



**MEMORANDUM OF UNDERSTANDING  
between  
HM INSPECTORATES OF PRISONS & CONSTABULARY  
and  
THE INDEPENDENT POLICE COMPLAINTS COMMISSION (IPCC)**

**Purpose of the Memorandum of Understanding**

1. This Memorandum of Understanding (MOU) sets out the broad principles under which Her Majesty's Inspectorate of Prisons (HMIP), Her Majesty's Inspectorate of Constabulary (HMIC) and the Independent Police Complaints Commission (IPCC) (referred to here as "the parties") will share information relating to HMIP/HMIC joint inspections of police custody facilities and arrangements.
2. Each party to this MoU is independent but each shares a commitment that those detained in police custody should be held safely and decently and consistently with their human rights.
3. This MoU is intended to facilitate joint working between the three parties, and intended to operate consistently with the existing concordat between IPCC, HMIC and the College of Policing (CoP).
4. This MoU applies to England and Wales only.
5. This MoU has been endorsed by HMIP, HMIC and the IPCC.

**The joint inspection programme (HMIP/HMIC)**

6. Since 2007 HMIC and HMIP have jointly inspected police custody across England and Wales.
7. The work of the joint inspection team is carried out under the UK's international obligations contained in the UN Optional Protocol to the Convention Against Torture and other cruel, inhumane or degrading treatment or punishment (OPCAT). OPCAT requires state parties to establish an independent National Preventive Mechanism to inspect all places of detention.
8. Every police force and London Borough is subject to inspection in four distinct areas:
  - I. strategy;
  - II. treatment and conditions;
  - III. individual's rights; and
  - IV. healthcare.

9. The inspection programme is unannounced. Follow-up inspections review the progress made in implementing any recommendations made during the initial inspection.
10. A report is published following each inspection. Trends and national issues are also extracted and made subject to overview reporting and liaison at a national level with relevant organisations.

### **The work of the Independent Police Complaints Commission**

11. One of the key statutory functions of the IPCC is to secure and maintain public confidence in the handling of public complaints against the police and allegations of police misconduct matters.
12. The IPCC also has oversight of instances when there has been a death or serious injury involving the police<sup>1</sup> irrespective of whether there is a complaint or allegation of misconduct. The IPCC's powers include investigative powers – the IPCC may independently investigate cases, oversee police investigations of cases, or decide cases can be investigated locally by the police and without oversight; and an appeal function – complainants who are unhappy with how the police dealt with their complaint may in some circumstances submit an appeal to the IPCC.
13. The IPCC has an oversight and public confidence function relating to the complaints system as a whole.

### **Scope and Purpose:**

14. This MoU provides a framework for the joint working between the three organisations centred upon protecting the human rights of those held in custodial facilities and treating them with decency and respect.
15. Nothing in this MoU overrides the obligations of the parties to promote the safety and security of individuals and establishments as set out in their existing policies and procedures.

### Each party agrees to:

- share relevant information having due regard to Data Protection Principles and their obligations in respect of the privacy rights of individuals.
- consult on relevant issues (including policy development, common practices and procedures, and wider corporate planning);
- share research findings; and
- encourage mutual staff development.

### HMIP and HMIC commitment to IPCC.

16. HMIP and HMIC commit themselves to work with the IPCC in the following ways:

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<sup>1</sup> IPCC remit will extend to include private contractors when regulations are laid.

### *Joint inspection programme*

- In order to ensure the effectiveness of any inspection, two weeks prior to it taking place, the inspection team will liaise with the IPCC on a confidential basis to obtain information about the use of custody in the inspected police force.
- Following the inspection, the inspection team will:
  - report immediately to the IPCC any significant concerns relating to the IPCC's statutory responsibilities for the police complaints system
  - report on the progress the force has made in implementing any IPCC recommendation relating to inspected custody matters
  - report on the force's arrangements for dealing with the complaints of those detained in custody;
  - provide the IPCC with a draft copy of the inspection report within two months of an inspection taking place, ensuring that they are consulted on:
    - any findings which make explicit comment about the work of the IPCC; and
    - any findings or recommendation contrary to those contained in any relevant IPCC report.

### *Other relevant work*

- HMIP/ HMIC will also consult the IPCC on revisions to the "Expectations for police custody: Criteria for assessing the treatment of and conditions for detainees in police custody."

### IPCC commitment to HMIP and HMIC

17. The IPCC commits itself to work with HMIP and HMIC in the following ways:

#### *Joint inspection programme*

Following notification of an inspection and prior to it the IPCC will provide to the inspection team

- data on closed independent investigations in cases involving a death or other incident in custody within the force during the previous five years, stating the extent of any information shared with the police force and the date it was so shared;
- data on open, independent investigation cases involving a death or other incident in custody within the force concerned, including (in circumstances where the report has not yet been completed), any preliminary findings made, stating the extent of any information shared with the police force and the date it was so shared;
- any recommendations made by the IPCC to the inspected police force, including the police forces response to the recommendation<sup>2</sup>

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<sup>2</sup> with effect from October 2014.

- any intelligence relating to the use of custody in the force concerned i.e. appeals and complaints data; and
- any other information the IPCC believes is necessary for the proper functioning of the joint custody inspection programme.

All information given under this paragraph must be provided consistently with the timescales applicable to HMIC/HMIP pre-inspection data collection.

*Other relevant work*

- The IPCC will also
  - consult HMIP/ HMIC on the drafting of relevant IPCC recommendations to ensure that, insofar as is possible, recommendations made by each organisation to the Police Service are coherent and consistent;
  - draw to the attention of HMIP/HMIC any national recommendations relating to custody;
  - where possible, give information concerning complaints to HMIP/HMIC when requested by them to do so
  - provide quarterly information on referrals information relating to custody;
  - as and when necessary, seek information from HMIP/HMIC concerning IPCC investigations;
  - consult HMIP/HMIC on any draft investigation report in which there appears to be a finding contrary to any relevant HMIP/HMIC report; and
  - where practical, share intelligence/background information relevant to HMIP/HMIC's duty to inspect the conditions and treatment of prisoners and detainees in custody facilities.

Communication

18. Quarterly meetings will take place to discuss any issues arising from this process and themes from each others' work. These meetings will be attended by relevant participants from all three of the parties.
19. Meetings will be chaired and minuted alternately by the three parties.
20. Each party will include the other two in any relevant consultation exercise carried out in relation to custody.

**Nick Hardwick CBE**  
**HM Chief Inspector of Prisons**

**Date:**

**Drusilla Sharpling CBE**  
**HM Inspector of Constabulary**

**Date:**

**Dame Anne Owers**  
**Chair, Independent Police Complaints Commission**

**Date:**