

Her Majesty's Inspectorate of Constabulary
6th Floor, Globe House, 89 Eccleston Square, London SW1V 1PN
Direct Line: Fax:
Email:



Inspecting policing
in the public interest

Sir Denis O'Connor CBE QPM
Her Majesty's Chief Inspector of Constabulary

Kim Brudenell
Solicitor to the Leveson Inquiry
c/o Royal Courts of Justice
Strand
London
WC2A 2LL

16th September 2011

Dear Ms Brudenell

LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

I. Witness Statement – Sir Denis O'Connor CBE QPM

1) Who you are & brief summary of career history

I currently hold the post of Her Majesty's Chief Inspector of Constabulary. Before joining the Inspectorate, I was Chief Constable of Surrey between 2000 and 2004.

I began my career with the Metropolitan Police, becoming Assistant Chief Constable in Surrey in 1991. I was later appointed the role of Deputy Chief of Kent, and then in 1997 took on the position of Assistant Commissioner in London, where I led the Metropolitan Police Service development strategy following the Stephen Lawrence Enquiry.

In 2003 I was elected Vice-President of the Association of Chief Police Officers (ACPO). Prior to this, I chaired the ACPO Performance Management Business Area and led the piloting of the National Reassurance Policing Programme.

I was awarded the Queen's Police Medal in 1996, a CBE in 2002 for services to policing and received a knighthood in the 2010 Queen's Birthday Honours.

2) A description of HMIC covering (at least) its origins, status, history (in brief summary), organisation, remit, authority & powers

The first HM Inspectors (HMIs) were appointed under the provisions of the County and Borough Police Act 1856 for the purpose of inspecting the efficiency and effectiveness of individual police forces. In 1962, the Royal Commission on the Police formally acknowledged HMIC's contribution to policing, establishing the Inspectorate as both a monitor of, and a catalyst for, policing change. Over the last two decades, there has been a notable acceleration in the pace of police reform, which has served to broaden the scope of the Inspectorate to the role it performs today.

Currently, HMIC independently assesses police forces and policing activity ranging from neighbourhood teams, serious crime and the fight against terrorism – in the public interest. In preparing our reports, we ask the questions which informed citizens would ask, and publish the answers in accessible form, using our expertise to interpret the evidence. We provide authoritative information to allow the public to compare the performance of their force against others and our evidence is used to drive improvements in the service to the public

HMIs are appointed by the Crown on the recommendation of the Home Secretary and report to HM Chief Inspector of Constabulary, who is independent both of the Home Office and of the police service.

There are four HMIs:

- Until his recent appointment as Metropolitan Police Commissioner, Bernard Hogan-Howe was responsible for national law enforcement agencies and London police service. I have taken over these responsibilities in the meantime.
- Roger Baker has responsibility for forces in the Northern Region;
- Zoe Billingham has responsibility for forces in the Eastern Region;
- Drusilla Sharpling has responsibility for forces in the Western Region.

In addition to HMIs, the Inspectorate has a workforce of around 150 staff, of which 44% are permanent, 41% are seconded and 15% are casual, agency or contract staff (taken from: A report on the work of HMIC in the year from 1st April 2009 to 31st March 2010 by HM Chief Inspector of Constabulary, Sir Denis O'Connor – see Part II - Documents). This enables us to bring in a wide mix of skills and disciplines to the organisation in order to carry out work across a wide range of subject areas and areas of expertise.

HMIC's principal statutory duties are set out in the Police Act 1996 (amended 2002) and the Police & Justice Act 2006 – relevant sections are attached under 'Part II - Documents'.

Of particular relevance to your Inquiry, Section 77 of the Police Act 2006 sets out what HMIC's role is in terms of the investigation and handling of complaints against police. It states:

“Every police authority in carrying out its duty with respect to the maintenance of an efficient and effective police force, and inspectors of constabulary in carrying out their duties with respect to the efficiency and effectiveness of any police force, shall keep themselves informed as to the working of sections 67 to 76 in relation to the force.”

Prior to about 2003 'keeping informed' was achieved by every 'force inspection' including an inspection of "complaints". Around 2004/05, the emergence of 'professional standards' and 'anti-corruption' units contributed to 'professional standards' being adopted as the 'ninth protective service'. In 2005/06, recognising the above, and partly due to the recent absence of routine inspection of complaints, HMIC carried out a 43-force inspection of Professional Standards - "Raising the Standard" (June 2006). Professional standards was scheduled for a re-visit in Phase 4 of Baseline Assessment/Protective Services inspections (2008/09) but the government Green Paper and other priorities deferred consideration. The current position is set out in Part II – Documents, at Annex A in the Section relating to Complaints and Misconduct.

3) The steps which HMIC takes, in general terms, to discharge its regulatory function

Since I took over as Chief HMI, HMIC has moved from being a professional insider assessment body, overwhelmingly unpublished, to being a "fierce advocate in the public interest" from early in 2009, with almost all our reports now being published.

HMIC's inspection framework for 2010 was dominated by the Police Report Card which provided the public with information on the risks where they live, how well the police tackled these risks and their cost. It gave the public an assessment of performance across a wide range of police activity for each of the 43 forces in England and Wales. It provided an independent, professional judgement of police performance, enabling the public to take part in democratic processes more effectively.

But our focus and our public representation has changed. We have to consult with the sector and clearly with our sponsoring department (under the Home Secretary) about what we do - and that is especially true in relation to thematic issues which could, for example, include corruption/integrity.

HMIC's role is to provide an incentive to improve effectiveness and value for money in a monopoly sector. Unlike many regulators, HMIC does not have a power to impose standards or prices but secures improvement through the provision of an independent, professional assessment of police work. In normal circumstances, police authorities (and, in future, Police and Crime Commissioners -PCCs) will regulate the activities of police forces. In extreme circumstances of sustained failure, HMIC provides advice to the Home Secretary who has powers to direct the authority (and in future the PCC).

Although HMIC are a small organisation, employing around 150 people, we recognise that inspection creates a cost for forces. For 2011, HMIC has therefore adopted a risk based inspection framework for all its work. This means that HMIC will not be inspecting a wide range of policing activity in every force. We concentrate instead on those policing issues that, in our professional opinion, present the greatest potential for improvement.

When an issue emerges as being of national importance or one which is clearly systemic in nature, the Home Secretary may ask us to conduct a review or we may initiate one ourselves. HMIC has a degree of independence in deciding when to conduct a thematic. We are not always tasked by the Home Office or by our business plan if a clear and present issue emerges, where there is a need for facts, clarity, explanation and improvement - for example, G20, Anti-Social Behaviour and Undercover Policing (pending). We have, by emerging convention, been able to do this.

In terms of local policing issues, forces are responsible for continuous improvement and HMIC would only inspect forces in exceptional circumstances, for example where specifically commissioned to do so by the Home Secretary or the force itself – or where trend data indicated the onset of a sustained failure.

Clearly, given the issues of public confidence and austerity, we have put an enormous amount of effort in the last two years into issues such as Value for Money, visibility/availability of the police, ASB – i.e. how taxpayers' money is spent. We have been tasked to take on thematic studies – Valuing the Police, Demanding Times etc. and clearly now, we have been tasked with looking at integrity in the broadest terms.

We ground public interest in public or victim surveys for almost every key issue we look at and we are also doing this for our work on integrity.

We are currently in discussion with government about how HMIC can operate when there are effectively 43 'fierce advocates' in the form of PCCs and how HMIC supports the new accountability landscape. The concern is to ensure local freedom but also to ensure that we have some national capacity and strength where it is important in the public interest.

4) HMIC's experience of regulating the media, in particular in relation to phone hacking, computer hacking, "blagging", bribery and/or corruption. To include examples and evidence which conveys the scale on which these issues have come to your attention.

It is not within HMIC's remit to regulate the media. However, HMIC have examined issues relevant to this inquiry.

In terms of standards, these are for Home Office/ACPO to bring forward - HMIC's role is to test whether they are applied, whether they work and whether they are fit for purpose.

Integrity was one of the considerations around Protective Services and was last looked at by us in 2006/7 as detailed in section 1 above. We have also looked in broad terms at issues around integrity and standards in our 2006 thematic report on professional standards "Raising the Standard" (see [Part II –Documents](#)).

These have been agreed thematics with the Home Secretary of the day and not a rolling programme of inspection - we found that if, as a regulator, you do not have clear and present

intelligence in this subject area, you end up simply implementing a compliance regime without getting close to any actual issues that might arise.

It is worth also stating in this section that HMIC do not issue guidelines to forces on the subject of relationships with the media. This is led by ACPO's Communication Advisory Group, chaired by Chief Constable Andy Trotter and guidance is published on the ACPO website. HMIC's focus is on systems issues and police tactics rather than individual cases or matters of conduct and discipline which are dealt with under existing procedures set out in police regulations.

5) Your views on the strengths and weaknesses of HMIC and, in particular, your views on the steps which might be taken to improve the regulatory framework and effort.

Because of our size compared to the sector, we can look at only a limited number of priorities at any one time in addition to providing information online, assessing efficiency and effectiveness, engaging in performance monitoring, giving advice and support – with the support of the Home Office, Police Authorities and Chief Officers.

The potential weakness of this is that we cannot cover all of the most pressing issues as I would like, and to some degree we are dependent on intelligence about vulnerabilities. Other downsides include having the benefits and the burden of history on our shoulders and peoples' perceptions around this.

The strength of what we do lies in the fact that our range extends from local policing to national security (meaning that not all of our reports are published). Therefore, perhaps contrary to perceptions, we have a mixed discipline of people and skills in the organisation and only around 40% of our staff are police officers.

Another attribute of HMIC, useful to a regulator, is that we are relatively agile on our feet so that reports and reviews can be produced in fast time and so retain relevance and currency.

In the next section, I have attached or provided links to documents relevant to your inquiry and which expand on the evidence provided above.

Yours Sincerely



Sir Denis O'Connor
Her Majesty's Chief Inspector of Constabulary