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RADIO 4

*TRANSCRIPT OF "FILE ON 4" "INDEPENDENT POLICE COMPLAINTS
COMMISSION (IPCC)"*

CURRENT AFFAIRS GROUP

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REPORTER: Gerry Northam

PRODUCER: Rob Cave

EDITOR: David Ross

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THE ATTACHED TRANSCRIPT WAS TYPED FROM A RECORDING AND NOT COPIED FROM AN ORIGINAL SCRIPT. BECAUSE OF THE RISK OF MISHEARING AND THE DIFFICULTY IN SOME CASES OF IDENTIFYING INDIVIDUAL SPEAKERS, THE BBC CANNOT VOUCH FOR ITS COMPLETE ACCURACY.

“FILE ON 4”

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RIGG: We're standing outside Brixton police station, and that is where my brother died.

NORTHAM: When there's a suspicion of wrongdoing by the police, it needs investigating.

RIGG: We want to know what happened to our brother. It's quite a reasonable question to ask if your loved one dies whilst at the hands of the police. Is it unreasonable to ask what happened?

NORTHAM: The Independent Police Complaints Commission (the IPCC) was set up almost six years ago to reassure the public in England & Wales that such investigations could be rigorously and impartially dealt with. And the Commission believes it is generally succeeding.

HARDWICK: I would say twice as many people now feel confident about using the complaints system as the case before, and I can point to any number of cases where we've taken action against senior officers.

NORTHAM: But many complainants are still dissatisfied, accusing the IPCC of incompetence, timidity, or too swiftly siding with the police. And one of the original Commissioners has told File on 4 that it's failing to prove sufficiently decisive. Is the upshot of this that, in your view, a substantial number of police officers who ought to have complaints upheld against them are getting away with it?

CRAWLEY: Inevitably I think that's the case. The system just doesn't hold the police to account in a fair and proportionate way.

SIGNATURE TUNE

ACTUALITY AT NEWCASTLE CENTRAL STATION

NORTHAM: This is the central railway station in Newcastle-upon-Tyne. It was here at 8 o'clock on Saturday the 8th of August last year that squads of police were deployed to deal with gangs of rival football supporters from Newcastle and Sunderland. There was intelligence that hooligans from either side had arranged to meet here for a fight. When a train carrying scores of Sunderland supporters arrived, the police moved into action. The situation that followed put them and the Independent Police Complaints Commission to the test.

EXTRACT FROM VIDEO ON MOBILE PHONE

STOREY: This is footage from the aftermath of what occurred at Central Station.

NORTHAM: Filmed on a mobile phone?

STOREY: Filmed on a mobile phone, yes. You can see the fans are looking quite shocked, milling about, don't quite know what to do with themselves. This is literally within a minute or two of the fans getting the serious injuries. You can see the pool of blood in the background there.

NORTHAM: Where were you standing?

STOREY: I'm standing about two feet to the left of the guy who filmed this.

NORTHAM: David Storey served in the Army for twenty-four years and is now an FE teacher. He's a Sunderland supporter with no record of hooliganism. He was an eye-witness to a serious confrontation that day - not between rival supporters, but with the police. By the end of it, a number of Sunderland fans needed hospital treatment for head wounds.

STOREY: We pulled into Newcastle train station to be met by a line of police officers stood shoulder to shoulder with their kind of riot gear on, their Perspex helmet visors were down, they had batons in their hands, they had their dogs stood beside them. They were literally like a gauntlet, shoulder to shoulder, so that, a show of force, if you like, as we pulled into the station.

NORTHAM: Were there troublemakers on your train?

STOREY: There was absolutely no trouble on our train whatsoever during the whole journey. It was high spirits.

NORTHAM: How many people were on board?

STOREY: It wasn't a full train. There was probably two or three carriages and no more than fifty people, I would say.

NORTHAM: And you say in high spirits?

STOREY: Yes, high spirits. It had been a great day, we'd had a good result, it was hot and sunny.

NORTHAM: Drink?

STOREY: It was a friendly. Yes, people were drinking alcohol. That's what you do on a friendly match, yes. Don't see any problem with that.

NORTHAM: Had you been drinking?

STOREY: No, nothing to drink at all that day.

NORTHAM: The group knew they were passing through hostile territory in Newcastle, and David Storey wanted to get onto the city's Metro system and away as quickly as possible. He says police at the back of the cordon were pushing the group forward while officers at the front were blocking their way. Then the trouble started.

STOREY: I saw a young lad of about 18 or 19, he was wearing a t-shirt, sunny day that it was, and the police dog clamped onto his stomach. The fans then grabbed the fan to try and get him away from the dog and that's when the batons came out.

NORTHAM: And what happened?

STOREY: People were struck in the head, there was blood pumping from head wounds, people unconscious, fitting on the floor in one case. Another lad was out on his feet, swaying with a head wound. There was the young fan with the puncture marks in his stomach and the big gouges where the fans had pulled him away from the dog. The dog had then gouged across his stomach because it wasn't releasing its teeth.

NORTHAM: Could you see clearly enough to know whether the Sunderland fans had provoked this?

STOREY: I think if there had been any specific fighting I would have been able to see it. I didn't see any fighting whatsoever.

NORTHAM: Several other Sunderland supporters have given eye-witness accounts of what happened to a national organisation, the Football Supporters Federation. It's chaired by Dr Malcolm Clarke, who finds a common allegation as to how the violence flared.

CLARKE: There is a very consistent view from the fans that the basic cause of the problem was police dogs being allowed to bite fans at the front of the group, combined with pressure from the back and people panicking and getting squashed.

NORTHAM: What was the outcome?

CLARKE: Well, the outcome was that four supporters were hospitalised. One I think with dog bites and all four of them with wounds to the head from police batons, at least one of them quite seriously. We put in some Freedom of Information requests and we established that no police officers were injured and that none of the dogs required veterinary treatment.

NORTHAM: The police account in the local press flatly contradicted these fans. The force said officers had been set upon and four police dogs had been hurt in the melee. The headlines talked of jobs. At the start of the following week, David Storey says he lodged complaints with Northumbria Police and the Independent Police Complaints Commission. Within days, he read in his local paper that the Commission had already looked into the case and supported the police. It issued a press release saying it had examined CCTV footage and concluded:

READER IN STUDIO: The police in this instance were subjected to a high level of violence by people intent on causing disorder. It is clear it was a large group who surged at police officers. In such circumstances the force the officers chose to deploy in defending their position and preventing a further escalation of disorder was understandable, proportionate and justifiable.

NORTHAM: The IPCC said it had carried out 'a thorough and independent assessment of the evidence'. Its statement went on:

READER IN STUDIO: There is no evidence whatsoever to support allegations that the police officers instigated the violence.

NORTHAM: The Commission reached this conclusion, apparently, without speaking to David Storey, who had lodged a complaint, or to other fans. For the Football Supporters Federation, Malcolm Clarke is puzzled about this approach.

CLARKE: We think that they failed in their duty to properly investigate what was a very serious incident. It has certainly done nothing to increase the confidence of the people on that train in either the police or the IPCC itself, and the speed with which they concluded their investigation leads us to seriously doubt whether they are independent of the police service in this case.

NORTHAM: You haven't seen what CCTV footage the police may have, so aren't you somewhat leaping to a premature conclusion here?

CLARKE: Well it's certainly true that we haven't seen the CCTV footage. I don't believe that it's likely the footage is so comprehensive and so clear from every angle that it's totally unnecessary to interview any of the members of the public who were there. And even if it is, if part of your objective is to give confidence to the public, then that in itself is a reason for interviewing those eye witnesses.

NORTHAM: At the IPCC headquarters, the Chair, Nick Hardwick, is limited in what he can say about events that evening by the fact that forty-two Sunderland supporters are currently on bail and may possibly be charged. But he is prepared to defend the way his Commission has handled the case.

HARDWICK: We have reviewed in detail on three separate occasions the comprehensive and full CCTV evidence there is of that event, and I am confident that that evidence is not consistent with the accounts given by those supporters.

NORTHAM: How could you possibly have reached that conclusion without talking to the people who've been injured and without talking to the people who witnessed them being injured?

HARDWICK: We've seen in detail the CCTV evidence. What we'd like to do is invite you back at the point when that CCTV evidence we can show it to you after criminal proceedings have finished and then see at that point whether you think the decisions we've made are not credible.

NORTHAM: When you said there was conclusive evidence that the police were subjected to a high level of violence, how do you account for the fact that no officer was injured?

HARDWICK: Of course those two things can be consistent, people can be attacked, it need not necessarily result in injury.

NORTHAM: But you've got a situation where no police officers are injured, four fans are injured and have to go to hospital, and you immediately conclude that the police were right and that they came under attack and defended themselves?

HARDWICK: We've said if the football supporters have other evidence to give us, we'd welcome receiving that.

NORTHAM: But why didn't you listen to it before you reached a conclusion?

HARDWICK: I am completely confident that the evidence of the CCTV cannot be reconciled with the accounts of the supporters. I think we have got that decision right and we'll defend it.

NORTHAM: At the end of its rapid assessment of this case, the IPCC passed it back to Northumbria Police to investigate. This has caused some surprise, because the whole purpose of the Independent Police Complaints Commission is to get away from the historic accusation that the complaints system amounts to no more than the police investigating (and usually exonerating) themselves. But it turns out that most complaints are still dealt with by the force concerned. Indeed, in the experience of the barrister Steven Cragg, not just most complaints, but almost all.

CRAGG: You have a situation where the IPCC is only investigating, I think last year 88 complaints cases out of 31,000 itself.

NORTHAM: And who does the other investigations?

CRAGG: The other investigations are all done by the local police force.

NORTHAM: The police force that's being complained about?

CRAGG: That's right, it's still the case that the vast majority of cases are investigated by the police force from where the complained about officer comes. A lot of people thought that there was a big move towards independent investigation, but when you look at the figures, that's not the case. I mean, there are cases also where the IPCC manages an investigation, but even that's only about a hundred a year.

NORTHAM: So the Independent Police Complaints Commission is actually, in the vast majority of cases, dependent on the police force that's being complained about?

CRAGG: Yes, that's right. I mean, apart from the 88 cases last year they investigated themselves, otherwise they are dependent on the police for the actual investigation.

NORTHAM: Although the IPCC investigates only a small minority of cases itself, it also reviews many other cases where complainants appeal about the decision their local police force has made. There were more than 4,600 such appeals last year, 29% of which were upheld. The Commission's handling of some appeals can cause considerable resentment.

BLAND: I sent him to the shop, which is like 800 yards from the home. He's been a while. Somebody called at the door to say my son had been arrested, which I didn't believe.

NORTHAM: It was the beginning of July 2006 when Andrew Bland sent his 15 year old son, Courtney, off to B&Q to buy some tile trim for the bathroom. Courtney took his bike. When he came back to the family's street in Streatham, southwest London, Courtney found the road blocked by the Metropolitan Police, who were attending an accident.

COURTNEY: There was police officers standing in the road and they was directing traffic. And then I rode to a police officer and tried to ask him if I could ride through. He didn't really want to talk to me, he tried to push me away. He was like, 'Get off your bike and walk,' and when he pushed me the tile trim tapped him.

NORTHAM: Were you aggressive with him?

COURTNEY: No, not at all. I was just sort of being polite. Then when I was trying to carry on walking away, he came for me and then he was trying to drag me to the floor and stuff, and then we had a scuffle and then I was thrown on the floor face first and he arrested me and then tried to walk me to the van.

NORTHAM: What did he say to you?

COURTNEY: He grabbed my hair, he was trying to slam my head on the floor and he was saying, 'You little black bastard.'

NORTHAM: He called you a black bastard?

COURTNEY: Yes.

NORTHAM: Were you injured?

COURTNEY: Yes, I had to go to hospital as well.

NORTHAM: What was the problem?

COURTNEY: I had bruises and stuff, scratches and stuff like that on my face, on my chest and my back and stuff.

NORTHAM: Courtney was charged and taken to court, where the Judge heard his account of what happened, and the very different version given by the police officer in which Courtney had assaulted him. Courtney was supported by an independent witness and the case against him was dismissed. As the family's solicitor, Marian Ellingworth, explains, the Judge went out of her way to clarify why.

ELLINGWORTH: She found that the officer had initiated the contact with Courtney and that he had no grounds to grab Courtney and push him to the side of the road. She entirely accepted Courtney's evidence and the evidence of the witness on his behalf.

NORTHAM: And is that exactly what she said?

ELLINGWORTH: She said, 'I accept entirely the defendant's account.' She found Courtney credible, she found that he was telling the truth, and on points where his evidence was different from the officer's evidence, that means that she did not believe the officer.

NORTHAM: Once Courtney was cleared, the family raised a complaint against the officer, accusing him of assault, wrongful arrest and impoliteness. The constable admitted that he had used the F word in dealing with Courtney Bland, but denied the rest. The Metropolitan Police found that he had been impolite, but not that he had been racially abusive, and it concluded that the more serious complaints - of assault and wrongful arrest - were either Not Capable Of Proof or there was No Case To Answer. Andrew Bland, Courtney's father, wasn't satisfied and appealed to the IPCC. The Commission noted that the officer had received a written warning for his language and concluded there was insufficient evidence for any further disciplinary action. Andrew and Courtney Bland are disappointed.

BLAND: I just thought they were just taking the side of the police, seeing my son as a stereotypical youth. I just thought they had just jumped to a conclusion, not been independent, not doing their job.

COURTNEY: I don't deserve to be treated like that. I've never done nothing wrong, especially to police officers or anyone. I'm not being treated like that, and they're supposed to be keeping people like me safe.

NORTHAM: On solicitor's advice, the family began a civil action last year, suing the police. Within a month the Met said it found it difficult to defend the case and wanted to settle out of court. The force paid Courtney £25,000 and sent him a letter of apology.

READER IN STUDIO: On behalf of the Metropolitan Police Service I formally wish to apologise for the fact that the actions of officers fell short of the standard that is expected of them. I express my deepest regret for this incident and apologise for the suffering that it must have caused you.

NORTHAM: The family's lawyer, Marian Ellingworth, concludes that both the Judge and ultimately the police have supported Courtney, while the complaints system largely let him down.

ELLINGWORTH: This case shows perhaps more clearly than any other case I've worked on the frustrations that we, as lawyers, and my clients, as members of the public, feel about the police complaints process. I think it's very hard to understand when a judge has reviewed the evidence in open court and actually seen the people involved and heard them giving evidence, it's really very surprising and very disappointing to find that the complaint process doesn't yield a satisfactory result for somebody. It shows that the prospect of civil litigation is a more effective way of getting a police force to sit up and put its house in order, if you like, than the prospect of the IPCC overseeing a police complaint.

NORTHAM: But the Chair of the Independent Police Complaints Commission, Nick Hardwick, argues that it had no realistic alternative, having weighed the strength of the evidence.

HARDWICK: Our position is consistent with the Crown Prosecution Service, who also reviewed the Judge's comments and decided there wasn't what they would call technically 'an adverse judicial finding' against this officer, so the CPS concluded that there was nothing said in court that raised any questions about this officer's future credibility.

NORTHAM: What was said in court by the Judge was, 'I entirely accept Courtney Bland's account,' and the only thing on which you found against the police officer was that he used a rude word?

HARDWICK: We found that his language was abusive.

NORTHAM: But you didn't find that he had wrongfully arrested Courtney Bland and you didn't find that he'd assaulted him, which was what was complained of?

HARDWICK: We knew the ...

NORTHAM: And the Met eventually did pay out £25,000 which they wouldn't pay out for using a rude word?

HARDWICK: Well I don't know what the figure was the Metropolitan Police paid out and I think a My view is this, is that the problem with the Police Service is that at the moment that too often they will only admit that they've got something wrong and only apologise if they can stand up a disciplinary case against an individual officer. And we think, and what the public tell us, is the police should be more ready to apologise

NORTHAM: Doesn't this make you look weak compared with the civil case which the family brought, where they got what they really wanted, which was an apology from the police for what had happened? They got that, not through the Independent Police Complaints Commission, but by taking action in court.

HARDWICK: No, I don't think it does make us look weak. We work in an adversarial system and we deal on a day to day basis with terrible events that have happened to people, and we have to deal very robustly with the Police Service. We have to deal very robustly with all of the other parties involved, that's what we do on a day to day basis. I don't think because people sometimes don't agree with the decisions that we make, we make unpopular decisions everyday, right? The fact that people don't agree with those decisions doesn't make us look weak.

NORTHAM: But we've found that some of those familiar with large numbers of police complaints do indeed regard the IPCC as weak. Among them is a former Commissioner – one of the twelve covering different regions - who joined with high expectations in 2004 and left almost two years ago in disillusion. John Crawley now works for the UN on policing matters. He sees the appeal system - those four thousand plus cases a

NORTHAM: Which can hardly have come as welcome news to Nick Hardwick, who chairs the Commission.

HARDWICK: The National Audit Office commissioned Kings College to do a small survey of a hundred people, right, which was self-selecting about the IPCC. And of course, given the appeal findings, of course the significant proportion are dissatisfied with the outcome. What you haven't quoted is on the MORI surveys that we've done that show 88% of people feel that we deal with complaints fairly.

NORTHAM: That's not complainants. You ask the general public, are you satisfied with the Police Complaints Commission and a large majority say they are satisfied that you're independent, but when you ask people who've actually made complaints, 80% are dissatisfied.

HARDWICK: I think you're quoting... I think you're quoting figures selectively. 88% of people asked by MORI say they're satisfied the IPCC would deal with complaints fairly.

NORTHAM: But that's people who hadn't actually dealt with you. That's the general public.

HARDWICK: The confidence in the complaints system is also shown by the doubling in the numbers that people are willing to deal with complaints. In an adversarial system, right, of course it's the case if we don't find in favour of people on the outcome of a complaint that people won't be happy with that. So in the early results of the surveys we're doing on a continual basis with people who've appealed to us, shows that they're happy with the service they get with us, but where we find against them they disagree with that conclusion. I don't think that's a great surprise.

NORTHAM: One truly innovative part of the IPCC's work is its ability to mount its own investigation of major police incidents, such as those involving death or serious injury. These are the minority of 88 cases last year where its inquiries are fully independent of the police. But even with these, the Commission may leave grieving families profoundly distressed by its approach and suspicious of its motives.

SAMANTHA RIGG: We're at Brixton police station, where my brother Sean was transported in a police van. He was taken out of the van after ten minutes. There is a cage which is around the back door and the bottom of that cage is the yard floor outside. That's where Sean died, right there. And they brought him and placed him on the floor of the cage, and that's where Sean died. He was there for one hour.

NORTHAM: Sean Rigg was forty years old and suffering an acute mental illness when he was arrested by Metropolitan Police one evening in August 2008. His sister Samantha says that staff at his hostel had raised alarm about him that evening and that he had wandered off to the Balham area, where he was seen behaving strangely. A call was put through to the police. At 7.15 they arrived, restrained him, placed him under arrest and drove to the police station. He became unwell in the holding area and within an hour of that was taken to hospital and pronounced dead. His other sister, Marcia, says that he had died at the police station. So what exactly happened while he was there?

MARCIA RIGG: Well that's what we're trying to find out. Within a short space of time, my brother was actually dead and that's the spot where he died, and we're trying to find out what happened.

NORTHAM: Physically, what condition was he in the day before this happened?

MARCIA RIGG: Sean was fit, well, healthy that morning, and the only thing that he had was a mental illness that doesn't kill you.

NORTHAM: So what do you want to know?

MARCIA RIGG: We want to know what happened to our brother. It's quite a reasonable question to ask if your loved one dies whilst at the hands of the police. Is it unreasonable to ask what happened on the night?

NORTHAM: After they had been to identify their brother's body, Samantha and Marcia went to the police station to ask the Chief Inspector what evidence there was about events leading up to his death.

MARCIA RIGG: She told us that there was CCTV that would have shown a birds-eye view of exactly what happened to Sean from the van area, from the caged area. She took us to the spot, she showed us the cameras, she assured us that the cameras were working on that night and that we would see everything that happened to Sean, and so at that point we were satisfied that that's what we would see eventually when we did see the CCTV.

NORTHAM: The IPCC had moved to investigate this case itself because it involved a death in custody. Within three weeks the family went to view the available footage.

MARCIA RIGG: We were told by the IPCC that we have all the relevant cameras here for you to watch that are relevant to Sean, so as soon as we saw that we initially said where the cameras covering the caged area, and the IPCC were oblivious to the fact that there was actually a camera above the cage, which is the security camera outside the custody suite door.

NORTHAM: How do you know that that camera is there?

MARCIA RIGG: We were taken there with the chief inspector, we were taken to the spot and she showed us the cameras physically herself.

NORTHAM: So you saw a camera positioned in the yard overlooking the cage, but the Independent Police Complaints Commission didn't show you footage from that camera?

MARCIA RIGG: The Independent Police Complaints Commission said that that camera did not exist.

NORTHAM: They said it didn't exist?

MARCIA RIGG: Yes, and it wasn't until the family categorically stated there is a camera there and we had told them that we had been there and seen them for ourselves, we were told that the camera existed and that they were working, and then it was

HARDWICK: The, the arrest scene wasn't a matter that we were, the arrest scene, of course, was dealt with by the police themselves before we were involved, so we make our decisions about how to treat the officers on the basis of evidence. And so I don't want to talk about the case in too much detail because of the inquest, but if you take the interview process, for instance, we'll decide when we want to interview people on the basis of whether we're treating them as suspects or whether we'll be treating them on the basis of witnesses. On some occasions we'll want to interview somebody right at the start of the process to get their account, but on other occasions they'll want to collect the accounts from other people first and then put them to the person about whom you've got concerns at the end of the process.

NORTHAM: The outcome of the IPCC investigation of Sean Rigg's death is expected to be ready soon. One of the Commission's functions, by statute, is to establish and maintain public confidence in its arrangements. And it has certainly succeeded in making waves. When investigators recently reported on the case of a Bolton woman stabbed to death by her husband, they didn't mince their words. The IPCC said there was 'a clear failure' by Greater Manchester Police to recognise a pattern of violence stretching back well over a year. But the former insider, ex-Commissioner John Crawley, believes such cases are the exception rather than the rule and he's now comprehensively disenchanted.

CRAWLEY: Why should the public have confidence in a complaints system where they know that the odds are hugely stacked against their complaint being upheld and are even more stacked against them in terms of the prospects of a police officer who has done something wrong being held to account? The, I think, fundamental charge against the appeals system that the IPCC has run for the last nearly six years is that it has not produced any significant change that anyone can point to in the fairness and the rigour of the police complaints system.

NORTHAM: So has the organisation failed?

CRAWLEY: Well, I think it's failed to reform that large chunk of the police complaints system that we are talking about here. And in so far as it has, I think one has to say that very little of what was hoped for back in 2004, when the organisation was launched, has been achieved.

NORTHAM: Things look very different at the top of the Commission. Its Chair, Nick Hardwick, sees real advances since 2004, and substantial achievements.

HARDWICK: I would say we've cut the numbers of deaths in police custody by half. I would say more complaints in actual numbers are now being substantiated by the system we oversee than ever before. I would say twice as many people now feel confident about using the complaints system than was the case before, because the number of complaints have doubled. And I, yeah, I can point at any number of cases where we've taken action against senior officers. I'm not saying, of course I'm not saying that we don't need to improve, of course I'm not saying that we get it right on every occasion, but I think the IPCC and the people who work for it do a difficult job and have a record for which they can be proud.

NORTHAM: Nearly six years after its creation, the Independent Police Complaints Commission is busier than ever. The number of complaints has risen and there seems no end to the flow of highly controversial, often politically-charged cases on which it's called to adjudicate - police handling of protests at the Kingsnorth climate camp in Kent, the so-called kettling technique used at the G20 demonstrations in London, the death of Ian Tomlinson. The Commission may already have raised confidence among the general public. The test now is to convince those who actually turn to it that it is doing a good – and independent - job.

SIGNATURE TUNE