



Home Affairs Committee

Oral evidence: [Police Information Notices](#), HC 901

Tuesday 13 January 2015

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Members present: Keith Vaz (Chair); Nicola Blackwood, Mr James Clappison, Michael Ellis, Paul Flynn, Dr Julian Huppert, Tim Loughton, Mr David Winnick.

Questions 1 – 86

Witnesses: **Chief Constable Sara Thornton CBE QPM**, Thames Valley Police, Vice-President of ACPO, **Chief Constable Garry Shewan QPM**, Greater Manchester Police, ACPO Lead for Stalking and Harassment, and **Martin Richards QPM**, former Chief Constable of Sussex Police, gave evidence.

Q1 Chair: Could I call the Committee to order and welcome our witnesses for today's proceedings? The Committee is currently concluding a number of inquiries, so this might be an interesting session in that it covers more than one particular area as we try to close our inquiries before Parliament is dissolved at the end of March. We are currently concluding inquiries into the College of Policing, PIN notices—indeed, we are opening and closing our inquiry into PIN notices today—and out-of-court disposals, as well as criminal justice, mental health and gangs and crime. You will not be asked questions on all of these topics, but we might have individual ones, and we are very grateful to you for coming in at short notice.

May I start with you, Chief Constable Thornton, specifically on the College of Policing, which is one of the areas in which we are interested? I know that you have taken a number of steps concerning that. We were concerned about the possible barrier to becoming a police officer that the Certificate of Policing posed to those who wish to be part of the police service, as well as the cost. We specifically were concerned by the number BAME officers who might want to join the police service but were unable to do so. What are you doing in Thames Valley to try to address this problem?

Chief Constable Thornton: I am a supporter of the Certificate of Knowledge of Policing for two reasons. For most careers nowadays, you need some sort of knowledge and learning before you join. The other reason is the tight financial situation we find ourselves in—I just cannot afford to pay people to sit in a classroom learning the law. So for two very good reasons, we have moved to a situation in Thames Valley where everybody has either to do a foundation degree in policing, or to have the certificate. But we were concerned about the potential for it to be a barrier and we have done a number of things.

For our own staff—our PCSOs or our police staff—if they want to become police officers, we give them study assistance and we pay half their fee. We are just about to start a pilot with Bucks New University, based in High Wycombe and Slough, where we are paying

bursaries for BME candidates. I am pleased to say that 32 candidates will start on the course on Saturday in Slough and in Wycombe. We are also talking with colleagues at Brookes University to try to do a similar sort of arrangement, because I would be very concerned if it was seen as a barrier. I also know that when you talk to different institutions, a lot of them have different levels of assistance for people from all sorts of backgrounds, if they are of very modest means, to help them to pay for the course fees.

Q2 Chair: Mr Shewan, as far as Manchester is concerned, are you doing something similar, because obviously you have an area that requires quite a lot of police officers? How are you recruiting them? Do you take the College of Policing's certificate as being important when people apply to join?

Chief Constable Shewan: We are working with all our communities. One thing we do say about Greater Manchester is that we do not resemble the community in which we police. We have been running a whole new way of looking to bring new recruits into Greater Manchester in the last 12 months, so very much a community focus and a community-based selection process. We offer, like Thames Valley, not only bursaries, but also the opportunity for assistance for officers who offer particular skills, such as language, or those coming from our BME community, to ensure that Greater Manchester is transforming its service so that it looks like and resembles the community that it is policing.

Q3 Chair: In offering the bursary, is that an admission that the fee is too high?

Chief Constable Shewan: I think it is a very clear market out there and a lot of universities are trying to tap into the opportunity to offer the Certificate of Knowledge of Policing as part of a wider degree process and to work with forces to try to ensure that they get pathways for their students. The stark reality is that while there is a very good marketplace out there, universities are not always providing the best candidates, nor the most suitable candidates for forces. That is why forces independently then have to examine what they need, the skills that they are looking for and how they are recruiting, and not just falling into a university trap.

Chair: Thank you. Let us move to out-of-court disposals. Michael Ellis.

Q4 Michael Ellis: Thank you very much, Mr Chairman. Have Thames Valley police used an adult simple caution for an indictable-only offence since the Ministry of Justice produced this guidance stating that that should happen only in exceptional circumstances?

Chief Constable Thornton: Yes, we have. We introduced the guidance at the beginning of January this year. I have checked our records and we have used an adult simple caution on six occasions. On every single occasion, the circumstances were viewed as exceptional by a superintendent and were agreed by the Chief Crown Prosecutor. May I further reassure you that in addition to those two checks, we also have a scrutiny panel that meets quarterly

that looks at all out-of-court disposals, which includes magistrates and Victim Support, as well as the Crown Prosecution Service, ourselves and the Probation Service?

Q5 Michael Ellis: We heard evidence, I think last week, from one of your chief constable colleagues in another force area, who gave examples of circumstances in which out-of-court disposals such as cautions might follow for indictable-only offences, even like rape. Do you see a continued need for the use of out-of-court disposals for certain exceptional circumstances and will you continue to oversee the use of those disposals so that you will satisfy yourself as chief constable that they are not being inappropriately used?

Chief Constable Thornton: Yes, I still do see the need for that test of exceptional circumstance. If I may give you one of the examples, I have the six offences that we have in Thames Valley. Two were sexual assaults—not rapes—one of a child under 13 and one of a child over 13. In those circumstances, where you have a victim who is unwilling to give, and will be severely traumatised at the prospect of giving, evidence, I think, in terms of trying to reduce further harm, it is a choice between nothing or a caution.

Q6 Michael Ellis: What about in your force area? Have you a similar situation?

Chief Constable Shewan: Yes, we do. In Greater Manchester we provide a lot of training for our officers in community and restorative justice. We have been putting a lot of focus in terms of replacing the old traditional out-of-court disposals with restorative conferencing to ensure that we are bringing the victim's views and putting the victim focus into that.

Q7 Michael Ellis: Mr Richards, can I ask you about that as well? You were previously a chief constable, were you not?

Martin Richards: That is correct. Yes, I was.

Michael Ellis: What was your experience of the use of out-of-court disposals? Did you see any examples where they were being improperly used—where perhaps someone was given a caution and it really should not have happened?

Martin Richards: No, I did not. The level of training and supervision in part accounted for that, but I am not suggesting that nothing slipped through the net. The point I was hopefully going to make for the Committee's benefit was in terms of victim satisfaction, where I do recall that that was running at about 80% for community resolutions, one of the out-of-court disposals, and importantly as a measure, I think, in terms of youngsters in particular no longer re-entering the criminal justice system. That was at a 40% level, which was a mark of its success, I felt.

Q8 Michael Ellis: One of the things that has concerned members of this Committee is a perceived, at least, regional variation between out-of-court disposals being engaged in

individual cases. Do you think there ought to be a system to provide more consistency, or is it important that individual areas are able to focus on their own priorities in how they dispose of cases?

Chief Constable Shewan: I think that is exactly what the scrutiny panels are doing. The scrutiny panels are giving local people an opportunity to look at the use of out-of-court disposals and ask the question, “Are they meeting the needs of our communities? Are they appropriate? Given the circumstances that we are living in, is that what we would expect our police service to be doing for us?” So I think that is exactly what the scrutiny panel is to do. I would not want to see a national expectation, because local people should have a voice and local victims should be able to say what they believe is the right level of justice being delivered for the crimes that they are suffering.

Q9 Michael Ellis: Finally from me, do you all agree with my assessment that it is important that police officers, especially senior police officers, ought to have some discretion about the application of out-of-court disposals and cautions, and that if they take the view, within reason, that it is appropriate to caution an individual—often because, as you say, Chief Constable Thornton, it is better to get something than nothing against a particular case—they should have that discretion and we should allow that discretion to continue? Does anybody disagree with that?

Chief Constable Thornton: No. I think the discretion is important, but I think the bar should be high, as it is, with the exceptional circumstances. As my colleague said, there is the whole issue about justice being local and reflecting local concerns, which is why I think Victim Support and magistrates being involved in scrutiny panels is important, but of course we do have a national standard and there is a variety of bodies—from the College of Policing, to HMIC to the National Police Chiefs Council—that could have a look at whether there is consistency across the board.

Q10 Chair: Lynne Owens, who gave evidence to us last week alongside Richard Moorhouse, or following Richard Moorhouse, has just written to this Committee to say she did not recognise some of the circumstances that Richard Moorhouse was describing, particularly cases of people outside schools selling drugs and just getting disposals. I am not sure whether you saw the evidence of Richard Moorhouse last week, but do you want to comment on that?

Chief Constable Thornton: I have seen the letter that my colleague has sent to Richard—

Chair: You have? Good.

Chief Constable Thornton: —asking specifically for examples because she did not recognise them. Discretion aside, the sorts of examples that were being suggested would be a cause for concern, and it would be interesting to see what examples he can provide.

Q11 Chair: So you would not like to see out-of-court disposals being used in cases like that, and nor have you sanctioned such.

Chief Constable Thornton: No. The six examples that we have are not that sort of thing, no.

Chief Constable Shewan: No, I think when you have a crime that is clearly having an impact upon local people and it is perhaps the one thing that tackles their confidence in going about their normal business, whether that is antisocial behaviour or drug dealing on the streets, you clearly have to use the legislation to work with communities, but there also has to be some way of ensuring there is some form of rehabilitation or product coming out of it. Simple cautions have clearly been shown not to have the ability to stop reoffending. When you apply a condition to those cautions in terms of whether that is an alcohol awareness programme or a drug intervention programme, you can make a real difference in terms of future offending. You have to understand what is available and you have to understand the motivation for the crime, but clearly where you have a crime that is having such a symbolic impact upon communities, the role of the police service is to ensure that we are providing strong justice.

Chair: Thank you. Let us move to PIN notices. Tim Loughton.

Q12 Tim Loughton: Thank you, Chairman. Mr Shewan, you are the lead for ACPO on harassment and stalking.

Chief Constable Shewan: I am indeed, yes.

Tim Loughton: And therefore on the use of PIN notices.

Chief Constable Shewan: I am, yes.

Tim Loughton: There was a review into these PIN notices by Sussex police produced in April of last year in co-ordination with the College of Policing and, I presume, ACPO. What action has taken place on the back of that so far?

Chief Constable Shewan: The review into Sussex, which I have read, was not done in conjunction with ACPO, but it has informed the current work that is going on between ACPO and the College of Policing. The last time that the practice advice was reviewed was in 2009. Since then, in 2012 we have had new stalking legislation introduced. Therefore, we are currently in the middle of a review of that practice advice and we have invited the Sussex review, as well as the Derbyshire review and others, to inform our discussions around the elements that are looking at Police Information Notices.

Q13 Tim Loughton: When is something going to come out of that, because clearly at the moment PINs are not statutory and there is no consistent procedure. It is an operational matter left up to each force and therefore that has thrown up large examples of inconsistent use between forces, as well as within forces themselves.

Chief Constable Shewan: Yes, you are absolutely correct. A Police Information Notice has no legal standing. If conditions are applied to it, they cannot be legally enforced if they are breached, and a Police Information Notice is nothing more than a tactical option designed to stop either the escalation or continuation of harassment or stalking. It is therefore used by the officer, taking the whole situation into account—the victim’s views; the motivation of the offender—in deciding whether a Police Information Notice would have an impact. But clearly I think there is a growing gap between the intention of the practice advice in 2009 and the actual use of Police Information Notices in 2015, which is why it is forming a critical part. I can assure this Committee that that review should be having a product for new practice advice going out this year for all police officers that takes into account that review, but also the work and the changes in the legislation we have seen since the last time it was reviewed.

Q14 Tim Loughton: So last year in July when you stated that it was “No surprise that victims of stalking feel unprotected when officers reach for a Police Information Notice before they reach for the law”, did you think the things had been misused? Is it, in extreme cases, a lazy way of not properly investigating real crimes or of massaging crime figures?

Chief Constable Shewan: Clearly every time a Police Information Notice is used, I would hope that it has been done using the judgment and the experience of the officer in conjunction with the experience of the victim to make a decision. Now, clearly the practice advice—

Q15 Tim Loughton: You would hope that, but you do not think that, do you?

Chief Constable Shewan: Clearly the practice advice says very clearly that in most circumstances it should only be done when there then is no course of conduct complete, but it does recognise that there are circumstances in which a Police Information Notice would be useful. For example, where the perpetrator clearly is either confused or is unaware that what they are doing amounts to harassment, even if it is a course of conduct, a Police Information Notice would be very useful in those circumstances. But I am of the view, as the lead for stalking and harassment, that since 2009 and since that new practice advice was put out, there has been a growing use of Police Information Notices in circumstances that are far from the ideal expected within that practice advice, which is why we are currently reviewing it.

Q16 Tim Loughton: So you agree that they have been misused in many cases?

Chief Constable Shewan: I think I have to accept that there have been tragic cases that I have seen whereby, sadly, people have lost their lives, and in the run-up to that, Police Information Notices have been used, in my view inappropriately. I think therefore there are cases.

Tim Loughton: I think you are agreeing with what I said.

Chief Constable Shewan: Yes. I would have to accept, yes, there is inappropriate use.

Q17 Tim Loughton: You agree there has been inappropriate use. Does it surprise you therefore that in the review based on samples of real-life cases that Sussex police did last year, it showed that 75% of those cases were based on clear cases when clear courses of conduct had been demonstrated, for which PIN notices are specifically not recommended? Does it surprise you that they have been misused in a majority of cases by Sussex police?

Chief Constable Shewan: Yes, I have looked at the use of Police Information Notices by forces across the UK and there is considerable variation. There are some forces that have now stopped the use of Police Information Notices altogether. You are absolutely right; that review did find that in 75% of cases where a PIN was issued, there already was a course of conduct. As I say, the practice advice does advise that it should only be used where there is not, but it does say that there are circumstances, for example where there is confusion or the victim does not want to support a prosecution, in which a Police Information Notice could be used, even though a course of conduct is already—

Q18 Tim Loughton: But that is unlikely to be 75% of cases, is it not? Do you know how many PIN notices have been issued by your own force in the last year?

Chief Constable Shewan: Yes, approximately 900.

Q19 Tim Loughton: Okay. Mr Richards, do you know how many were used in your last year of tenure as chief constable of Sussex?

Martin Richards: In the calendar year ending 31 March, yes, Mr Loughton, about 1,520 or thereabouts—just over 1,500. Year to date, I think it is just over 1,200.

Q20 Tim Loughton: Were you aware—are you surprised that the review done subsequent to your departure revealed—that three quarters of them had been used in inappropriate circumstances under your own guidance?

Martin Richards: I was surprised, yes.

Q21 Tim Loughton: What role did you have in monitoring the issue and use of these PINs when you were chief constable?

Martin Richards: I did not have a role at all.

Q22 Tim Loughton: Why not? If so many more were used in your force than in Greater Manchester, for example, did you take no steps to ascertain whether they were being used more than other forces and more inappropriately than other forces; and if not, why not?

Martin Richards: I think it is fair to say that the events over the last two years and the direction in many ways from the Privileges Committee caused a new focus to be placed on PIN notices. I believe the review that was carried out highlighted areas that, as a force, we were not aware of and that as then chief I was not aware of. I am advised by my successor that steps are now being taken to remedy that.

Q23 Tim Loughton: Were you surprised when the review in Sussex, again subsequent to your tenure, said that there was confusion among officers, that an inconsistent approach was being used that increased the risk that officers or staff potentially may not be able to establish whether a PIN notice has even been issued and to whom, and that on the advice about them being issued to the victim and the alleged perpetrator, and their being served other than in exceptional circumstances in person, clearly that guidance was not being followed in all those cases on your watch for Sussex police? Do you regret that?

Martin Richards: Yes, I do. The guidance is there for a purpose and if it takes a review such as this to improve standards, that is what learning is about, and I think the review quite clearly highlights that.

Q24 Tim Loughton: Should we take the failure to monitor the correct use of PIN notices on your watch as the tip of the iceberg of other things that were not monitored properly in the context of the way of Sussex police operated services compared with other police forces, which appear to have adhered to guidance rather more appropriately?

Martin Richards: Mr Chairman, may I seek guidance from yourself at this point before I try to answer that question? I believe you are aware that the subsequent issues that Mr Loughton is referring to is the subject of personal complaint by Mr Loughton against serving and retired officers.

Q25 Chair: Mr Richards, we are not discussing that at all today. We are discussing policy issues and I think everything that has been put to you so far has been perfectly in order. I think you cannot be vaguer than “other issues”, so I do not think that any specific issue has been raised. We are talking about policy here.

Martin Richards: Thank you for making that clear, Mr Chairman. I obviously did not want to prejudice anything for any party.

Chair: No, I do not think anything has been prejudiced.

Martin Richards: Thank you for that reassurance.

Chair: I think Mr Loughton is asking, as a result of the review that has been conducted, following which you now say you regret the number of notices that have

been given out, whether other areas indeed should be the subject of regret. That is, I think, his question.

Martin Richards: I think without full understanding of every detail of the content of the report and the information that was provided to help to formulate it, all of which of course did take place after my retirement, I certainly regret the facts that Mr Loughton has raised this afternoon. I am pleased that things seem now—if my understanding of the report is correct—to have been put right.

Q26 Chair: Given your very open answer that you regret what has happened and the fact, given the disparity between Sussex and Greater Manchester—population-wise, I think that Greater Manchester is probably 10 times the size of Sussex, although I may be wrong; my mathematics is not always perfect—that so many have been issued inappropriately, do you want to take this opportunity to apologise to those who received those notices incorrectly, as has been stated in the report?

Martin Richards: That is a tough question, Chairman, because without knowing the detail of each of the cases, I would be working on an apology based on statistics, as opposed to the desires of the victim in each of these cases.

Q27 Chair: We are happy to accept an apology based on statistics.

Martin Richards: Certainly I think that what has been highlighted is that national guidelines do not appear to have been followed in the way they should have been. For that, I certainly apologise.

Q28 Chair: Thank you. Sara Thornton, as far as Thames Valley is concerned, you are reasonably close to Sussex. How many PIN notices were issued last year? We have heard about the 900 or so from Greater Manchester and the 1,500 from Sussex. How many, as a comparison for this Committee, would you have issued last year?

Chief Constable Thornton: Chair, it was 2,900, which puts the Greater Manchester figure in some perspective. One of the difficulties about this is that these numbers are not collected nationally, so in preparing for this Committee, it was the first time I have ever had comparative data. What I do know in my own force is that 2,900 is 40% less than we did four years ago, so the numbers are coming down, but it is not anything that has ever been collected nationally before.

Q29 Chair: So it came as a surprise to you, these very, very large figures.

Chief Constable Thornton: It came as a surprise that my numbers were higher than those of my colleagues, because I had never seen comparative data. I think that—

Q30 Chair: Do you think that perhaps local police officers—in the words of Liberty, which wrote about this in September 2010 in an article in *The Guardian*—may be a little bit trigger-happy just issuing these PIN notices that have no right of appeal in order to deal with a particular situation. Is it that they do not know what they are dealing with, and it is just, “Let’s issue the PIN notice,” and then you get up to this remarkably high figure?

Chief Constable Thornton: I do not think that they are trigger-happy. It sometimes is about taking cases of neighbourhood disputes, harassment and local antisocial behaviour seriously. It is about taking cases of very low-level domestic abuse very seriously and making sure that the offender knows that this has been viewed as harassment by the person who has made the complaint. I do not think it necessarily is a bad thing if you have higher numbers, but we do need to start asking the questions, which is why I welcomed the College of Policing review, which I think will shed some light on this issue.

Q31 Chair: Indeed, and that is what we are hoping to do with this inquiry. Mr Shewan, this is a good call from Sara Thornton, in a sense, that we should have these figures nationally, shouldn’t we—

Chief Constable Shewan: Yes.

Chair: By comparing like for like, we will then know immediately if something is out of the ordinary, because Thames Valley is presumably a much bigger area than Sussex.

Chief Constable Thornton: Yes, it is, but smaller than GMP.

Q32 Chair: Of course. We have you in order of size here. What is the population that you cover, Sara Thornton?

Chief Constable Thornton: It is 2.25 million.

Q33 Chair: What is the population you cover?

Chief Constable Shewan: It is 3.5 million.

Q34 Chair: Mr Richards, what did you cover?

Martin Richards: It was 1.5 million.

Q35 Chair: Quite a difference between the three. Do you think we should have these on a national basis to deal with some of the very important points made by Tim Loughton?

Chief Constable Shewan: First of all, we just have to remember that a Police Information Notice is not a disposal, and therefore it is not surprising it does not form part of the statistical return to the Home Office, because they only ask for crimes and for disposals, so clearly that is why it does not. Also, forces differ in terms of where they capture their information, whether it is on intelligence systems, crime systems or incident systems, and therefore there is no simple way of pulling this all together. I think what we have to do, Chair, if you would allow me to say this, is to wait for the review to take place by the College of Policing before we rush into a decision, because it may well be that we would want to change the way the informal use of warnings is done for stalking and harassment cases.

Q36 Chair: Indeed, but bearing in mind what happened in respect of the review into Sussex—not individual cases, but the overall review—and what Sara Thornton said today when she has looked up the figures before she came to this Committee, chief constables need to be aware of what is happening, don't they?

Chief Constable Shewan: Yes, and in my role, I regularly write to chief constables raising issues of the day, and I have written to chief constables, I think on at least three occasions in the past three years, asking them to review their policies and use of police information.

Q37 Chair: On PIN notices?

Chief Constable Shewan: Yes. I also work with the Independent Police Complaints Commission in terms of ensuring it is looking very closely at the use of Police Information Notices when a tragedy occurs.

Q38 Chair: Have you circulated the Sussex report so that everybody in ACPO is aware of what was said so the mistakes could not be repeated?

Chief Constable Shewan: What I currently have is over the next month I meet every single force lead in relation to stalking issues. The College of Policing, myself and Paladin, which is an independent advocacy service for stalking victims, are working with each of the force leads and we are sharing the report from Sussex as part of that process, because that is forming part of the process of the current review with the College of Policing.

Q39 Paul Flynn: This has been going on for some time now—2009 to 2010—and you talk of it coming to some resolution this year, but this year has only just started.

Chief Constable Shewan: No, sorry, 2009 was the last time it was reviewed. It was reviewed previously. We issued guidance in the early 2000s. We rewrote the practice advice in 2009 and it is now five years on from then, so it is now timely from the College of Policing that we rewrite it and bring it up to speed in 2015.

Q40 Paul Flynn: But we are in a limbo of perpetual review, which might be good thing. What is the downside of this in making any changes? I am sure you are under pressure to do more of this and less of that, but how is the situation presenting itself? Is there a danger that minor incidents that can be dealt with simply and cheaply are likely to be elevated into major incidents? Is that a danger?

Chief Constable Shewan: There are many, many cases of Police Information Notices being given on a daily basis and stopping harassment and stalking behaviour. Such a notice meets the needs of the victim and addresses the behaviour. The downside of it is that if it is not done in conjunction with good risk assessment or sufficient investigation, it may be used inappropriately. Just because it is used for a course of conduct when the advice says it generally should not does not necessarily mean the notice does not achieve its aim. There are many, many victims who find that a Police Information Notice stops in its tracks the stalking or harassment behaviour. Sadly, however, I feel that there is too much use being made of Police Information Notices, and on some occasions, if it is not done with appropriate risk assessment, it can lead to more harm than good.

Q41 Paul Flynn: Could you foresee a point, perhaps in two or three years' time, when we will be coming to ask you to reverse any decision that is likely to be taken at the end of this year? There is pressure to go one way and there is pressure to go another way. Wouldn't you like us all to get off your back and let you get on with the job?

Chief Constable Shewan: One of the great things about timing this year is that we are also seeing the review of out-of-court disposals, so the work that Lynne Owen is leading can inform the College of Policing in my review in terms of the use of Police Information Notices. While at the moment it is not a disposal, what it should do is use the decision-making approach that is being looked at in terms of the out-of-court disposal review to ensure that we replicate that for stalking victims, too. I think it is a real timely opportunity to bring two pieces of work together and really to consider how best to serve the needs of victims of stalking, because they are very great indeed.

Paul Flynn: I am grateful to you.

Q42 Mr Winnick: Going back to the questions that were asked by Mr Loughton to you, Mr Richards, can we just clarify the situation? I was in the Chamber when Mr Loughton raised the issue at the time, obviously before it went to the Committee of Privileges. You were the chief constable at the time, of course.

Martin Richards: That is right, yes.

Mr Winnick: Would it not be right to say that if my parliamentary colleague—obviously we are not of the same party—had not raised the issue, this matter would have been unlikely to have to come light?

Martin Richards: I think from the information I have heard this afternoon, it is clear that nationally we have a lead on the subject and, if I may say, Mr Shewan has covered a national perspective. In terms of Sussex, yes, I have no doubt—I would agree with the premise behind your question—that had we not had a particular issue that we were dealing with, I do not think that would have led to activity in this House, and nor would the review have been sanctioned and called for by my successor. That was a long way of saying, “Yes, I agree with you.”

Q43 Mr Winnick: Yes. Just one final question, Mr Richards. I do not want to put you in the dock in any way—I am sure that people will assess your position as chief constable over a period of time and, indeed, in the police service since you started—but when you said during your questioning by Mr Loughton that you did not know about the numbers issued, weren’t you informed in any way? Obviously you carry the can as chief constable; you must do so. You gave the impression in your response—I could be wrong in my interpretation—that it was not really an issue that you concerned yourself with, but a matter for people junior to you, and leave it at that.

Martin Richards: I regret it if that was the impression I gave. That certainly was not the intention. My disappointment was on the fact that I did not know and—as far as I have any recall—had not been briefed until the particulars of this case were highlighted and shone a light on an area of the force on which I had not shone a light before. That can and does happen, and it would appear to have happened to me on this occasion. I have expressed my disappointment and regret at that situation. It is the cases as much as the statistics that I think are worth surveying. When we have heard the sort of cases that this covers, of course it is important.

Q44 Mr Winnick: I was not suggesting for one moment that you considered it to be trivial. My question was more where your responsibility lay. In this case, as you said yourself, you regret that you did not know what was happening over these notices.

Martin Richards: On this particular issue, you are quite correct, Mr Winnick, yes.

Q45 Dr Huppert: Can I move on to look at stop-and-search and how that links with gangs and youth crime? We do not, I think, need to rehearse all the problems there have been historically with stop-and-search and how it is being used—I think that is now quite clear. It was announced at the beginning of December that 35 police forces were fully implementing the stop-and-search scheme, but that some were not, one of which was Greater Manchester Police. What is happening about that? Can I hear how it is going?

Chief Constable Shewan: There is only one element of the scheme that we are not yet compliant with: the recording of outcomes. Greater Manchester Police was one of the first forces to introduce a digital recording of stop-and-search outcomes and because we went early, the outcomes that we record are slightly different to the ones that the scheme expects. We are currently working with the IT supplier to ensure that we change the listed outcomes to ensure that we are compliant. There is no gap in terms of commitment or

practice. It is a digital recording issue that we are currently working on with our IT providers.

Q46 Dr Huppert: But you are recording outcomes on each one; it is just that it is a slightly different list/

Chief Constable Shewan: Yes, just slightly. We record six and I think the best-use scheme expects eight. They have separated some that we have combined together, so that is why we are having to go back to our IT solution and redesign it, and that is why we have not yet implemented in full.

Q47 Dr Huppert: But you have all that information at the moment, so you could group it?

Chief Constable Shewan: Absolutely, yes.

Q48 Dr Huppert: When do you think it will be implemented in full?

Chief Constable Shewan: We have given a commitment that it will be in place no later than May.

Q49 Dr Huppert: That is very helpful and more positive than I had expected.

Chief Constable Thornton, how are you finding implementation?

Chief Constable Thornton: Fine. We have implemented all of it. We still use a form, and it is much easier to change a form than a digital computer system. There are several changes, some of which were not significant for us, because we had been warned by the Equality and Human Rights Commission, I think back in 2010, about issues around disproportionate outcomes around stop-and-search, so we had done a lot of work. We have had a stop-and-search independent advisory group since then. We have a ride-along policy and we do a whole range of community activities around stop-and-search. We also had quite significant datasets, because we had been looking at both disproportionality and positive outcome rates since that time in great detail at my level.

The one change we had to make was around the potential use of section 60, when a senior officer can give authority for searches without suspicion. In fact, in terms of that, we use that power very infrequently and we have not used it at all since the change, but as you might be aware, the change requires a chief officer now to think that violence is likely to happen, and the requirement is only for 15 hours rather than 24. If and when we are asked to put one of those in place, we are ready with a new process but, as I say, it has not happened.

Q50 Dr Huppert: I would be interested, Mr Shewan and Mr Richards, if you have things to contribute as well. Overall, have the changes to stop-and-search that have been happening caused you disadvantages, or has it been possible to do it without causing any problems in terms of the operational effect? I do not mean the internal workings.

Chief Constable Thornton: No, because we have been working on this for, as I say, four or five years now. I remember under the old police authority, and now with the police and crime commissioner, a grave concern about whether this was going to have a chill effect on levels of crime. I can honestly say that that has not been my experience.

We did a force-wide training scheme and I remember doing a kind of personal video message to officers at the time saying, “We are not accusing you all of being racist”. We did not want them to hold back on using their powers appropriately, fairly and effectively, and I think we managed that. It was about making sure that people used the powers when appropriate and not suggesting for one minute that the power was inappropriate.

Q51 Dr Huppert: Do you have figures on the ratio of use for people from different ethnic backgrounds now and what they used to be?

Chief Constable Thornton: I do. When we worked with the Equality and Human Rights Commission, there were never targets—we always called them aims for what we wanted to get to. They wanted the proportion between black and white searches to be 3.2, which they thought was reasonable compared with our peer group. It is currently 2.8, so if you are a black person in Thames Valley, you are 2.8 times more likely to be searched than a white person; for an Asian person, the current figure is 1.6. I think the thing that is worth saying about that is that when we use those statistics, they are for the whole population and, as you know, the ethnic minority population is a younger population, and of course most people who are stopped and search are younger. Although it is not 1:1, I would argue that in statistical terms, 1:1 might not be appropriate.

Q52 Dr Huppert: Presumably you could work out what the ratios are for equivalent age matched and socioeconomically matched populations, because the skin colour should not be a factor, though I accept that age and other things would be a factor.

Chief Constable Thornton: We have done that, particularly in areas where there are large concentrations of ethnic minority communities. In High Wycombe we did it and we did it in Slough, and when you do that, and you particularly look where the powers are being used, it tends to be in kind of the town areas rather than the rural areas, where you can get rid of disproportionality completely.

Q53 Dr Huppert: So you think there is none left. That is very helpful. Are there similar figures for Manchester?

Chief Constable Shewan: Yes, there are. I can provide the panel with them in writing.

Q54 Chair: Would you do that? That would be very helpful. Let us just conclude this session.

Can I just clarify one matter with you, Mr Richards? In answer to questions, were you saying that while you were chief constable no one told you when individuals were served with PIN notices?

Martin Richards: I was not kept up to date on an individual case-by-case basis, no, Chair.

Q55 Chair: That is not the answer to my question. Did you know of any occasions when PIN notices were served?

Martin Richards: Not to my knowledge, no. I cannot recall any.

Q56 Chair: So when you were chief constable, nobody told you when a PIN notice was being served on anybody?

Martin Richards: I had briefings on major and serious crime. I had briefings on—

Q57 Chair: No, we do not want to know the rest of what you do—I am sure you are very busy man and we are grateful for all the good work you have done—but specifically on these PIN notices, nobody told you when one was being served on anybody?

Martin Richards: Not to my recollection, no, Chair.

Q58 Chair: It is only your recollection that we are dealing with today, so the answer is no.

Secondly, you are telling this Committee that you are sorry and you apologise to those who have received these notices inappropriately. Obviously this is with hindsight, because you did not know anything about any of these notices, but now, having looked at the report, you apologised to those who had received these inappropriately.

Martin Richards: I did, Chair, and I think I qualified that ever so slightly by saying that, as Mr Shewan pointed out, there will be cases where while the guidance may not have been followed, the outcome for the victim and for all parties involved might still be considered to be satisfactory. That was my perhaps clumsy point about statistics.

Q59 Chair: But you apologise subject to that caveat.

Martin Richards: Yes, that is right.

Q60 Chair: We might write to you again about this, but clearly, Sara Thornton, these are issues that need to be pursued, and on the general point of PIN notices, there is much to be done nationally. Who will do your work when ACPO is gone, Mr Shewan?

Chief Constable Shewan: I will continue.

Q61 Chair: Oh, you will continue under the new chief constables' council. So it has the same arrangements and you would have a lead?

Chief Constable Shewan: Under national policing with the College of Policing lead, yes.

Chair: Excellent. May I thank you all for coming very much? We are most grateful. We know you are very busy and we appreciate it. Thank you.

Examination of Witnesses

Witnesses: **Katy Bourne**, Police and Crime Commissioner for Sussex, and **Kevin Hurley**, Police and Crime Commissioner for Surrey, gave evidence.

Q62 Chair: Commissioners Bourne and Hurley, thank you very much for coming in. We will be quick and precise because I know, Commissioner Bourne, you are between Keith Bristow and the Prime Minister in your meetings. We would not want to deprive the Prime Minister of your presence at No. 10, so we will speed along. Mr Hurley, I am not sure whether you have to see anyone as distinguished as the Prime Minister but we will treat you quickly and efficiently nevertheless.

Kevin Hurley: I have been here before you, Chairman, talking about Ghurkha rights issues, and you are pretty distinguished.

Chair: Excellent. We have other witnesses, but we will be very brief and precise. Before we all degenerate into laughter, let me ask you specifically about PIN notices, Kevin Hurley. I am told this matter was raised recently. To be frank, I did not know of the existence of PIN notices, so I am glad that it has been raised in Parliament and elsewhere. Does this issue cross your desk? Do people ring up the commissioners and have they said to you—not individual people but generally—“I have been served with a PIN notice. What on earth is this? I have a complaint about the fact this is done”? Did you know of their existence before?

Kevin Hurley: I knew of their existence before, but that is partly because I was a police officer before. I am aware of that background, but what I can say in terms of my office is that in the past year we have had three letters expressing concern about PIN notices in Surrey. We had 251 served in Surrey in the last year, on a population of 1.25 million, of which 10 resulted in complaints.

Q63 Chair: If you compare it to Sussex—we have just heard the figures, although of course we are not holding Commissioner Bourne responsible for these figures because she is the commissioner, not the instituter of PIN notices—it is quite a big figure for your area, Commissioner Bourne. Are you surprised? Perhaps you did not know the comparisons before, but now that you know them, are you surprised by the numbers of notices that have been issued, in comparison to Surrey, for example, which has a similar population?

Katy Bourne: I would be interested to see what the national review is going to throw up. Off the back of the internal review that was done in Sussex, I spoke with the chief executive of the College of Policing back in April and asked if he would be prepared to do a national review because I felt it was that important. I think the numbers will vary up and down the country, but for me it is not just about the numbers of the PINs; it is more about what the outcome is from them. I do not pretend to understand all this because I am not a serving police officer but, from my understanding of it, it is a very complex area. While you can just look at the volume—the numbers—what I think is important is to look at the outcomes from them. How many people who have had PINs have then gone on to have continued harassment?

Certainly something that has come out of Sussex in the last two months—since 1 November, when the new rules and policy around the use of PINs was put in force off the back of the internal review—is that they have looked at this. There were a couple of hundred that were looked at from 1 November to last week and, of those, I think all of them saw no continuance of issues of harassment following them. That is important from the victim's point of view. I do not want everybody to think, "Oh, it is the number that is a bad thing to look at." For me, it is the outcome from it.

Q64 Chair: It is the outcome. We understand that. Have you had a similar number of complaints as Mr Hurley has had?

Katy Bourne: Not quantity-wise. We have not had a huge quantity into my office, but obviously the few that I have had have been fairly significant, and one in particular instigated this internal review and then I approached the College of Policing to ask it to do a national review.

Q65 Chair: I think you did the right thing and we are most grateful for that. Because it has been raised in the way in which it has, do you think commissioners are now more aware of the existence of these? Obviously you knew about them, Commissioner Hurley, because you were a serving police officer, but are those who were not serving police officers more aware of it now and, therefore, would they question it more? Neither of you would be informed if a PIN notice was being served; you would be astonished if you were. Have you ever been informed of one being served?

Kevin Hurley: Chairman, I think it is good that this has been raised like this and that it is now going to go up the agenda because I suspect many of my police and crime commissioner colleagues would be unaware of it and, in fact, many chief officers and even more junior senior officers will not necessary be aware of the statistical anomalies or some

of the issues that have been raised around it. I think it is quite right that this has come right up the agenda because there is an issue here about public confidence and the way in which the police are viewed by victims and, indeed, the alleged perpetrators. Your own parliamentary work shows that most people are pretty dissatisfied with PIN notices from a point of view of being the victim.

Q66 Chair: Commissioner Bourne, you would not be informed before one is served, would you?

Katy Bourne: No, that would not be standard policy at all. No.

Q67 Chair: As a result of this you have taken interest, clearly, because you have written to this Committee.

Katy Bourne: A very active interest, particularly from the scrutiny point of view. Since this review took place in Sussex on 1 November a new policy was written. There were clear recommendations from the internal review and I am following those quite closely to make sure they are implemented. Every month the local policing board meets. It is the top table for neighbourhood policing in Sussex, if you like, and that is chaired by an assistant chief constable. Around the board you have all the key players and they look at how these recommendations are being implemented. A senior member of my team attends that board as well, so I keep a good oversight on it.

Q68 Chair: Is your advice to your new chief constable, “This has been an issue that has taken us into the public domain. We like to be known for many things in Sussex, but not necessarily this. Please take an interest, chief constable, in what is going on”?

Katy Bourne: In fairness to him, I did not need to ask him.

Q69 Chair: Sorry, you need to tell us who he is.

Katy Bourne: He is Chief Constable Giles York. He was my appointment in June last year. He was already the serving deputy chief constable, so he was aware of the case as it progressed.

Q70 Chair: Commissioner Hurley, presumably you said to your chief constable, “I am interested in this. Are you aware?”

Kevin Hurley: In fact, Chairman, I am pleased to say—I have circulated this to you—that Surrey police have already picked up on this and sent out a training pack out that is presented to all officers. One thing that I am going to explore at the moment is national ACPO guidance saying it should be done in an online training package. Neighbourhood

disputes and relationship disputes are a complex area, and I think dealing with them requires a subtle, emotionally intelligent approach. I think police officers are best served if they get engagement training through which they start to discuss the issues, rather than just learning about it online.

Chair: Indeed, very helpful.

Q71 Tim Loughton: Commissioner Bourne, the review that Sussex did has obviously been exceedingly helpful. Is your new guidance on the website, because I could not find it?

Katy Bourne: It should be. As far as I was told it is up there on the Sussex police website, but I will make sure it is more easily seen.

Tim Loughton: If it is, can you make sure that you can find it, because I could not?

Katy Bourne: It is on the intranet, definitely, but we can send you a copy. I am quite happy to do that.

Q72 Tim Loughton: Having contributed to the review, I have not seen the final recommendations—well, I saw the recommendations, but not how this has changed. For example, is there now an automatic requirement that the alleged perpetrator must be told about an investigation going on before it can be decided a PIN notice can be served, let alone served?

Katy Bourne: Yes, to my understanding. That was always in the ACPO guidance anyway.

Tim Loughton: It wasn't.

Katy Bourne: Certainly in the policy for Sussex it was.

Tim Loughton: It was not clear that it should have been done all the time.

Katy Bourne: Exactly, and one of the recommendations that came out of it was that it is done face to face and only done by recorded delivery under exceptional circumstances.

Q73 Tim Loughton: Also an appeal mechanism now, formally.

Katy Bourne: Sorry?

Tim Loughton: Also that there should be some proper appeal mechanism, whereas at the moment there is no appeal, only a complaint.

Katy Bourne: I am not aware of that, but I will find out and inform the Committee. Certainly there is an oversight that goes on every month through the local policing board with all the PINs.

Q74 Tim Loughton: Those were recommendations from the review, which the college may now make a national review.

Katy Bourne: Yes.

Q75 Tim Loughton: You quite rightly said the biggest consideration is obviously outcomes, but the variation in numbers is huge. We have had four forces here today, and it is the first time I have had those figures ranging from 251 in Surrey with 1.25 million, to 1,520 in Sussex and 2,900 in Thames Valley. Why do you think there is such a big divergence in numbers regardless of whatever outcomes they may produce?

Katy Bourne: I have asked the same questions. One of the areas was around double-keying. For example, if, as a perpetrator of a crime, Katy Bourne gets issued with a PIN, if I have an alias of Kate Bourne, that would also get flagged up as having a PIN. Therefore, on the computer system, it will come up twice, even though it was only one person. I know that has been an issue around the numbers, and certainly since 1 November, when they looked through the 200 or so, there were still some of those that were double-keyed. Sussex police put in a new computer system back in March/April last year and I think, in the movement over from the paper system they had before to the new Niche system, it was not very clear how markers were going to go on to people's records to show that they had a PIN. There was a lot of confusion around that, so I do not think that helps.

Q76 Tim Loughton: That is quite right. Can double-keying apply to other statutory offences, let alone non-statutory ones?

Katy Bourne: The great thing with this is that it has shown that there were some clear anomalies in the system. Sussex police is not the only force that uses the Niche system. There are 16 or 17 others across the country that do, so some of the learning that has come out of this will be taken forward by the group that oversees it—the Minerva programme group—and it will apply a lot of the learning from this.

Q77 Tim Loughton: This may be the tip of the iceberg in terms of recording figures for other non-PIN manageable problems?

Katy Bourne: This is probably straying a bit out of my expertise area here, but I hope not.

Q78 Tim Loughton: Perhaps Mr Hurley can also comment as to how Surrey may be doing with this. Are you seeing, if you have looked into it, a greater propensity to use PINs for social media-type episodes—stalking, harassment or whatever—and are you, therefore, both in Surrey's case and Sussex's case, looking specifically at how you apply PINs for social media, which is a minefield, as we know?

Kevin Hurley: A significant number of PINs that were issued in the last year were in fact for social media-related activity. In terms of our Surrey police applying a specific

approach to that, I am not aware of that. I have circulated to you the latest training package that now goes out to Surrey police officers in relation to the concerns we have about that, but you make an interesting point, and it may be something we need to look at in slightly more detail. As I said before, many of these cases are nuanced and difficult to manage, and I think that social media adds a further dimension to that.

Chair: Thank you, that is very helpful. We need to press on, colleagues.

Q79 Dr Huppert: Can I just pick up where we are with the College of Policing and its review? How is that feeding into everything you have been talking about so far? Have you had guidance from it particularly?

Kevin Hurley: The latest guidance from the College of Policing relates to 22 January last year and what effectively it does is to pick up on its original guidance that came out on—

Q80 Dr Huppert: Was that not before the review it has been doing? Have you had anything since then?

Kevin Hurley: No, we have not. I am just putting it in perspective. The last thing it issued on this was this particular document, which I can leave for the Committee anyway, on 22 January, and that picks up on the amendments of the 2002 Act, from the Protection of Freedom Act, where sections 2A and 4A were brought in, but there is no further guidance from that.

Q81 Dr Huppert: Have you been in touch with it to try to seek guidance and to explore what it might be able to do? It is supposed to be in a role to be able to provide some of this, and if it is not providing that to you—

Kevin Hurley: I think the reality of it is that the College of Policing is trying to produce doctrinal guidance on such a massive spread of activity. It is effectively led by Assistant Chief Constable Garry Shewan, who was here earlier. He would be the person to give you the best position statement of exactly where they are on it now.

Q82 Dr Huppert: More generally with the College of Policing and other issues, you must deal with them quite regularly. Do you find they are able to give information, Commissioner Bourne?

Katy Bourne: Well, I sit on the board of the College of Policing, so I pretty much can get the information I require as and when but, as I understand it through forces, yes, the information is there if they want it. The guidance around PINs is still ongoing. Nothing is determined yet, which is why forces would not have an up-to-date policy as yet.

Q83 Dr Huppert: Since you are on the board, do you know when there might be?

Katy Bourne: No. You heard from the horse's mouth earlier: sometime this year, I think. I will try and influence as much as I can in that respect, but I am delighted that it is doing a national review on this. It is a very important area because it is so complex and, as I said earlier, I would caution the Committee not to get too worried about the volume of numbers, but try to look at the outcomes. I am not sure if forces can record that at the moment, but it would be something that would be good to know from the victim's point of view.

Q84 Chair: Thank you, Commissioner Bourne. We are always willing to accept cautions in our work.

Katy Bourne: In the nicest sense of the word, Chairman.

Chair: Of course, in the very nicest sense. I am keen to make sure Commissioner Bourne gets off to her next appointment, as I promised her chief of staff. Commissioner Hurley, in 30 seconds, is the Certificate of Policing going all right as far as Surrey is concerned? You are a serving officer. Should we change it?

Kevin Hurley: I think the whole way we train police now has seen massive underinvestment. It is about 25% of what it was 10 years ago, in every rank from constable to chief constable, and the misuse of PINs is an example of where we have the cop-out of online training. It is valid that we raise that. In terms of the Certificate of Policing—

Q85 Chair: There is a lot of online training, isn't there, whereas it used to be face to face?

Kevin Hurley: Yes. So much of what the police do is about managing human beings and the only way to do that is face to face. It is a cop-out, in my view, to save money. I think the Certificate of Policing militates against people from lower socioeconomic groups joining and particularly reduces the number of people from African-Caribbean heritage and Bangladeshi heritage who might be able to join the police because they cannot front up the cost of their education. It runs full in the face of visible minority ethnic recruitment.

Q86 Chair: Commissioner Hurley, would you let us have a note on this, because we are producing our report imminently?

Kevin Hurley: Indeed.

Chair: And send us a copy of your very good presentation on PIN notices. What you say is of interest, so could you let us have it as soon as possible?

Commissioner Bourne, we can learn about the certificate. Is there more to be done on this by the college? The Committee is concerned about the amount of online work that is done in training, as opposed to face to face.

Katy Bourne: One thing I have learned since I took office was that there is an awful lot expected of police officers. We are at a time of maximum demand from the public, probably at a time when resources are the most pressed. There are certain areas where online learning is absolutely appropriate and there are areas when it is not. The recent HMIC report around domestic abuse clearly showed that it was not appropriate in those circumstances, but there are other areas where it is because it is more convenient and a much more resource-efficient way of giving training.

Kevin Hurley: Chairman, could I just finish on one point to give you an example of what I mean? A detective constable in the Metropolitan police at one time got 14 weeks of basic training: two two-week modules and a 10-week module. They now get four weeks. You can work out the difference in levels of competence between four weeks or 14 weeks.

Chair: That is very helpful and if you can put that in your note, it would be even more helpful to the Committee. Commissioners Hurley and Bourne, thank you so much for coming in, especially at short notice. We are most grateful; thank you.