

# INQUEST report of the Family Listening Day for the Independent Police Complaints Commission

March 2018

The Independent Police Complaints Commission (IPCC) asked INQUEST to hold a family listening day to gather evidence to inform its on-going process of gathering feedback from those who have been involved in an investigation following a death.

The event took place on the 30th of March 2017 at the National Council for Voluntary Organisations offices in London and involved family members discussing their experiences of deaths involving relatives following contact with the police. In total nine families were represented by 18 attendees.

The structure of the day saw families encouraged to discuss their experiences, both good and bad, focusing on initial contact and information, communications, the quality of investigations and reports and the impact on families. There was also an opportunity for families to comment on or recommend ways for improving current practice.

In January 2018, the Independent Police Complaints Commission (IPCC) became the Independent Office for Police Conduct (IOPC). Since this change took place after the family listening day, the comments made by families in this report refer to the IPCC.

## The INQUEST Family Listening Day model

The Family Listening Day model is a tried and tested methodology for seeking participant feedback and uses the following framework:

- **planned** – in conjunction with the review team, families and INQUEST staff;
- **facilitated** – by experienced INQUEST staff, briefed and knowledgeable on the key issues, and with an understanding of the families' particular cases;
- **thematic** – to provide focus and to avoid the event becoming too wide reaching and broad based;
- **discursive** – by encouraging participants to discuss the issues in a safe and understanding environment, allowing a free flow of ideas and thoughts surrounding the review's themes;
- **inclusive** – ensuring as wide a range of families affected by the issues under scrutiny felt able to attend and speak;
- **confidential** – information shared during listening days is honest and heartfelt, and a recognition that what is shared within the group should not be disclosed outside the group;
- **compassionate** – as an INQUEST caseworker pointed out, "families find it difficult and painful to talk through these things". The importance of compassion and understanding is crucial to the success of the process and families should not feel isolated by judgmental attitudes;
- **reflective** – offering a chance to re-balance power structures and give participants the chance to reflect on the impact of events;
- **archived** – the families' contributions are recorded and placed in the public domain.

INQUEST has run eight of these events in the past: for the Independent Police Complaints Commission, the Independent Advisory Panel on Deaths in Custody, the Equality and Human Rights Commission, for Lord Toby Harris as part of his Independent Review into Self Inflicted Deaths in Custody of 18-24 year olds, for Dame Elish Angiolini's Independent review into deaths and serious incidents in police custody, on behalf of the Care Quality Commission as part of its review into how NHS trusts investigate and learn from deaths and for the Rt. Rev. Bishop James Jones' review of the Hillsborough Families' experiences of the inquest system.

This report draws out the thematic issues that arose in conversation and uses family quotes to illustrate the evidence and ideas.





# 1. Initial contact and provision of information

“What would have helped us would be a leaflet or booklet on what we can expect about the process”

## 1.1 Contact and information

For some families the initial contact with the IPCC was a positive experience, staff acting quickly and with what families considered the necessary empathy and respect. Staff were also commended for their professionalism and clarity in explaining the process and their role within it. However, in some cases this initial optimism was replaced by confusion and frustration once the investigation was underway. Some believed this was down to the obfuscation and resistance by the police forces and officers under investigation rather than particular failings on the part of the IPCC and its investigators; others felt the failings were either institutionally built into the IPCC’s method of working, or down to individual failings.

One family, with experience of more than one investigation, claimed that initial contact;

*“was quick and empathetic and it felt like the IPCC would take control and do a good job”.*

adding they were:

*“well treated by what felt like a professional organisation”.*

In this case the investigator phoned the family and clarified how the family wanted contact to be carried out and explained what to expect from the process. What the family were less prepared for was;

*“Just how evasive and dysfunctional state agencies are when they come to be investigated”.*

Another woman complimented the organisation;

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*“Personally they have been good to us. It could have been a lot quicker but that is the police that have been dragging it out, not them. When they said they would call they did and always got back to me with answers when I asked questions. They would come to our house. I can’t really fault the IPCC”.*

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Families believe the investigation should start promptly but suggested that following a sudden death and in a state of shock and traumatic grief they were not always able to take in all the information that was offered.

There is a need for investigators to balance what is practical and necessary regarding initiating investigations and what is right for the families who are in a highly vulnerable state;

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*“The FLO came to the hospital within two hours -they were really nice. In that situation it is very difficult to take things in. When the IPCC came they were clear about their role and they were full of empathy and*

reassurance. We felt confident in the process. But you are in a state of shock so you can't take all the information in. What would have helped us would be a leaflet or booklet on what we can expect about the process".

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Others agreed;

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"The IPCC were very sympathetic at first, they introduced themselves and didn't pry. We had a police FLO and the IPCC investigator said at the early stages that we should have one point of contact but looking back we should have had separate contacts. At the time everything is going at 200 mph so you can't think".

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Families wanted clear guidelines on roles and communication as well as signposting to independent legal advice

Another person reiterated the difficulty of taking in information;

*"The lady from the IPCC came and had travelled a long way to see us, she was very good, but when you are in that situation it's very difficult to take things in".*

Whilst acknowledging the need for a speedy investigation, families should not be rushed into the process without knowing their rights and understanding the process;

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"My son died at 4.00 pm in the afternoon, we had a meeting four hours later and we did not know what was going on. The IPCC came at 6.00 pm the next day and they were very sympathetic but I wish we'd had a solicitor from early on. IPCC said we are going to do this and that and then it would be cancelled. By chance I agreed to get a solicitor who works with INQUEST and on day 12 after (son's) death the IPCC phoned and our solicitor stopped everything, it was too soon".

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It is important for families to know their legal rights and to understand fully what the investigation's scope and remit is before engaging with the process.

The problem was summed up succinctly by one woman who said;

*"You don't know what questions to ask because you don't know what you don't know".*

For some families the early stages of their investigation were characterised by a lack of coherent information which left them unsure as to how the process would work, a situation compounded by the absence of available independent advice. Families wanted clear guidelines on roles and communication as well as signposting to independent legal advice. Where there is a Family Liaison Manager (FLM) there can be some confusion as to which person has responsibility for relaying information. This highlights the need for clear communication about the different roles and functions of IPCC staff<sup>1</sup>;

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"Our FLM wasn't willing to meet us and the next day we had lots of questions and we wanted someone to be there in front of us to answer our questions. We asked the FLM and she said she couldn't come until a

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<sup>1</sup> The IPCC does have a booklet with information and a list of relevant support organisations however, not all the families present were aware of it or had been provided with it.

few days later. We felt bombarded and this investigation was taking place and we had no one to tell us what was happening”.

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Families identified this information vacuum as having a detrimental effect on how they approached the initial relationship with the investigation and felt some form of independent support or guidance would have helped them relate to the process more effectively;

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“Having someone there supporting the family - not a phone call away - would have helped. These are people you have been brought up to think will protect you and yet someone you loved has died so your head is all over the place”.

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Another pointed out the impact that delays in receiving information had;

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“He died on the Friday and on Monday we finally had the lead investigator meet us to explain what next steps were but these were just words to us. Things had been dragged out so long that we didn’t know where we were”.

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All the families agreed that independent advice and guidance was vital, not least around legal matters

A number of families commented on the importance of finding INQUEST and how crucial its advice and guidance proved; specialist lawyers, information on Article 2 inquests, support and empathy. Families tended to find INQUEST by accident; *“we came across them on the internet”*.

The sheer bewilderment in the initial stages makes it very difficult for families to be sure they are doing the right things and that the process is starting as it should. Families want prompt contact with professional investigators who clearly explain how the investigation will work. They also want this initial contact to be timely for the families and appropriate in the context of their bereavement and grief. All the families agreed that independent advice and guidance was vital, not least around legal matters.

The matter of legal rights was exemplified by accounts of little or no information and/or mixed messaging regarding post mortems and the rights of families’ to see the bodies of their relatives.

## 1.2 Access to the body and post mortems

It is accepted that matters surrounding access to the body and post mortems is not the IPCC’s role, but that of the coroner. However, families were often unaware of their rights to be present at the post mortem, their rights in asking for a second independent post mortem and even whether they could view the body. It is very important the IPCC should be sign posting families to advice agencies and alert them to their right to attend or have someone in attendance on their behalf and or request a second post mortem. The IPCC is often represented at post mortems as part of its investigative role and there were examples of post mortems where both the IPCC and the police were present without a family representative. The lack of information can be terribly upsetting for families who understandably, wish to see their relatives’ body prior to making funeral arrangements. Additionally one of the consequences of not having a

family representative attending is the (unintentional but strongly held) belief that the process is either controlled by the IPCC or the police, lacks independence or is being used to hide evidence of wrong doing by the police.

Some families were informed of the post mortem but with insufficient emphasis to suggest it was important or in their best interest to attend;

*“We were told we could be represented at the post mortem but I was made to think it wasn’t really necessary. We were also told about INQUEST but made to feel it wasn’t necessary to contact them”.*

More painfully for some families, the post mortem took place without them even being aware it was happening;

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*“The IPCC should have informed the family that we could have been there too. They did an autopsy without us; our investigator was there with the Chief Constable. They sent the FLO to see us on the day they did the autopsy which was totally wrong. We were not given the information that the family could be present, we only found out days later”.*

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The family experienced further trauma when their relative’s body was left out at the mortuary on the hottest days of the year and decomposition started. They did not see his body again before the funeral.

This distress was echoed by another contributor who had the police visit “at 2.00 am and they told me my son was dead. I begged them take me to my son, I was on my knees but they told me they would take me to see him the following morning”.

There was also a feeling from some that the police were complicit in creating a narrative as to the cause of death and that this was communicated to the coroner prior to proper investigations being carried out; *“They gave a false account of how my brother died”*. Another family suggested delays were due to the police’s desire to suggest misbehaviour on the part of the relative played a part in the death. *“His post mortem was done months later; there were no drugs or alcohol in his system”*. IPCC staff must be sensitive and empathetic regarding families wishes to see and touch the body of their loved ones. Although it is the coroner’s responsibility to inform families of their right to attend a post-mortem, the IPCC must alert families to the procedures concerning post-mortems and signpost them to who can assist.

### 1.3 Communication with families

Skilled communicators were identified as having made a significant difference to the engagement with IPCC staff and subsequent investigations

While some were able to offer examples of good practice concerning communication with the family, others raised concerns about poor or inconsistent communication. Families want personal, family centred contact; investigators who are able to respond in a manner that best suit the needs of each individual case. Regular contact works well for families and skilled communicators were identified as having made a significant difference to the engagement with IPCC staff and subsequent investigations.

When it works well, families received regular communication that helped establish a relationship providing greater clarity and understanding. Well implemented communication also gives families’ the chance to research and/or prepare questions or raise concerns;

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“They were giving me regular updates, when the investigator said he was going to ring he rang. It happened so I was able to prepare before having the conversation. I would get my little notebook and have questions ready before he rang”.

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Another family had experience of dealing with three different IPCC investigators over the course of two investigations and as such felt able to describe what good communication looked like;

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“She would always follow up our meetings with an email, with a structure, information from the meeting and what she hoped to do with the next meeting. She communicated. She was totally open. She would come with diagrams and everything”.

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Reliability was seen as key, when investigators said they would commit to getting in touch, families welcomed the certainty.

Families also spoke about investigators enquiring as to how the family wanted to communicate and displaying a flexibility of approach that opened up avenues of dialogue. However, others were less enthusiastic and suggested a reliance on an organisational pro form approach that lacked the personal touch. Written communication in particular was deemed inadequate;

*“The 30 day updates seem like a standard email”.*

And;

*“The letter every 28 days becomes every 38 days and it’s the same letter reworded. It’s like Groundhog Day; you have to push them for answers”.*

Another cause for concern was the IPCC’s inability to commit to timeframes;

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“In our meetings if we try to get the IPCC to stick to a timeline then they are so nervous about it and very resistant to confirm to anything in advance. If they were made to stick to clear timetables it would really help”.

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“If they were made to stick to clear timetables it would really help”

It appears some of the problems identified by families might be attributed to a lack of human resources commensurate with the number of cases the organisation is dealing with;

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“With our first investigator, we had regular meetings, proper momentum and then she went on maternity [leave] and things changed. We had to find the balance between understanding the organisational pressure and wanting your investigation to be completed”.

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There was a sense that even when communication between the family and their investigator began well, it proved hard to sustain;

*“It feels like you’re being treated well by the IPCC, but it doesn’t last”.*

When initial communication and contact starts badly it is very difficult to recover the situation, families felt angry when they faced a defensive approach;

*“When we started to ask serious questions it felt they were against us”.*

A number of families also suggested that the nature of their relationship with IPCC staff felt intrusive, as though the families were being investigated to identify ways this information might be used to support the police version of events or to create a narrative of familial dysfunction. There was some agreement within the group of family members when someone suggested;

*“I feel like I was the one being investigated”.*

In order to avoid these complaints, one person suggested;

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*“The family should be treated as an ally to get to the truth. Family liaison has to be in the DNA of the organization as we normally understand what went wrong really well and none of us want someone who was not responsible of our loved one’s death to be blamed for it”.*

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If the process is to be accountable and truly safeguard the interests of the families, then independence must be transparent. Otherwise families become defensive and sceptical regarding potential outcomes and;

*“As a family we have to be very vigilant about what we let out”.*

## 2. Transparency

Two issues symbolised families' concerns surrounding transparency. Firstly, that media and police press releases were identified as a method for establishing a narrative that worked against families. Secondly, the relationship between the IPCC and the police forces being investigated. In each case families felt there were insufficient safeguards around protecting them and that these relationships seemed to function outside public scrutiny. It was clear that families felt collectively concerned that by manipulating media information the police were able to establish a narrative before the investigation had even begun. There is also a perception that the IPCC's relationship with the police means it is unwilling or unable to challenge police standards when they fall below public expectations.

### 2.1 Media and press releases

Families felt collectively concerned that by manipulating media information the police were able to establish a narrative before the investigation had even begun

This was a two-fold issue for those in the room; the bereavement and subsequent investigation is out of families' control but getting factual accuracy is a way of preserving the identity of their relatives and secondly, some families felt the police use press releases to create a narrative of events that helps exonerate or explain their actions. Families were unhappy that information given to the press is not always checked with them first, and more worryingly factual inaccuracies or supposition surrounding events remained unchanged even when the families complained.

One family explained how they wanted the IPCC to intervene on a press story that had no basis in fact;

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*"The police press officer put out that he was a burglar. We told the IPCC to take it out of the paper, but the IPCC would not back us up and they would not remove this from the public domain and set the record straight. If they were meant to be for both sides and be fair they should have stood up for us as straight away they knew that he was not a burglar. At the beginning when I met them I thought these guys are going to help us. Me and my partner looked at all the records and burglary was never mentioned so why was it out there"?*

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Another family had a similar concern;

*"They said (he) was a gang member. We asked the IPCC to tell the paper to withdraw this information as everyone was saying that he deserved to die. Everyone had an opinion".*

Distressingly for one contributor, the press had already published an account of the incident that led to her son's death before she had even been informed;

*"They said that my son was some maniac, that story was out on the paper even before I knew he was dead".*

Some families were convinced that the police press teams presented a narrative that blamed the victim, rather than waiting until a verified account of events was

available. For some this is a tactic for deflecting criticism of individual police officers' actions, often unchallenged;

*"The police and media would like to paint a picture and provide justification and families have to keep their mouth shut".*

*"In the meantime police and press were very active in the press releases; they were trying to deflect any criticism of them".*

Another person believed;

*"They were setting up a narrative which they wanted to pursue".*

The IPCC are clear they have no control over how the police press teams behave, and cannot intervene in media output. However, other than the IPCC, families have no other recourse to immediate action to have stories retracted, or indeed prevent stories being released without their consent. Complaints to the Independent Press Standards Organisation (IPSO) are retrospective by which time the reputational damage has been done. Families believe;

*"The IPCC should speak up for us as we can't as we will be jeopardising the case".*



*"Safeguards have to be there and the report needs to be independent. It is a tough job to do an independent report against the police"*

## 2.2 The IPCC relationship with the police

Some families' cases involved a separate criminal investigation that was operational at the same time as the IPCC investigation. They found it difficult to separate the roles of IPCC investigators and those investigating on behalf of the police and responsibilities, especially around lines of communication, became blurred. This is a procedural issue and families want a clear separation and definition of roles. Others were more concerned by the potential for attitudinal partiality influencing the independence and transparency of investigations. There were suggestions that an *"unconscious bias"* could hinder real accountability and prevent officers being held to account.

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*"It seemed from the start that the investigator took the opinion that the officers did everything correctly and the investigation was there to prove that. Would have been better to have the evidence in its raw state and then broken down into the different interpretations as it was not transparent how they came to their conclusions. If the CPS is reading it they should be able to read the raw data and come to their own conclusion".*

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*"I don't think we experienced conscious bias, what we got was an unconscious inability to hold the police to account".*

Other families were concerned by the role of ex-police within IPCC investigation teams and whether this might influence the rigour and independence of the investigation. Of those that enquired about the investigator's background, most were extremely re-assured that there were no ex-police officers involved.

*"It would have been good to have their backgrounds and what their roles were. We were told that nobody working on our case had a history with the police".*

*"Other than the family liaison officer they all said they had no police background. If they responded to say that they had links with the police I would have had my doubts (about their independence)".*

*“It was reassuring to hear they weren’t ex police, I wouldn’t think they would be biased”.*

For one family the key to the investigation was simply a matter of competency, not whether the investigator was ex-police, *“it wouldn’t bother me anyway”*. He explained his reasoning;

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*“Ultimately the police are good at investigating. They need to be good at their job and it’s likely that an ex police officer is going to be good at it. But there needs to be a culture of controls. The commissioner carries responsibility for the report and the commissioner would have to hold those investigators to account. Safeguards have to be there and the report needs to be independent. It is a tough job to do an independent report against the police”.*

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There was a broad agreement that the IPCC’s job is made harder by the defensive reaction of the police towards the investigation

However, the perception exists that the IPCC and police work too closely together and families had examples outlining their concerns;

*“I don’t believe that they are independent. They (the IPCC) should work on their own and not with the police. At the inquest they were chatting to each other, on first name terms”.*

Whilst another person told the group;

*“Before the IPCC report came for my other son, an email was sent to him by mistake from the IPCC to the police saying they had nothing to worry about in terms of the report”.*

Another person described the connection between the CPS and the police barrister, which came to light at the inquest, and believed this type of relationship constituted a conflict of interest;

*“They all knew each other and everyone knew this, it should not have been allowed. We knew about the connection and it makes you doubt on how true and independent the process is”.*

One person believed;

*“You can’t trust them if they are investigating themselves. The police get all the information from the investigation before the IPCC”.*

One person suggested geographical neutrality as a potential solution;

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*“Not sure if there is a deliberate collusion, working close to each other means they are going to know each other on a first name basis so maybe the investigator should come from another area as they will know all the heads of the local police involved”.*

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Families expect the IPCC to appoint investigators who are completely independent of those involved in the death. When they are feeling isolated in the face of institutional defensiveness, it becomes easier to question the independence of the investigation and raise questions over the fairness of the process.

There was a broad agreement that the IPCC’s job is made harder by the defensive reaction of the police towards the investigation and therefore it needs to use its existing powers with confidence. Families suggested a lack of police co-operation frustrated investigations;

*“There needs to be an independent, fierce investigation. We know it is difficult because of the defensiveness of the police”.*

Others agreed;

*“The IPCC have to stand up to a defensive police force through these investigations. They also need to stand up to police force with experience investigating so easier for them to fudge investigations”.*

*“The IPCC need to have a cultural desire to be independent and the government needs to give that power”.*

One family forcibly articulated this in the following way;

*“They (the police) are organised gangsters and no one can do anything to stop them”.*

## 3. Investigations

Families primarily want to ensure no other family goes through the same experiences they have. In order for that to happen, investigations must be independent, start promptly and conclude as quickly as is reasonable to carry out a thorough job. Additionally, families need to be confident that any unlawful actions or systemic failures are identified and those responsible are held to account. Some families appeared sceptical that what they had experienced had fulfilled that brief. In discussions there were few in the room that had positive accounts of investigations.

Issues that families were concerned about were evidence gathering, with particular emphasis on the credibility and collection of CCTV evidence, the inconsistent approaches to interviewing officers, delays and a failure to involve families during the investigation. Communication was inconsistent, although as was reported earlier in this report, families did have positive examples to report during the initial stages. In addition, some families felt their investigators were either inexperienced, poorly trained or, as previously noted, too deferential to the police that they were investigating.

### 3.1 Gathering evidence

The most common complaint was the delay in interviewing officers, or officers refusal to give statements in a timely fashion

The primary concern of a number of families was the approach to gathering evidence and a failure to treat this key element of the investigation with due respect. Families believe that this should be undertaken in the same way as any other investigation into potential criminal behaviour. The most common complaint was the delay in interviewing officers, or officers refusal to give statements in a timely fashion and the problems this presents; officers remembering what happened after a long gap, providing the opportunity to corroborate a unified response.

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*“They still haven’t interviewed the police officers and did not explain why that is. In one meeting we had the lead investigator said he had been off. It is unacceptable, if you are off somebody else need[s] to pick it up and carry on and in the meantime the police are getting their story straight”.*

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*“Took the IPCC over 9 months to interview the officers and they still haven’t said why”.*

*“There were gaps in the evidence and a witness who the IPCC didn’t interview”.*

Where families are already sceptical about the efficiency of the investigation a failure to interview and then explain why exacerbates the situation. Families had solutions;

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*“Interviews had to be done once you gathered evidence; this is the bit which is delayed by the police. If interviews were done immediately, then further interviews can take place later. The police normally do a*

quick review to capture the information, if six months have gone by how can they remember everything”?

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Another family believes the IPCC need more power to force the issue;

*“IPCC should interview all the officers under caution, there’s no other way around that”.*

There were particular concerns about the problems of either using or accessing CCTV footage as part of the investigation. It was acknowledged that much of the problem lies with the police forces that hold the CCTV as part of their own investigation. However, even allowing for that, families were angry at the delays in disclosure and inconsistent approach to analysis of filmed evidence;

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There remains a sense that key evidence is either not requested, goes missing or is presented to families in an incomplete way

*“By the time our solicitors got the CCTV it was a copy of a copy and it was very poor quality, there must have been a better way of capturing evidence. Some evidence came on disks; it was all mixed up so our solicitor had to make sense of it. If they provided it to us in a better way it would have made a difference”.*

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Families also discussed a number of examples where CCTV footage was either missing, cameras were switched off or faulty thus presenting problems accessing the information contained. For the families where CCTV footage played a part in the investigation, this appeared to be not uncommon. Families also suggested that the IPCC needed to better utilise expert analysts in an effort to interpret damaged or incomplete data;

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*“Some CCTV was seized and some wasn't. In the second investigation, they discovered some hard disks, which weren't found until an officer who'd left the force, had his desk cleared out. They sent it away to have a look at it but said there was nothing there so it must have been wiped”.*

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The same family continued;

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*“The post incident briefing was on this CCTV which would have been really interesting to see but it was not there. There was some other footage which was put together; some expertise around the looking at the footage would have made a difference”.*

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There was agreement with the need for more rigorous examination of audio when camera footage was not available;

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*“There was bodycam footage, but the officer who was in the room with my brother, his camera was covered. IPCC never asked him why it was covered so now they are looking at the audio. If IPCC have problems enhancing the audio they should ask the families to give them the money”.*

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Families were left wondering what evidence was being gathered, what emphasis was placed on its importance and questioned whether the IPCC investigators were being bold enough with their requests. It was pointed out *“the expertise to*

*make sense of evidence is not beyond the IPCC". One example highlighted the problems families faced when expert analysis was needed;*

*"They said they were going to send the information to a forensic analyst but it was never sent and the investigator assumed the role of the expert to comment on this".*

This may be attributable to underfunding, but families want greater resources for the IPCC in order to secure the most robust investigations.

Families acknowledged the complexity of securing evidence but there remains a sense that key evidence is either not requested, goes missing or is presented to families in an incomplete way;

*"We were not allowed to hear the recorded evidence, only given redacted transcripts".*

This does not encourage families to trust in the investigations. There were also suggestions that even when supporting or contextual evidence was presented, it did not always make it into the final investigation reports;

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*"We asked them' have you looked at the restraint'? We looked at the CCTV together again; we asked if it is appropriate to break someone's arm to restrain them in this way. They agreed the restraint was too much yet did not even mention it in their report".*

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Aside from accusations of a lack of organisational 'teeth', families also felt the quality of investigators was inconsistent. Families discussed training, and resources as being potential solutions. One person believed family input into investigator training would be beneficial. What they wanted was a group of brave, independent investigators performing empathetically and consistently.

One person felt it was the;

*"Luck of draw as to who you get so there needs to be more consistency".*

Another family member believed;

*"Our investigator started off by thinking the police could do no wrong".*

Inexperience was also identified as problematic;

*"Investigators are so inexperienced, at the PIR (Pre Inquest Review), I asked the IPCC investigator if I should get up when the coroner comes and he said he did not know. He was a third of my age and obviously never been at an inquest before".*

One person elaborated on what she felt was required to improve competency and increase family confidence;

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*"I have great respect for the people at the top of the IPCC but I think the quality falls down with the investigators too often. We need better training and to lobby the Home Office to give the IPCC more power and funding to have more people and better training so it doesn't take two and a half years for an investigation".*

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It was also noted that when investigators are undertaking work, and fulfilling their brief, it would be very helpful for them to consistently communicate with families and keep them up to date with developments. Put simply, good

Good communication could help to alleviate family anxiety about the pace and status of their investigation

communication could help to alleviate family anxiety about the pace and status of their investigation.

### 3.2 Impact of delays during the investigation

One of the key elements of the conversation focused on the impact of delays; it puts grieving on hold, the longer it takes the more painful it is for families. Whilst outcomes are pending they felt unable to start the process of re-building their lives;

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*“I have been thinking about how long these investigations take place. The IPCC need to understand that the longer it goes on the family can’t get over it. It hasn’t stopped until the investigation has concluded. It would be easier for the family to get on with their lives if the investigation was completed sooner”.*

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*“I wonder if my son’s death had not had such a high profile community interest whether the investigation would have been so good”*

In part some felt this was due to the investigation teams’ inability to keep them abreast of developments while others acknowledged the need for greater demands to be placed on the police to comply with IPCC demands for evidence and interviews. The pressure on families was not just felt by them as individuals; there was also pressure to keep extended family and the broader community updated as well. IPCC staff must involve families more in the investigation, not only with the scope and terms of reference, but with the mechanics of the process. Families want more information and greater insight into what may be causing log jams in the investigation and a failure to do so was deemed discourteous at best and unprofessional at worst.

*“Our solicitor tried to raise concerns but was brushed off. We had a meeting several weeks later and the IPCC said it would follow up concerns but we heard nothing further. So our concerns were not reflected back. Even if he (the investigator) disagreed with our issue he should have reported back to us and explained that he had looked into our concerns and given reasons for sticking to his original position”.*

Another woman simply stated;

*“They get complacent, take too long to do things they say they will”.*

One family member described the huge pressure that she faced;

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*“I get harassed on a daily basis on what’s happening with (his) case, they said ‘you must be hiding something what are you hiding, what did they tell you’ so I asked for another community meeting in 3 weeks. It is like the community is asking, but they are not giving them answers. It’s as if they want them to erupt. They are promising a thorough enquiry but they are not delivering on this. I feel being I’m being harassed by community elders, by everyone. You know what happened but you want them to back you up”.*

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However, another family believed the quality of their investigation was actually improved because of community interest<sup>2</sup>;

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“I have to say I wonder if my son’s death had not had such a high profile community interest whether the investigation would have been so good. Everyone knew that my son had been harassed by the police before he died. The police wouldn’t even take me to the hospital; they refused and swore at me. My daughter had to drive me. They took him past three hospitals because they said they didn’t want it to kick off in (the local area). In fact 300 people turned up at the hospital. I think the community knowledge and upset at what had happened influenced the IPCC response”.

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Some families also feel that they essentially become their own investigators, accidental experts, taking responsibility for reading all the documentation and providing the momentum in order to accelerate progress. This responsibility was not undertaken alone and reinforced the importance of specialist legal support;

*“A lot of it was driven by our solicitor rather than the IPCC themselves”.*

Every family wants the very best outcome, and for them the investigation is a tragic, once in a lifetime experience and they expect every member of IPCC staff to provide them with the very best opportunity to discover what happened. Families take complete ownership of the investigations and expect others to do the same, *“in the end it is our investigation”*.

The perception that some investigations do not serve the interests of bereaved families was commonly shared. One woman described her anger;

*“It’s made me very angry and very bitter and that shouldn’t be the way it is when my son has died. I can’t even watch normal programmes on TV. It’s wrong. I shouldn’t feel like that. It’s as if the IPCC has no clout over the police and are just assisting to cover it up”.*

She went on to say;

*“The police led us to believe that our children did something wrong but they haven’t. Isn’t that horrendous? How can that give you confidence in the IPCC, how can they leave out restraint, why did they not investigate properly”?*

One person returned to the notion that the IPCC lacks courage;

*“There is nothing brave about the way the IPCC are reporting their investigations. If they want to bring about change and make people accountable they must”.*

The solution must lie with a cultural shift that emphasises the key facets of the role;

*“I want to see independent, fearless and objective investigators who simply do their job. They also need to do this quickly and properly”.*



“I want to see independent, fearless and objective investigators who simply do their job. They also need to do this quickly and properly”

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<sup>2</sup> It was pointed out that the IPCC has a small number of staff who are able to support investigators and commissioners in managing community concerns following a death, or other incident involving the police. This includes planning and holding meetings with the community.

## 4. Reports

Families wanted the reports to identify context as they believed this was the only way future deaths could be avoided and practices improved

Families wanted reports to be independent, to take account of all the evidence and to reflect any family concerns or background information that may be pertinent to the circumstances surrounding the death of their relative. They also expressed concerns about the lack of opportunity to comment on the interim/draft report and the length of time it took for reports to be published. Importantly families wanted the reports to identify context as they believed this was the only way future deaths could be avoided and practices improved to satisfy the public interest.

### 4.1 Independence

Regarding independence, families felt the tone of the reports (perhaps reflecting the investigation) was too often slanted towards the police's version of events;

*"The report was a series of investigator led selections of evidence, spun together to create a specific narrative"*

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*"Anything poor done by the police was glossed over and was followed by two paragraphs of great things the police did. It was clear that the investigator accepted the narrative provided by the police. Evidence should have been set out and a more transparent way of coming to a conclusion where the interpretation of the evidence is more clear"*

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In some cases, families who had been through an inquest, had even more reason to question how evidence was prioritised and included in the final reports.

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*"There were gaps in the evidence and a witness who the IPCC didn't interview. The IPCC said the police did nothing wrong and did their best but the inquest jury found there were failings by the police. It was a restraint death but the IPCC didn't consider positional asphyxia despite it being named as one of the factors causing death in the post mortem. No reasons were given by the IPCC. We have asked the IPCC to review and are waiting to hear back"*

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Families called for greater input into reports in order to ensure their interests were protected. Few people present felt that had happened effectively. In order to demonstrate absolute transparency, they felt it important to be able to interrogate decisions about what was included, or not, in reports;

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*"We contacted the IPCC to remind them of our issues and concerns in hope they would be adequately addressed in the report. We didn't get a sense from the IPCC of what the report would look like"*

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Other families reported similar issues;



“IPCC never asked me what I thought about the report, no feedback was asked”

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“He (the investigator) took a lot of information away from us and none of it was used in the IPCC report. We even had medical information and we had professional friends assisting so we had good questions to ask. It all got ignored. As time went on we lost more and more confidence”.

“I saw the terms of reference, while the report was being put together, we made specific complaint[s] about the restraint and discrimination, none of which was included”.

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It was suggested good practice should include an opportunity for feedback on draft reports prior to them being signed off as a final version;

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“If there are factual inaccuracies they should be corrected before it is finalized as they might be pertinent to the investigation.

“It would be good to get a view of the draft report and if you could go through this with your solicitor to report back to the IPCC to correct factual inaccuracies and to comment if concerns are not addressed”.

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One woman felt it was a missed opportunity to scrutinise the contents of the report and consider future learning on the key issues;

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“IPCC never asked me what I thought about the report, no feedback was asked. I could have helped them, the person who wrote it did not have the time, taking up a case nearly half way through, once you have written them wouldn't you want to know what the family thinks of your report? I have no one else to talk to about this as the process is finished”.

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## 4.2 Role of the commissioners

During the day there was some mention of the families’ relationship with IPCC commissioners. Initially this focused on whether families had met them through the course of the investigation; many had not. Where they had there was a mixed response to the benefits of these meetings. Three families had met the commissioner at home, one visit worked out well, but another was less successful, resulting in the family demanding that an IPCC representative leave her home. A third family stated the *“attitude of the commissioner was a problem and she was not very forthcoming, she had to be diplomatic, she cannot show she’s on your side”*. Other families were simply unsure of what the role and function of the commissioner was and wanted the IPCC to provide more information at the outset of the investigation.

However, it was in the context of the investigation reports that prompted the most feedback on commissioners. Families were unhappy that some of the delays in receiving their investigation reports seemed to rest with the investigation’s commissioner.

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“Six months to we had to wait, every 30 days we were just told repeatedly that the report was with the commissioner. Is there only one commissioner for the whole country”?

“Our report took 10 months and then sat with the commissioner for six months. It was only after our solicitor chased this up we got it. The reason given was a lot of reports were going through a quality assurance process. A death and serious injury report should be a priority and that it is put to the family as soon as you can”.

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Families wanted the commissioner’s role and involvement in investigations; quality assurance, responsibility for signing off reports etc. communicated more effectively. One man believed that whatever function the commissioner was fulfilling, it was dependent on the competency of the investigators and a recognition of the crucial role families can play in seeking truth and preventing future deaths<sup>3</sup>;

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“The IPCC needs to shift to the idea that the family represents an ally in the search for the truth because we don’t have a vested interest in anything but the truth. It’s also of vital importance that the commissioner must take responsibility for the report. The current governance is this isn’t the case and they have been sued by the police federation. The commissioner now has to be seen as not to be too closely involved in the investigation which is only fine if the investigators are adequately trained and competent”.

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### 4.3 Context and learning for the future

Investigations and reports needed to take into account the broader issues in an effort to shed light on how changes/improvements to practice might reduce deaths

Families believe that the investigation report is a vital tool in establishing context and the identification of issues that can influence potential lesson learning and changes to policy and practice that may prevent future deaths. It was reiterated repeatedly that they didn’t want others to go through the same thing as them. As such the conversation highlighted how investigations and reports needed to take into account the broader issues in an effort to shed light on how changes/improvements to practice might reduce deaths. They were unconvinced this facet of the process had been achieved.

Some felt the overall message of reports failed to “*see things in the round*”. They wanted investigators to broaden the information included in reports to look beyond the individual case;

*“There are things in common in certain incidents and if that information, like statistics, are not in the report how can you make sense of it”?*

Another family agreed;

*“Reports never contextualise how these deaths link to others”.*

Some families believe this was down to avoiding the systemic and policy implications, instead focussing on individual;

*“They always say it is one officer; the report should not just be the point of view of the investigator. They need to be setting context and learning”.*

One person believed there is a sense;

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<sup>3</sup> The group was informed that under the new governance restructure within the IPCC, there will be no commissioners . The Director General will have responsibility for all decisions.

*“that when the IPCC comes across difficult evidence it can either make it accountable or hide it”.*

The lack of confidence in the report and its findings meant one woman had decided not to even read it, *“it’s not worth it”.*

By avoiding context, reports will miss opportunities to establish systemic patterns of behaviour or practice that could save lives. Families were disappointed in the IPCC for not including information and background that they believed is vital for improving practice and preventing future deaths;

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*“Report came out a long time after the inquest, we had no confidence that IPCC would stick their neck out and we were right. They have not addressed any of the issues we wanted”*

*“The information and context is not in the reports. For example, when (she) died, she was put in the cell with no support. She had a clear marker for suicide. In other similar cases, they said they had not looked at the second page of the PNC and that is why they didn’t see it. This information should be present in our report and should be looked at”.*

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Another woman shared this view;

*“It was powerful seeing INQUEST’s website, putting things in context. There have been other deaths, but (his) death was not put in the wider context by the IPCC report. What is happening about that?”*

In some cases, families felt let down by the quality of their reports, and a failure to check even the simplest details;

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*“Having had such high expectations we both felt a real sense of betrayal. As well as it being an extremely poor report, the first was not thorough but well-intentioned but this second one was awful. I was really angry. To their credit, the IPCC are trying to rectify this”.*

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For one family the ramifications of administrative error and a lack of attention to detail led to the coroner basing findings on misinformation;

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*“When we had our post mortem report it mistakenly had another man’s name and talked about drug toxicity and then at the PIR the Coroner tried to include drug toxicity in the interim cause of death”.*

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## 5. Accountability

“They should be suspended if they are suspected of doing something wrong”

Almost inevitably accountability was a thread that ran throughout the day. As has already been noted families felt frustrated with the IPCC for what they perceived to be internal accountability matters; within investigations, reporting and responsibility for delays, quality and communication. Much of the emotion was directed at the IPCC but often concerned matters over which the IPCC has no control; decisions on suspending or disciplining officers, the role of the CPS and past failures to prosecute any officers. The resulting sense of hopelessness and resignation left families in turmoil. The problems they had encountered during the investigation process exacerbated the sense of “injustice” and families sought a more family centred process which wielded greater power and more authority. Families described the impact on them in emotional terms.

Families were bemused and angered that police officers subject to investigation were not routinely suspended from duty until the investigation reached its conclusion. A number of people pointed out that in any other profession, and certainly within public services, an investigation would mean automatic suspension;

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“In any other walk of life if you are under a misconduct charge you can’t carry on working, they should be suspended. If IPCC is saying it is considering a misconduct charge they should be suspended”.

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A family member who works for the NHS agreed;

*“In our work they would have suspended straight away they would not be allowed to work”.*

Families suggested that the IPCC should have greater powers to force the police to suspend officers under investigation and the current practice of allowing officers to work, or take time off sick was damaging to both the investigation and to confidence in the fairness of the process;

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“They said that the officer is sick, being off sick is different to being suspended, being off sick can jeopardise the whole investigation. If ordinarily they were suspended, they should still be suspended. They (the IPCC) should be able to make representations”.

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Another person felt the failure to suspend officers was impacting on her family;

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“The officers involved in my son's death are still around they drive around and they intimidate me and intimidate my other children. It is wrong. They should be suspended if they are suspected of doing something wrong. The IPCC should have stronger powers so steps are taken”.

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Another family member thought the investigation would be completed quicker if officers had the threat of suspension hanging over them;

*“They sit on the information but if they were suspended, they would consider dealing with the issues more quickly”.*

Families also raised the matter of officers retiring before the investigations had reached their conclusion and thus avoiding potential disciplinary action.

## 5.1 The role of the CPS

Families were unconvinced the IPCC had made sufficiently strong arguments in favour of a criminal prosecution

Discussions also covered the role of the investigation report regarding its importance as the foundation for the Crown Prosecution Service (CPS) decision making around potential prosecutions. Families sought better information about the relationship between the CPS and the IPCC which for some was unclear or poorly communicated. Families were unsure how the relationship between the IPCC and the CPS worked as when they reach different decisions it can seem contradictory and lacking in transparency and accountability.

One person wanted to know;

*“why the CPS has not pressed charges despite evidence being passed to them? What the CPS said regarding why they are not prosecuting is totally different to what we have been told by the IPCC”.*

Families were unconvinced the IPCC had made sufficiently strong arguments in favour of a criminal prosecution, blaming the investigation report for not providing a robust enough platform or foundation on which to base a decision;

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*“With the second investigation the CPS was involved and looked at the CCTV with us, we tried to make representations about what was wrong with the report to the CPS but when one state agency sends a bit of information to another state agency it is very difficult to do anything about it”.*

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Some families’ concerns regarding decisions being *“made behind closed doors”* presented them with more questions than answers and at the stage where they were demanding accountability, they were left ill informed as to how decisions had been reached. Some felt the responsibility lay with the CPS and wanted the IPCC to make interventions on the families’ behalf;

*“If the IPCC find fault as they did in (his) case and they agree that the police should face gross misconduct and referred it to the CPS, why can the CPS say no”?*

*“We know that it went to CPS and came back to IPCC, I assume that CPS said no. Are you (IPCC) allowed to be involved with it? They did not explain to me what different roles are”.*

Others believed the CPS had made useful interventions but these had been ignored by the IPCC;

*“Advice from the CPS was ignored by the IPCC”.*

One family member explained;

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*“Early on in the process the CPS referral was made. They picked up on some of my issues, that advice was given to the IPCC but then nothing was done. What came to light at the IPCC meant that we asked the CPS*

to look at the matters again. It would have helped to know why the IPCC didn't take anything on board".

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Families want to know how decisions are reached and how the relationship between the IPCC and CPS operates. There appear to be conflicts in advice and communication between the agencies and that does not serve the families well.

## 5.2 Impact on families



"IPCC always fail to hold the right people accountable"

Over the course of the day families described the terrible impact the death of a loved one has had on them. Families spoke bravely and honestly about their grief, the shock and the helplessness they have endured. They described the isolation and lack of support on offer for people whose relatives die as a result of contact with the police and of how this sets them apart from other victims;

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"I had no support. There is a waiting list for counselling and the GP is limited in what they can offer but I needed help immediately after the death. I was lucky as I had help from the family to see a psychiatrist. If it hadn't been the police who caused (his) death, then we would have had more support".

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The impact of a sometimes protracted and inconclusive investigation does little to appease the pain families' experience, as one woman said;

*"I feel tortured, absolutely tortured".*

Another added;

*"They (the IPCC) are more concerned about the welfare of the officers rather than the mental health of the families".*

It is in this context that families want evidence that the IPCC can demonstrate the independence and authority to hold the police to account. Some doubted this was the case as there were no examples for families to refer to. In their opinion the;

*"IPCC always fail to hold the right people accountable".*

One woman described her desire to have justice seen to be done;

*"I would like to see one case where the police get prosecuted or sent to prison. They never do".*

Another contributor felt the same suggesting *"if there was even one case everyone would feel a sense of comfort".*

Families were left to query whether the IPCC have sufficient power or the confidence to utilise existing powers to achieve something that feels like justice to families. One family member explained how she felt the process ultimately penalises families;

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*"Neither I nor my husband can work anymore. We can't because of the grief. So we have no money coming in. We've had to sell our house, there are days when I can't get off the sofa. The IPCC have supported us and been fair but they don't seem to have powers so I don't understand*

why they are there. It's not just that I have lost my son. My whole life has fallen apart. It's like we have done something wrong, not them".

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She went on to add;

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"We need confidence in the IPCC because if we don't have confidence in their ability to hold police to account then no one will have confidence. It doesn't matter what money it costs or the good work they do, if there is no accountability then what is the point"?

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There was some confirmation of the work the IPCC had done impacting positively on the number of police related deaths but that it needed to continue its work to refine and reform its practices;

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"To end on positive feedback, deaths in police custody have not increased in recent years compared to previously. I believe the IPCC, in the six or seven years we have been involved, has improved in the way it works. But similar to a football team where the team is as weak as its poorest player, the IPCC is as weak as its investigators and the issue of making sure that the Home Office position the IPCC so it can do its job properly - which is to hold the police to account - is essential. Unless there is a police watchdog with proper teeth then nothing will change".

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## 6. Recommendations based on family observations

### Initial contact and information

- Investigations should start as promptly as is practical.
- Initial contact with families must be empathetic and sensitive.
- Investigators need to determine what form communication with families should take based on the needs and wishes of families.
- Communication should be regular and meaningful.
- Families should be signposted to independent advice and support, including on matters relating to post mortems.
- Post mortems need to be independent and not reliant on untested police information at their starting point.
- Families should be made aware of the importance of specialist legal advice, especially in cases involving an Article 2 inquest.

### Investigations

- Investigations need to be scheduled against an agreed timeframe.
- Any IPCC press releases should be checked for factual accuracy and agreed with families in advance of release.
- The IPCC should be given greater powers to force the police to retract misleading or damaging press releases.
- A continuation and expansion of the IPCC's commitment of employing investigators from a non-police background.
- Families should consistently be provided with a written guide outlining the investigatory roles and a clear description of the different roles taken by the IPCC, police and CPS where investigations are running concurrently. Families should be given the opportunity to have any points of confusion clarified and explained.
- A commitment from the IPCC to gather evidence more efficiently, commensurate with the investigation of any other potential crime.
- An improved recourse to expert analysis to address complex evidence or incomplete/poor quality technical evidence.

- Police officers to be interviewed promptly and under caution.
- Investigators to be well trained and supervised to ensure consistent quality.
- Families to receive regular, appropriate and informative up-dates on the progress of investigations.

## Investigation reports

- Families given the opportunity to feed into reports.
- Families to be given an opportunity to comment on draft reports.
- Families to be provided with a clear description of the role and scope of those responsible for investigations under the new governance restructure as soon as this is determined.
- Families to be given a consistent opportunity to meet with those responsible for investigations under the new governance restructure.
- Reports to follow a consistent design format.
- Reports should take a greater consideration of previous or similar deaths in order to provide context.
- That this context is then used to produce reports with greater emphasis on learning in order to prevent future deaths.
- The IPCC to be given powers to enforce police officer suspension during an investigation.
- Information/clarity on the roles and relationship between the IPCC and the CPS.
- A sensitive understanding and recognition of the impact the process, and in particular delays, has on families.

This report was written for INQUEST by independent consultant Chris Tully. He assisted in designing the Family Listening Day model. He has helped deliver Listening Day events and written reports arising from the day for: the Independent Review into Deaths and Serious Incidents in Custody, the Independent Advisory Panel on Deaths in Custody, the Independent Police Complaints Commission, the Equalities and Human Rights Commission, the Harris Review into Self-Inflicted Deaths in Custody of 18-24 year olds, and Care Quality Commission's review of the way NHS trusts review and investigate the deaths of patients in England. He designed the INQUEST Skills Toolkit for families and has delivered training for the organisation. He has 28 years experiences of working with voluntary sector organisations and has also conducted monitoring and evaluation projects for Clinks, Women in Prison and INQUEST.

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