



## **Meeting with Nick Hardwick**

### **Chair, Independent Police Complaints Commission**

Monday 17<sup>th</sup> March 2003

#### Briefing for UFFC Members

The following are my notes from the meeting in 17<sup>th</sup> March.

**Kevin Blowe**

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The meeting with Nick Hardwick on 17<sup>th</sup> March was intriguing for two reasons:

- Firstly for the impressive case that he made for the theoretical powers that the new Commission will exercise.
- Secondly, despite his repeatedly affirmed 'awareness' of the obstacles that the IPCC faces, for Nick Hardwick's obvious naivety and lack of understanding of the extent to which police forces actively seek to stop the truth about deaths in custody from being revealed.

Nick Hardwick seems to be genuinely committed to making the complaints system fairer and more just. However, after only one month in post as IPCC chair, it is evident that he still has not yet absorbed just how bad the existing system is or how discredited the Police Complaints Authority has become. It will be more interesting to see how his views are modified and what compromises are made over the next eleven months – especially when the PCA start pushing the 'difficulties' they face.

#### **What the IPCC will do**

Hardwick set out the following information about the IPCC and how it will be different from the PCA:

- IPCC investigation teams will be on 24-hour standby and able to respond immediately when a death in custody happens.
- Hardwick expects that if, for example, someone dies in custody at 2am, investigators would "be told by police no later than 2.10am."
- There will be a set of protocols for police locally to secure the scene and once IPCC investigators arrive, they will take over control. They will have the powers to secure and control all evidence, including batons/CS spray/guns, officers' clothing and vehicles and to close, for example, a custody suite and have other detainees moved elsewhere.
- The IPCC will not only step in and take on the investigation of an incident once someone has died. If there were an incident where a member of the public is seriously injured, the IPCC would intervene.

- Chief Constables have a legal obligation to co-operate with the IPCC.
- The IPCC will apparently do anything in its power “to force co-operation by individual police officers.” Hardwick felt that it would be “unacceptable for a police officer not to be required to give a full account of their actions.”
- Hardwick felt that it would be “absurd if a family did not have the same rights as a complainant would have if they were alive.” Families would not therefore be ‘interested parties’ in the way that this phrase is currently interpreted but treated as ‘the complainant’.
- The ownership of investigation reports, currently held by the investigating police force, would be held by the IPCC. Hardwick gave the promise that the IPCC would operate with ‘assumption of transparency.’ Reports would be published and the only information withheld would be subject to a ‘sensitivity’ test that would have limited criteria: information covered by ‘national security’ or that would have a detrimental impact on the likelihood of potential prosecutions.
- On the issue of investigating the background of the person who has died, which has been a particular point of anger for families, Hardwick said that he would not hesitate to follow up evidence that would help to find the truth. However, he promised that in order to avoid the impression of investigating the victim rather than the circumstances of their death, he would “talk to families at every stage and explain what investigators were doing and why.”
- On the issue of the background of police officers under investigation, Hardwick felt that it would be ‘common sense’ to have access to disciplinary records of a police officer in the event of a death involving the use of force. This would apply equally, say, to the driving safety record of a police driver in the event of a death involving a police vehicle. He was unsure at this stage, however, whether the IPCC has the power to compel chief officers to provide this information.
- On the issue of the way that police press offices seek to set the agenda following a custody death, Hardwick said he was unable to control what press officers do. He failed to understand our point that if the IPCC was taking absolute immediate control of an investigation, all press releases should come from the IPCC rather than the police. However, he did say that where information was either released or leaked, it would “become the subject of the powers of the IPCC and therefore likely to be covered by its investigation.”
- On the need for advice and support for families, Hardwick made a commitment to provide written information to families following all deaths in custody on sources of independent advice like INQUEST and/or specialist lawyers.
- There will be an internal mechanism for complaints against the IPCC but it will remain necessary to judicially review its decisions.

On the crucial issue of police officers continuing to investigate themselves, Hardwick failed to fully understand the how crucial this has been to the impetus for reform. He said that he still favoured mixed investigation teams and said that it would be impossible in the time between now and March 2004 to find enough investigators from a non-police background. The IPCC will be employing 350 staff but it is unclear how many will be investigators.