

## Case study

# Independent Police Complaints Commission: Review of the IPCC's work in investigating deaths

The Independent Police Complaints Commission (IPCC) conducted a review of the way that it investigates deaths following police contact. This resulted from criticism and concerns about the approach, timeliness and thoroughness of its investigations into deaths. The review published a final report on 17 March 2014, which is available on the [IPCC website](#). The final report summarises all the feedback received and the IPCC's response to the feedback and explains the actions that would be taken as a result.

Article 2 of the ECHR places an obligation on the state not to take life, except in very limited and defined circumstances, and to take reasonable steps to protect life where there is a real and immediate risk. If there is an indication that a death may be the result of police action, or of a failure to act, Article 2 requires there to be an independent and effective investigation to determine the circumstances and causes of the death. The IPCC's investigation work is an important part of the way the state meets that obligation, alongside the work of coroners and the Crown Prosecution Service (CPS).

Article 2 has underpinned all aspects of the IPCC's review. The obligations arising from Article 2 shape the way the IPCC investigate deaths involving the police. As well as determining how and why a person died, and whether any individuals are at fault, investigations should seek to ensure that deaths in similar circumstances can be prevented, and should effectively engage bereaved families in the investigative process.

Article 2 investigations should be inquisitorial and draw conclusions beyond misconduct and criminal behaviour (e.g. exploring poor practice or omissions in duty

of care). They should consider what happened, why it happened, who (if anyone) is responsible and how a death could be prevented in the future.

The final report on the review published by the IPCC identified some changes to IPCC practices in order to ensure the essential features of an Article 2 investigation are met. Examples of these are:

### **Independent**

- Strengthened guidelines on the role of the Commissioner in an independent investigation, which will ensure independence during a case.
- Draft statutory guidance in relation to ensuring best evidence in death and serious injury investigations. This sets out the expectations of the actions the police should take to identify all potentially relevant evidence and preserve the integrity of that evidence. The draft guidance also specifies that key policing witnesses should be separated before providing their initial accounts and should not confer. Staff have been provided with the skills and confidence to take control of a scene, both remotely and on arrival, to ensure there is independence at the start of the investigation.

### **Subject to public scrutiny**

- Publish investigation reports to ensure greater transparency in the police complaints system.
- Publish the outcomes of our investigations, clarifying our own outcomes and those that result from disciplinary or criminal processes.

### **Promptness**

- Continue to work with the Crown Prosecution Service to ensure we work more effectively to minimise delays.

### **Effective**

- Ensure we use our powers robustly during investigations.
- Acquire powers to ensure Chief Officers have to respond formally to IPCC recommendations at the end of an investigation. This will enable the IPCC and others to monitor the progress of actions taken in response to an investigation and help prevent deaths in the future.

### **Engage with the next of kin**

- Families will be involved in developing the terms of reference for the investigation so that these terms include the questions that the family wants the IPCC to try to answer.
- Families will be updated on the progress of the investigation. We will disclose all information, subject only to the 'harm test'. As we develop investigation plans, we will share them with the family. We will also explore providing them with draft reports.