

Analytical Report

This report sets out the evidence to support Baroness Casey of Blackstock's conclusions about the current misconduct system in the Metropolitan Police Service (the Met) as set out in her letter of 17th October 2022 to the Commissioner of the Metropolitan Police Service.

Methodology - The methods used by the Review can be summarised as follows:

1. Quantitative data analysis

(a) Misconduct data, extracted from the Met's Centurion systems

This dataset contains information on all allegations (18,589), cases (10,252), and officers/staff (12,856) involved in misconduct issues (formally) from April 2013 – March 2022. The difference in these numbers is due to the fact that one case may involve several allegations against several individuals. And, as several officers may also be involved in more than one conduct case in the time period, the number of individual officers and staff in the data is actually 8,917.

These allegations are only internal, i.e. initiated by Met staff, officers, or their families, not complaints from the general public, which are held on a different dataset. This dataset includes information on the nature of the allegation, the outcomes and decisions made, information on the subject of the allegation and key data around times, dates, and jurisdictions. The Review has taken an exploratory approach to this complex dataset, conducting descriptive statistical analysis on all components of the data to identify trends, changes, and outliers. It should be noted that this data is significant, but can never be fully accurate as many variables depend on the recording practices of individuals, which can vary between people and time. Nevertheless, the numbers are so significant that we are confident in our conclusions.

The basis of our analysis is financial years (Apr-Mar), we measure the number of allegations/cases which have been *received* in each financial year. Some other performance analyses measure instead the number of case/allegations which have been *finalised* in a specific year. We have chosen the former approach for two reasons (1) it gives us a person-centred understanding of the misconduct system i.e. the experience of those making complaints / being complained about (2) it allows us to look at the impact of changes to legislation which do not apply retrospectively i.e. if a case was received in 2015, the rules changed in 2016, and the case was finalised in 2017, the 2016 rules would not apply. However, because we count all allegations and cases

made in the period, not just the finalised ones, the closer we get to the contemporary day, the higher the percentage of cases/allegations which have not yet received an outcome becomes. Because of this, throughout, we have included red lines to indicate where the unknown percentage is too large to draw conclusions for that year.

(b) Regulation 13 data

The Review also received a dataset on the 619 uses of Regulation 13 designed to remove unsuitable probationers from April 2018 – March 2022. This data included only information on the start and end date of the Regulation 13 case, the business group and ethnicity of the subject and the outcome of the case.

(c) Workforce data

Data on the composition of the Met's workforce, in terms of gender, ethnicity, years of service, and overall volume over time, have been used to provide a baseline figure for the analysis of the preceding two datasets to understand how proportionate the use of misconduct and Regulation 13 has been. Financial years are the basis of our analysis here also.

2. Qualitative engagement

The Review have engaged extensively with officers and staff across the Met. Visits to Basic Command Units (BCUs) and Operational Command Units (OCUs), where the Review team have held discussion groups with officers and staff across all ranks, are ongoing, listening events have taken place with staff support associations, trade unions and police staff, and the Review team continues to engage with community and special interest groups. The Review team have met with the Met's Management Board and senior leaders as a group and on a one-to-one basis, and discussion groups have been held with leadership groups including Chief Inspectors, Direct Entry Superintendents, Sergeants and BCU Commanders. Meetings also continue to take place with external stakeholders including those from policing organisations, City Hall, central and local government, amongst others.

3. Literature and policy review

We conducted a literature and policy review of the police misconduct and disciplinary systems, a review of the legal and regulatory framework and the Met's policies on misconduct.

1. The Met takes too long to resolve allegations of misconduct

From the day a Met officer or staff member makes a misconduct allegation against another Met officer or staff member, or when an allegation of misconduct is made by the family of an officer or staff member, to the day a decision is made and a sanction is handed out, takes on average around 400 days. Even removing those allegations involving the Independent Office for Police Conduct (IOPC), allegations still take, on average, nearly 350 days.

Year (Apr - March)	Mean days to complete allegation	Median days to complete allegation	Completed	Total	Incomplete allegations	Incomplete allegations %
2013-2014	400	250	2413	2453	40	2%
2014-2015	411	256	2442	2453	11	0%
2015-2016	368	253	2138	2166	28	1%
2016-2017	366	258	1926	1956	30	2%
2017-2018	391	266	1661	1765	104	6%
2018-2019	424	314	1759	1852	93	5%
2019-2020	358	320	1380	1584	204	13%
2020-2021	243	205	1465	1916	451	24%
2021-2022	127	107	785	2449	1664	68%

After 2018-2019, the proportion of incomplete allegations (unresolved) is too large to compare the averages

Figure 1: All misconduct allegations against Met officers and staff, FY 2013 - 2022

There are several options for measuring the average time taken to finalise an allegation in a given period. We have used the mean, which gives a precise central value of how many days each allegation took to finalise. However, as Figure 2 shows the distribution of days taken to finalise an allegation is very unequal, with around 20% of allegations taking around 90 days to resolve, and a small minority of allegations taking a great deal longer. Looking at the distribution of days taken to solve all the allegations we can see that whilst most allegations are solved within a year (62%), around 20% take over two years to finalise, and in some extreme cases, allegations can be open for years.

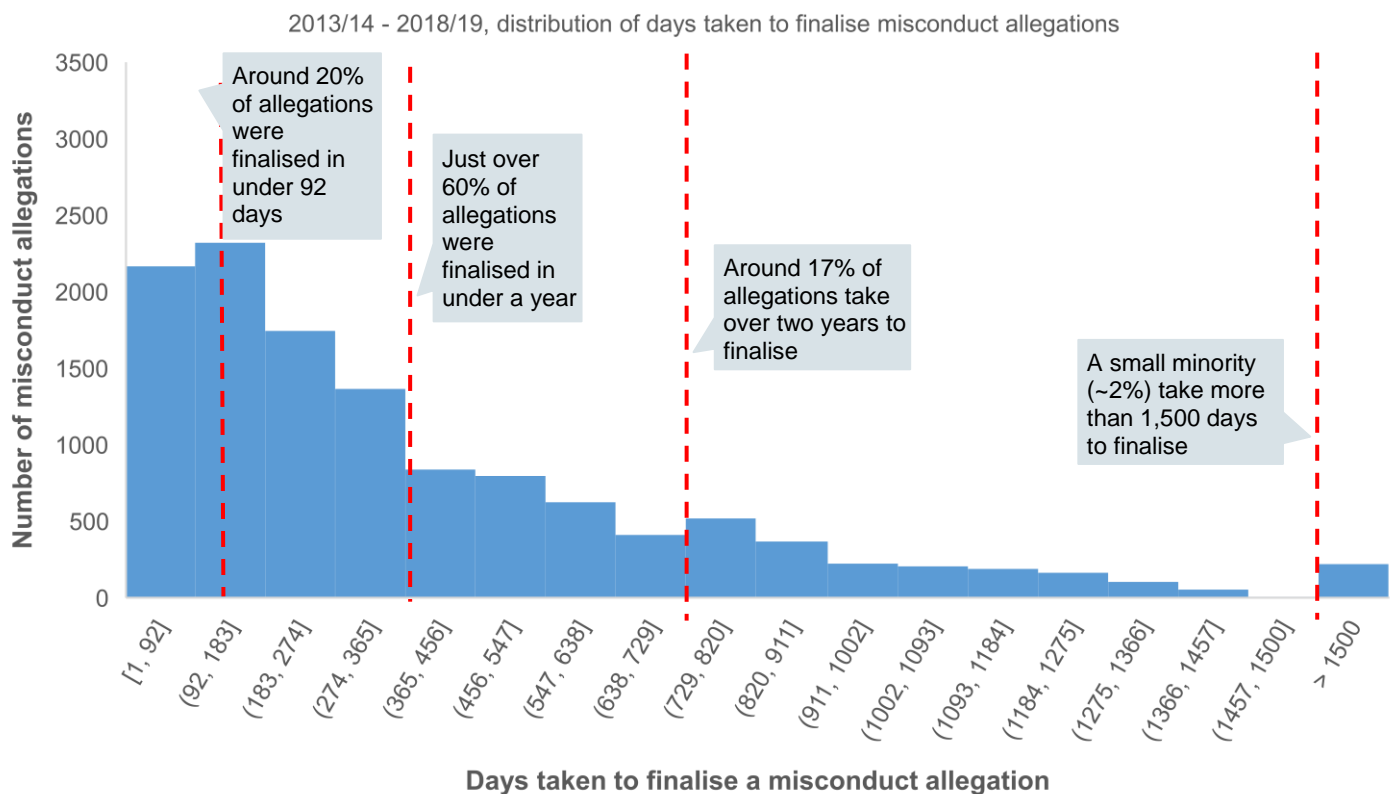


Figure 2: Distribution of days taken to finalise a misconduct allegation, FY 2013-2019

How you define the time period is also important. For instance, some Met performance data shows the average time to resolve a misconduct issue to be lower than the Review team's figure. This is because the Met performance analysis looks at all of the *finalised* cases in a time period, and takes the average time to finalise those cases.

However, there are many allegations and cases in the system which are ongoing which aren't included. Looking at Figure 1, the average time taken to resolve a misconduct allegation in 2020-2021 is 243 days, a vast improvement from previous years. However, this only reflects the average time taken for the 76% of allegations made in 2020-2021 which are finalised. The remaining 24% are not finalised and do not appear in the Met's figures.

Given that those allegations which are still outstanding up to two years later are the allegations which will take the longest to be finalised, the Met's performance data gives a skewed picture of how long the officers and staff who make complaints actually have to wait for allegations to be resolved. It is for this reason we have only included allegations made from April 2013 – March 2019 in the above distribution analysis (Figure 2).

We wanted to understand how long the people involved in these allegations actually need to wait for resolution and therefore we have looked at those time periods where at least 90% of allegations are finalised, and therefore counted. This is a different

approach from the performance data which measures the efficiency of professional standards teams in closing cases.

“The Met take forever to deal with it, absolutely forever, whether it’s right or wrong, they just keep people hanging on and hanging on. How long can an investigation go on for? It’s just wrong. Totally wrong.” – PC, BCU

“We are not exiting people, or bringing people back to work, fast enough.” – Superintendent, BCU

The length of misconduct investigations in the Met is a source of huge frustration for officers and staff. The delay impacts the individual making the allegation, the officer subject to the complaint, as well as operational effectiveness and the service to Londoners. On teams with officers who have their duties restricted whilst waiting for the outcome of a misconduct investigation, line managers report serious drains on team capacity and time and that this a particular issue on Basic Command Units (BCUs) which already feel stretched and under-resourced.

The IOPC takes jurisdiction in misconduct allegations which are particularly sensitive or serious, so typically, these take longer to resolve. Allegations which are under the jurisdiction of the IOPC only make up 10% of the total misconduct allegations, but take around 3 times as long to finalise. Removing these allegations reduces the mean days to complete an allegation by around 52 days and median days by 26 days. However, allegations that are overseen by the Met are still taking on average nearly a year to resolve.

Year (Apr - March)	Mean days to complete allegation	Median days to complete allegation	Total	Total % change yearly	Incomplete allegation	Incomplete allegation %
2013-2014	360	225	2275	-	38	2%
2014-2015	355	236	2312	2%	11	0%
2015-2016	299	226.5	1919	-17%	11	1%
2016-2017	302	223	1657	-14%	4	0%
2017-2018	355	243	1478	-11%	8	1%
2018-2019	377	288	1597	8%	59	4%
2019-2020	346	306	1434	-10%	138	10%
2020-2021	237	200	1742	21%	323	19%
2021-2022	124	106	2223	28%	1455	65%

Figure 3: All misconduct allegations handled by the DPS or PSUs in the Met (IOPC allegations removed)

2. Officers and staff do not believe that action will be taken when concerns around conduct are raised

For each allegation of misconduct, a decision is made on whether there is a case to answer for misconduct or gross misconduct and whether, therefore, any action should be taken. Consistently, 55-60% of allegations made by Met officers, staff, or their family receive a no case to answer decision. Home Office data on police misconduct allegations finalised in the financial year ending March 2021 shows that the Met has a higher no case to answer rate than the national average (57% vs 46% for England and Wales)¹.

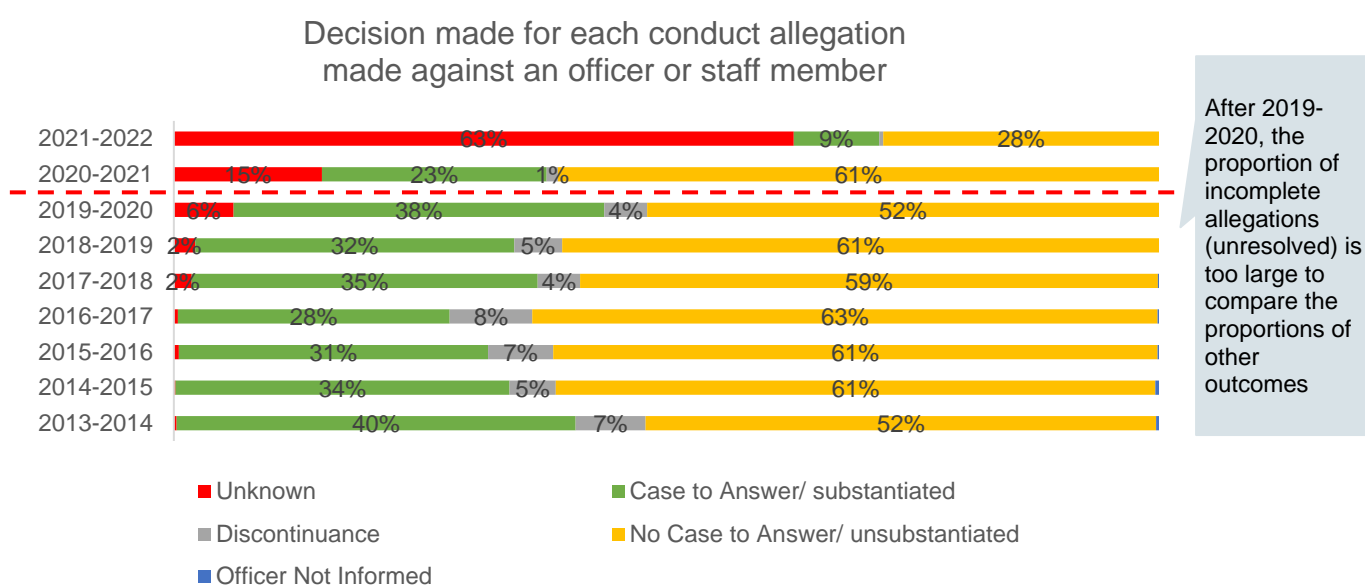


Figure 4: Decision made on all misconduct allegations FY 2013- 2022

At the most serious end of the process, where there is a case to answer for gross misconduct and a hearing takes place, resultant dismissals have been falling both in volume and as a proportion of all outcomes as Figure 5 shows. This decline coincides with the 2016 introduction of Legally Qualified Chairs (LQCs) to head police misconduct hearings. However, caution is required as this reduction may be due to the decisions made in staff gross misconduct hearings or accelerated hearings where Legally Qualified Chairs are not involved. We could not ascertain this from the data available to the Review team but we recommend this is looked at.

Legally Qualified Chairs were introduced in order to provide more independence than a misconduct hearing chaired by a Chief Constable. However, that a Chief Constable is not in charge of who can be dismissed from their force is a source of frustration among Chief Constables in the Met and beyond.

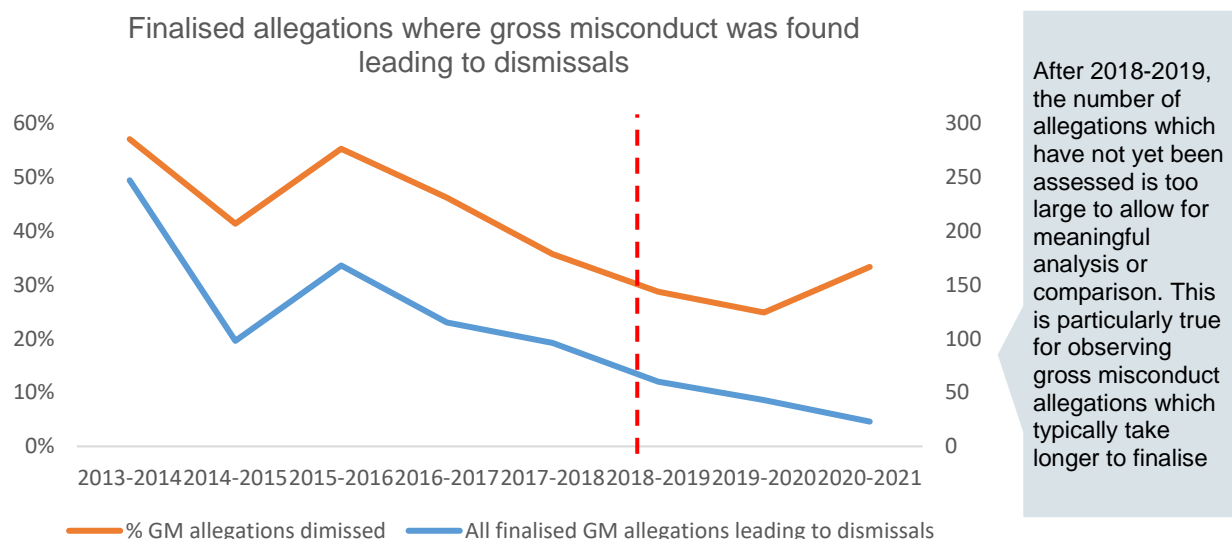


Figure 5: All finalised allegations where gross misconduct has been found resulting in dismissal, FY 2013 - 2022

The experience that ‘nothing happens’ when misconduct occurs, dissuades officers and staff from reporting misconduct when they see it. In fact, we heard that supervisors and managers are actively dissuading their staff from reporting misconduct, therefore institutionalising mistrust in the system and undermining the Met’s ability to use the misconduct system to set and uphold professional standards.

“I needed to report wrongdoing for the first time in my career. Initially, the first supervisor...said ‘I don’t want to know’” – comment to an article made about reporting wrongdoing on the Met’s Intranet

“When people report, the response is ‘are you willing to write a statement and put pen to paper?’ Those supervisors say ‘do you want to do something about this? I am not sure something will happen’... people are being talked out of this...” – Chief Inspector, BCU

It is worth noting here that the misconduct system is not the grievance process, but about potential breaches of professional standards. This should be a matter for the Met management to pursue. But all too often we have heard from people who had reported wrongdoing that they received limited support and found the system ‘stacked against them’. As a Chief Inspector noted to us: *“We shouldn’t put the onus on them (the complainant). We should say ‘thank you for telling us, I’ll deal with this now’”*. Instead, many officers and staff told us they are made to feel like they are the one with the problem when they raise a conduct issue.

These experiences reflect a deep mistrust of the misconduct system. Any initiatives which aim to encourage Met employees to report wrongdoing will continue to be undermined unless the system responds more effectively to those who have come forward.

An officer was convicted of an offence. After his conviction, a female officer came forward and said, prior to his arrest, she had told multiple supervisors he had sexually assaulted her – reported to us by a BCU Chief Inspector

“I’m afraid to say with bitter experience that the reporting of wrongdoing has been a harrowing and totally pointless exercise” – comment to an article made about reporting wrongdoing on the Met’s intranet

Professional standards staff told us that when cases get to a hearing: *“The misconduct process is like a full blown court. It is literally as formal as court is. The victims are pulled across the racks, it’s terrible to see.” – DPS officer*

3. Misconduct allegations relating to sexual misconduct and other discriminatory behaviour are less likely to result in a ‘case to answer’ decision

The data shows that when an allegation related to racism, sexual misconduct or other discriminatory behaviour is made, it is less likely to receive a case to answer decision than other issues. However, it is important to note that this is the area in which the data quality is the least reliable. There are several fields to detail the type and nature of the allegation, including a free text field. This means that our Review has likely substantially undercounted allegations linked to racism and sexual misconduct, getting a more reliable picture from the data should be a consideration for the Met going forward.

Since April 2013, 15,967 allegations (86%) against officers and staff have been recorded as finalised. For all years combined, 33% of these finalised allegations are given a case to answer decision for misconduct or gross misconduct.

In the same time period, 563 allegations have been made against officers and staff for

Figure 6: Decision taken on all finalised allegations against officers and staff, FY 2013-2022

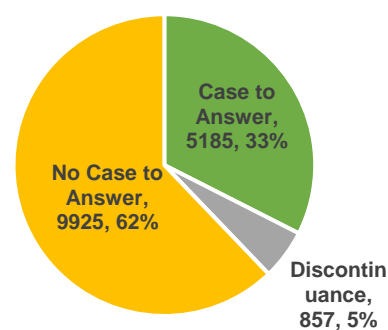
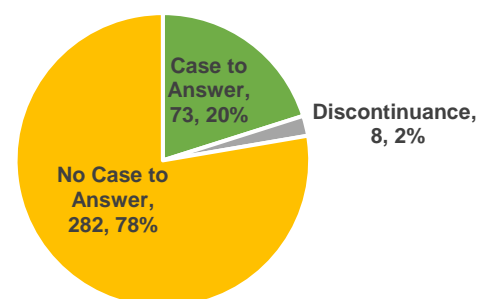


Figure 7: Decision taken on all finalised allegations categorised as breaching rules around equality and diversity, FY 2013-2022



breaching rules around equality and diversity, 363 of these (64%) have been finalised. Although the numbers are much smaller, we can see that in these allegations, the case to answer proportion reduces to 20%.

Broadening the search, since 2013, 753 allegations against officers and staff have been made with race, religion, or faith flagged as a factor, 623 (83%) of these have been finalised. These allegations have a 3% point higher chance of being given a no case to answer decision.

835 allegations have been made in the period where sexual assault, harassment, or other sexual or emotional misconduct is mentioned, 522 of these (63%) have been finalised. The no case to answer percentage for these allegations is the same as the broader set of allegations – 62% - however, the case to answer percentage is notably lower – 29% compared to 33%.

This leaves many officers and staff in the Met to conclude that discriminatory behaviour is in fact not a breach of professional standards and adds to the sense that ‘anything goes’.

Figure 8: Decision taken on all finalised allegations with race, faith, or religion listed as a factor, FY 2013-2022

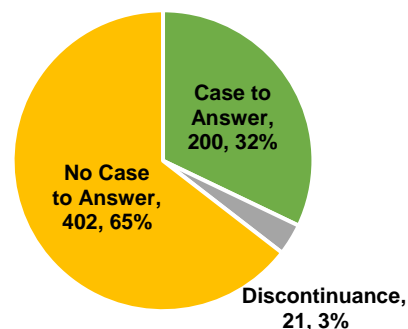
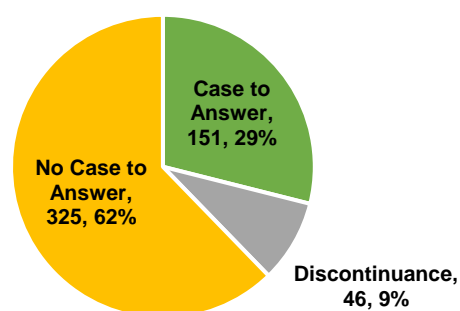


Figure 9: Decision taken on all finalised allegations sexual assault, sexual harassment, sexual or emotional misconduct listed as a factor, FY 2013-2022



4. The misconduct process does not find and discipline officers with repeated or patterns of unacceptable behaviour

In the data we analysed, since 2013 20% (1,809) of the officers and staff with any misconduct case against them were involved in more than one misconduct case. Most of these individuals (1,263) were involved in two separate misconduct cases in the period, over 500 officers or staff were involved in three to five different misconduct cases and 41 officers were involved in 6 or more separate misconduct cases (ranging from 6-19). Only 13 (0.71%) of these 1,809 officers and staff with more than one misconduct case against them had been dismissed, the dismissal rate for all officers and staff with a misconduct allegation against them is 5%. The Review conducted a dip sample of officers and staff with more than five separate misconduct cases against them, and found a small number of Met employees with significant and largely unchecked histories of misconduct – three of these are presented as anonymised case studies below.

Evidence from the 2021 Review of Special Case Hearings by the London Policing Ethics Panel² shows that those who are dismissed have a higher number of previous conduct issues made against them *whether substantiated or not*.

The key issues here is that each conduct issue is viewed separately. Allegations are dealt with individually and as far as we can see, connections are not made to prior concerns raised which fall short of formal misconduct. Crucially, this means repeated or escalating misconduct is not spotted, missing those who potentially pose most risk to others.

A recent Met report³ corroborates this finding, highlighting ‘a blinkered approach’ to investigations which focuses too narrowly on the presenting issue. The report identified 24 instances where the same officer had been investigated on two or more occasions for behaviour linked to sexual misconduct and domestic abuse - but found that these previous allegations had not been taken into account when considering if there was a case to answer for the alleged misconduct or its severity.

A further barrier is that several lower level conduct issues cannot be taken cumulatively to make a misconduct allegation.

“I’ve got this case and I’ve asked why can’t I put incidents together because this officer has been racist, misogynist? They say ‘no, it has to be done through separate misconduct meetings’. Each one won’t be quite enough but if they took it all together, it would.” – Chief Inspector

Dip Sample Case Study 1 – 11 misconduct cases

Dip Sample Case Study 1 involves an officer with 11 misconduct cases raised against him for cases involving abuse, sexual harassment and assault, fraud, improper disclosure of information and distribution of an explicit image of himself. The officer received a formal sanction in relation to the first misconduct case but was not dismissed. By the time this decision had been made, a further six misconduct cases had already been raised against him. After receiving this formal sanction, a further four misconduct cases were raised against him and the officer then received a further formal sanction but was not dismissed. The officer is serving in the Metropolitan Police Service.

The first misconduct case raised against Officer 1 involved an allegation of harassment and assault (**Case 1**). Four months later, the officer has another more serious case of assault made against him (**Case 2**). A month later, another third misconduct case was opened against the officer (**Case 3**), the details of the allegation are unknown.

Less than six months later, a fourth misconduct case is opened against the officer due to an allegation of sexual assault (**Case 4**). Another month passes and nearly a year since the first case was made against the officer, all four cases against the officer remain open, a fifth case against Officer 1 is opened, this time involving a fraud (**Case 5**). A few months later, the unknown misconduct case (Case

3) and the case involving a fraud or deception (Case 5) are given a no case to answer decision and no action is taken. Eight months after this, and now over a year later, the sexual assault Case 4 is given a no case to answer decision and no action is taken against the officer. Cases 1 and 2 remain open.

Two months later, another allegation of assault is brought against the officer (**Case 6**). Cases 1 and 2 involving harassment and assault remain open. A month after the most recent case of assault was received, the second case of assault (Case 2) is given a no case to answer decision nearly two years later, and no action is taken against the officer. Another month later, an allegation of improper disclosure of information is raised against the officer (**Case 7**).

Over two years after the case was opened, the first case involving harassment and assault is substantiated (Case 1). A misconduct hearing issues him with a formal sanction. Whilst Cases 6 and 7 remain open, six months after the final warning was issued, an eighth case against Officer 1 is opened involving several serious allegations (**Case 8**), including allegations of sexual harassment, sexual assault, sex-based discrimination, abuse of power. All allegations involve an incident that occurred whilst the officer was on duty. In the same month, whilst Cases 6-8 are still open, a ninth misconduct case against Officer 1 is initiated (**Case 9**). Two allegations are raised, one of sexual assault and one of sexual harassment.

Later that same year, the assault case opened a year prior is given a no case to answer decision and no action is taken against the officer. Whilst three misconduct cases are still open (two involving sexual violence) a tenth case against Officer 1 is initiated in a month later, this one involving harassment and the distribution of an explicit image of himself (**Case 10**).

Four months later, the case involving improper disclosure of information (Case 7) raised fifteen months previously is given a no case to answer decision. In the same month, whilst three cases against Officer 1 involving harassment, sexual violence, and gender-based discrimination are still open, another allegation of a sexual offence is raised against Officer 1 (**Case 11**). This incident led to his arrest.

A month after his arrest, the majority (but not all) allegations of sexual assault and harassment in Case 8 are found to have a case to answer (Case 8). A misconduct hearing issues a further formal sanction but does not dismiss him. In the same month, the case involving abuse, harassment and distribution of an explicit image initiated eighteen months prior is given a no case to answer decision and no action is taken (Case 10). A few months later and a year after it was opened, the case involving sexual assault and harassment (Case 9) is given a no case to answer decision and the officer is referred to reflective practice.

Dip Sample Case Study 2 – 6 misconduct cases

Dip Sample Case Study 2 involves an officer who has had six misconduct cases raised against him for oppressive conduct and harassment, neglect of duty and leakage of information, and discriminatory behaviour linked to race and faith. The majority of discrimination or harassment related allegations were linked to the officer's use of social media, including a Whatsapp group. The officer has received two final written warnings in ten years, received a no case to answer decision for the three cases, and one case remains open. The officer is serving in the Metropolitan Police Service.

Over ten years ago, Officer 2 receives his first misconduct allegation linked to inappropriate social media posts (**Case 1**), the case was unsubstantiated (no case to answer in the new legislation) five months later.

Three years later, Officer 2 received his second misconduct allegation, this time for oppressive conduct or harassment whilst off duty (**Case 2**). The following month, the allegations was unsubstantiated and no action was taken.

Five months later, the third misconduct was raised against the officer (**Case 3**), this time for a neglect of duty and a leakage of information. A year and a half later, a gross misconduct hearing issued a final warning for the officer.

Nearly two years later, a fourth misconduct case was raised and the second allegation of oppressive conduct or harassment linked to the officer's social media posts was raised (**Case 4**). Six months later, a no case to answer decision is made and no action is taken.

Four months later, a misconduct case is raised against Officer 2 involving five allegations of discriminatory behaviour related to race and religion linked to a Whatsapp group the officer was in (**Case 5**). Fifteen months later, a misconduct meeting for Case 5 led to another final written warning for the officer. Before this decision, a further allegation (**Case 6**) against the officer was raised and remains open.

Dip Sample Case Study 3 – 7 misconduct cases

Dip Sample Case Study 3 involves an officer who had seven misconduct cases raised against him for corrupt practice, traffic irregularity, failure to safeguard whilst on duty, domestic assault, sexual assault and domestic abuse and disrespectful attitude and discreditable conduct. The officer has received management action three times, reflective practice once and has received no case to answer decisions in the other three cases. The officer is serving in the Metropolitan Police Service.

The first case against Officer 3 involved an allegation of corrupt practice (**Case 1**). Two months later, another misconduct case was opened against Officer 3, this time for a traffic irregularity (**Case 2**). Only two months after it was opened, this case was substantiated and finalised, the officer received management action.

A month later and around six months since Case 1 was initiated, the corruption allegation against Officer 3 was finalised (Case 1), although the allegation was unsubstantiated, the officer received more management action.

Later that year, Officer 3 has a third misconduct case opened, this time involving an allegation related to failure to safeguard whilst off duty (**Case 3**). He was found to have engaged in misconduct and management advice was provided when the case was finalised a year later. A month after the previous conduct case was closed, Officer 3 was involved in a domestic assault (**Case 4**). This misconduct case lasted a year and a half, after which a misconduct meeting found there was no proof to suggest the case was misconduct, no action was taken.

Seven months later, an allegation of sexual assault and domestic abuse was raised against Officer 3 (**Case 5**). The allegation was given a no case to answer decision after six months of investigation and no action was taken. Three months later after this decision, an allegation related to disrespectful attitude and discreditable conduct was brought against Officer 3 (**Case 6**).

Whilst the case of discreditable conduct was still ongoing, another allegation of unprofessional/disrespectful attitude was raised against the officer with a second allegation of failure of duty (**Case 7**). It was decided that there was no case to answer in the first case of disrespectful attitude /discreditable conduct but the officer was referred to reflective practice when the case was finalised over a year later (Case 6) The second case of discreditable conduct and failure of duty received a no case to answer decision in shortly after and no action was taken (Case 7).

5. The Met does not fully support or resource local Professional Standards Units (PSUs) to enable them to deal with misconduct effectively

A large proportion of misconduct cases are handled by the many local PSUs based in individual Commands rather than the central Directorate of Professional Standards (DPS), handling lower level conduct cases alongside public complaints. In the last two years, PSUs have dealt with the majority of misconduct allegations and yet PSUs are overstretched and under-resourced. There is very little training for PSUs, there is a high turnover of staff and as detectives are not permitted to work in local PSUs there is also a lack of investigatory capacity.

“PSUs are like the dumping ground for staff... it is not a place where people aspire to end up” – Chief Superintendent

More generally, we were told that locally, supervisors did not have access to the tools that would help them join up issues and identify troubling patterns of behaviour. BCUs do not have access to the Met's Centurion misconduct data system or information about an officer that might help put together a picture of risk (such as declarable associations or business interests). HMICFRS has identified the Professional Standards operating model within the Met as a cause for concern⁴.

An inspector told us of his attempts to refer a case for misconduct on the grounds of a lack of integrity and lying. “A wall of silence followed”. It was referred back to him not as misconduct but as a performance issue. The inspector persisted and uncovered serious criminality and referred the case back and was phoned by DPS saying ‘What are you doing? This is not your job’. After two months, the case still had not been opened. “We are not listened to as managers when we raise concerns”.

We also heard that the relationship between the DPS and the PSUs (whose staff are managed locally by chief inspectors) is not always clear, with a lack of transparency on decision making. We heard frustration from those working in PSUs that decisions were often left for them to justify locally, with little or no information themselves on the justification or background.

With PSUs dealing with the majority of conduct issues in the Met, their capacity, capability, and independence is crucial to enabling BCUs and OCUs to take responsibility for their own officers and staff.

Evidence suggests a small cadre of Met officers and staff with a pattern of serious and repeated conduct issues which are not being picked up early enough (if at all). This in turn has an impact on internal confidence in the misconduct system, as officers and staff see poor and repeated behaviour go unchallenged. Without a functioning dedicated team to investigate and thread together these patterns at an earlier stage, this risk will continue regardless of improvements in reporting practices.

6. The Met is not clear about what constitutes gross misconduct and what will be done about it

In our qualitative engagement with Met officers and staff, we have been repeatedly told that staff and officers want colleagues removed from the police for unacceptable behaviour, and are frustrated with the Met's inability to do so. We heard accounts that the DPS had told people raising misconduct issues that unless an officer is convicted of a criminal offence, it will be hard to remove them for gross misconduct.

"I'm losing good staff because they say, 'how am I sitting next to a guy who bullied me or exposed himself?'" – Senior police staff

"We don't want this behaviour in the Met...If we worked for Tesco we'd be able to sack someone for less" – BCU Inspector

"Stories I've heard of what people have done and should be kicked out of the job but haven't...that's why I am not confident things will be done" – Detective Constable

The key issue raised around this concern was that the threshold for determining whether a conduct issue should be gross misconduct (and therefore grounds for dismissal) is too high. The definition of gross misconduct is 'a breach of the Standards of Professional Behaviour so serious that dismissal would be justified'. This appears to provide wide scope for interpretation, although national guidance and case law have set some parameters for how this can be interpreted. While it is important that any procedures are fair and reasonable to the officer against whom allegations are made, the evidence we have seen and heard in our review shows a tolerance of serious breaches.

BCU officers have told us about their disagreement with DPS around the threshold for gross misconduct.

"Someone will swear, shout and bully and just get words of advice. I've had to push to get someone on a written warning and cannot get over the threshold...That is where the bar is so low; it's almost like this behaviour is expected and we tolerate it" – Senior police staff

"I fought tooth and nail [with DPS] to get things bumped up on gross misconduct" – Sergeant

Surveys conducted in two BCUs, by BCU management teams who wanted to better understand the scale and extent of sexism and misogyny in order to tackle the problems, highlighted some of the behaviours officers and staff are putting up with on a daily basis. In one BCU, the survey found that 22% of public protection officers who responded and 37% of those who responded in the Emergency Response and Patrol Team (ERPT) had experienced unwanted sexual advances or touching. In the other BCU, 47% of female employees who responded to a survey said they had experienced sexism and misogyny in the last six months.

In the comments, many expressed shock and anger about the level of inappropriate sexual comments they had experienced:

“I heard on so many occasions male (and some female) colleagues passing on sexualised comments when addressing members of the public, victims (very upsetting), witnesses, suspects and female colleagues.”

“Being told that if you fell asleep on a night shift then you couldn't claim that there was no consent to unwanted sexual touching”

Many also talked about not feeling confident to report to their line managers and supervisors, who in some cases, joined in. If officers and staff do not have faith in the independence, rigour and fairness of the misconduct system, these sorts of behaviours will continue to be tolerated and encouraged.

“It was so confusing that all of this is going on and no one in line management team would think nothing of it. To the contrary they would join in with sexual comments, sexual degrading of female officers...”

“Would line managers do something about it, of course not they would join in and encourage swearing. Incredible”

7. There is racial disparity throughout the Met's misconduct system

This Review has reached a conclusion found in several research pieces that precede it – that the Met's misconduct system has evidence of racial disparity.⁵ And as reported in previous studies, several reasons are cited for this, which were reflected in testimony from Black, Asian and Mixed Ethnicity officers and staff.

This included the concern that raising issues relating to racism, or other discrimination and wrongdoing often led to being labelled a trouble maker, which then led to unfair disciplinary action. We also heard that the misconduct system is not sufficiently robust with White officers who breach professional standards, but there is a lower threshold for Black, Asian and Mixed Ethnicity officers and staff. We also heard that there may be a reluctance among supervisors to address low level incidents for fear of being labelled a racist, and being 'passed up' into the misconduct system.

Ethnic group composition of the MPS, FY 2013- 2022

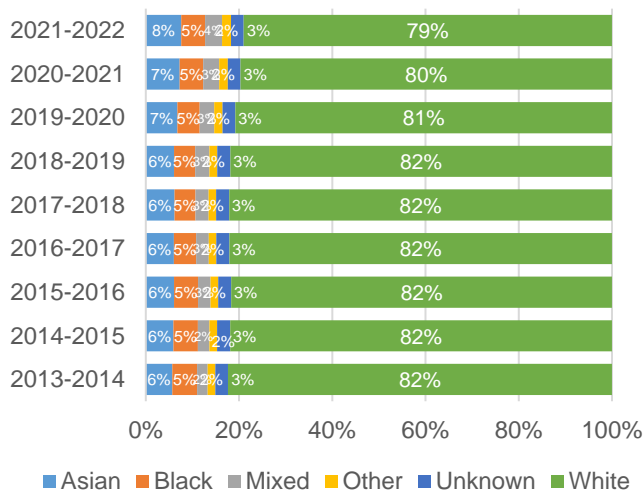


Figure 10: Ethnic group composition of MPS employees, FY 2013 -2022

Ethnic group composition of each allegation made against an officer or staff, FY 2013 - 2022

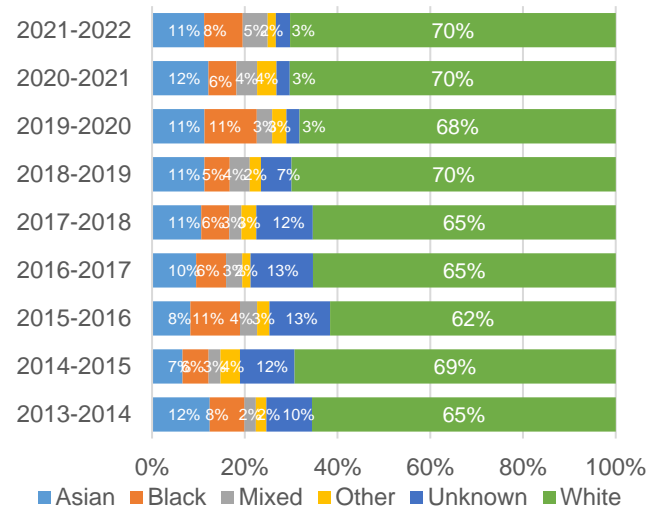


Figure 11: Ethnic group composition of the subject of all misconduct allegations, FY 2013 -2022

In every year of data, Black, Asian, and Mixed Ethnicity officers and staff are substantially more likely than their White colleagues to receive a misconduct allegation. In the most recent financial year, Black officers and staff were 81% more likely to receive a misconduct allegation than their White colleagues, Asian officers/staff were 55% more likely and Mixed Ethnicity officers/staff 41% more likely.

It should be noted that this is an improvement from 2013/14 where Black officers and staff were twice as likely as White officers to receive an allegation, but there is no clear pattern of improvement from one year to the next. Although some years show less disproportionality in misconduct allegations than others, there is no clear reduction in disproportionality over time, with Black officers and staff consistently more likely than their White colleagues to receive an allegation.

As allegations move through the misconduct process into decision making, the disproportionality shrinks. However, we found that, in every year from 2013/14 – 2018/19, Black officers and staff were more likely than their White colleagues to have a misconduct allegation given a case to answer decision, and therefore have a sanction justified. The same is true for Asian officers and staff relative to their White colleagues, with the exception of 2017/18. It is notable that there is no

disproportionality in public complaints against police officers (i.e. that Black, Asian and Mixed Ethnicity officers are no more likely to receive complaints than their White counterparts).

Decision made - for each conduct allegation made against a White officer/staff member

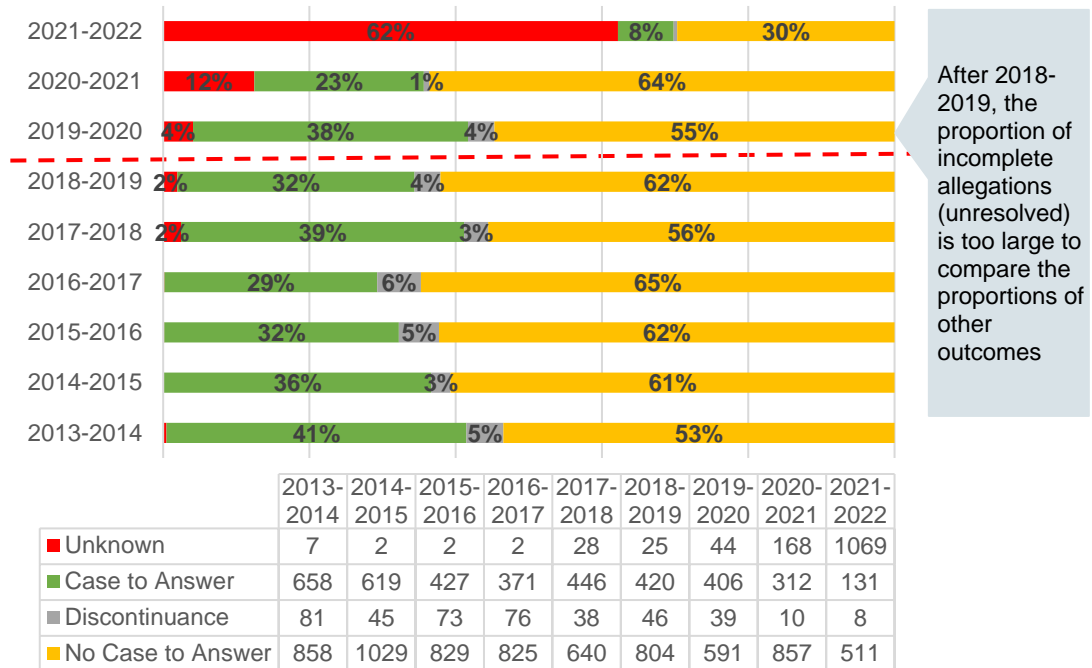


Figure 12: Decision made on every allegation made against a White officer or staff, FY 2013 - 2022

Decision made - for each conduct allegation made against a Black officer/staff member

Decision made - for each conduct allegation made against a Asian officer/staff member

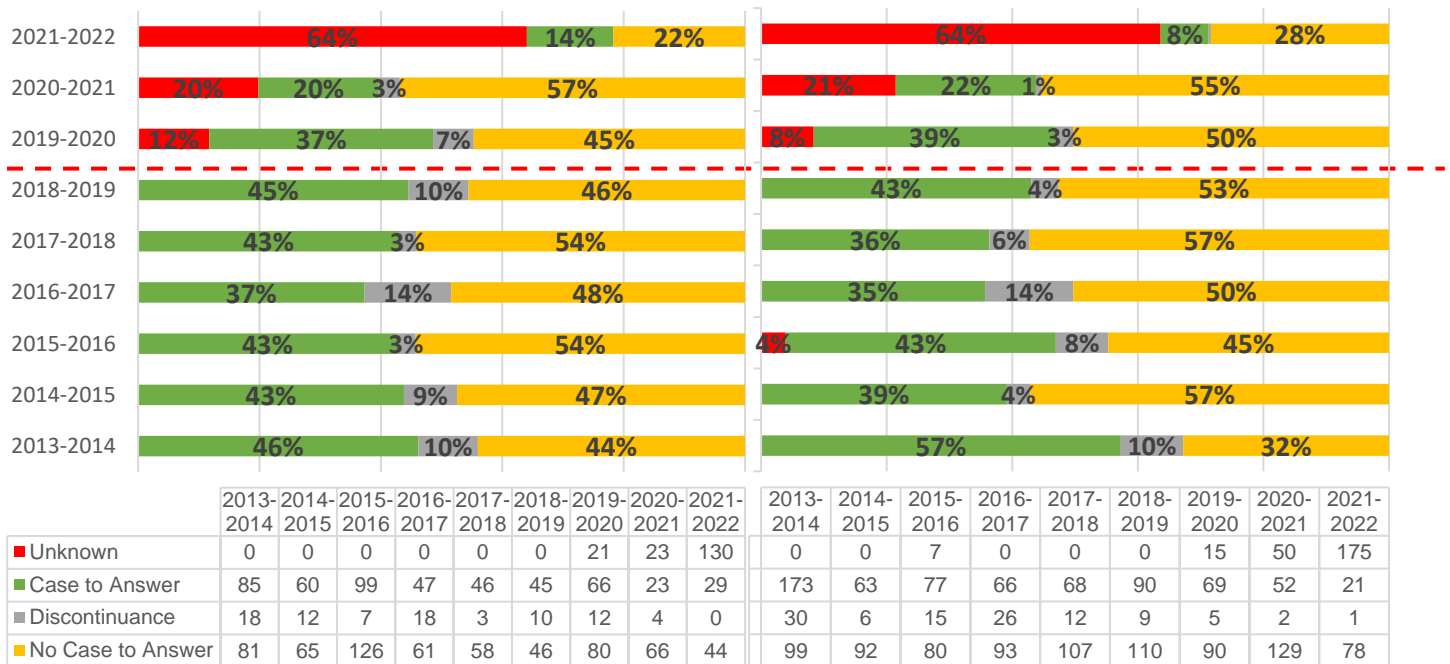


Figure 13: Decision made on every allegation made against a Black officer or staff, FY 2013 - 2022

Figure 14: Decision made on every allegation made against an Asian officer or staff, FY 2013 - 2022

After 2018/19, the proportion of allegations which have not yet received a case to answer decision is too large to reliably compare the averages. However, allowing for that caveat, the disparity appears to be reducing further in 2019/20 (see Figure 15 below). This is an area where both the Met and Mayor's Office for Policing and Crime (MOPAC) have taken action and MOPAC are currently working on analysis which compares the outcomes of finalised misconduct allegations from 2018-2020, with a focus on understanding any drivers of disproportionality.

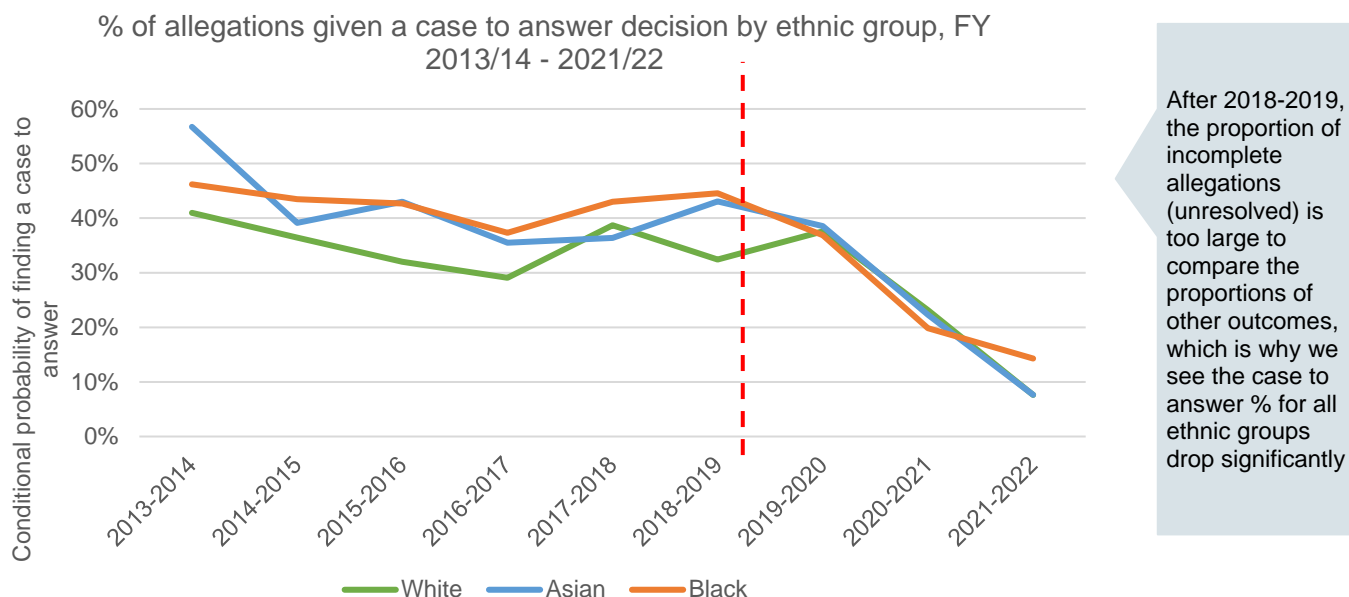


Figure 15: Percentage of all allegations against officers and staff resulting in a case to answer decision in each financial year by ethnic group (Black, Asian, and White only)

Despite these signs of progress, there remains evidence of racial disparity throughout the misconduct system: White officers and staff continue to fare better than their Black, Asian or Mixed Ethnicity counterparts.

8. Regulation 13 is not being used fairly or effectively in relation to misconduct

Regulation 13 of the Police Regulations 2003 allows for probationary officers who are not suitable to be police officers to be removed in a separate and more flexible way than the formal misconduct process.

We heard multiple concerns about challenges in using Regulation 13 including the amount of paper work required, fear about employment tribunals, and the need to provide 'clear and incontrovertible' evidence of problems. We also heard that the rotation arrangements whereby a probationary police constable (PC) serves six months on a team then moves to another team means problem behaviour is not identified or is 'passed on' to the next supervisor.

We heard many examples of unacceptable behaviour going unchecked for long periods, including cases where officers had lied on their vetting, failed their exams, and been involved in misconduct issues and were still not being removed. Often, these examples are well known locally by officers and staff, and the lack of effective action both further undermines confidence in the Met's ability to deal with poor behaviour and harms the reputation of the new intake.

Due to the 'uplift' in police numbers, and despite these challenges, the use of Regulation 13 has been going up in line with and beyond the increase of probationers (Figure 16).

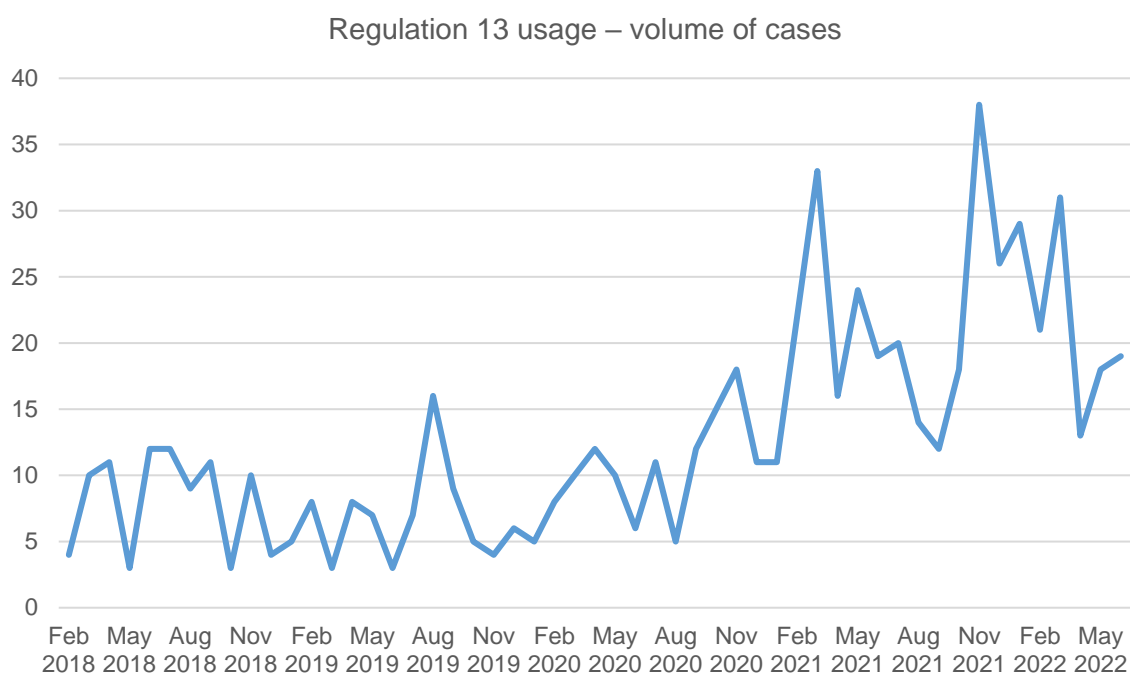


Figure 16: All Regulation 13 uses, FY 2018 - 2022

However, most cases of Regulation 13 result in no further action, and only 8% of cases in 2019-20 and 4% in 2018/19 led to dismissal.

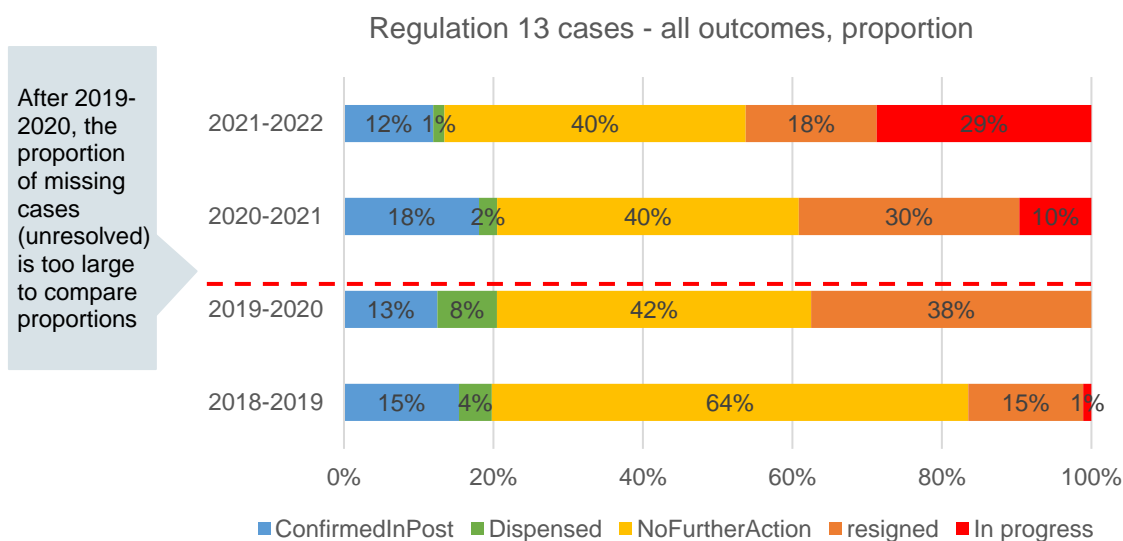


Figure 17: Outcome of all Regulation 13 uses, FY 2018 - 2022

Whilst dismissals are low, we have heard (and the data confirms) that many probationers involved in a Regulation 13 case will end up resigning, which is to be expected. In 2021-22, Regulation 13 resignations represented 41% of all probationer resignations. However, the data shows that female and BME probationers are disproportionality resigning.

	All probationers				Female probationers			BME probationers		
	Resigned	Resigned % of all probationers	Reg 13 resignations	Reg 13 resignations % of all resignations	Resigned female	Resigned female % of all resignations	Female probationers	Resigned BME	Resigned BME % of all resignations	BME probationers
2018-2019	167	8%	33	20%	70	41%	33%	47	28%	24%
2019-2020	227	6%	49	22%	92	39%	34%	58	25%	19%
2020-2021	294	7%	47	16%	116	38%	36%	72	24%	18%
2021-2022	353	10%	143	41%	144	40%	36%	81	22%	22%

Figure 18: All resignations of MPS probationers, FY 2018 - 2022

As well as resignations, we found that racial disproportionality in the use of Regulation 13 is much more pronounced than the misconduct system, with Black and Asian probationers more than twice as likely to have a Regulation 13 case raised than their White colleagues.

Ethnic group composition of all Reg 13 cases, FY 2018-2022

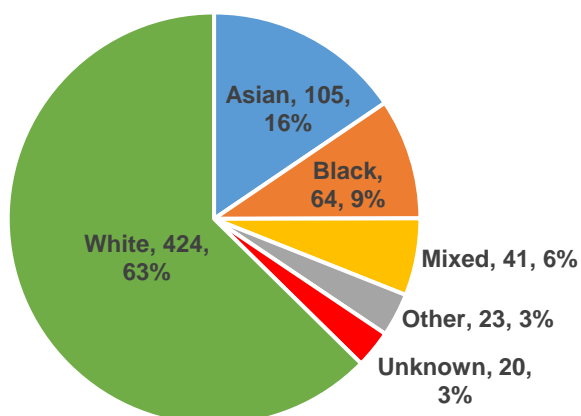


Figure 19: Ethnic group composition of all Regulation 13 cases, FY 2018 - 2022

Ethnic group composition of all of PCs and DCs with 2 or less years of service, FY 2018-2022

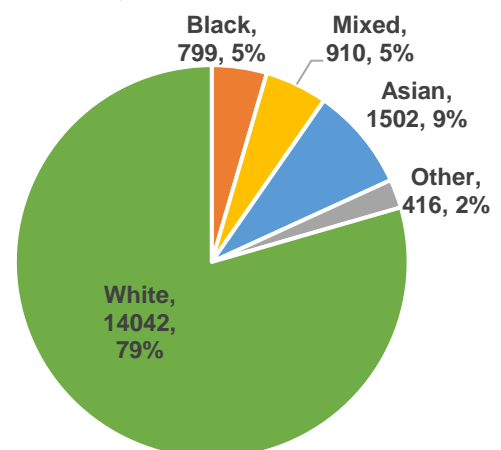


Figure 20: Ethnic group composition of all PCs and DCs with fewer than 2 years of service, FY 2018 - 2022

Figures 19 and 20 show us that, compared to the 2018-2022 cohort of PCs and DCs with two or less years of service, Black officers are 126% more likely to be subject to a Regulation 13 case than White officers, Asian officers are 123% more likely and Mixed Ethnicity officers are 50% more likely.

¹ Home Office (2022) *Police Misconduct Statistics* <https://www.gov.uk/government/collections/police-misconduct-statistics>.

² London Policing Ethnic Panel (2021) *Review of Special Case Hearings in the Metropolitan Police Service* http://www.policingethicspanel.london/uploads/4/4/0/7/44076193/review_of_special_case_hearings_febbruary_2021.pdf.

³ Operation Rainier Learning Report.

⁴ HMICFRS (2022) *Inspection of the Metropolitan Police Service An inspection of the Metropolitan Police Service's counter-corruption arrangements and other matters related to the Daniel Morgan Independent Panel* <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/inspection-mps-counter-corruption-matters-related-to-dmip.pdf>.

⁵ See for example: EHRC (2016) *Investigation into Met police reveals significant weaknesses in handling discrimination* | Equality and Human Rights Commission (equalityhumanrights.com); MOPAC (2016) *Disproportionality in Misconduct Cases in the Metropolitan Police Service* (london.gov.uk); NPCC (2019) *Understanding Disproportionality in Police Complaint & Misconduct Cases for BAME Police Officers & Staff* (npcc.police.uk).