

CONSULTATION RESPONSE

TO	The Home Office
FROM	Independent Office for Police Conduct (IOPC)
REGARDING	Home Office serious violence reduction orders, draft statutory guidance

OUR INTEREST IN THIS MATTER

1. The IOPC oversees the police complaints system in England and Wales and has a statutory duty to secure and maintain public confidence in it. We are independent, and we make our decisions entirely independently of the police, government and interest groups.
2. We investigate the most serious complaints and incidents involving the police and set the standards by which the police should handle the complaints that they investigate. We also oversee the complaints system for other organisations, such as HMICFRS, the National Crime Agency, and the Gangmasters and Labour Abuse Authority. For further information about our role, see Annex A.
3. Where complaints are made about the use of stop and search, they are usually investigated locally by the police force themselves, rather than the IOPC. However, the more serious cases may be referred to us for investigation.
4. Stop and search remains one of the most contentious policing powers. We have an interest in this consultation because the experience of being stopped and searched can be highly intrusive and have a significant impact on public trust and confidence in policing.

RESPONSE TO CONSULTATION

5. In April 2022, we published our [national stop and search learning report](#), which discusses the disproportionate impact that stop and search has on people from

Black, Asian and other minority ethnic backgrounds; specifically young Black men.

6. Drawing from the evidence provided by 37 independent IOPC investigations, appeals and reviews, together with feedback from community groups and stakeholders, and key national data and research reports, we issued 18 learning recommendations to a combination of the National Police Chiefs' Council (NPCC), Home Office, and College of Policing. These learning recommendations are aimed at improving policing practice at a national or strategic level so that people from a Black, Asian, or other minority ethnic background are safeguarded from being disproportionately impacted by stop and search.
7. We are expecting responses to our learning recommendations by the end of June and are happy to share these with the Home Office once received.
8. Our stop and search learning report highlights areas for improvement that are also relevant to the use of the new SVRO powers:
 - legitimacy
 - communication and de-escalation
 - ending the encounter
 - use of force
 - data recording
 - use of body worn video
 - internal monitoring and supervision
 - external scrutiny
 - trauma
 - historical context
9. Specifically, our report explicitly highlights the disproportionate impact of stop and search on people from Black, Asian and minority ethnic backgrounds, specifically young Black people.
10. The Home Office should consider these areas for improvement when developing statutory guidance on how SVRO powers should be used to avoid the same issues arising.

11. We recommend:

- ensuring that SVRO stop and search encounters are professional and respectful;
- ensuring that SVRO stop and search encounters only use proportionate and necessary force, and avoid the routine use of handcuffs;
- the importance of monitoring and explaining any disproportionality in the issuing of SVROs and use of the associated stop and search powers;
- ensuring the use of body worn video during SVRO stop and search encounters;
- having effective scrutiny and oversight mechanisms for the issuing of SVROs and use of the associated stop and search powers;
- monitoring complaints relating to the issuing of SVROs and use of the associated stop and search powers – consideration will need to be given to how complaints relating to use of this power are recorded; and
- that evaluation of the pilot include a comparison of find rates between those issued SVRO orders after being convicted of carrying a weapon and those convicted alongside someone carrying a weapon, to determine whether the scope of the order is appropriate.

12. We recognise that most complaints relating to the use of these extended powers will be dealt with by the relevant police force. However, some complaints that are referred to us may meet the threshold for IOPC investigation. We will use information gathered through our own investigations, together with feedback from our stakeholders, to identify any themes and highlight any concerns or issues to organisations, such as the Home Office, NPCC, and HMICFRS.

Independent Office for Police Conduct (IOPC)

23 June 2022

ANNEX A - THE IOPC AND ITS REMIT

1. The Independent Office for Police Conduct (IOPC), formerly the Independent Police Complaints Commission (IPCC), came into existence in January 2018. The IPCC came into existence in April 2004.
2. The IOPC oversees the police complaints system in England and Wales and has a statutory duty to secure and maintain public confidence in it. We are independent and make our decisions entirely independently of the police, government and interest groups.
3. We investigate the most serious complaints and incidents involving the police across England and Wales, as well as considering certain appeals from people who are dissatisfied with the way their complaint has been dealt with. Over time our original remit covering police forces across England and Wales has been extended to include:
 - Police and Crime Commissioners and their deputies
 - the London Mayor's Office for Policing and Crime and his deputy
 - certain specialist police forces (including the British Transport Police and the Ministry of Defence Police)
 - Her Majesty's Revenue and Customs (HMRC)
 - staff who carry out certain border and immigration functions who now work within the UK Border Force and the Home Office
 - the National Crime Agency (NCA)
 - officers carrying out certain functions at the Gangmasters and Labour Abuse Authority (GLAA)
4. Most complaints against the police are dealt with by the relevant police force (or agency) without IOPC involvement. However, certain types of complaints and incidents must be referred by the police to the IOPC. These include where someone has died or been seriously injured following direct or indirect contact with police, as well as allegations of serious corruption, serious assault, and a criminal offence or behaviour liable to lead to misconduct proceedings which in either case is aggravated by discrimination on specified grounds. We then decide whether an investigation is necessary, and, if so, what level of involvement we should have in that investigation. We may choose to conduct our own independent investigation, manage or supervise a police investigation, or decide that the matter can be dealt with locally by the police.
5. We also have a broader role in sharing learning to help the police service and other organisations develop and improve. We use learning from our work to influence changes in policing, ensuring accountability and spreading best practice and high standards of customer service.