

The Baroness Casey of Blackstock DBE CB

Letter sent via email to Commissioner of the Metropolitan Police Service Sir Mark Rowley

17 October 2022

Dear Sir Mark,

Congratulations on your appointment as Commissioner of the Metropolitan Police Service (the Met). It is an enormous responsibility you are taking on. At this moment perhaps more than ever, Met officers and staff, Londoners and visitors all rely on you and want you to succeed, and I will do whatever is in my power to support you, your team and all Met officers and staff.

As agreed, I will, therefore, continue my work reviewing the culture and standards within the Met that I began under former Commissioner Dame Cressida Dick earlier this year.

As we have discussed, Dame Cressida asked me to look at the internal misconduct system as a priority, and you have reiterated the importance of this as part of your own plans for urgent, early reform in the Met. I agreed to do so as I believe that how the Met deals with internal misconduct is a fundamental concern for Met officers and staff who throughout the months of meetings and interviews have reiterated this point to me.

Londoners too, need to have confidence that the Met can effectively police itself, protect the public, and provide a positive career experience for people of all backgrounds, in order to restore trust, confidence and, most importantly, policing by consent.

I thoroughly endorse your early focus on professionalism and your commitment to raising standards and being ruthless in rooting out those who do not deserve to hold the office of constable. Their behaviour brings the decent majority of officers, the force and policing into disrepute.

To that end I am sharing with you my initial views on some of the problems with the misconduct system, and suggested actions. More detailed evidence on these findings is provided in the attached Analytical Report, based on our analysis of internal, unpublished data and many hours of interviews with officers and staff of all ranks in the past few months.

This letter and special report are interim findings on the specific matter of internal misconduct ahead of future work on the full terms of my review.

In summary, my conclusion is that the misconduct system is not delivering in a way that you, I, your officers or the public would expect it to. Cases are taking too long to resolve, allegations are more likely to be dismissed than acted upon, the burden on those raising concerns is too heavy, and there is racial disparity across the system, with White officers dealt with less harshly than Black or Asian officers. Initiatives such as Signa and 'Not in My

Met' are positive but the misconduct system itself needs to change if these well intentioned campaigns and actions are to have any sustainable impact.

Our analysis has identified eight key issues:

1. **The Met takes too long to resolve misconduct cases.** On average, the Met takes 400 days to finalise misconduct allegations from start to finish. Even removing those involving the Independent Office for Police Conduct, cases still take, on average, nearly 350 days. Nearly 20% of misconduct cases take more than two years to finalise.
2. **Officers and staff do not believe that action will be taken when concerns around conduct are raised.** And they are right not to do so as, consistently, 55-60% of misconduct allegations made by Met officers, staff and their families receive a 'no case to answer' decision. Line managers and supervisors are warning staff against taking misconduct action, so that the view that nothing happens is institutionalised.
3. **Allegations relating to sexual misconduct and other discriminatory behaviours are less likely than other misconduct allegations to result in a 'case to answer' decision.** 'Case to answer' decisions are given to 20% of allegations concerned with breaching equality and diversity rules, and 29% of allegations involving sexual misconduct compared to 33% of all finalised allegations. This suggests that equality and discrimination issues are not being tackled effectively.
4. **The misconduct process does not find and discipline officers with repeated or patterns of unacceptable behaviour.** Between 2013 and 2022, 20% of officers and staff in the misconduct system have been involved in two or more cases, but the data shows that less than 1% of those officers have been dismissed. The current approach to misconduct only allows for allegations to be dealt with individually and as far as we can see, connections are not made to prior concerns raised which fall short of formal misconduct. This means repeated or escalating misconduct is not spotted, missing those who potentially pose most risk to others.
5. **The Met does not fully support local Professional Standards Units (PSUs) to deal with misconduct effectively.** Many misconduct cases are handled by the local PSUs working in individual commands rather than the central Directorate of Professional Standards (DPS). It is my view that PSUs are overstretched, under-resourced and do not receive training in misconduct, undermining local efforts to improve standards of behaviour. Greater authority and support should be given to PSUs as a matter of urgency.
6. **The Met is not clear about what constitutes 'Gross Misconduct' and what will be done about it.** The Met threshold and interpretation for what counts as 'Gross Misconduct' is set too high, meaning too many of those who fall short of what the public would expect cannot be removed. In addition to this, where a case to answer for 'Gross Misconduct' is found, the number of those actually dismissed has fallen significantly in recent years.
7. **There is racial disparity throughout the Met's misconduct system.** Despite improvement, it was still the case in 2021-22 that Black officers and staff were 81% more likely than White officers to have misconduct allegations brought against them, while Asian officers were 55% more likely. Black and Asian officers were also more likely to have an allegation substantiated than White officers. This is a long standing issue and is clear evidence of systemic bias.
8. **Regulation 13 is not being used fairly or effectively in relation to misconduct.** Regulation 13 (which allows for the removal of probationers) is not being used to remove enough of those officers who should not be in policing, with only 8% of cases in the most recent year resulting in dismissal. Regulation 13 is also, however, being

used disproportionately on those from ethnic minorities, with Black officers being 126% more likely and Asian officers 123% more likely to be subject to a Regulation 13 case than White officers.

Further to these eight key issues, I also want to stress four broader points:

- Firstly, that these issues are not new. The data set we have had access to dates from 2013 to 2022. In addition there are numerous reports and recommendations on many of the issues raised in this letter that go back decades including the key matter of racial disproportionality. In the light of that and of their concerning nature, it is all the more important that you, as the new Commissioner, and your new leadership team grip this and take the necessary action by making urgent and effective improvements, not incremental reform.
- Secondly, that the DPS itself does not fully command the confidence of officers and staff and requires a significant change to do so. Colleagues in DPS also report how challenging and difficult their jobs are. An enhanced DPS alone, with a business as usual approach, will risk making the issues outlined above even worse. Across the Met it is apparent that the burden placed on those raising allegations is too heavy and needs to be lightened by more confident management. Radical reform is required here, based on a root and branch overhaul to the system. An early start would be to enhance the approach taken by the Domestic Abuse and Sexual Offences team, established in February 2022 under the Rebuilding Trust programme.
- Thirdly, I am concerned about the pressures on the frontline in the BCUs and within that about line management and supervision within the Met (an issue also recently raised by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services). These are the first and most critical opportunities in setting, embedding and enforcing professional standards. Human Resources does not have a big enough role in the misconduct system or in supporting line managers. Improving these will help prevent misconduct in the first place and help some low-level cases from escalating, as well as encouraging quicker and more effective action where necessary. I will be returning to this issue in my future full report.
- Fourthly, I recognise that some improvements will rely on overall regulatory changes that affect policing nationally and not just the Met. The decline in dismissals for Gross Misconduct has coincided with the introduction of independent Legally Qualified Chairs at misconduct hearings although we do not have the data available to know whether there is a causal connection. In addition the overly complex quasi-judicial nature of the system makes it more akin to a criminal justice process with a high evidential bar, than an internal system which is supposed to uphold high professional standards and maintain public confidence in the police service.

The legal and regulatory framework regarding misconduct should be looked at urgently by the new Home Secretary, together with the College of Policing and National Police Chiefs Council. You do not have the powers you need for the radical reform needed on all of these issues but, as you have acknowledged, these changes need not stand in the way of many of the other urgent improvements that can and should be made in the Met now, irrespective of regulations.

These improvements are ultimately for you to decide upon. But in my assessment they must include action:

- To reduce the time taken for cases to be resolved;
- To investigate and remove more repeat offenders;
- To bring more offences, particularly relating to discrimination and sexual misconduct, within the remit of 'Gross Misconduct' and dismissal;
- To bring in more human resource expertise to support the misconduct process;
- To review the use of Regulation 13;
- To better support PSUs to effectively resolve more cases at a local level; and
- To review and reduce the disproportionality throughout the system.

A piecemeal approach to these issues is unlikely to work. Radical and wholesale reform of the system is required to increase both public confidence in the Met and internal confidence in the misconduct process. Accountability for achieving them also needs to be held at the highest level of the Met.

I realise that, for many in the Met, this letter, the report and its contents will make difficult reading. I would ask that the organisation pause and consider it carefully, rather than finding reasons to avoid facing up to uncomfortable truths.

Since I have been with you at the Met I have been struck by how many outstanding and tirelessly hard-working officers there are. At the same time I have seen for myself, as has the public, some of the truly awful conduct of officers going through the misconduct and criminal justice system. They may be a minority but what they have said and done is laid bare publicly and is a cause for shame. You owe it to the outstanding and hardworking officers to get this right and reform the system for the long term.

Finally, while I of course completely understand and support the urgency with which you want to begin reforming the Met, and the importance of dealing fairly and effectively with misconduct to that, I would also caution you that these issues within the misconduct processes are just one part of the wider system that together make up the standards and culture within the organisation. I will be returning to these wider issues forthwith.

There will be a lot of work to do and I do not underestimate the challenges ahead. I am also clear, however, that for all its problems, there are many thousands of Met officers and staff who do an extraordinary job every day for our city, putting their own lives and safety at risk, delivering an often outstanding service and who want to work to the highest of standards.

I therefore commit myself to supporting them, and your efforts to achieve those standards. London and Londoners deserve nothing less.

*As ever,
Diana Hornin*

The Baroness Casey of Blackstock DBE CB