Officers felt it was important to have a clear understanding of their status before they gave their account.
- A decision not to disclose or to delay disclosing information to officers and their legal representatives could also discourage police personnel from providing accounts.¹⁴ Decisions about disclosure were reported to be inconsistent and not underpinned by guidance. Police personnel also discussed the importance of being able to make use of the legal safeguards available to them given the seriousness of the case. Some officers reported they had not provided a written account at the point this was initially requested by the IPCC or had given a 'no comment' interview on the advice of their lawyer.

We had a very frustrating interview to which every answer was 'no comment', which is probably the hardest thing to actually say when you want to answer the questions 'cause you want to help the investigation; there was nothing to hide. (Police personnel)

- In some instances, lack of cooperation was perceived by IPCC staff to be influenced by the knowledge that the IPCC was unlikely to assert its evidence gathering powers.

Culture and approach

The IPCC was perceived to have had a history of working collaboratively with police officers and forces and this acted as a barrier to officers being treated as suspects (as opposed to witnesses) and to the power of arrest being used more widely on investigations. A second factor influencing the conduct of investigations was that the

¹⁴ Disclosure is decided on a case by case basis, and in some cases material may be withheld to test the veracity of the suspect's account.

IPCC was reported to be risk averse to approving the use of powers due to concern for the consequences should they get this wrong.

We don't want to be criticising other people [police officers] for unlawfully arresting people and then us unwittingly doing the same thing... That's one of the problems, is that we have to do things to such a high standard of quality and we are under such scrutiny that we don't want to be hypocritical around things like that. (IPCC participant)

IPCC participants reported that this had impacted the quality of decisions made on investigations:

[A family member] said to me, 'why can't these officers be arrested?' And I just couldn't answer because I knew in my heart of hearts that they should have been arrested. There was absolutely no reason why they shouldn't have been arrested other than the... risk averse arguments I was given [by colleagues] not to arrest them. (IPCC participant)

Failure to treat officers as suspects or make adequate use of investigative powers gave the impression the IPCC lacked impartiality.

Powers

Views differed on the nature of the challenge the IPCC faced in relation to its evidence gathering powers. As discussed above, some participants saw the key issue being that the IPCC had failed to use its powers adequately. Participants were in favour of strong leadership, increased training and support, and a cultural shift to encourage appropriate use of existing powers on future investigations.

An alternative view was that the IPCC was a *'toothless tiger'* which lacked some of the powers required to conduct effective investigations. For example, the IPCC's power in relation to obtaining evidence from third parties was considered inadequate. In March 2013 the IPCC gained the power to compel serving officers to attend witness interviews. This change was welcomed, provided this power was used appropriately. Concerns were raised that the IPCC might interview officers as witnesses when it should be making use of their existing power to interview under caution.

Views differed on how the perceived *'culture of silence'* amongst some officers should be addressed. Participants thought it was right that officers had the same basic legal rights as other people but advocated a cultural shift within forces to increase cooperation in investigations. Other participants were supportive of powers which would require officers involved in investigations to answer questions, even if the information was not admissible in criminal or disciplinary proceedings.

I find it reprehensible that police officers are not required, as a matter of professional duty and common humanity, to answer questions when they're present at a death... I think if a member of my family died and there's these two cops that were there, [and] I'm saying 'what happened?'... [and they say] 'no comment'... Nothing would make me... more angry. (IPCC participant)

Resources

Participants praised the investigative skills of some IPCC investigators but perceived others to lack confidence and the necessary expertise for the role. This meant that some investigators were unclear about how to practically implement powers or saw this as too difficult. Crime scene management, the execution of warrants and the use of powers of arrest were identified as areas which would benefit from additional training and support. Participants were also critical of the analytic skills of some investigators and were concerned that different lines of enquiry had not been

adequately interrogated and synthesised. Errors and omissions gathering evidence and accounts were felt to be facilitated by lack of rigorous oversight on some investigations. Commissioners' knowledge and understanding of issues such as conduct matters was poor in some cases and resulted in decisions made by investigators not being challenged.

Infrastructure and practical issues also hampered evidence gathering on some investigations. For example, difficulties gaining access to police stations to gather evidence had been an issue. It was also reported that the IPCC had found it difficult to access custody facilities when it was required to do this and had to make special arrangements with the force to process and detain the officer. However this was perceived to have become more straightforward over time.

3.3.2 Use of experts

The use of external experts on investigations was welcomed by participants and considered essential on cases where the IPCC lacked the necessary expertise in-house. IPCC staff and Commissioners reported improvements to the organisation's use of external experts in recent years, but a number of challenges remained:

Process for appointing experts

Participants reported that the appointment of experts was not underpinned by clear guidelines, and organisational knowledge about the credibility of experts in different fields was not systematically recorded and easily available to investigators. There was a perception that appointment choices were influenced by cronyism (*'jobs for the boys'*) in some cases.

Credibility and suitability of experts

The use of serving police personnel as experts was considered by families and other participants to compromise the impartiality of investigations. The credibility and professionalism of non-police experts was also questioned. For example, in one case an expert was judged at inquest to have gone beyond their area of expertise and another expert did not complete the work required. However in some instances participants considered the IPCC's engagement with external experts to be excellent, such as equalities experts on issues of race and discrimination.

Instruction of experts

The failure of investigators to provide clear guidance to experts on some investigations was of concern to participants and felt to stem from a lack of appropriate training. Participants also perceived that the outcome of IPCC investigations was unduly influenced by external experts and that their opinion was not always critically appraised and assessed in light of other available evidence.

3.4 Additional issues

A number of additional issues were raised about the timeliness and impact of investigations. Specific issues relating to managed investigations were also discussed.

3.4.1 Time taken to complete investigations

Police personnel and family members were critical of the time taken to complete IPCC investigations. Lengthy investigations could have serious professional and personal implications for officers and also place the officer's family under emotional strain. The impact of protracted investigations on bereaved family members was also significant and was said to have impacted on the grieving process.¹⁵

3.4.2 The impacts of IPCC investigations on families and officers

Family members

Family members described how their lives were 'on hold' during the IPCC investigation and this made delays to investigations particularly difficult. Where their confidence in the investigation process had been undermined by the issues discussed here, families spoke of being re-victimised as a consequence of the IPCC's failure to conduct a thorough and impartial investigation.

I am a victim because it was my son that was killed, and I'm continually being victimised by an organisation that does not do their job properly [and] lets people down. That's how I feel. I'm a victim, 120 million times over, every day, that nothing has been done. (Family member)

Police officers

The impact of IPCC investigations on the police personnel involved was not the focus of this research, but was raised in some of the interviews. Being investigated by the IPCC had an impact on police personnel both professionally and personally. For example, a decision to suspend an officer during an investigation was reported to affect their reputation within the force. Some officers also reported that their ability to continue to perform their role was affected by the investigation. Being investigated also placed some police personnel under emotional strain, particularly when there was the possibility of disciplinary action or criminal charges. Emotional impacts also extended to friends and family.

3.4.3 Managed investigations

Three issues related to managed investigations were raised by participants:

- The suitability of managed investigations in cases involving a death was questioned by some participants as the level of control afforded to the IPCC was not considered adequate and did not meet public expectations.
- Police personnel with experience of managed investigations felt these should always be conducted by a different force to the one involved in the incident.
- Police personnel with experience of managed investigations did not feel the balance of power between the IPCC and the investigating force had been correct. It was felt that a more efficient investigation would have resulted from the force having greater power to carry out the investigation.

¹⁵ It is commonly accepted that grief involves a five-stage cycle of denial, anger, bargaining, depression and finally acceptance. This cycle is often referred to as the Kübler-Ross cycle.

4 Completion of investigations

This chapter describes participants' views and experiences of the final stages of IPCC investigations, including communicating the outcome of the investigation to family members, police officers and other stakeholders; producing the investigation report; and making recommendations for learning to prevent future deaths. The final section of the chapter focuses on the criminal and/or disciplinary action which may follow IPCC investigations, and the inquest.

4.1 Investigation outcomes

Satisfaction with the outcome of IPCC investigations varied and was underpinned by how far the outcome was seen as fair, impartial and supported by robust evidence. Participants were critical of investigations which were inconclusive about the circumstances surrounding the death and the culpability of the officers involved. This was interpreted by participants as the IPCC *'shying away'* from making difficult decisions and identified as an area for improvement. In other cases the IPCC was perceived to have reached conclusions about matters which were beyond their remit. An example given by a participant was the IPCC concluding that an officer was guilty of a criminal act rather than offering opinion that the IPCC believed there was a case to answer.

Police personnel expected to receive formal notification of the outcome of the investigation and the implications of not being informed could be serious, such as feeling unable to *'move on'*. Information that was provided was not always deemed adequate. For example, one officer described being told by the IPCC that their case would be referred to the CPS but was not given information about the charges being considered and the possible outcomes. Challenges were also reported to have arisen when the police force (rather than the IPCC) informed officers of the outcome of the investigation, including a lack of familiarity with the content of the investigation report and an informal communication style.

4.2 The investigation report

4.2.1 Access to the investigation report

Receiving a copy of the investigation report was important for family members and officers. Family members expected the IPCC to share and publish the investigation report and said it reflected badly on the organisation when this did not happen.

The content of the report could be very challenging for families to read especially when the timing of the report or its content was unexpected. For example, it had been very difficult for one family member to read new information which changed their understanding of the circumstances surrounding the death and who was responsible for it. It was also disappointing for a family member to learn the IPCC can recommend (or direct) the type of disciplinary action taken, but not the ultimate outcome. Families appreciated having the opportunity to raise questions about the report with the IPCC. However a family member said they felt frustrated when the IPCC did not respond adequately to the questions they raised despite promising to do so.

Police personnel who had been provided with a copy of the investigation report or had read the published report of another IPCC investigation found the content informative.

Some officers also reported that the recommendations for learning contained in the report had resulted in changes to their own practice or to force policy and procedure. For example, one force made changes to the deployment of firearms officers in response to an IPCC investigation. Other officers interviewed were concerned that they had not received a copy of the IPCC investigation report and were uncertain about whether they were found by the IPCC to have been at fault.

Publication of investigation reports on the IPCC website was welcomed as a way of ensuring transparency and facilitating public scrutiny. However, several factors were felt to hinder access:

- A lack of resources in the past had prevented publication of full reports on the IPCC website.
- Reports were not always available or could be partially redacted if criminal or disciplinary proceedings were ongoing. IPCC staff had different views on the appropriateness of disclosing information from unpublished reports to family members. IPCC Family Liaison Managers were mindful of the potential impact on family members of hearing potentially distressing information for the first time at the trial or through the media, and had taken action to prevent this. However on other occasions the IPCC was more cautious about sharing information from unpublished reports to avoid compromising disciplinary or criminal proceedings. While the need to delay the publication of reports or redact information was accepted in certain circumstances, there was a view that this sometimes occurred unnecessarily.
- Finally, IPCC staff and Commissioners described a reticence to make reports publically available where the quality was felt to be in question. This went against the organisation's aspiration for openness and transparency.

4.2.2 Quality of investigation reports

Investigation reports were reported to vary in quality, and were fundamentally affected by the quality of the investigation itself. Other issues felt to influence the quality of reports included:

Failure to provide an accurate, thorough and fair account

Officers and family members had been disappointed to find the investigation report contained factual inaccuracies and contradictions. For example, names and other basic information were incorrect. Commissioners acknowledged the IPCC was not always able to reconcile discrepancies in evidence or accounts but thought it was important to be transparent about this fact. Reports were also criticised for not being sufficiently detailed and thorough, for failing to analyse and synthesise the evidence presented and for failing to demonstrate how conclusions were reached. An impression of partiality was also given when it appeared that only evidence which supported the conclusions had been published. For some families the poor quality of the investigation report further evidenced a lack of professionalism and care on the part of the IPCC when conducting investigations.

Scope and omissions

Investigation reports were felt to omit issues which were essential to understanding the circumstances surrounding the death and preventing future deaths:

- Reports could focus too much on the actions of individuals without enough attention given to systematic failures or the wider context.

- Limitations of the scope and remit of the IPCC could also prevent the actions of partner agencies, such as the NHS and probation service, from being investigated and incorporated into the report's conclusions and recommendations.
- Reports did not always adequately identify key learning or recommendations for individual officers and forces. This was a priority for family members.

Ways of working

Investigation reports are written by the lead IPCC investigator with input and oversight from the Commissioner. There were examples of good partnership working between the investigator and Commissioner to produce accessible and rigorous reports. However the quality of other investigation reports had been impacted by three issues:

- Some investigators were reluctant to openly criticise forces in reports due to a desire to maintain a positive working relationship with the police Professional Standards Department.
- Limited time for analysis and reporting, and variation in the skills of investigators.
- Commissioners were not always sufficiently challenging of poor quality reports.

Recent improvements to internal IPCC communications, including regular team meetings and discussions about the content of investigation reports prior to drafting, were viewed as constructive ways to improve the quality of reports. Some IPCC staff and Commissioners felt that investigation reports should be viewed as the responsibility of the IPCC as a whole (not the lead investigator) and participants welcomed greater involvement of Commissioners. Further consideration of what measures can be taken if reports are felt to be of unsatisfactory quality, and action to address gaps in the analytic and written skills of staff, were also felt to be beneficial.

Style of reports

Feedback was also given that high quality investigations could still be undermined by the style of reports:

- Language that was described as *'full of jargon'* or too technical was considered inaccessible to non-specialist audiences. However, it was also acknowledged that a degree of technical detail was sometimes necessary.
- Language that was felt to lack empathy was felt to undermine public confidence.
- The use of *'police'* language (for example, 'assailant') was felt to undermine public perceptions of independence.

Participants suggested that the IPCC review the purpose and format of investigation reports with a view to making them clear and accessible to non-specialist audiences. Consideration should also be given to producing a number of shorter, more focused reports.

4.3 Learning lessons and making recommendations

It was felt critical that lessons are learned from deaths following police contact and that action is taken by individual officers, forces and the police service overall to prevent future deaths. The IPCC Learning the Lessons bulletins and thematic reports were praised by participants and seen as successful in drawing together and disseminating learning and good practice from across IPCC investigations.

One of the things that the IPCC has done well is trying to make this move towards learning the lessons for police forces and identifying issues coming out from investigations. That's to be welcomed because we think they should have a much wider... public guardianship role and that those kind of things are really helpful. (External stakeholder)

There was a desire for the IPCC to build upon this work and share learning from investigations more widely, engage with key stakeholders (such as senior police personnel) in a range of different ways, and work more closely with other agencies responsible for monitoring and setting policing standards. An example included the IPCC attending the Association of Chief Police Officers conferences more routinely.

The IPCC was perceived to have had varied success making robust recommendations following an investigation. While IPCC recommendations were reported to have resulted in changes to police force policy and practice in some instances, the following issues were identified:

- The IPCC sometimes failed to understand why and how the death occurred and to recommend preventative measures.
- Recommendations which did not reflect the force's current practice and procedures were said by police stakeholders to be of limited value and undermined confidence in the IPCC.
- There was also concern from officers that, on occasions, the purpose of the recommendation was to maintain public confidence in the IPCC rather than to address a genuine problem in the force.

Issues which impacted on the quality of the recommendations made by the IPCC included:

- The overall quality of the investigation;
- The extent to which relevant lines of enquiry were pursued and the role of different individuals and agencies examined; and
- The desire to maintain productive working relationships with the force Professional Standards Department limited criticism of officers and forces, and minimised the lessons learned from the investigation.

4.3.1 Monitoring recommendations

Responsibility for implementing the recommendations made by the IPCC sits with police forces and agencies responsible for strengthening policing standards. Improvements to policy, guidance and practice were made by individual officers and forces on the basis of recommendations made by the IPCC. However on other occasions no action was reported to have been taken by the force, or the actions taken were considered inadequate. The reoccurrence of particular types of death, nationally or at force level, sparked criticism of the police service and its capacity for change. Fault was also apportioned to the complaints system and the limited power of the IPCC to monitor and enforce the recommendations it makes.

If somebody dies... it's little consolation to a family that the IPCC Commissioner said this last time, and I do wonder whether we should be looking for powers of enforcement. (IPCC participant)

IPCC staff and Commissioners were in agreement that the IPCC needed to improve how it followed up on the recommendations it made. Three barriers were identified which had limited the success with which the IPCC had done this in the past.

- The IPCC was unable to systematically record and monitor all the recommendations it made with its existing staff capacity and failed to review compliance on a regular basis.
- Commissioners were inconsistent in their approach to following up recommendations.
- Family members and some officers, among others, were in favour of strengthening the IPCC's power around implementing investigation recommendations. One view was that the IPCC should have the power to compel forces to comply with recommendations. An opposing view was that it was impractical and/or inappropriate for the IPCC to have responsibility for decisions about how the force balances different priorities and allocates limited resources. An alternative suggestion was that forces should be obligated to respond to recommendations made by the IPCC (similar to Rule 43¹⁶ of the Coroner Rules), and this information should be systematically captured, reviewed and made publicly available by the IPCC.

4.3.2 Internal learning

IPCC staff and Commissioners felt it was critical that the organisation learned from each investigation it carried out and improved the quality of future investigations. They were confident that internal learning was happening at an individual level, but there was felt to be scope to improve the IPCC's organisational knowledge. IPCC staff proposed an increase in opportunities to discuss experiences of investigations and to share learning and good practice through face to face meetings.

Some family members thought the Commissioner overseeing the investigation had learned from errors made during the investigation and expected that this would lead to improvements in the Commissioner's oversight of future investigations. However they were less confident that the learning would benefit investigations more widely. One officer interviewed approached the IPCC at the end of a managed investigation to give feedback on how they felt the investigation had been conducted and to suggest improvements. The officer felt frustrated that the IPCC had not taken up the opportunity to meet and use the feedback to make improvements.

4.4 Actions arising from IPCC investigations

Participants reported that public confidence in the IPCC was often affected by the outcome of disciplinary and/or criminal proceedings following IPCC investigations. Clarity regarding the roles of the IPCC and other agencies could be provided by:

- Communicating the IPCC's remit in relation to disciplinary and criminal action to external audiences;
- Widely disseminating the findings of IPCC investigations; and
- The IPCC publically commenting on any perceived discrepancies between the findings of IPCC investigations and the outcomes of criminal and disciplinary action.

¹⁶ Coroners have the power to make reports to prevent future deaths. People who receive the report are required to respond in writing within a specified timeframe (Ministry of Justice, 2012). These reports are now called Prevention of Future Deaths Reports.

However participants felt that the IPCC bore some responsibility for the outcomes of criminal and/or disciplinary action when these were linked to poor quality IPCC investigations or reports.

4.4.1 Disciplinary action

Participants agreed that police officers who are found guilty of misconduct should face proportionate consequences. However the police disciplinary system was judged by some participants to be inadequate for officers who may be guilty of misconduct or gross misconduct related to a death. There was a perception that the system sometimes lacked impartiality and the outcome of the process did not always reflect the evidence gathered by the IPCC.

We are happy that we have the power to recommend or direct... a misconduct hearing, but I think we all feel a bit impotent after that point because we have seen officers go to a misconduct hearing and get rapped round the knuckles for something that we think is much more serious than the force seems to take it... That's really frustrating, not only for us but for families as well. (IPCC participant)

The IPCC was also criticised for failing to make adequate use of the power to direct the type of disciplinary action taken by the force. However the value of this power was questioned, with one view being that it was futile and unlikely to affect the outcome of the disciplinary process.

Three suggestions around strengthening the police disciplinary system were made by participants:

Presenting to disciplinary panels

Some IPCC staff were dismayed that the organisation had given up the power to present to disciplinary panels¹⁷ and views differed on how this should be addressed. One suggestion was that the IPCC could return to presenting cases at disciplinary panels, providing it developed the necessary expertise and resources. Other participants thought it was important that measures were taken to strengthen the presentation of the case but were undecided about who was best placed to do this.

Composition of disciplinary panels

The composition of disciplinary panels was also discussed. There were participants who advocated for the most serious disciplinary cases to be heard by a panel of senior personnel from external forces. An alternative suggestion was that panels are made up of senior police personnel alongside individuals from non-police backgrounds. An officer was in favour of the IPCC investigator sitting alongside senior police personnel on misconduct panels and felt this change would bring the powers of the IPCC into greater alignment with public expectations.

Power to direct the outcome disciplinary proceedings

The power to direct the outcome of disciplinary proceedings was also discussed. A family member, amongst others, was in favour of the IPCC having this power and it

¹⁷ The IPCC's power to present a case was amended in the *Police (Conduct) Regulations 2008* to allow the Commission to attend misconduct proceedings to 'make representations' in certain cases.

was suggested by another participant that the IPCC could be responsible for setting a minimum outcome for the disciplinary proceeding. Other participants however had reservations as they felt the outcome of disciplinary proceedings should rest with employers.

4.4.2 Criminal action

There was a view among some that the CPS generally made the right decisions about prosecution on cases involving a death. Other participants viewed the CPS less positively, with one participant describing their involvement as an *'abiding disappointment'*. The quality and timeliness of prosecution decisions made by the CPS were reported to have been an issue in some cases and participants did not always agree with the CPS that prosecution was *'not in the public interest'*. The impartiality of prosecution decisions was also questioned. There was a perception amongst some officers that the IPCC unduly influenced the decisions made by CPS.

The IPCC's involvement in the prosecution of the cases it investigated was also criticised for the following reasons:

- Family members, among others, were concerned that the integrity of criminal proceedings was compromised by failure to interview officers under criminal caution.
- The IPCC was reported to have made a referral to the CPS when it had concluded no wrongdoing had occurred. The reasons for the referral were unclear to the family. Some police stakeholders perceived the reason this happened on some investigations was because the IPCC did not feel comfortable making the decision that there was no case to answer.
- Some police stakeholders were critical that the IPCC had not offered an opinion on the strength of the case against the police when making referrals to the CPS. It was recommended that the IPCC is required to provide this information in the future.¹⁸
- The process for referring cases to the CPS was not sufficiently well understood by all IPCC Commissioners and impacted the referral of cases.
- A final issue was that police personnel were critical that the IPCC did not always amend the investigation report to reflect CPS decision not to charge the officer.

4.4.3 Inquest

An inquest is a judicial inquiry which aims to uncover the circumstances surrounding a death, particularly if it is sudden or unexplained. Although inquests were not a specific focus of the research they raised a number of important issues for participants around IPCC investigations:

- Commissioners praised the way in which inquests were conducted but felt they were becoming increasingly *'adversarial'* in some areas and were not in the public interest.
- Inquests could be conducted several years after a death and this was unacceptable to stakeholders and in need of review. Delays were felt by some family members to be exacerbated by poor communication between the IPCC and the Coroner.

¹⁸ Currently, the IPCC is legally prevented from being involved in charging decisions.

- Problems arose when the IPCC did not attend the inquest when they were required to provide information about investigations. Inquests were also felt by police personnel to play an important role in holding the IPCC to account and so their participation was considered important.
- IPCC investigators were not always felt to have conducted themselves appropriately at inquest and had affected the credibility of the IPCC. For example, a family member perceived that an investigator had been reluctant to provide some important information about the investigation to the Coroner.

5 Stakeholder communication and engagement

This chapter explores how the IPCC currently works with and engages stakeholders external to the organisation. In exploring these issues three key groups¹⁹ of stakeholders were identified by participants:

- Individuals or groups directly involved in cases involving a death, such as police officers, bereaved families, criminal justice agencies and affected communities;
- External stakeholders with an interest in the work of the IPCC such as human rights organisations, advisory bodies, CRGs and support organisations; and
- The general public.

This chapter draws on the views of IPCC staff and Commissioners, families, police personnel and external stakeholders.

5.1 The value of effective engagement with stakeholders

Effective communication and engagement with stakeholders was viewed as critical for three reasons:

- To reduce the number of deaths following police contact by sharing learning with stakeholders and improving police and partner agency practice.
- To build public confidence in the IPCC by fostering an open dialogue and increasing public awareness with a particular emphasis on:
 - Communicating the role of the IPCC, its responsibilities and powers;
 - Engaging effectively with communities affected by a death following police contact; and
 - Communicating the outcomes of cases to facilitate public trust in the work of the IPCC.
- To engage with public opinion and inform the wider debate on police practices.

However, the research also identified a range of challenges to ensuring effective external communication and engagement:

- There was a general perception amongst participants that not all stakeholders have a clear understanding of how the IPCC works, such as the IPCC's powers and their limitations (for example, in relation to interviewing witnesses and disciplinary proceedings). This in turn was felt to undermine public confidence.
- IPCC staff identified funding constraints and limited resources as factors hindering effective external communication and engagement. Limited resources were focused on investigations and casework.

¹⁹ Partner organisations working in collaboration with the IPCC such as Her Majesty's Inspectorate of Constabulary and the HSE were also briefly mentioned.

- Ongoing criminal proceedings, safety concerns for individuals involved in cases and issues of national security were some of the factors felt to limit the information shared with stakeholders. There was a perception amongst some participants that the IPCC is too cautious and risk averse in relation to information sharing. However, concerns were also voiced over inaccurate information being made available to the public via the media during the early stages of an investigation which then had to be retracted or clarified.
- The view was expressed that the IPCC (and its predecessors) have historically been defensive in response to external criticism. External stakeholders and staff fed back that the IPCC needs to do more to acknowledge publically when mistakes have been made and to engage constructively with external criticism.

5.2 Working with families

Engaging effectively with bereaved families was viewed as critically important by both IPCC staff and bereaved families. Four key aims were identified:

- To investigate the circumstances that led to the death and to support the family throughout the investigation;
- To keep the family informed of investigation progress and meet the IPCC's obligations under Article 2;
- To gather information from the family that may assist the investigation; and
- To communicate effectively the role and remit of the IPCC to ensure families have confidence in the investigation.

5.2.1 The IPCC Family Liaison Manager

Where one was deployed, the Family Liaison Manager role was viewed as central to the relationship between the IPCC and the bereaved family. Their role was seen as three-fold: to maintain effective communication with the family, to provide support and information, and to gather information from the family that may assist the investigation. At the time of writing, the Family Liaison Manager role was performed by investigators who had volunteered for the role and received additional training. However concerns were raised that the Family Liaison Manager role was not adequately resourced, and there was also a perception amongst some staff that the role was not sufficiently valued within the IPCC.

Deployment of Family Liaison Managers

While the expectation was that cases involving a death would require a Family Liaison Manager, there were mixed views about the extent to which one was necessary in all cases, and so it was acknowledged by IPCC staff that Family Liaison Managers were not always deployed. The sensitivity of the case, the family composition, and the availability of Family Liaison Managers were three factors taken into consideration when deployment decisions were made. It was felt that limited resources had sometimes prevented a Family Liaison Manager being deployed when they should have been.

Responsibility for the decision to deploy a Family Liaison Manager was felt to vary across IPCC offices, and there was a lack of clarity over who made this decision. Some participants described how this decision should be made by the lead investigator in collaboration with the Family Liaison Manager coordinator. Where a Family Liaison Manager was not deployed, the role of maintaining communication with

the family fell to the lead investigator. Given the importance and sensitivity of this role, it was felt that investigators should receive full training to support this function.

I've assumed the role of an FLM as a lead investigator... but having never been trained as an FLM you do kind of make it up as you go along... FLMs have training, nobody else does, and that's the problem I think. (IPCC participant)

The point was also made that currently only Family Liaison Managers access support from Occupational Health for their work with families. It was felt this support should be available to IPCC investigators too, in recognition of the role they play in working with bereaved families, and to ensure high standards of delivery by investigators.

Timing of Family Liaison Manager deployment

IPCC staff felt that Family Liaison Managers should be deployed early in cases involving a death to open channels of communication with the family and to explain the role of the IPCC. However, IPCC staff acknowledged that there could be significant delays in deploying Family Liaison Managers. A failure to make contact with families at an early stage of the investigation was felt to undermine family confidence in the IPCC and damage relationships.

The decision... whether or not... to deploy [a Family Liaison Manager], very often we're talking days after the incident has come in. And that's my biggest concern and has been for a long time... The actual timing, which is critical when you're dealing with families, is something we have never got right and we're still not getting it right. (IPCC participant)

The timing, nature and location of the IPCC's initial contact were also discussed by families, who highlighted the need for a sensitive approach. Views were mixed on the appropriate timing of IPCC contact. For example, approaching a family when their loved one was in a critical condition was considered insensitive and inappropriate. However, it was felt to be equally problematic to delay contact with families until some weeks after the death. A concern was also raised by families that the IPCC deliberately tried to meet with them before they had legal representation in place because they wished to conduct investigations quickly and without challenge. As such some family members did not feel comfortable meeting with the IPCC before they had appointed a lawyer to safeguard their and their loved one's interests. Ensuring that early meetings were held at a location chosen by the family was also raised. Some families found it distressing to be asked to meet with the IPCC for the first time in their home as this was seen as a private and personal space.

The Family Liaison Manager role

Effective communication between the Family Liaison Manager and IPCC investigator to ensure timely and accurate provision of information was identified as critical to the effectiveness of the Family Liaison Manager role. Any breakdown in communication could jeopardise the ongoing relationship between the IPCC and the family.

IPCC staff raised the question of whether the IPCC should employ staff specifically with the function of family liaison. This was felt to have the advantage of separating the role from the investigation and removing the potential for conflict between supporting the family and gathering information. However, it was acknowledged that this would have resource implications and careful consideration would need to be given to how this model would work.

The experiences of families working with Family Liaison Managers were mixed. One family member viewed their Family Liaison Manager as compassionate, approachable and dependable, and their attendance at meetings relating to the investigation and the inquest was valued. They were also felt to be sensitive to the needs of the family and tried to ensure their views were taken on board during the investigation. However, in other cases it was felt that Family Liaison Managers (and investigators) did not possess these qualities and the family did not have a constructive relationship with them as a result. In one case, the family perceived their Family Liaison Manager and investigator as *'arrogant'* and lacking in empathy. In another case, the investigator was described as *'patronising'*.

5.2.2 Communicating with families

Communication with families took various forms including face to face meetings, telephone calls and letters. In some cases, written communication was the preferred mode of contact as this allowed families to respond to the IPCC in their own time. In others, the IPCC had initially made contact by telephone to arrange a face to face meeting and this mode of communication was not raised by families as a concern. Family members emphasised the need to check preferred modes of communication with families throughout the investigation.

As investigations progressed, family members said they wanted regular updates. IPCC staff acknowledged the importance of regular communication with families and highlighted the expectation that families would receive a monthly update by letter. However IPCC staff and families were critical of the template format and language of these letters and calls were made for more personalised forms of communication.

Family members who had received meaningful updates from the Family Liaison Manager and IPCC investigator throughout the investigation appreciated this. For example, a family member received information about the nature and content of the evidence gathered during the investigation, and this was viewed positively. However, there were also instances where families felt they had not been provided with adequate information.

The bland, terse and uninformative monthly feedback by letter is less than acceptable in my opinion. When we read in press statements that '[The] family are being kept regularly informed of the progress of our investigations' when we had received a letter of two sentences, we felt outraged. (Family member)

Outset of the investigation

At the early stages, families were not always aware of the scope and expected timescales of the investigation. In addition, some did not feel they were given clear information about the role of the IPCC and the purpose of the investigation, and were worried that they or their loved one may be under investigation. Other families felt better informed about the investigation process and outcomes, but were reliant on legal representatives and other specialist agencies for information. Where information had been initially provided to families but later judged inaccurate, this was felt to undermine family confidence in the IPCC investigation.

At these early stages of the investigation, families appreciated being signposted to specialist agencies providing practical, emotional or legal support. However, this signposting did not always happen and this was felt to be a failing.

Challenges accessing full and accurate information

Accessing meaningful information about the investigation process, findings and outcomes was said by some family members to have been very difficult. In one case, information was reported to have only been provided at the repeated requests of the family's lawyer.

I feel that if we hadn't fought for things, or our lawyers... didn't keep writing, and requesting this sort of information or that sort of information, we would just not be told anything. (Family member)

In other instances, where information had been provided, this was sometimes after a delay which meant that families were less able to challenge the decisions made or take corrective action. Some family members felt the reason for this was that the IPCC was resistant to sharing information and carried out its investigations *'in secret'*. The perceived poor quality of the investigations undertaken by the IPCC was also considered a barrier to transparency.

A family member who did not have legal representation did not feel they received enough information from the IPCC about the investigation process for them to fully engage with it. They would also have welcomed greater support from the Family Liaison Manager to *'make sense'* of the information they were provided by the IPCC. It was considered difficult for families who did not have legal support to have a *'voice'* in the investigation and hold the IPCC to account.

Providing family members with partial information about the circumstances surrounding the death of their loved one could have unintended negative consequences. In one case, a family member had made a judgement about the culpability of the officers on the basis of video evidence they had been shown by the IPCC. The family member was shocked to become aware of other evidence at a later stage in the investigation which caused them to change their view of what had happened to their loved one, and led them to believe that the officers were at least partly responsible for their death.

Whilst family members valued transparency from the IPCC, views differed over the level of information they wanted, for example, sight of witness statements. In some cases family members would have preferred for the IPCC to share difficult information with them verbally rather than in writing. Family members also said it would have been helpful to have prior warning of the nature and content of the information before it was shared so they could better prepare themselves.

5.2.3 Relationships between families and IPCC staff

While working effectively with bereaved families was viewed as critically important, IPCC staff also acknowledged how challenging it could be and how skilled a role it was.

[Bereaved families] are in a very difficult situation in their life and how to make that contact and that relationship work, I think can be very difficult. It's a highly skilled job, and I think we probably have some people who are very good at it, but I suspect we also have some people who don't necessarily have that background. (IPCC participant)

Family members' early experiences of IPCC investigators, Family Liaison Managers and Commissioners could shape their confidence and trust in the IPCC throughout the rest of the investigation and beyond. Families could be critical of the interpersonal skills of IPCC personnel. One described the IPCC investigator as *'arrogant'* and

'nasty' and was very critical of their failure to offer their condolences to the family. Family members were also critical that some IPCC personnel had been patronising or 'cold' - lacking respect, sensitivity and empathy.

They [the IPCC] have got to understand when they're talking to people, they're looking at it from an investigation point of view... but it's also about not losing focus on [the family member] as a person as well... I find some of these meetings quite hard... I know it's just a job for them... its like once the discussion is finished there can be banter and things like that... They've got to remember that it's another case [to them]... but it's also a person. (Family member)

Family members said that poor communication with the IPCC overall and negative experiences of individual IPCC staff in the early stages of the investigation had made them suspicious of the IPCC and had left them with considerable concerns about the capacity of the organisation to conduct an impartial and robust investigation.

In instances where the relationship between the family and the IPCC had broken down, increased direct contact between the family and the Commissioner was felt to have had a positive impact. One family member described their Commissioner as polite and honest (attributes felt to be lacking in other IPCC personnel they had met). Increased oversight of the investigation by the Commissioner, acceptance of responsibility for errors made during the investigation, and an apology to the family concerned were seen as positive steps by family members. Some were confident that individuals had genuinely learned from the experience and this would improve the experiences of other families.

5.2.4 External support for families

Families who had accessed emotional, practical or legal support from external organisations had done so independently of the IPCC. The support provided by external organisations included advocacy, information and guidance on investigation processes and outcomes, support to appraise the IPCC's actions and challenge decisions, and links to other families with similar experiences. This support was viewed as invaluable and families described how they would have been 'lost' without it. In particular, the view was expressed that the oversight of their legal representatives had significantly improved the quality of investigations.

Where families had not accessed support of this kind, one barrier was felt to be a failure on the part of the IPCC to provide sufficient information on the support available. In one case, the family member regretted their decision not to have legal representation as in hindsight they did not feel the IPCC had adequately responded to their questions and concerns.

5.2.5 Factors underpinning effective engagement with families

In light of the challenges raised by IPCC staff and families, the following factors were identified that could support effective engagement with families:

- A single point of contact at the IPCC, such as the Family Liaison Manager, to minimise the risk of inconsistent messages being given.
- Highly skilled and well trained staff with experience of working with bereaved families. To build this capacity IPCC staff felt further training was needed, particularly to equip investigators and Commissioners with the skills to engage with families if a Family Liaison Manager was not deployed. Training on

appropriate disclosure of information was also highlighted as an area that could support effective communication with families.

- Regular communication throughout the investigation, and a responsive attitude to questions from families.
- Communication strategies that reflect the needs and preferences of the family.

Barriers were identified that were felt to undermine effective engagement:

- Limitations in the IPCC's powers were felt to contribute to the breakdown of relationships between families and the IPCC. Police personnel not giving accounts undermined families' confidence in the IPCC investigation.
- The difficulty of making clear to families the distinction between the role of the IPCC and the role of the CPS and court proceedings. Limitations or failings within the wider criminal justice system were sometimes felt to undermine family confidence in the IPCC because of a lack of understanding.
- Limitations on the information that could be shared with families because of the risk of prejudicing criminal proceedings. However, there was a perception that IPCC staff can be too risk averse and withhold more information than necessary.
- Time and resource pressures were felt to limit the capacity of the IPCC to support and engage with families fully.
- Conflict between the aim of supporting a family during an investigation and the need to also gather information from them.

There was a strong view amongst participants that engaging with bereaved families needs to be given greater priority. A range of suggestions were made including:

- Treating a breakdown in communication between the IPCC and the family as a critical incident that would trigger an escalation procedure to address the family's concerns;
- Routinely collecting feedback from families on their views and experiences of the IPCC to inform improvements. However the timing and method would need to be carefully considered; and
- Providing families with greater opportunities to inform the investigation, such as the terms of reference and commenting on investigation reports.

5.3 Working with the police

This section describes police personnel views and experiences of their relationship with the IPCC, with specific focus on communication during the investigation.

5.3.1 Communication between IPCC staff and police personnel

In the initial stages of an investigation police officers' preferences for communicating with the IPCC varied. Meeting with the IPCC investigator in person was felt to have been helpful for some officers. Alternatively, other police personnel felt more comfortable communicating with the IPCC through their lawyer or Police Federation representative due to the possibility of disciplinary or criminal outcomes.

Police personnel appreciated the IPCC contacting them shortly after the death to make them aware that an independent investigation would be carried out, to provide information and to arrange a face to face meeting (if this was wanted). However, the quality of the information provided to officers by the IPCC varied. Police personnel found it helpful when investigators had provided clear information about the role of the

IPCC, the investigation process and the possible outcomes of the investigation. However when information was unclear or incomplete this was a cause of additional worry for officers. Examples of gaps in information included whether the investigation and the names of the officers involved would be reported in the press, and detail on the scope and timescale of the investigation. On managed investigations more information about the division of responsibilities between the IPCC and the investigating force would have been helpful.

Police personnel said they required regular, timely and meaningful updates on the progress of the IPCC investigation. However, the quality of communication was generally felt to be poor and in breach of the IPCC's own guidelines. Examples discussed by police personnel included long periods of time during which no updates were provided. Poor communication dented officers' confidence in the IPCC and led some police personnel to question whether there was an intentional attempt to 'stonewall' them or whether the investigation had actually ended and they had not been notified. Not knowing how the investigation was progressing also had a significant emotional impact on some officers and their families, particularly in cases where officers had been suspended or removed from particular duties while the investigation was ongoing.

When information was provided it was sometimes judged as inadequate and did not provide police personnel with any meaningful information.

I just get once every 12 weeks a letter from the IPCC saying, 'Investigation is still ongoing', and that's basically it. Very frustrating... Under police regulations, they have to give an update at least once every so long and what they do just before that time limit runs out, they'll send a letter, so they can say they've done it but they actually tell you nothing. (Police personnel)

Officers reported finding it particularly challenging when they had to accept certain decisions (such as suspension) without information about who had made the decision and why. Communication at the end of the investigation was also felt to be variable. Police officers described cases where they had received very little information on the charges they may be facing or the possible outcome of the investigation.

I'm reliant upon information I'm receiving from my solicitor, and the Federation, and again they're receiving very little information, other than a file has been sent to the [Director of Public Prosecutions]. Now, it didn't qualify what offences they were looking at... If you have no information, you start working on the very little information that you have, and that might be wrong, so... you might think they are looking at very, very serious offences, when in fact they might not be. And that impacts again on your family, on your work life. (Police personnel)

In light of these concerns, police officers made recommendations to improve the communication between the IPCC and police:

- Provide clear information on the role of the IPCC, scope of the investigation and timescales at the outset;
- Provide notification of forthcoming press releases; and
- Improve the quality of the information shared with police personnel, including making final investigation reports available to the officers concerned.

5.4 Working with communities

The IPCC engage with communities affected by cases involving a death in a range of ways. This section explores these approaches, looking in detail at the role of CRGs, other forms of community engagement and how the IPCC engages with the media and the wider public.

5.4.1 CRGs

CRGs are one way in which the IPCC has sought to engage with local communities. These groups were established by Commissioners to perform the following functions:

- Provide constructive challenge of IPCC actions and decisions;
- Provide advice on communication strategies between the IPCC and communities affected by a case involving a death; and
- Act as a feedback mechanism for communities and break down barriers between communities and the IPCC.

CRGs vary in composition, how often they meet and their purpose, with three different models identified by participants:

- Those set up in response to specific cases where a community has an interest in the outcome;
- Those set up as standing committees consulting on cases in a specific area; and
- Those set up in response to a particular thematic area, for example, domestic violence cases where a death occurs following police contact.

Setting up CRGs

A range of factors were felt to present challenges to the set-up and maintenance of effective CRGs:

- The large geographical spread of IPCC staff was felt to create challenges in some instances, because of the distances that staff would need to travel to attend a CRG in a local area.
- Participants with experience of setting up CRGs reflected that it was challenging to set them up in a timely way. It was also felt to be resource intensive, particularly for Commissioners, and a recommendation was made to have IPCC staff employed specifically to support community engagement of this kind.
- The issue of membership was raised with some feedback that insufficient consideration had been given to appropriate membership.

The challenge is getting the right people on them... It's actually quite hard to know who the right people are... [and] it's difficult to find a good process for selecting them with the speed that you need to do it. (IPCC participant)

In one case this was felt to have contributed to the group becoming dysfunctional and ultimately breaking down. CRGs were felt to work best where membership had been carefully considered to ensure a mix of representation from the community, and in relation to the purpose of the group and the case(s) in question.

- In some instances negative perceptions of the IPCC in a local community were felt to undermine effective recruitment of CRG members. Some described a reluctance to join and for their membership to be made public because of how their participation might be viewed locally.

- CRGs were not always considered necessary and their role was felt most valuable where there was a strong community interest in a particular case. In other instances, other forms of communication including engagement with local media and public meetings might be more appropriate.

Information sharing and communication

For CRGs to perform their role and engage constructively with the IPCC, effective communication and information sharing throughout an investigation was viewed as key. To this end, it was felt that the starting point for engaging with CRGs should be to share as much information as possible, with only classified information withheld. However, as discussed, the information that could be shared with CRGs (and which CRG members could then share with the community) was limited by concerns over ongoing criminal cases and security considerations. In some instances, the failure to share information with a CRG was felt to reflect a lack of trust between the IPCC and CRG members.

What we don't need is to be given half the picture... If the IPCC really want us to be involved, then they need to trust us enough to share everything. (CRG member)

Failure to share final outcomes of an investigation with CRG members had a similarly negative impact.

CRG members fed back that having a positive relationship with the Commissioner, built on trust and respect, fostered effective working relationships and helped ensure members remained engaged with the process over potentially long periods of time.

I've had no reason to lose faith in this particular process... I think that's more so because of our relationship with each other in the group and our relationship with the Commissioner... I think it comes back to integrity... and so far I have seen nothing but integrity in our Commissioner and empathy at times, because there are always going to be hard situations where everyone round the table has different views. (CRG member)

Impacts of CRGs

CRG members described the benefits of membership as including a greater understanding of the IPCC's work and having an open dialogue with the IPCC. However, these benefits were not always felt to extend beyond the CRG to the wider community and it was highlighted that other forms of community engagement were also important.

In some instances the purpose and remit of CRGs was not always felt to be clear and there was a strong recommendation for clearer 'terms of reference' to be established at the outset so that all members understood their role and the CRG's purpose. Lack of clarity meant there were concerns that the benefits could be one-sided; providing the IPCC with feedback from the community, but offering little in return to the community because of information sharing restrictions. This was exacerbated by long time frames for investigations, limiting the information that could be shared with the community for considerable periods.

One recommendation made for building capacity within CRGs was to facilitate meetings between CRG members from different areas of the country to share learning.

5.4.2 Other forms of community engagement

Participants stressed the importance of using a range of approaches to effectively engage with communities. In addition to CRGs other forms of engagement included IPCC representatives attending public meetings, engaging with local media, and updating community leaders including MPs and council representatives where appropriate. Increasing the public profile of Commissioners was identified as a way of engaging the public and increasing public confidence in the work of the IPCC.

I think Commissioners need to be far more high profile. You need to be able to know who your local Commissioner is. There needs to be some marketing wrapped around that, TV, radio... We need to be promoted and because of our integrity and our stature within the community, that in itself is going to bring us a significant way forward in reassuring [the public]. (IPCC participant)

Other suggestions for improving community engagement included building relationships and dialogue with the recently elected Police and Crime Commissioners; providing progress updates on high profile cases on the IPCC website; developing stakeholder and community engagement panels to share information; and publishing online actions taken as a result of recommendations from investigation reports.

5.5 Communicating with the media and public

For members of the public not directly affected by the cases referred to the IPCC, the media is the primary source of information on the IPCC's purpose, actions and impact. Consequently, communicating effectively via the media (in all its forms) was viewed as important in maintaining public confidence in the IPCC. This section explores these issues in relation to press releases, publicising the outcomes of investigations and wider public engagement on the role and remit of the IPCC.

5.5.1 IPCC press releases

The importance of ensuring that the individuals involved in an investigation were aware of press releases prior to their publication was highlighted by participants. Consulting families about press releases was seen to be morally important as well as necessary to gain families' trust and engagement in the investigation. Examples of good practice were discussed by stakeholders, but the IPCC was perceived to be inconsistent in the way in which it worked with families around media communication. Some family members reported not having been consulted before a press release had been issued by the IPCC and in other cases were reported to have been factually inaccurate. Family members also raised concerns about their loved one and the wider family being inaccurately represented in the press releases issued by police forces.

Police officers reported wanting early warning from the IPCC about press releases, and not providing these could have serious consequences for officers and their families. In one case the IPCC was reported to have issued a press release without informing the officer and this had resulted in the family of the officer learning about the investigation from the media.

Instances of poorly timed communication, unverified information or impartial information reaching the media were felt to have undermined confidence in the IPCC. IPCC staff and Commissioners acknowledged that mistakes had been made and felt it was important that they met media and public demand for information without compromising investigations and relationships between families and police. Maintaining impartiality in press releases at the early stages of the investigation

process was raised as an important issue by both families and police officers. In the case of families, there were concerns that press releases gave an impression that no police wrongdoing had occurred before this had been ascertained by the investigation. In contrast, police personnel reported instances where they felt an impression of police wrongdoing had been given before all the facts had been gathered.

5.5.2 Publicising the outcomes of investigations

The outcomes of IPCC investigations were not always adequately publicised to the wider public and this was felt to be an important way of both holding the IPCC to account for its investigations and ensuring public confidence in the investigative process. While police officers and families supported greater transparency, concerns were also voiced over the possibility that poor quality investigations and inaccuracies in reports could cause further damage to those concerned.

A concern raised by participants was that the IPCC is not yet confident enough in the robustness of all its investigations to engage openly and fully with the media on the findings and outcomes of investigations. Stakeholders were also concerned that the IPCC had in some cases failed to comment on the outcome of disciplinary or criminal cases which diverged from the findings of the IPCC investigation.

5.5.3 Engaging with the public on the role and remit of the IPCC

There was a strong view amongst participants that more should be done to openly engage with the public on the role of the IPCC, its remit and its powers as a way of fostering public confidence. However, limited resources and restrictions on information that could be shared with the media were felt to affect the quality of media engagement and views differed on how far the IPCC should use limited resources to increase public awareness of the organisation. Some Commissioners thought that resources would be better prioritised on working with families, communities and key stakeholders affected by individual cases, while others felt there was value in increasing public awareness of the IPCC and welcomed further work in this area.

6 Conclusion

This chapter draws together the key issues felt to promote or undermine the work of the IPCC, and covers the following:

- Independence;
- Stakeholder engagement and communication;
- Staffing and other resources;
- Systems, processes and practices;
- Powers; and
- Accountability.

6.1 Independence

Independence is the cornerstone upon which the IPCC must carry out its work if it is to be seen as credible, effective and trustworthy. The IPCC was seen by some as independent of the police service and government. However it could appear to lack impartiality to the external world and this eroded public confidence. An alternative perspective was that the IPCC was not sufficiently independent of the police service. A range of issues were felt to impact on the independence of the IPCC:

- The employment of former police officers and staff at the IPCC was controversial and gave the impression that the IPCC was inherently biased toward the police service.
- The IPCC was seen as similar in culture and mindset to the police service and the boundaries between the police service and the IPCC were perceived to be *'blurred'* at an individual and organisational level.
- The IPCC routinely rely on police forces at vital points in independent investigations such as to manage the scene of the incident and secure evidence in the initial period.
- The opposite view was also expressed by some police stakeholders. The IPCC was reported to have failed to treat police officers under investigation fairly and impartially on some cases. There was a perception among some that the IPCC set out to apportion blame to the officer(s) involved before all the facts had been gathered.

6.2 External engagement and communication

There was a view among IPCC staff and Commissioners that external engagement and communication had not been prioritised by IPCC, and the role of IPCC Family Liaison Managers was not sufficiently valued.

Family members and police officers needed timely, useful and regular communication with the IPCC, and individualised forms of communication. Examples of good practice were discussed by family members and officers and helped foster confidence in the IPCC. However poor communication which breached the IPCC's own guidelines was also identified as a significant issue. The information provided to family members and officers was said to be inadequate in three ways:

- Gaps in communication in the early stages and throughout investigations;
- Partial information about the circumstances surrounding the death, the decisions made by the IPCC on the investigation, and the outcome; and
- Communication which did not give any meaningful information about progress.

Engaging and sharing information with the public and communities affected by the death was critical to building confidence and trust in the IPCC more widely. CRGs, press releases and investigation reports were some of the means through which the IPCC disseminated information externally. Two main limitations were discussed:

- External factors (such as legal restrictions) could limit the information shared. Participants perceived the IPCC to be too cautious and risk averse when it came to sharing information. Lack of confidence in the quality of investigations could also prevent openness on some occasions.
- Failure to provide accurate and impartial information in reports and press releases could undermine confidence in the IPCC.

6.3 Staffing and other resources

Staff resources, roles, competencies and training were issues raised throughout the research as impacting on the investigation process. The key issues are discussed below.

6.3.1 Staff resources

There was a perception amongst IPCC staff, stakeholders and police officers that the levels of staffing for IPCC investigations fell far short of the resources the police would have for a similar sized investigation. These shortages were felt to have a range of impacts, including on the IPCC's ability to:

- Make MOI decisions based solely on the details of the case;
- Deploy investigation staff to the scene of incidents;
- Deploy Family Liaison Managers to all cases as required;
- Dedicate adequate time to family engagement;
- Complete investigations within reasonable timescales;
- Dedicate adequate time to writing the investigation report;
- Track the impact of recommendations and Learning the Lessons bulletins; and
- Engage effectively with stakeholders and the wider public.

Suggestions for ways to tackle resource challenges included:

- A realistic assessment of resources and prioritisation of the most serious cases;
- Better planning to allocate resources effectively (for example, not allocating cases out of region); and
- Additional resources to manage the volume of work.

6.3.2 Staff roles, responsibilities and multidisciplinary working

IPCC staff highlighted the importance of staff in a range of roles (investigators, Family Liaison Managers, Commissioners, lawyers and press officers) working together effectively to conduct high quality investigations. Where this did not occur, it was felt to negatively impact on the quality of decision making in relation to the MOI, the threshold for misconduct recommendations and communication strategies. There was a perception amongst IPCC staff and some external stakeholders that multidisciplinary working had been challenging and sometimes ineffective. Reasons given for this were:

- **Roles and responsibilities:** Historically, investigations were viewed as the responsibility of the lead investigator. IPCC staff and Commissioners felt that in some instances investigators were unaccustomed (and therefore reluctant) to adopt a multidisciplinary approach to investigations. Questions were also raised about whether the current division of roles and responsibilities between investigators and Commissioners was effective. One view was that Commissioners should play a greater role in key decisions including whether an investigation should be subject to special requirements and in the investigation report.

When it comes down to it, an investigation is pretty much directed and driven and coordinated by the senior investigator... The role of the Commissioner who's meant to be the independent aspect... they have generally played quite a distant role and one which most families are not clear about at all... Their ability to properly know the system inside out and to be robust and drive forward the investigation... and to be visible from the outset is really important.
(External stakeholder)

IPCC staff discussed whether the IPCC should employ staff with specific responsibility for family and community engagement. Such dedicated resource would help ensure sufficient time was spent on this function.

- **Procedures and guidelines:** It was felt that multidisciplinary working had not been underpinned by clear procedures and was consequently ad-hoc in nature. However recent changes to operational practice (such as monthly investigation team meetings) were perceived to have greatly improved the way in which investigators, Commissioners and other IPCC staff worked together.²⁰ Staff also spoke positively about the relatively new critical incident procedure, where multidisciplinary teams were brought together to address issues proactively. Clearer working arrangements between investigators and Family Liaison Managers around communicating with families was identified as an ongoing area for improvement.
- **Geographical dispersal and remote working:** The IPCC currently has five offices covering England and Wales. However staff felt that there were gaps in the geographical coverage, creating challenges for staff that were required to work remotely or across locations.

6.3.3 Staff competency and performance management

Concerns were raised that performance varied between members of staff and that some individuals were not suitable for aspects of their role. Of particular concern was

²⁰ The IPCC issued revised guidance on the role of Commissioners in independent investigations in February 2013 (IPCC, 2013b).

the perception that some individuals lacked specific investigative skills, were not always sensitive to equality issues, had made stigmatising assumptions about the deceased and their family, or had made a judgement about the culpability of the officer before the facts had been gathered. In contrast, other IPCC staff were commended for their commitment to the values of the IPCC and for their contribution to the work of the organisation.

The management of poorly performing staff was identified by some Commissioners and stakeholders as a challenge for the IPCC. It was felt that performance management procedures at an organisational level required improvement and that poor performance was not consistently addressed.

6.3.4 Training and support

Questions were raised about the adequacy of the training and ongoing support for IPCC staff (particularly investigators) and Commissioners carrying out demanding roles. While staff spoke positively about the training programme for newly appointed investigators, areas where additional training needs were identified included:

- Elements of the investigative process including interviewing skills, scene of crime expertise, search procedures and arrest training;
- Internal IPCC procedures and processes;
- Legal issues such as Article 2, legislation underpinning coercive powers (such as PACE) and wider criminal justice processes such as the CPS;
- Effective external engagement, particularly with families; and
- A suggestion that investigators should ‘*shadow*’ police officers and staff for a period of time before working for the IPCC. However the potential conflict with independence was also acknowledged here.

In addition to specific training needs, the need for ongoing support to carry out challenging roles was also raised and there was a perception that current support was not always sufficient, impacting negatively on the wellbeing of individual members of staff as well as the work of the IPCC more widely.

6.3.5 Other resources

Gaps in equipment and infrastructure were reported to hamper the work of the IPCC. The timely deployment of investigators to the scene would be facilitated by equipment such as Sat Nav and hands free telephone kits. In addition, using the power of arrest was considered more difficult for the IPCC than the police because the IPCC not does have its own custody facilities.

6.4 IPCC structures and systems

IPCC staff and external stakeholders fed back a broad concern that the work of the IPCC was not underpinned by clear structures, procedures and guidelines that facilitate consistency and ensure minimum standards. There was an additional concern that a lack of structures and systems left the IPCC too dependent on the skills, expertise and hard work of individual staff members. This was of particular concern as the current performance management system was seen as not robust enough, leaving the quality of investigations vulnerable to inconsistent performance.

6.5 Powers

There was a desire for the IPCC to make more assertive use of the powers it has been given, particularly the power to arrest officers and to interview them under caution. Limitations in existing powers had impaired the IPCC from conducting investigations which were effective and met public expectations. These included:

- Power to compel witnesses to attend interviews *and* answer questions;
- Powers over contracted out police personnel;
- Power to present to misconduct panels;
- Power to require forces to respond in writing to recommendations arising from an investigation; and
- Power to obtain materials from third parties.

Questions were also raised about whether more far-reaching reforms to the IPCC's structure and powers were required. One suggestion was for the IPCC to be similar to a judicial inquiry in order to *'get to the truth'*.

6.6 Accountability

Participants external to the IPCC were concerned by the absence of adequate mechanisms to hold the IPCC to account. This resulted in participants believing the police complaints system is built on faith in the IPCC to perform its role effectively, and meant that in practice the IPCC could *'do what they want, with little or no recourse or remedy'*. The inquest process ensured investigations were conducted with a degree of transparency and police personnel interviewed were supportive of the IPCC attending inquests. The development of statutory guidance on the conduct of independent IPCC investigations was also suggested. This would provide a framework against which the actions of the IPCC could be judged and so improve transparency and confidence in the IPCC.

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Appendix A. Qualitative methodology

This appendix gives further information about the qualitative methodology described in Chapter 1.

Sampling and recruitment

Bereaved family members

Three in-depth interviews were carried out with bereaved family members, involving four participants in total. In addition, two family members submitted written accounts of their views and experiences. In selecting cases and families to invite to take part in the research, NatGen and the IPCC agreed the following criteria:

- Cases where an individual had died between 1st January 2011 and 31st December 2012²¹ and which was investigated by the IPCC. Cases were excluded if the death had occurred less than three months prior to the initial approach.
- Type of case, including deaths in or following police custody, suicides post-release from custody, use of force including police shootings, RTIs, and other deaths following police contact.
- Stage of investigation, including ongoing investigations, those where the investigation had been completed but other processes (such as the inquest) were pending, and those where all processes had been completed.
- Cases were selected from a range of police force areas.
- Diversity in terms of demographics such as gender, ethnicity, first language and age of the deceased.
- Media coverage, including cases with a lot of media coverage and those without.
- Legal representation, including families who had been legally represented and those who had not.

Sixty seven individuals were initially selected by the research team at the IPCC. Case details were then sent to IPCC investigators, Family Liaison Managers and Commissioners for consideration. Individuals could be excluded at this point if there were any concerns about the impact that approaching them could have on their emotional and psychological wellbeing, or for legal reasons. As such, not all individuals were approached to take part in the research by the IPCC representative involved in their case. Data was not collected on how many were not approached.

Due to small numbers of bereaved families opting into the research, all those who were willing to take part were interviewed. Table A1 summarises the achieved sample of bereaved family members, including the two families who submitted written accounts.

²¹ The case of one of the family members began in 2008. This was outside of the original scope because they took part in the research following the stakeholder workshop held in October 2013.

Table A1 Achieved sample of bereaved families (n=5)		
		Total
Gender of family member²²	Male	1
	Female	5
Ethnicity of family member²³	White	3
	Other ethnic group	3
Type of case	Death while in custody or under arrest	4
	Police use of force, including police shooting	1
Stage of investigation	Ongoing IPCC investigation	3
	IPCC investigation completed, other processes pending	2

Three other families were initially interested in taking part in the research but were not interviewed. An interview was arranged with one family member, but she later decided she did not want to take part, as she felt that discussing the death and the IPCC investigation would be too difficult and would set the family back in their efforts to *'move forward'*. The other two families were not contactable, despite repeated attempts from the NatGen research team. The option of using an external support organisation to make initial contact with bereaved family members was also explored, but ultimately not possible.

It is important to acknowledge the challenges inherent in recruiting this participant group for qualitative research due to the obvious sensitivities of the subject matter, plus the need for a highly ethical recruitment process that prioritises data protection and allows people sufficient time to consider their involvement in the research. As such, participation in research can be low. As an example, the Police Complaints Authority (PCA) carried out a review of police shootings. There were 11 individuals fatally wounded in the review period, and three families agreed to be interviewed. Another family member submitted a written account, and another family's legal representative provided information on their behalf (Bailey et al., 2003). While not directly related to death during or following police contact, qualitative research with people bereaved by homicide has faced similar challenges. Exploration into Victim Support's Homicide Service achieved 15 in-depth interviews with people bereaved by murder and manslaughter (Turley and Tompkins, 2012) - 18 bereaved people were consulted in total; two of the interviews were paired and a written submission was also received. Qualitative research into the Victims' Advocates Scheme pilots, which similarly involved in-depth interviews with people bereaved by homicide, saw 21 bereaved people interviewed of 316 that were eligible (Sweeting et al., 2008).

Interviews with police personnel and police representatives

Four in-depth interviews were completed with police officers who had been subject to an IPCC investigation of a case involving a death. An opt-in approach was used for police officers to express their interest in taking part in the research due to the potential sensitivities and risk of harm involved in the IPCC contacting these

²² This includes the family members who took part in a paired in-depth interview.

²³ As above.

individuals directly. The option of using an external organisation to make initial contact with police officers and staff was also explored, but ultimately not possible. The recruitment approach used is summarised in Chapter 1.

Due to small numbers of police personnel opting into the research, all those who were willing to take part were interviewed. Table A2 summarises the achieved sample of police personnel.

		Total
Gender of police officer	Male	4
Professional role	Police officer	4
Role in case	Subject of investigation	4
Type of case	Death in custody or under arrest	1
	Other death following police contact	2
	RTI	1

An additional in-depth interview was carried out with a Police Federation representative who opted into the research. A written submission was received from a second Police Federation representative.

External stakeholders

Four in-depth interviews were conducted with external stakeholders (one interview was with two participants). The four organisations represented dealt with legal and human rights or provided dedicated support, advice and advocacy for bereaved families.

The NatCen research team provided the IPCC with an introductory letter about the research to distribute amongst external stakeholders. If the external stakeholder did not want to take part in the research they were asked to opt-out of the study by informing a named individual at the IPCC or NatCen by a specified date. The IPCC provided contact details of the external stakeholders who did not opt-out to NatCen. A NatCen researcher then contacted the external stakeholders to check they were willing to take part, and if so arranged a time and place for the interview that was convenient for them.

Some organisations declined to take part in the research. One was already feeding into the wider IPCC review (see Chapter 1) and so felt participation in NatCen's research was unnecessary. Another organisation felt that they did not have enough experience of relevant cases to contribute meaningfully to the research.

CRG members

Four in-depth interviews were carried out with CRG members (two of the interviews involved two participants). The same recruitment approach that was used for external stakeholders was adopted.

IPCC Commissioners

In-depth interviews were carried out with eight IPCC Commissioners. The same recruitment approach that was used for external stakeholders and CRG members was adopted.

IPCC staff

Five focus groups were conducted with different types of IPCC staff, including Family Liaison Managers, case workers, investigators, press and legal staff. The size of groups ranged from four to ten participants. Two focus groups were carried out for investigators and one with each other job role (press and legal staff took part in the same focus group).

The NatCen research team provided the IPCC with information about the research to circulate amongst all relevant staff. This included information about the aims of the research, issues around confidentiality and anonymity, and the time, date and location of the focus groups. Staff could find out more about the research, and/or express an interest in taking part, by contacting NatCen directly by freephone or email.

NatCen then contacted interested staff to provide further information about the study, answer any questions and, if they were interested in taking part, conduct a short screening exercise. This was to ensure that, as far as possible, a diverse range of staff were invited to attend the discussion in terms of gender, ethnicity, length of time in role, and location. Table A3 summarises the achieved sample of IPCC staff.

		Total
Role in the IPCC	Investigator	8 ²⁴
	FLM/investigator	10
	Lawyer	4
	Press officer	4
	Case worker	8

Topic guides

Tailored topic guides were used in all in-depth interviews and focus group discussions to help ensure a consistent approach across interviews and between interviewers. The guides were used flexibly to allow interviewers to respond to the individual nature and content of each discussion, so the topics covered and their order varied between interviews. Interviewers used open, non-leading questions and answers were fully probed.

The main headings and sub-headings of the topic guide used for the interviews with bereaved family members are provided below as an example. Different topic guides were used for the other participant groups, while covering broadly similar themes.

²⁴ Two focus groups, each made up of four investigators,

Topic guide for bereaved family members

Introduction

- Introduce self and NatCen
- Aims and objectives of the research
- Sampling and recruitment process
- Length and nature of discussion
- Issues around confidentiality, anonymity and disclosure
- Use of digital recorder
- Questions

Participant background

- Their background
- Clarify details about the case
 - Explore whether anything else they want to add

Introduction to the IPCC

- Explore first contact with IPCC
 - How initiated, who in contact with, timing, what discussed
- Views on introductory contact
- Explore expectations at this stage

Contact with IPCC during investigations

- Explore nature of contact with IPCC in the early days and weeks following the death
- Views on this contact
 - Adequacy, ease of accessing information, how far needs met, suggestions for improvements
- Explore nature of contact during investigation
 - Provision of information
- Views on this contact
 - Adequacy, ease of accessing information, how far needs met, suggestions for improvements

Completion of investigation

- Explore experiences and views of investigation report/press release
- Explore experiences and views of actions arising from investigation
- Explore experiences and views of exit strategy

- Explore experiences and views of contact with IPCC between report and inquest/criminal investigation (if appropriate)
- Explore nature of relationship with IPCC personnel
 - Qualities sought, successful and less successful aspects of relationship, suggestions for improvements
- Explore overall satisfaction with the investigation process and outcomes
 - Adequacy of information, timeliness, how far expectations met

Views on the quality of investigation process/outcomes

- Explore experiences and views of how the IPCC carry out their investigations
 - Investigation process, actions arising from investigation
- Extent to which current ways of working maintain independence of IPCC
- Extent to which current ways of working affect public confidence in IPCC

Overall reflections and suggestions for improvement

- Overall views on IPCC relationship with relatives
- Explore overall confidence in investigation process

Analysis

Interviews were digitally recorded and transcribed verbatim.²⁵ The interview data were managed and analysed using the Framework approach developed by NatCen (Ritchie et al., 2013). Key topics which emerged from the interviews were identified through familiarisation with the transcripts. An analytical framework was then drawn up and a series of matrices were set up, each relating to a different thematic issue. The columns in each matrix represented the key sub-themes or topics and the rows represented individual participants. Data from each transcript were then summarised into the appropriate cells. All members of the NatCen research team were given a thorough briefing about the analytical framework and a detailed description of what should be included in each sub-theme to ensure consistency of approach.

The Framework method has recently been embedded in NVivo version 10.²⁶ This software enabled the summarised data to be linked to the verbatim transcript, and meant that each part of every transcript that was relevant to a particular theme was noted, ordered and accessible. The final analytic stage involved working through the charted data, drawing out the range of experiences and views, identifying similarities and differences and interrogating the data to seek to explain emergent patterns and findings. Verbatim interview quotations are provided in this report to highlight themes and findings where appropriate.

²⁵ It was felt inappropriate for a small number of interviews to be sent for transcription because of particularly sensitive subject matter. In these instances researchers wrote full, detailed notes from the recording. The data was then analysed in the same way as the rest of the interviews.

²⁶ <http://www.qsrinternational.com/support_faqs_detail.aspx?view=1057>