

Home Affairs Committee

Oral evidence: [Police conduct and complaints, HC 706](#)

Wednesday 3 March 2021

Ordered by the House of Commons to be published on 3 March 2021.

[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Ms Diane Abbott; Ruth Edwards; Andrew Gwynne; Adam Holloway; Dame Diana Johnson; Tim Loughton.

Questions 54-91

Witnesses

[I](#): Alun Michael, Police and Crime Commissioner for South Wales, Sue Mountstevens, Police and Crime Commissioner for Avon and Somerset, and Julia Mulligan, Police, Fire and Crime Commissioner for North Yorkshire.

[II](#): Dr Graham Smith, University of Manchester, and Dr Clare Torrible, University of Bristol.

Written evidence from witnesses:

[Dr Clare Torrible](#)

[Dr Graham Smith](#)



Examination of witnesses

Witnesses: Alun Michael, Sue Mountstevens and Julia Mulligan.

Q54 Chair: Welcome to this evidence session of the Home Affairs Select Committee as part of our inquiry into police complaints and conduct. We are very grateful to have our witnesses before us this morning. I welcome Julia Mulligan, PCC for North Yorkshire, Alun Michael, PCC for South Wales, and Sue Mountstevens, PCC for Avon and Somerset. Thank you very much for joining us. May I begin by asking each of you for a very short sense of the main challenges that you see and deal with in the police complaints system? Let us begin with Julia Mulligan.

Julia Mulligan: Thank you, Chair. I have three things that I want to touch on briefly. The first is the culture in professional standards department. I think we are in danger of having the same culture under new regs, and there is still a sort of latent defensiveness in some PSDs that means that progress to becoming a learning culture is slow. That is the first thing.

The second thing I will group together under “skills and perspective”. That comes out of the experiences that we have had in North Yorkshire under model 3— I think we will come on to that—about ensuring that you are focused on resolving issues for members of the public, as opposed to the process that you follow to get to the end of that process. That culture of looking outward and trying to resolve service complaints is, I think, largely missing, and it is important.

The third thing I would say is ambition around reform. Some of the momentum behind that has gone. I would like to see greater ambition in this space. Those are the three things that I would look at.

Q55 Chair: When you say reform, what do you mean by that?

Julia Mulligan: We had the new legislation, which we worked very hard on to bring in. We have to implement some of that, which takes time. We are the only place in the country to go for model 3, and our results are excellent. I would like to see more people have the ambition to make those changes. It is disappointing that only one PCC in the country has taken up this mantle. I would like to see greater enthusiasm around the reform that is possible, because it makes a big difference.

Sue Mountstevens: There are three key challenges for me. First and foremost is the timeliness—for all the agencies, whether that is the police, the IOPC, the CPS or the courts—because there is this legacy of distrust among the public: whenever there is a delay, it is to do with secrecy, collusion and hiding stuff. If we are to inspire public confidence in the system, which we as PCCs want to be able to do, we need to find a way to manage that timeliness, to manage expectations and to get the agencies working together.



HOUSE OF COMMONS

The second one for me is that the legislation is still very challenging. If you are a member of the public coming in, you can be overwhelmed by a lot of semi-legal, limited support and trying to understand the processes, especially, of course, if there is a criminal element involved as well.

The third challenge is with disproportionality and discrimination. We have increased distrust from BME communities, but there is also disproportionality involving use of Tasers, stop and search and the use of police powers. We know our PSDs do not represent our communities; we also know that our BME staff are disproportionately subjected to conduct-related matters. Those would be my three elements that I find a real challenge.

Alun Michael: I agree very much with what Sue just said, particularly on the question of timeliness. I think we need a real sense of urgency in dealing with police complaints, but that is very difficult when there is complexity in the investigations, which take time and which very often leave a family, a local community and the police themselves in limbo for a period.

There are three things for me. First, there is a need for balance, leadership from the chief constable, and a culture throughout the force of the highest possible standards, but also a sense of realism that, however good things get in a force, there will be some individuals who do really stupid and wicked things. I think anybody who has spent any time looking at police complaints and disciplinary appeals and things like that will realise that, although it may be a very small number of individuals, it is quite extraordinary the extent to which people will break the rules and do things that are clearly completely unacceptable. That is about ownership by the chief constable and the chief officer team of the standards that are set and a determination to deal with complaints effectively.

The second one is the challenge by the police and crime commissioner—the scrutiny, and the mutual challenge, as it has to be, between the commissioner and chief constable. That goes down to the lowest level of complaint and it is very important indeed.

The third one is the external element, as it is now, of the Independent Office of Police Conduct. I was among those who campaigned for the independence of that body. However, I think there is a very important balance between that independent investigation, when it is needed, and ownership by chief officers of the issue of standards.

All three levels—the chief officer responsibility, the police and crime commissioner and the independent body—have to have a culture of constant improvement and constant recognition that nothing stands still and that this is never a done job; it will always be something that demands real energy.

Q56 **Chair:** Thank you. Sue Mounstevens and Alun Michael, you have gone for model 1, and Julia Mulligan, you have gone for model 3. Could you give us your reasons for that, beginning with Sue Mounstevens and then Alun



HOUSE OF COMMONS

Michael on model 1?

Sue Mountstevens: I welcome the involvement of the police and crime commissioner in this. In about 2014 or 2015, Dame Vera Baird adopted model 1 in Northumbria, before it became part and parcel of the system. My team went up to see how their office was doing it, and my PSD went up there as well. We came back very enthused about the triage system, and with our encouragement, our PSD started that triage system of being able to resolve some complaints before they became formal complaints.

Because there were delays in the legal enactment of the rules, we supported the constabulary and they set up their own system, which we scrutinised internally and externally—we set up a panel to look at how it was doing. When it became law, we felt that they were doing a good job; it was getting a good response. When we looked at the capacity of our office and the resources, we decided that we would focus our attention on other parts of the criminal justice system, and that is why we went for model 1.

Alun Michael: I concur that the legislation provides greater responsibility and greater powers of scrutiny to the police and crime commissioner. That is good, but it is very important that the ownership of standards and complaints sits with the chief constable. You do not want to get to a situation where the chief constable says standards and complaints are nothing to do with them because that is done somewhere else.

May I illustrate why I feel so strongly about that? My political career has run parallel to a very important case of wrongful arrest, wrongful imprisonment and miscarriage of justice—namely, the murder of Lynette White in 1988, the year after I was elected to Parliament. It occurred in Butetown, where I had been a youth and community worker until a year earlier. Over the 25 years after that, in which that very important case cast a great shadow over South Wales police, I saw the difference it makes, the watershed moment, when a chief constable says—and means—“We will follow the evidence where it takes us, however painful, however difficult, however much it damages the reputation of the force.”

I saw the consistency that was needed from five successive chief constables involved in the investigation of that case and the whole chief officer team to change the culture to the point where one of those wrongly imprisoned was able to say, “This is a different force today.” So I have seen how important it is to never relax the need for those three elements—the chief officer committed with an unremitting determination to achieve the highest standards, willing to search out failures, empowering, and requiring the professional standards department to be unremitting in their work; a police and crime commissioner providing the continual oversight and continual challenge; and then the independent body able to undertake searching, efficient and speedy—we will probably come back to that—inquiries into cases where there appears to be a significant failure.



HOUSE OF COMMONS

As I say, none of these is ever going to be “job done”. The chief has to energise and empower the PSD on a regular basis. I think it is very important to get the balance right of where the responsibilities sit—

Chair: Sorry to interrupt; I am conscious that we have many questions to get through.

Julia Mulligan: My interest in this stems from the very first week that I got into office back in 2012, when a complainant came to talk to me. He had been labelled as a vexatious complainant. His wife had been accused of the attempted murder of his disabled daughter. Actually, the police had a huge amount to answer and were refusing to deal with his complaint in a humane way. I started to get involved and saw how broken the system was.

I understand what Alun says, and I do not think model 3 impacts at all on what Alun has described. I have gone for it because it has the most impact for the public in terms of increasing satisfaction around the outcomes of complaints. It helps to instil a learning culture in the police service. It gives you, the PCC, what I call an accountability bonus in that you really get to see what is going on and where changes need to be made, and you can see those changes through with the force in a way that I don't think you can when you are simply scrutinising something. It provides real independence in the system that I think is essential to public trust.

I am sure we will come on to some of the data behind the work that we have done, but we are seeing significant increases in satisfaction among the public and increased levels of trust. It is really important that the public know that there is somebody there who will advocate for them and make it understandable in a complex and challenging environment when horrible things have happened to people.

Q57 **Andrew Gwynne:** Not wishing to put PCC against PCC, we had some interesting evidence in writing from Baroness Beverley Hughes, the Deputy Mayor for Greater Manchester with responsibility for police and fire. Andy Burnham is legally the police and crime commissioner, but she wrote to us in September 2020 suggesting that although some of the new responsibilities for PCCs in the complaints system were positive, others were too optimistic. For example, she stated, “Reform proposals for PCCs around model 2 and model 3 were optimistic because of the significant resources required to achieve them, and would require whole system reform if more PCCs were to adopt these models.” Do you agree with that statement from Bev Hughes? If you do, why?

Alun Michael: Yes, I do. Listening to the way that Julia described the journey in North Yorkshire, I think that part of choosing which model was where you were on the journey to getting a satisfactory situation in your force area—what the culture was and to what extent change was needed. I am not sure that you are setting one against the other, because each of us needs to address the situation in the force for which we have responsibility. But that issue of resources is significant, as is Bev's point about the need for whole system change. That relates back to my



HOUSE OF COMMONS

emphasis on wanting the chief constable to have ownership and responsibility—not unscrutinised. The chief constable can drive change in a force in a way that a police and crime commissioner cannot. There is nothing more important than the question of standards within the force.

Sue Mountstevens: I agree with Alun: it would take additional resources. The concern that I had about model 3 was that you did not have any remit over the investigation, and that lack of control seemed to be the worst of all worlds. If I were standing again, I would certainly look at increasing the responsibility of the PCC. That discussion of reforms has led us to do a lot of things very locally on how we keep in view local complaints; we have an independent residents' panel, and a range of things that we might discuss later. That opening up certainly gave us more information and more tentacles that we could get into the system.

Julia Mulligan: Rather unsurprisingly, I am going to dispute what Bev says, based on the evidence of the model that we put in place. It is really simple. We now deal with 78% of complaints, so only 22% end up with the PSD. They have seen a significant reduction in the amount of work going into that department, and 78% of those people are satisfied with the outcome. They only go into PSD if they are criminal in nature, which you would expect—schedule 3 complaints—whether they are dissatisfied with the outcome of the work that we do with them, or whether they just opt to go into PSD.

We have really high satisfaction rates. We have seen significant reductions in volumes going into PSD. They are getting fewer complaints. There is less administration for them to do around those complaints, so therefore they require less resource. I do not buy the argument about resources. It is also completely within the remit of a police and crime commissioner to put in place the resources that they need to deliver this service to the public, because, for me, it is all about the service to the public, and to work with their chief constable to ensure that they have appropriate resources in both places. That is what we have been able to do in North Yorkshire. We have seen significant increases in public satisfaction and, interestingly, we have also seen a significant dip in the number of appeals and reviews as well, which is a clear indicator that the public are more satisfied with what we are doing. We have got some really interesting data that I would encourage people to look at.

Alun Michael: Could I come back on this? The three models are workable. There is a choice that has to be made in relation to the individual force. The thing I find slightly odd is the idea that they might escalate an inquiry from the commissioner to PSD within the force. The escalation has to be PSD—that ownership within the force—then the scrutiny and escalation to the commissioner, and then the scrutiny and escalation to the independent body.

Q58 **Andrew Gwynne:** I would be interested to know just how much local oversight you think police and crime commissioners should have over the force and how it handles complaints. The reason I ask is that the Police Superintendents' Association basically floated that and said that it needs



to be explored. I would be interested in each of your views, very briefly.

Julia Mulligan: We have complete transparency around this because we are the first point of call for all of the complaints. I will give you a really practical example about how it actually improves complaints.

We noticed that during covid we were getting a lot of additional complaints around the use of out-of-court disposals. They came in to my team. We were then able to kick into action my out-of-court disposals scrutiny panel—my independent panel—who had a look at those, and looked at the practice, and we fed that back into the police service, who then adjusted their practices and the levels of complaints went down. So you can see practically, agilely, how the complaints coming into the team make a real-life difference to the way that the police practise and the service provided to the public.

Sue Mountstevens: I think I established that with model 1 as well. We also have people who have come into complain coming into my office and then we signpost them to a PSD. We also give them the option of whether they would like us to keep it in view. So we scrutinise the process—not the investigation, but we make sure, you know, is the victim being kept up to date, are the letters going out on time? About 23% of the complaints are kept under review.

We also have an independent residents panel, that is, a community-led scrutiny panel, which I set up in 2013. It scrutinises public complaints. It was very much the issue when we were elected in 2012 that the public thought that the police were marking their own homework, so that was why we did that.

We have audits coming through our audit committee. We have quarterly meetings with our PSD leads and we have quarterly regional meetings now with the IOPC and our regional counterparts, in order to be able to measure what we are achieving.

Alun Michael: I will not repeat what Sue said, because a lot would be very similar. The point I make is that scrutiny does not just happen. It is a lot of hard work. It needs developmental work. It needs challenge. I have had a chief executive who has taken a real interest in this area and put a lot of energy into it. You have to have the methodology right, you have to have consistency and you have to have a passion for the scrutiny element. I have seen a difference because of Lee Jones's leadership in that field, empowering the members of my team in the way that they do their work. I do not think it is about the model. I think it is about the energy that goes into it.

Q59 **Ruth Edwards:** Julia Mulligan, one of the key roles of a PCC is holding the chief constables and the force to account on behalf of the public. How do you think model 3 strengthens your ability to hold the police force to account on behalf of the public?

Julia Mulligan: I think it helps in all sorts of different ways. First, you really get a detailed insight into what is actually going on on the ground in



communities, so you can see when people are feeling concerned about something. That might be in a specific location or around a particular type of disposal that the police use; there are all sorts of things it could be. You get that realtime feedback from the public that allows you to take that up with the chief constable and say, "Look, these issues are concerning us, and they have come in with sufficient regularity and quantity for there to be a real issue here."

A good example of that was when the police used HINs, or harassment information notices. We started to see lots of domestic abuse victims coming into our office saying, "My partner is using this against me. The police are not using these properly." That was before the issues with those notices had been formally identified, and we were able to go back to the force and ask them about what they were going to do about it. That is realtime stuff, so it is agile and quick and fast. That is really important.

The second thing is the data that you are able to get from the team—both quantitative and qualitative data. Most forces have a lot of complaints about police incivility, for example; low-level stuff, but it really undermines trust in the police among the public. PSD used to sort of brush those types of complaints to one side, saying that they are not very serious and they do not want to deal with them. However, we are now able to actually say that they are an issue. We are able to track individual officers who are repeat offenders, if you like, and we are able to point the police service in the direction that they need to be pointed, based on real evidence, and we are able to hold them to account for making those changes. The police incivility example is a really good one. It was not being tackled by PSD because it was deemed too unimportant, but we have been able to increase the focus on that.

It is really important for me, in my job, in representing the public, to be able to really understand what is going on and to try to encourage the force to put things right, whether that be at the serious end or at the lower-level end, which I think is really important as well.

Q60 Ruth Edwards: I suppose one thing that the recent reforms wanted to address was the complexity of the system, especially for the public trying to negotiate it. Can you give us some examples of work you have done to engage and to improve understanding of the police complaints process in your local community?

Julia Mulligan: This is at the heart of what we have done. Actually, what the public need is pretty straightforward: candour, openness and honesty about what has happened; a willingness to actually put things right; and to be able to understand the process and what is happening to them in ordinary language.

The customer service team is a customer service team. It doesn't follow process. It is there to resolve things for our customers. They are brand-new people who we have brought deliberately in from outside with an entirely new skillset, to be focused on actually providing a service for the customer. That, I think, is one of the things that is making the biggest



single difference. Most people just import people from PSDs into their teams. We have deliberately done something different to bring a new skillset, and that, I think, is what is making the difference.

We have lots of different ways for the public to contact us. We've done work via my youth commission to talk to young people on what they feel is important about it. We've done specific outreach work in some of our diverse communities, and so a whole range of different things to try and encourage people to come forward. It is our service. We are marketing it actively and it isn't just a sort of recipient of complaints, in the way that PSD is.

Q61 Ruth Edwards: Thank you. Sue Mountstevens, same question to you: what are you doing in Avon and Somerset to engage local communities in the complaints process and make it clear?

Sue Mountstevens: Actually, I don't think it matters which model we are doing, because what Julia has just said has exactly the sorts of things that we are doing. I think what has to be taken into consideration is to do with local context. We have a good, professional working relationship with our PSD. We interrogate, we have full access to, the complaints system, for transparency; and I think that all the things that Julia has talked about we will do, but within the model that we have adopted.

Listening to our local people, our local residents, is absolutely key, which is why, whether they come to us, whether they go to PSD, it is about making sure that it makes it as easy—I mean, for a member of the public to take on the system is a really tough thing. I think there is just one thing we have to challenge ourselves on: just because people don't ask for a review doesn't necessarily mean that they are satisfied. It can be that they have thought, "I can't be bothered." I am just saying that silence halfway through the process does not necessarily mean that they are satisfied, and I think that is a piece of work, going forward, that we need to complete that loop, and actually go back in and check with them to see whether they are satisfied following a review.

Q62 Ruth Edwards: What do you do to, perhaps, engage with communities where there might be increased suspicion or friction between them and the police? Are there any particular initiatives that you have in place there?

Sue Mountstevens: We have a range of things. So, if I look at working with our BME communities, we have a scrutiny of police powers panel. We went out—I think it was in 2017—and recruited people who felt very strongly about the police system. They have, now, full access to the body-worn footage and we listen to them.

The other thing that the force does is that when there is a particular issue they will go and engage with stakeholders in real time—usually within 24 hours—and show the body-worn footage to those key stakeholders, as well. That is before a complaints process has even kicked in, so that they understand. We bring those people and members of the public in on what the police refer to as the gold groups when there has been an issue—when



HOUSE OF COMMONS

there has been a serious complaint—so that we can see what it is like from a citizen’s point of view. It is very easy to look at it from police officers’ eyes, but it is very important to take in that lived experience—to be able to see what it looks like from there. There are a number of other panels I have, as well.

- Q63 **Ruth Edwards:** Thank you. Finally to Alun Michael, what are you doing in South Wales to improve understanding of the police complaints process and make it more accessible to your communities?

Alun Michael: I think we have wandered into two separate areas which, obviously, have a relationship with each other. One is that of engagement, because the engagement has to be about the whole of policing—community policing, engagement of PCSOs with local communities, recruitment. All of those things are important. It is not just an issue within the complaints system. In fact, in some ways the complaints system is when you get into a formality. Engagement there is important, but it is different.

We are doing a lot of the things that Julia has mentioned, as Sue as said, through the approach adopted in model 1. A lot of it is more about the role of the police and crime commissioner, their ability to really engage with local communities and to drive things, and the stronger scrutiny of the force that they and their team are able to provide.

In terms of the development that I mentioned earlier, I have noticed that one of the responses is that the stronger the scrutiny, the more appreciation there is by the chief constable and the chief officer team. That scrutiny is to their benefit and the benefit of the force, rather than something to be resented. That is positive. Mutual challenge is absolutely crucial.

- Q64 **Adam Holloway:** The Police Action Lawyers Group say that because the IOPC is such a large organisation, it could be a challenge for the leadership “to ensure that the good intentions at the top of the organisation are filtered down to all of those in the organisation.” Can you give us any examples in practice of where this is the case?

Julia Mulligan: Our experience of the IOPC is extremely positive. Their teams and the commissioners are really responsive and work closely with our team on a daily basis, so I don’t necessarily recognise the picture that was painted just there. They have made huge progress over the last two years, both around the timeliness and quality of their investigations, but also in the way that they engage with us at a local level. I don’t recognise that picture. Others may have a different experience from ours. It is a really good working relationship.

Alun Michael: I was quite keen on the former commissioner model, where you had an individual who had responsibility for oversight of what was then the Police Complaints Commission, and then I discovered that colleagues in England didn’t have the same positive experiences. I think we were just lucky in having two very strong individuals maintaining that oversight, in Tom Davies and then Jan Williams.



HOUSE OF COMMONS

In the new system, I was worried that the director would be a bit of a bureaucratic leader and we wouldn't see real engagement. Again, with Catrin Evans, who governs Wales and the west, we have seen an individual who is exercising leadership and has a passion for making the IOPC work. At the moment, I am seeing her being very challenging to the commissioner, as well as to the chief constable, and that is a good thing, exercising real leadership.

One of the biggest problems is that within the IOPC team you need people with investigative capacity, and yet there is always a degree of suspicion of former police officers, particularly with marginalised groups. You need the former police skills, as well as people from other investigative capacities. If you overstretch what the IOPC is intended to do, its recruitment pool will be problematic.

Sue Mountstevens: In contrast to Alun, I was very critical of the previous model and I am delighted that we have had proper leadership and real engagement now. We share the same regional director, Catrin, who is outstanding in her approach, challenging—

Alun Michael: We did not have the same commissioner previously, which is the difference, I think.

Sue Mountstevens: She is very challenging. There was real involvement, so I don't recognise the comments that were made. We find that at all levels—again, first of all you need to recognise that this has only been going for a very short period of time in the life of complaints.

We have a very good working relationship with the regional director. Within my team and at various levels, that advice, problem solving and communications are really good. We have external groups as well working with the IOPC, and they have helped us a lot with the training. The IOPC has led a lot of PSDs and my team on the training to be able to deal with these reforms. From that one-to-one interaction with the regional director right down through all our various levels, I would say that we are in a much better place than we were before.

Q65 **Tim Loughton:** We have had quite interesting contrasting views so far. I want to ask questions about the quality of investigations and timeliness, but can I preface that with a general point, which all three of you might answer?

It is interesting that all three of you so far have talked exclusively about accountability to the public, complaints by the public against the police and, understandably, how you satisfy that. When we first envisaged this inquiry, it was partly based on police commissioners complaining about the problems of timeliness on police officers themselves. Because officers would have an inquiry looming over their heads that could go on for ages, their careers were effectively in limbo and being blighted. None of you has referred to that aspect, so I am interested in your comments on whether your responsibilities are primarily to the residents making complaints.



HOUSE OF COMMONS

What is your view of the IOPC's role in protecting police officers from vexatious complaints and overly long ones? Will you comment on that and then answer in terms of the quality of the investigations?

The Police Federation has raised concerns about the quality of the investigations. Alun, you mentioned the need to have ex-police officers for their expertise. We have had criticisms of that, and we have had people saying you need that. Is there an alternative to having ex-police officers who might be just too close?

Sue, you referred to marking your own homework in terms of complaints. On the timeliness point and the new innovations around having to do it within 12 months or explain why not, have you seen that things are getting better there? My experience in the past of complaints that we have had is that some complaints—I was privy to one of them—went on for several years, by which time all of the officers being investigated had taken early retirement or left the force, and therefore there was absolutely no comeback or any penalties for anybody.

That was rather a long series of questions. Sue, do you want to go first? Then Julia, then Alun.

Sue Mountstevens: I will try to answer some of those, Tim.

Tim Loughton: Take your pick.

Sue Mountstevens: I think that if you had asked me before in the previous reincarnation of the IOPC, I would have been highly critical. In fact, I wrote with the chief constable on behalf of an investigation that took me seven years and broke a number of police officers.

But there has been a real step change and we ought to give credit to the IOPC for that step change. The 12 months is a good idea; it is a very positive step. If PSD take between nine to 12 months, that is brought to my attention and we review it. I wonder where the accountability is to the IOPC if they go longer than 12 months. I can understand where we personally would get involved, but maybe there should be some more accountability for that timeliness. In the last 12 months, we have not had anything that has been longer than 12 months.

Q66 **Tim Loughton:** You say that there has been a step change in the IOPC. In what respect? How would you describe it?

Sue Mountstevens: If you look at their performance dashboard, you will see that they grasped very quickly the importance of timeliness, because poor timeliness was not only disconcerting and increasing the sense of distrust among the public, as we have already talked about, but it was also increasing the sense of distrust among police officers.

With an investigation into some of the things that the IOPC were investigating, if it was the constabulary doing it they would receive far more scrutiny and would have far more pressure on them to do it within several months, rather than there being an extension.



HOUSE OF COMMONS

I think that the pressure is certainly on the PSDs to be able to do that, but I just wonder, going forward, where that pressure will be for the IOPC. However, as I say, we don't have any experience of that in Avon and Somerset.

Julia Mulligan: I will not repeat what Sue has said, but I think the IOPC has really stepped up its game in terms of timeliness. I think now that two thirds of their caseload is less than six months old, which is a really positive thing.

The change has been the director general, Michael Lockwood. He has come in, he has listened to the sector and he has gripped this. I think he understood that the timeliness issue was causing all the sorts of issues that you described, Tim, for individual officers and all the rest of it. Actually, the impact of it was much wider, in terms of views of lack of competency on the part of the IOPC, lack of fairness to officers and all that sort of thing.

I think the IOPC has understood that and has tried to put its house in order. Once it does that, it is then in a much better position to be able really to start to develop learning and practice improvement within forces, if it has got the support it needs to do that. The IOPC has seen some significant improvements. However, it is at the next stage of its development now, if you like, so it will be interesting to see where it goes in the future.

Q67 **Tim Loughton:** On timeliness, how have they achieved it and has it been at the expense of quality of investigation? Effectively, how have they done it, in your view?

Julia Mulligan: You would have to ask the IOPC about the mechanics of how they have done it, but we have certainly not seen any issues with regard to quality.

There is always that argument between police investigators and civilian investigators, and how you develop the optimum mix, because you need both of them. I do think it is quite easy sometimes for the police to say, "Well, we are the experts in investigations and therefore everything else is sub-optimal", but I don't think that that is the case. It is my understanding that all of the IOPC's investigators are fully trained and accredited in the way that they need to be. However, quality is something that really needs to be first and foremost, and kept in mind.

I do not know how they have done it, because I'm not party to that, but certainly our experience is positive.

Q68 **Tim Loughton:** Briefly, Alun—because otherwise the Chair will start looking daggers at me—and particularly on police officers marking their own homework. If the rules were to say that former police officers could be involved in these investigations, what sort of impact would that have? Where else would you go to find the people from other industries—military or whatever—who could do those investigations as satisfactorily, or do you just think that that is a non-starter?



HOUSE OF COMMONS

Alun Michael: I think the IOPC has rightly looked for a mixture of people—so, former police officers, and others with other investigative experience, whether in the financial industry or trading standards, or areas like that. However, my point was that you can only stretch that so far and that it is a limited pool that you are looking at, where there is that investigative capacity.

I think that if you banned police officers entirely, there would be a problem of having investigators who hadn't got experience of operational policing, of detective work and all the other things, and therefore being purely external. However, I think it a question of the balance being right and sufficient to get the right level of confidence.

On your point about the impact of delay on police officers, I think you are absolutely right. But actually, 12 months is a very long time in the lifetime of a police officer, but also in the lifetime of the family and perhaps the local community. The IOPC inherited a backlog. A lot of energy had gone out in the latter days waiting to be transferred over to the IOPC coming in, so that backlog has been a big challenge to them, and they seem to have made inroads on it.

I would say that, in the fullness of time, perhaps we ought to look at the acceptable length of time being reduced from 12 months to something much shorter than that. But that needs to be done in an incremental and a methodical way, rather than just an aspirational approach of timescales.

Q69 **Ms Abbott:** I wanted to go back to the brief discussion we had on engagement between police forces and Black, Asian and minority ethnic communities, because the relationship between the police and Black, Asian and minority ethnic communities has been a source of tension going back decades.

One of the flashpoints was the old police complaints system, which certainly all the Black people I knew saw as the police investigating themselves. First of all, how do you deal with accusations of race discrimination that relate to your force? Maybe I'll start with Julia.

Julia Mulligan: We have had seven race discrimination complaints in the last three years. That is not a huge number, and it is similar to the number of complaints we have had around discrimination against people with mental ill health. I just want to put that in context—my force is a large rural force, so that is important. Four of the complaints were resolved locally by the professional standards department, two were disapplied and one was not upheld. They will go through the process.

Since we have had our team, we have not had any issues in this respect, but what we are really trying to do is engage with some of our specific communities to try to build confidence around all this. I have one particular locality in my area that has a higher diverse population than other areas. We are doing specific outreach work into that community, and we are looking at the issues that undermine trust in police—stop and search, as you would imagine, but also some of the disproportionality around covid, which has been an issue in my area, certainly in lockdown



one. We are engaging directly with members of the community to try to talk through some of these issues, and we have reinvigorated our community-based scrutiny panel work around all of this.

We are trying to get ahead of the problem and to build those relationships in a more positive way, so that we do not have those issues. But the disproportionality around fixed penalty notices during covid has caused me some concern, and the force share that concern. They have put in place processes to review the way that they are testing officers and those sorts of things. It is work in progress, but the numbers are low, so we can have real oversight of those in our area.

Q70 Ms Abbott: Thank you very much. You are right to say that this is more an issue for the big urban forces. However, I am sure you will also agree that there is never any room for complacency. Sue, what would you say about Avon and Somerset?

Sue Mountstevens: It is work in progress. There are a number of things. We need to focus on lived experience as well, so we utilise all our staff networks so that we can have the views of someone with similar lived experience. We bring in a lot of external members of the public to be able to look at it from an angle from their communities.

From a strategic point of view, I think we also need to look at those where we have challenges on the ethnicity data, because we have far too many who still tick the box "Prefer not to say". I think that that is something that we could do on a local, regional and national basis, so that we could compare ourselves—across the force—across the country and we could see whether we are an outlier and find out where there is good practice.

That, for me, is a particular issue, but we need to be very aware—and I know that our PSD does this—that all discrimination is taken very seriously. In fact, my independent residents' panel are this week—because they choose the themes—looking at complaints where discrimination is an element of complaints.

Q71 Ms Abbott: Thank you very much for that. I would imagine the reason why people say they prefer not to say is that they don't actually trust the police, and that's part of the issue. Alun Michael?

Alun Michael: Yes, I think that issue of trust is absolutely at the core. Getting this right requires the police—that's police at every level throughout the force—to understand why there is an issue, why Black Lives Matter is such a watershed moment for policing in the UK and why it must be grasped as an opportunity rather than a threat. And certainly we have taken the opportunity to make the commitment—I myself, my deputy, who is the most senior Black woman in policing in Wales, and the chief constable—of taking it as an opportunity and trying to take the whole of the force with us.

I think the second issue—this has been a passion for me, but it is actually a really wicked issue to deal with—is getting the recruitment from all the communities that you represent. Until the police reflect the communities



HOUSE OF COMMONS

that are policed—there has been a lot of commitment to trying to get there, and we are still a long way from it—there won't be, if you like, the natural understanding there.

Recruitment is a really challenging issue. It mustn't be just about a generalised figure for BAME recruitment; it has to reflect the different communities that there are within your force area. It's a major, major challenge, but I think the events of the last year have, as I said, become something that we have to seize within policing. Police and crime commissioners, chief constables—everybody within forces has a real opportunity.

Q72 Ms Abbott: Thank you very much, Mr Michael. I am glad you mentioned recruitment, because that was to be my next question. Of course, the other issue is that it's not just recruitment; it's retention. Certainly in the Met, there has been the problem that they recruit people, but they don't stay, for a whole range of reasons.

Alun Michael: I think it is a major challenge everywhere. You are absolutely right. Until retention and progression are a natural part of the family of policing in each police force—there are differences. I had some experience of the Met, obviously, when I was the Police Minister, which at that stage meant being the police authority for the Met. The challenges are different in different force areas. Each of us has to be specific about meeting the challenges of the area that we represent.

Ms Abbott: Thank you very much, Mr Michael.

Chair: Julia, did you want to come back in quickly on that point?

Julia Mulligan: Yes, just really quickly on the point about recruitment and retention. Some really interesting research has also been done by my deputy chief constable, Phil Cain, about complaints made against officers from BAME backgrounds and the way they are treated differently in the police discipline system. I think that is a really important piece of work that we all need to understand and learn from as well. I just wanted to raise that.

Q73 Chair: We will come on to discipline in a second; I have one further point on this issue. The National Black Police Association have told us—I think they were drawing on the NPCC's evidence—that 63% of police forces have no BME police officers or staff in their professional standards departments. Does your PSD have any BME officers or staff? We'll begin with Julia Mulligan.

Julia Mulligan: I am not sure at the moment, Chair. I can check. We definitely have had in the past, but I am not sure of the team at the moment. I can check that.

Sue Mountstevens: I would have to check, but I can get back to you.

Alun Michael: Same answer, I'm afraid. There is quite rapid movement within policing. Therefore, I would hesitate to answer without checking, but I am certainly happy to check, as the others have said.

- Q74 **Chair:** Would you at least all agree that it is some cause of alarm if the PSDs have no BAME officers and staff in the vast majority of police forces across the country?

Alun Michael: You have to bear in mind that the numbers in PSD will be fairly small within a whole force. As we have said, we are struggling with recruiting enough officers and seeing them progress through the force. I agree entirely that it should be a part of what is natural within the force to have that representation there, but it goes back to the fact that you have to have the recruitment and the progression within the force to get to where we need to be.

Sue Mountstevens: It is reflective of the fact that all our various departments do not have enough BAME representation. In Avon and Somerset, we have recruited eight outreach workers, so we have changed the process of recruitment so that we go out to our communities. That is certainly igniting far more interest from minority communities, but of course it is a slow burn. There is a lot that we can do and a lot that is being done, but we must never be complacent.

- Q75 **Dame Diana Johnson:** I wanted to ask about legally qualified chairs, which as PCCs you obviously have responsibility for appointing. Could you say something about your experience of that? What is your view of how effective they are in providing the sense of independence that the public would want to see and fairness for police officers? Julia, would you like to start?

Julia Mulligan: It took a while for the LQCs to bed in, and there have been a few hiccups along the way, but in my area now they are working quite well. PCCs are obviously now responsible for appointing them, which means that we can make sure the rota is entirely properly administered and that forces don't pick the ones that they think work best. We have some added checks and balances in that system now. My experience of the LQCs is that they are fiercely independent and take that really seriously. Like all new things, bedding in is needed, but I think we are in a better place than we were. We have certainly ironed out some of the teething troubles.

- Q76 **Dame Diana Johnson:** Do you want to say what those teething problems were?

Julia Mulligan: The main issue was the suspicion that police forces were identifying the legally qualified chairs that they wanted to work with. We were trying to make sure that that didn't happen and that the rota was entirely independent. That has happened now. There has also been a whole issue around indemnity, which has caused a bit of consternation among the LQC community. There have been one or two things, but as I say most of these things have been resolved now.



Q77 **Dame Diana Johnson:** Would either of the other witnesses like to say anything?

Alun Michael: We were fortunate in a way that, when we moved to the legally qualified chairs, one of the commissioners was Winston Roddick, himself a QC. He and I worked very methodically in recruiting, and that started particularly well in Wales. I think the move from chairing by a chief officer was absolutely the right thing. I do not think any of us had confidence in that. It put pressure on the chief officer, and it is so important not only that justice is done, but that it is seen to be done. It is absolutely the right change, but let us not pretend that any system is absolutely perfect.

Sue Mountstevens: Just to add to that, the fact that we recruit and select LQCs without any police involvement is key. I think that they are also not influenced by police culture. That has made a big difference, as well as the fact that we have them in public and the public can see that they are independent. I agree with Julia and Alun that the LQCs are fiercely independent and would challenge any intervention of their powers.

Q78 **Dame Diana Johnson:** May I put to you what the Police Superintendents' Association has said to the Committee in written evidence? It said: "Forces are increasingly using public money to judicially review the findings of Panels chaired by Legally Qualified Chairs, when they do not agree with the outcome." Is that your experience in your forces?

Sue Mountstevens: I think there should be a way to avoid the JR route where chief constables are vehemently in disagreement with an LQC or a panel. There could be another route, maybe to the police appeals tribunal. I think that would probably save time and money.

Alun Michael: When I was the Policing Minister, most of the paper in my office was massive files of appeals against disciplinary findings throughout the system. There is a massive culture of challenging decisions. That may be justified, but I am not aware of real problems on the JR route. I wonder whether that is specific to particular forces. It is certainly one that I will take away to have a look at, but I am not aware of it being an issue in my forces or other forces in Wales.

Dame Diana Johnson: Julia, have you anything to say on that?

Julia Mulligan: There have been some issues on both sides of people feeling that people are being treated too leniently and that people are being treated too harshly. That is the job of the LQC: to arrive at that balance and to reach a fair decision. I think that in any system, you will get challenges around that. I welcome challenge in a way, because I think it actually opens up the process to further scrutiny and, as I say, it is a relatively new procedure. There are very often legal challenges when something is new in this respect, and those legal challenges help to strengthen the system.

Q79 **Dame Diana Johnson:** Thank you. May I move on to sanctions? Inquest



HOUSE OF COMMONS

said to us: "Sanctions should play a key role in upholding professional standards and confidence in policing...there has never been a successful prosecution of any police officer for murder or manslaughter and, even where misconduct proceedings are held, sanctions too often fail to reflect the gravity of ill treatment." What is your view of that statement, and what action do we need to consider to ensure a more effective sanctions regime?

Sue Mountstevens: Where police officers have broken criminal law, they should absolutely be subject to the resulting criminal process. I think we just need to take into consideration that the majority of police complaints are low level, and we need to review them in the light of learning, reflection, and accountability, because that is how we are going to bring tangible change to the culture of the police service. Sanctions are necessary. In Avon and Somerset, we have had 30 gross misconduct hearings in this last year, of which 27 resulted in dismissal and the rest in final warnings. We also use the disbarred list. We just need to reflect on the fact that we need to learn from the mistakes. But where officers have broken the criminal law, of course they should be absolutely under its remit as well.

Alun Michael: Personally, I would be reluctant to generalise on this because obviously the question would be in any particular case whether the sanction imposed was proportionate to the errors made. I would rather suggest that if there is a problem, we ought to look at the individual cases and ask why the sanctions were not proportionate rather than looking at it as a percentage game.

Julia Mulligan: One area that is interesting and that I have come across in the nearly nine years that I have been doing this is pension forfeiture. That is a sanction that is available to PCCs and it is PCCs that actually have to make the decision on pension forfeiture. That is a really interesting one, when faced with one of those cases. I had one case—I will not go into details because that would be inappropriate—and one has to consider also the wider circumstances. Should the wife and young children of an officer be penalised by forfeiture for the wrong that that officer has done? There is some complexity in some cases that is interesting to consider. It is easy for the public to say, "Why should they have a good, nice police pension when they have been convicted of rape?", or whatever it might be, but nuances and circumstances need to be taken into consideration. I would concur that it needs to be done on an individual basis.

Q80 **Dame Diana Johnson:** It would be quite interesting to know how often the pension forfeiture has been used by PCCs. That would be an interesting statistic.

Julia Mulligan: Very, very rarely.

Alun Michael: If I may say, there could be a simplification of the system, because the ping-pong between us and the Home Office in that process



HOUSE OF COMMONS

takes longer than is strictly necessary. Perhaps that is something to pick up in correspondence after this session.

Chair: Thank you. We very much appreciate your time this morning, and are very grateful to you.

Examination of witnesses

Witnesses: Dr Graham Smith and Dr Clare Torrible.

Q81 **Chair:** We now move on to our second panel of witness and welcome Dr Graham Smith from the University of Manchester and Dr Clare Torrible from the University of Bristol Law School. Thank you very much for joining us and apologies for the late start of this panel. May I ask both of you what you would say were the top challenges facing the police complaints system? Clare Torrible, if you would like to start.

Dr Torrible: Good morning. My interest is mostly the majority of complaints that are handled within forces, so obviously the previous session was very interesting.

As was discussed, the new reforms are still bedding in, but there are three things that I think the Committee should bear in mind about the reforms and how that process operates. First, lesson-learning culture is obviously very important and useful, but equally important is to recognise that it is very different within a police context from that within, say, the aviation industry. Nobody wants an airline to crash, yet much about policing is quite contested. Significantly, another big difference is that people choose to fly, whereas when people are going about their business when the police are lawfully and legitimately using their powers, people don't choose to be stopped and searched, or subjected to force and so forth. So the lesson-learning process around complaints needs to be considered very differently.

A concern is that the lesson-learning process may reduce the amount of transparency that the police complaints system is currently producing. The previous system had an appeals process, which was seen as cumbersome, but allowed appeals points in relation to the assessment of the gravity of an allegation, whether it was frivolous and the degree of inquiry undertaken. The reasonable, proportionate response for lesson learning concertinas that into one review of an outcome, and the concern is that, for those nuanced things about how forces or professional standards departments are considering complaints and complainants, there is less access to how that works. I think those are the challenges.

Dr Smith: The first challenge, I think, is in regard to knowledge and understanding. There is just so much that we do not know about police conduct and complaints. For example, we know that many people do not complain if they are dissatisfied with the conduct of the police in any way,



HOUSE OF COMMONS

so we do not know the full extent of the problem in regard to police complaints. Also, all the information that has accumulated in the professional standards departments is not put into the public domain, so there is this wealth of data that we do not know about.

Even though the IOPC is open and transparent in many ways, it does not record the outcomes of its own investigations, nor investigations of the most serious complaints where special requirements are involved. This lack of knowledge in regard to complaints is in contrast to that of victims in the criminal justice system more generally. There has been a wealth of research done in the field of victimology so that we know, understand and appreciate the needs of victims, but we do not have that same appreciation in regard to the victims of police wrongdoing. That is my first point.

The second point is that, quite evidently, there is an accountability challenge. Really, we need to not lose sight of the fact that the core function of the police complaints system is as an accountability mechanism. It is a means of holding an officer to account for their wrongdoing, and this particularly applies where complainants seek—it may be the only opportunity available to a complainant—to bring an officer to account before them. This came very much to the fore 20 years ago, and there is a danger that it is now being lost sight of.

My third challenge is that the IOPC is a police-facing body, and it need not be a police-facing body. It could take a leaf out of the book of the Inspectorate of Constabulary, which 10 years ago moved from being a police-facing body to being a public-facing body. In order for the IOPC to reorientate itself, it would have to pay more attention to the members of the public who are dissatisfied with the police and may or may not complain.

Q82 Ruth Edwards: Thank you very much, both of you, for your time this morning. My first questions are to Graham Smith. In evidence to the inquiry, we have heard that while the establishment of the IOPC is welcome, there are still a number of areas where it could improve. The things we have heard about in particular are the timeliness of investigations, their independence, and also the quality of training that IOPC investigators receive. To what extent, in your view, is the IOPC fulfilling its oversight and investigation role effectively?

Dr Smith: If we look at the IOPC in the round, or what its purpose is, then I think, in terms of the standards that are really available to us, we would have to conclude that it is not as effective as it could be. Now, I think if we take independent investigations for an example, the declared intention of the Home Secretary back in 2013 and 2014 was that the IOPC should investigate all serious and sensitive complaints, but the records of the IOPC—their statistics—actually show that, at most, they investigate maybe 25% of serious and sensitive complaints. So the IOPC is not meeting the standard expected of it in that regard.



HOUSE OF COMMONS

In regard to the effectiveness of those independent investigations, by the IOPC's own admission, it is not meeting the timeliness standard, so, again, there is a weakness there. You mentioned, also, independence and quality of investigation, but there are no standards set out by which the investigations either by the IOPC or by PSDs can actually be measured. I think it is also quite interesting that timeliness has replaced independence as a measure of the quality of investigations, if you like.

I think I mentioned in my introduction about losing sight of complaints as an accountability mechanism. Who investigates police complaints has been the most contested issue, dating back 70 years or so. I think it is quite significant that the police, in terms of the introduction of the IOPC—or sections of the police—were extremely opposed to the introduction of independent investigation. I am a bit concerned that there is a subtext to this move away from independence of investigations to other measurements—maybe distracting from that underlying purpose of the IOPC as an investigative body. I think it is quite significant also that, the last year that figures were available, there was a drop of nearly 25% in the number of independent investigations being opened. So there is a retreat, really, from the independent investigation as a measure of effectiveness.

Also, I mentioned in my introduction about accountability—losing sight of that accountability; obviously there is the dissatisfaction of complainants that do not feel that an officer has been brought to account before them.

Q83 Ruth Edwards: In your view, what are the reasons for this drop in the number of independent investigations? Because it is quite a significant number.

Dr Smith: What we have is what the IOPC tell us—that they are focusing on thematic areas that they have identified as being most important. So we will have to accept that, because we don't have any alternative information in regard to why there has been this significant drop in investigations. But I think, again, there is this uncomfortable relationship between the IOPC and PSDs that is always in the background. Whenever we are critical of the IOPC—and it is not difficult to be critical of them—we also have to look at the responsibilities of their partners in making the system work.

I have always looked in terms of capture of the IOPC, but there is also the problem of scapegoating: that all of the ills of the system are laid at the door of the IOPC. I think the same applies to oversight. There are problems with measuring the effectiveness of the IOPC as an oversight body. There, the responsibilities of PSDs are even greater, because 98% of complaints are dealt with within PSDs, so this relationship between the IOPC and PSDs is crucial to understanding the effectiveness of the system.

Q84 Ruth Edwards: Thank you. This question is to Clare Torrible. The Committee heard evidence from the Association of Police and Crime Commissioners that suggests that the old system was too often seen as the police investigating the police, without sufficient external checks. To



HOUSE OF COMMONS

what extent do you think the new IOPC powers have increased the independence of the complaints system and addressed this perception of the police investigating the police?

Dr Torrible: In the in the old system, the majority of lower-level appeals went to chief constables and were actually very often dealt with within the professional standards department. Of those, the number of appeals upheld were substantially fewer—the percentage was much lower—than appeals to the IPCC, so the move to police and crime commissioners looking at reviews is to be welcomed.

As I said in my introduction, a concern is that the move to lesson learning hinges on the idea that responses to complaints are reasonable and proportionate. It is much harder to review the overall sense of something being a reasonable and proportionate response to a claim, so while the move does mean that there is independence, in terms of police and crime commissioners, the level of review provides much less scrutiny to police professional standards departments than the previous ability to take some review and some appeals to the IOPC. The stats they gave provided an awful lot of nuance in how some police professional standards departments consider complaints.

The other concern, which I suspect is a big difficulty, or which may present difficulties, in terms of police and crime commissioners' functions—we heard from police and crime commissioners earlier on the different ways in which they approach their role, and there were lots of positives about it—regards their relationships with professional standards departments. They will come up against an issue again and again of the difference between policy matters and operational matters, over which chief constables maintain control. If the complaint, or a disagreement about how a complaint is handled, touches on that, that will be an ongoing issue for the IOPC and PCCs and so forth to address.

Q85 **Dame Diana Johnson:** I just want to ask a few questions about professional standards departments. While the changes in 2020 have given, as we have been hearing, increased powers to the IOPC, I think the vast majority of cases are still dealt with by the local police forces. Could you say something about the positive factors in terms of that happening? I think you have already alluded to some of the negatives, but could you just talk to us about the positives and negatives of the structure with the professional standards department investigating complaints? Claire, do you want to start?

Dr Torrible: Obviously, the officers in professional standards departments have the experience of being police officers. They have a level of expertise about how policing operates. The concern is—this goes back to the point that Graham was making—the issue of accountability, transparency and independence. The rationale behind independence is that people recognise that somebody who is not a police officer, who may not have the biases of a police officer or may not be enculturated in the same way as police officers, is reflecting on what happened to them.



HOUSE OF COMMONS

Julia Mulligan made a very interesting point about process. She mentioned culture within professional standards departments. She made a distinction between a process-orientated response to a complaint and what she was taking on in model 3, which was service-orientated. There can be a tendency within professional standards departments to gather an appropriate amount of evidence, look at it and say, "We have gone through the process carefully. Look, we have gone through the process," without that necessarily resulting in a change in appreciating exactly what it is that is happening.

That is the problem that the police complaints process has, and that is what needs to be addressed. The challenge is how to do that. My sense, and the point I made, probably not particularly articulately in my opening, was that transparency is the way to do that, and "working with". But there do seem to be some ongoing issues about that, because we are here again.

Dr Smith: Alun Michael raised the positive when he spoke about leadership of a chief constable. That is the traditional argument, alongside the fact that only police can investigate police: that it is for a chief constable to maintain a disciplined force, and the responsibility for complaints and discipline follows as a result of that.

That really is the only positive. Well, following on from that, there is another positive. That is that the police should, in terms of dealing with the public, have to deal with public complaints. They can deal with public complaints expeditiously by apologising. A police officer in the street goes over the top, is abusive or something, and says, "I'm sorry. I shouldn't have said that." End of story. There has been accountability to the member of the public for the mistake, and life goes on.

That is an important reason for professional standards departments and why police should have responsibility for complaints and discipline. I am of the view that it ends there. I really do think that we are reaching a stage now, with interminable reforms and coming back to the Home Affairs Committee again and again to examine problems with police complaints, where maybe it is time for an entirely independent regulatory system for police conduct.

There is a precedent in the United Kingdom, in the Police Service of Northern Ireland and the operation of the Police Ombudsman. It would also be an incremental development of the reforms that have been going on for the past 70 years in England and Wales. It would be a further step forward from that taken by the Home Secretary in 2013-14, when funds were transferred from professional standards departments to the IPCC, as it then was, to increase its capacity to investigate serious and sensitive complaints, which I have referred to already.

Many of the problems with the current police complaints system rest in professional standards departments. I say this having done research in my local police professional standards department on disproportionality in internal investigations, where there was a problem identified with



disproportionality against Black and ethnic minority officers. I led a team of three researchers, and we found in that research that professional standards was in paralysis in regard to internal conduct matters because of allegations and counter-allegations among officers. Rather than the command officers having control over professional standards, there was a break—a disconnect—and I do not think that the leadership that Alun Michael said was so important is there as much as it is claimed to be by chief officers.

- Q86 Dame Diana Johnson:** The Police Superintendents' Association told us that, in their experience, "professional standards departments are very robust in investigating their own officers". But, from what you just said, that is not what you found in your research.

Dr Smith: That is not a given. I think there are local variations, and I think there were exceptional circumstances in Greater Manchester police at that time—there are historical reasons for that—but it had gone on for a long time. John Grieve of the Metropolitan police, who came so much to the forefront in regard to the Stephen Lawrence inquiry, went and did an investigation into disproportionality in professional standards after an officer had been targeted. That investigation report was never released. There was the TV documentary "The Secret Policeman". These factors built up and built up. Rather than being an effective body to investigate officers, it was anything but.

I think Vic Marshall, in his evidence to the Committee, also made reference to this research, so obviously he is aware of it. The research was generalisable and has been followed up. It is referred to by the National Police Chiefs' Council in its 2019 report. Again, when I say there is a lack of knowledge and understanding, there are lots of perceptions about police conduct and complaints that are not evidence-based.

Chair: Thank you. Clare, we will come back to you. I am going to Tim Loughton's questions, and you can come back on that point shortly.

- Q87 Tim Loughton:** Dr Smith, you are being quite critical of the IOPC and the whole shooting match, by the sounds of it. One of the comments you made earlier was that timeliness has replaced independence as a measure of quality. That relates to the point I raised in the earlier sitting—I do not know if you were in on all of that—that the police commissioners all said that things had certainly speeded up, and the 12-month guidance has helped there. Do you think that that has compromised the quality of the reports and investigations that are being carried out? You also said there had been a 25% drop in independent investigations being opened. Do you think timeliness is just as a result of them taking fewer inquiries on, or is there a genuine drive to up their game, and certainly to speed up their game, but not at the expense of getting to the heart of what has happened?

Dr Smith: In regard to the emergence of timeliness being of increasing importance as a measure of effectiveness, my concern there was to refer to what is possibly a subtext: in the police service, but also in the



federation and different staff associations, there has been a traditional hostility to independent investigation. When we talk about the IOPC as a police-facing body, the way it has handled opposition to its existence, right back to the IPCC, has been to focus on the concerns raised by police. It is also quite apparent that problems with timeliness are not solely the responsibility of the IOPC. They are so dependent on professional standards departments and police more generally for their assistance, and on the Police Federation for co-operation, that timeliness may not be entirely the fault of the IOPC and the IOPC investigators. The Crown Prosecution Service, for the more serious end of complaints, also has some responsibility there.

- Q88 **Tim Loughton:** May I pick you up there? This is really in contrast to the evidence that the police and crime commissioners have given. I tackled them over their description of the IOPC, which was entirely that it was public-facing and accountable to the public for resolution of public complaints, rather than taking up some of the complaints that had come, indeed, from other police commissioners originally, and that lack of timeliness certainly could frustrate public inquiries but also hang over police officers for years and blight their careers, when they had what turned out potentially to be unsubstantiated complaints overhanging their careers. You are saying that the whole set-up is purely police-facing, which contrasts with what the commissioners said.

Dr Smith: I am not saying that timeliness is not an issue; it is an issue to complainants and to police officers, evidently. I am asking why there is a problem with delay, and not the consequences of timeliness. I accept that there are negative consequences for police officers as well as complainants, but my point there really was only that it is interesting that it had been raised that it has emerged as such an important measure of the effectiveness of the IOPC.

In regard to the 25% drop in cases—I come back to my earlier point—we have to take the IOPC at their word. I don't want to speculate as to the reasons for that drop. I think you are right when you say that if they do less investigation, then timeliness will not be such a problem.

- Q89 **Tim Loughton:** Dr Torrible, the previous witnesses seemed to suggest that things were getting materially better. Evidence we have had from the Police Action Lawyers Group suggests that there is still a sort of systemic reluctance on the part of police officers to comply with investigations of this sort. Do you think the IOPC is fit for purpose now, do you think it is on the right trajectory, or do you think there is still something systemically wrong that it does not properly hold police officers to account?

Dr Torrible: I will join the question that you have just asked with the previous question, which I wanted to come back to, because I think they are linked. They are also linked with what Graham was just saying, which is that the reason for an independent complaints system and process is that people are concerned about the police investigating the police; and if we get to the point where we are focusing on the detail of how the IOPC



HOUSE OF COMMONS

works, that is very important, but it can divert from the need for the public in general to be comfortable that the police are being held to account.

As we discussed, 98% of complaints continue to be handled in police forces, with IOPC oversight, and as I have discussed, I think there are ways in which that has reduced. The question before was about the robustness of police investigations, and I think a distinction was made that the police are very good at noting errors or misconduct within their own forces, looking at the outcomes of conduct cases—not complaints. That's when occasionally through civil actions, but mostly within the force itself, an officer has raised concerns about another officer. That it comes to be about conduct, it is schedule 3 and serious. A contrast was made, I think by the Police Federation in evidence, that forces are very good doing at that, and it compared those statistics with complaints statistics.

Of course, as we have heard, complaints statistics cover a much broader range of behaviours, from incivility up, so comparing those two sets of statistics does not work very well; it is not valuable. Importantly, when a professional standards officer is faced with one officer's account against another officer's account, they inevitably bring to bear a different set of judgments, a different weighing mechanism, compared with when they are considering an officer's account against a complainant's account.

That is not necessarily to say anything bad about PSDs; it is an inevitable human trait. But that is the problem; that is the concern—that digging down into those processes is the problem. That's where there is a concern, that an investigation may seem to be and feel robust from a senior officer's conception, but that would not necessarily be an independent person's conception of how the evidence is weighed.

Q90 Chair: I'd like to look at how the police differentiate the complaints that are effectively about individual officers, where there may have been some serious breach, versus the kinds of complaints that are basically, "We've still got antisocial behaviour in our community and it has not been sorted out," or, "We've been pursuing this problem for some time and there has still been no action."

Do you think that police forces manage to differentiate those two effectively, or do you think they too often treat the kinds of issue complaints, or complaints that effectively are that there has not been enough police action, too often as, "Well, that must be a complaint against an individual officer."? You're both muted but also look quite silent in response.

Dr Smith: Shall I come in on that?

Chair: If you do not have anything to add on it, by all means don't answer. There is no need to respond.

Dr Smith: You are referring there to what have been called direction and control complaints—policy matters. These have emerged in the past decade or so. They used to be excluded from the process. I would go further.

You can also look at the distinction between positive and negative actions on the part of the police. Those are also about the failure of police to protect members of the public from offending behaviour. You have raised it in the context of antisocial behaviour, but I think there is a far more serious issue of Black on Black deaths, where really the same applies.

Q91 **Chair:** When those complaints come in, which bit of the system do you think they currently go into, and is it done effectively?

Dr Smith: After the reforms, they are to be taken up as part of the major system. In terms of how that is operating, it is with great difficulty. There is also law. Post Stephen Lawrence, it is quite apparent that these lessons still have not been learned in terms of effectiveness. On hate crimes, we have had cases in Manchester where there have been victims of hate crimes and complaints made, particularly by refugees and asylum seekers, where not enough has been done. It is extremely difficult to progress those complaints.

Chair: Thank you. Sorry to interrupt you, but we need to close the evidence session. A final thought from Dr Clare Torrible.

Dr Torrible: I was just going to add to what Graham was saying. The difference between an individual and a bigger issue problem is how we recognise those. The point I made at the beginning was about a complaints and discipline system needing to provide data. An important way ahead for that—an important thing that the Committee could do in the initial stages, while we are waiting for these reforms to bed in—is to draw on data from civil actions. Police and crime commissioners will be overseeing force legal personnel in dealing with those. These issues of cases where there is a suggestion of police behaviours that may be repeating could be picked up there in a way that they might not be picked up by the professional standards departments. Suggesting that standardised civil claims data is published would be a way ahead.

Chair: Thank you very much for your time this morning; we are very grateful. We need to close our evidence session now, but thank you to our witnesses this morning.