

I am please to have the opportunity to respond on behalf of the Independent Police Complaints Commission to the Home Office consultation paper and draft Corporate Manslaughter Bill.

We understand that the Bill Team expects to have draft provisions to apply the new offence of Corporate Manslaughter to the Police before the Bill is presented to parliament and look forward to considering the details of these.

The IPCC would also urge the Bill Team to examine whether excluding 'uniquely public functions' from the scope of the offence is necessary. Enabling police forces to be prosecuted for corporate manslaughter around incidents such as deaths in custody does not necessarily conflict with existing accountability mechanisms. In fact, the IPCC believes that having the option of a corporate manslaughter prosecution may be vital to ensuring public confidence in the mechanisms by which the police are held to account.

If the Corporate Manslaughter charge were extended in some form to public functions, it would enable police forces to be prosecuted in the event of the most serious, systemic failures resulting in death. At present, there could be a disproportionality whereby a death occurs and the only sanctions available are minor disciplinary sanctions against individual officers. Families and communities will not have confidence in the policing system if there are serious management failings and the only possible outcome are words of advice to an individual officer who made a fifteen minute check a few minutes late.

Excluding public functions from the scope of the corporate manslaughter offence limits the potential outcomes from an IPCC investigation. The consultation paper suggests that the reason for not applying corporate manslaughter to public functions is that this would conflict with existing accountability mechanisms. In fact, it would complement them. All deaths following police contact have to be referred to the IPCC, and some of these will be independently investigated. If the evidence from such an investigation showed the most appropriate way forward was a corporate manslaughter prosecution, it would cause serious public concerns about the effectiveness of public accountability if this was not an option.

Clearly there are complex issues to be considered about the role of police services in reacting to potentially dangerous situations and violent individuals which other organisations do not have to deal with. It may not be possible to blanket include public functions within the offence of corporate manslaughter, but perhaps to look at the specific areas such as custody where the public service may have a high degree of control over the environment. It will also be important to remember that the offence of corporate manslaughter will operate on a very high threshold and would not be something we would expect to see often in the

area of policing. The IPCC would welcome being part of further exploration of this area.

Fining public services is not an ideal outcome. However, for families the most important outcome is the public statement that serious management failures had occurred resulting in an individual's death. The fine could also be about strengthening accountability in a specific area where failings had been found – for example by accompanying it by remedial orders or granting rebates based on improvements.