

The London Policing Ethics Panel

Review of Special Case Hearings in the Metropolitan Police Service

February 2021



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Executive summary

Following an invitation from the Metropolitan Police Service, the London Policing Ethics Panel has carried out a review of cases of gross misconduct that have been decided through Special Case Hearings (SCHs). SCHs are adjudicated by a single senior officer where the evidence is not in doubt, and it is believed to be in the public interest for the police officer to leave the service without delay. Numbering around 50 per year, SCHs constitute a small proportion of all Gross Misconduct Hearings (GMHs). The purpose of the review, agreed in our Terms of Reference, was ‘to consider whether MPS is doing all that a reasonable organisation can be expected to do to prevent overtly unlawful or unethical behaviours’.

The Panel viewed it as worthwhile to seek to understand the background to such cases, as they contribute towards setting clear standards of ethical professionalism, test the willingness of senior leaders to consistently hold officers to account, and impact on the ethical climate of MPS as a whole.

The Panel has analysed anonymised, quantitative MPS data to understand factors that might lead to SCHs and compare them with GMHs; drawn on academic literature that has sought to account for misconduct in policing and other professions; and reviewed a small number of anonymised SCHs in greater detail. Each of these data sources has limitations, which we explain in the report. However, taking them together has enabled us to create an account of the risks that may lead to officers being involved in SCHs and GMHs.

We adopted a risk-based approach to analysing misconduct with the aim of supporting MPS to further understand and manage the risks, and to promote a just culture which includes constructive remediation as well as appropriate sanctions. The identified risks are factors that may render individuals or teams more susceptible to ‘crossing the line’ into conduct known to be wrong. These risks are not necessarily the immediate causes of specific instances of misconduct (although some, such as addiction to illegal drugs, may be). Rather, the risk factors we identify are features of individuals, of teams and of the organisational climate that data and research suggest may be associated with the occurrence of gross misconduct.

We have set out the identified risks in a table structured as follows.

	Column 1 Personal factors	Column 2 Unit or team factors	Column 3 Organisational factors
Section A Predisposing risks	A1	A2	A3
Section B Precipitating risks	B1	B2	B3
Section C Perpetuating risks	C1	C2	C3

Predisposing risks put individual officers at risk of developing problem behaviour, through personal circumstances, group dynamics, or organisational culture.

Precipitating risks are specific events or triggers (such as suffering a personal tragedy or particular work pressures) that occur close in time to the problem behaviour.

Perpetuating risks (such as individual lack of insight, or inconsistent approaches to performance management) sustain problematic attitudes or behaviours.

As it stands, this table is not intended to be used for predictive profiling. Rather, we envisage it could be used for 'upstream' (preventative) management activity aimed at reducing risk factors; and 'downstream' (after the event) activity to bolster the learning that might come from settled cases.

By identifying three domains for consideration – the individual, team subcultures, and wider organisational influences - our table is consistent with themes in the organisational psychology of professional misconduct. This literature frequently refers to misconduct in terms of 'bad apples' (individuals) 'bad barrels' (teams and subcultures), and 'bad orchards' (the organisation in social context). We have refined this three-part approach by also identifying predisposing, precipitating, and perpetuating risk factors. In this way, our risk table draws attention to a 'chronology of misconduct' which may be of particular value for designing risk mitigation strategies.

Following the table, we have explained the evidence that underpins the specific risk factors we have included in the table.

We have briefly reviewed existing evidence summaries of 'what works' to prevent gross misconduct in policing. Pinpointing 'what works' is problematic, because the policing literature does not directly address the type of overt misconduct that leads to Special Case Hearings. Two commissioned reviews have considered 'what works' over the broader fields of preventing police corruption (Newburn for HMICFRS); and encouraging ethical behaviour and preventing wrongdoing (McDowall et al for College of Policing). The important message from both reviews is that there are no simple levers. The important message from the organisational psychology literature is that interventions need to be directed at individual, team, and organisational level. A further message from our analysis is that there appears to be a clear connection between officer stress and responses to stress, and risk of misconduct. This implies that an effective well-being strategy can make an important contribution to mitigating the risk of misconduct.

In the final section, we have set out 10 recommendations for consideration.

Introduction

Following an invitation from the Metropolitan Police Service, the London Policing Ethics Panel has carried out a review of cases of gross misconduct that have been adjudicated through Special Case Hearings (SCHs). In special case hearings the actions in question are clearly unethical or unlawful or (e.g. drink/driving offences, domestic assault, accessing sexual images of children). Where the evidence is not in doubt, and it is in the public interest for the police officer to leave the service without delay, cases are adjudicated by a single senior decision maker under Regulation 41 of the Police (Conduct) Regulations 2012 (in respect of allegations that came to the attention of the appropriate authority on or after 1st February 2020, Regulation 49 of the Police (Conduct) Regulations 2020 apply).

Some fifty cases per year are disposed of via special case hearings, a small proportion of all gross misconduct cases. It could be argued that these cases are so exceptional, and the behaviour exhibited by officers so self-evidently unacceptable, that they are of little ethical interest. These cases, the argument would go, are simply instances of rotten apples being culled from the barrel. If this were assumed to be true, there would be little to be gained from an ethical examination of such cases, and no organisational lessons to be learned from them.

However, the Panel was of the view that this assumption should be questioned for reasons we explain below. We considered special case hearings to be a worthwhile subject for ethical inquiry, and we have reviewed the data on these cases to consider whether they might yield any organisational learning. We have come to the conclusion that they do indeed suggest opportunities for learning and organisational development, and that seeking to systematically address the range of behaviours arising in them could make a valuable contribution to the maintenance of a sound ethical climate across MPS.

Why look at extreme examples of gross misconduct?

Our first reason for considering special case hearings to be a fit subject for ethical examination is that having and upholding moral standards specific to the profession is one of the organising principles of a professional community (Bosk, 2003)(p. 172)

For policing to have the quality of a profession, it must own and uphold moral standards appropriate to the aims of policing. This means ensuring that the special moral standards of policing (that is, expectations around the proper ways of seeing, feeling and acting in policing contexts) are learned, internalised, and upheld across the service. Policing sustains a moral identity through the way it selects, educates, supports, rewards, disciplines, sanctions and sometimes, ultimately, rejects its members.

As a profession, policing ultimately reveals its true moral identity through the way it manages violations of its standards. Where does the profession (and in our case, the MPS as a representative of the profession) draw the line? What standards does it actually enforce, demonstrating that they really are important? When it draws the line, does it behave fairly

to both its members and the public it serves? How does it keep both its members and the public out of harm's way?

Turning to a second consideration, while every profession has special powers and special purposes, it is the special powers and purposes of policing that make the way it manages violations particularly important.

The cornerstone of the British model of policing is policing by consent. The public police service holds and exercises exceptional powers on a presumption that the public will grant legitimacy to their use because they are fairly and justly applied. Legitimacy in turn is underpinned by trust, including trust in police professionals and police services to enforce appropriate behavioural standards on individuals who exercise these special powers.

The College of Policing outlined a thin version of this view in its *'Guidance on outcomes in police misconduct proceedings'* (CoP, 2017) Amongst other legal cases it cited *R (Green) v Police Complaints Authority*, where the judge opined that if 'citizens feel that improper behaviour on the part of police officers is left unchecked and they are not held accountable for it in a suitable manner, [public] confidence will be eroded'. The College's guidance also endorses the decision in *Raschid v General Medical Council*, where it was stated that fitness to practice panels should be 'centrally concerned with the reputation or standing of the profession rather than the punishment of the doctor'. On this account, special case hearings are primarily intended to increase confidence in policing rather than punish individual officers. Although it is public confidence in the policing profession which is at stake, we would note that what is distinctive about SCHs is that the final decision is made by a single senior officer. She or he must therefore make a judgment about what action the public is likely to believe necessary in order to uphold trust and confidence in the police. (See Recommendation 7)

Finally, an additional argument can be made for the moral importance of managing violations by police officers well. This argument stems from understanding the nature of moral outrage, or resentment, that follows when people see important rules and norms being unfairly applied, or not applied at all. The concept of resentment has a long history in moral philosophy (Butler, 1726, Smith, 1759). For our purposes it can be understood as a "kind of accusing anger at something done" (Walker, 2006) particularly when that 'something' appears to observers to be a significant violation being done *with impunity*. Resentment is an important moral sentiment that philosophers recognise as a form of 'moral address', generally an expectation directed at those with moral authority to take a troubling situation in hand.

Resentment can be observed in police officers' disapproval and sometimes disgust when colleagues break the rules, and in demands from members of the public that rules be fairly upheld. This attitude of resentment signals that a valued moral rule has been breached, and that some sort of response is called for in order to repair and uphold it. So, resentment helps sustain moral community when it triggers, and is met with, a morally adequate response. But if the 'moral address' to authority goes unheeded, and those who violate important norms are not held to account, resentment among colleagues or the public can mutate into cynical withdrawal or angry retaliation.

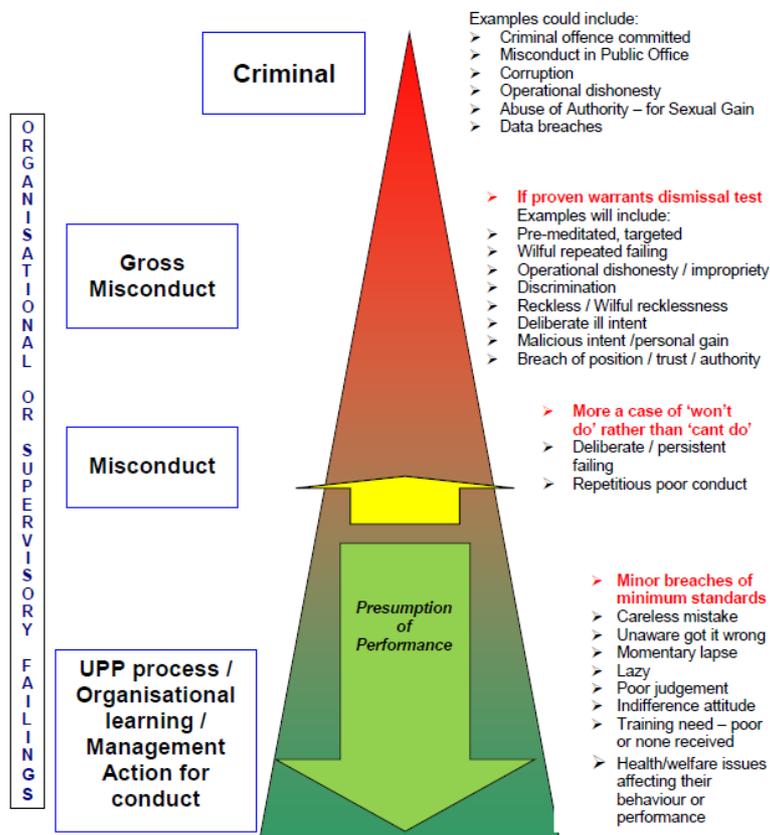
Taking these three considerations into account, the Panel viewed special case hearings as a worthwhile subject for ethical analysis. Some ethical inquiry asks whether it is, all things considered, better or worse to carry out certain activities. This was the type of question the Panel sought to answer in its report into MPS's use of Live Facial Recognition. Other types of ethical inquiry ask who should be doing what, and for whom. This is the type of question this misconduct project has sought to answer. We have asked whether MPS is doing all that an ethical organisation should reasonably do in order to mitigate the risks of overtly unlawful or unethical behaviour occurring, thus protecting both the public and its own officers from a wide variety of harms.

Aims and method

The overall purpose of the project, set out in our Terms of Reference, has been ‘to consider whether MPS is doing all that a reasonable organisation can be expected to do to prevent overtly unlawful or unethical behaviours’. We have sought to identify how far individual, team and organisational factors might make officers more susceptible to engaging in overtly unethical behaviours, and whether there are further steps MPS could take to understand and address the problem.

Gross misconduct is a breach of the standards of professional behaviour so serious that dismissal from the police force would be justified. Where the evidence to prove gross misconduct is not in doubt, and it is in the public interest for the police officer to leave the service without delay, cases are considered in special case hearings under Regulation 41 of the 2012 Police (Conduct) Regulations or Regulation 49 of the 2020 legislation. Special case hearings thus comprise a distinctive sub-group of gross misconduct cases, in the sense that procedurally they will have met the two threshold requirements: the misconduct is not in doubt (for example, a criminal conviction or positive workplace drug test) and the behaviour has satisfied the public interest test.

The following MPS diagram offers a visual representation of levels of seriousness in respect of poor performance and misconduct. It indicates how, as issues become more serious, cases also become less prevalent.



Special case hearings undoubtedly deal with notably egregious instances of misconduct, but so too do many gross misconduct hearings. The two methods of disposal are clearly procedurally distinguishable, but we stress that the behaviours themselves, and the precursors to them, may not be.

Just as the consequences of misbehaviour by an ordinary member of the public are shaped by the circumstances in which the misbehaviour occurred, so too are the consequences of officer misbehaviour. A violent drunk might by luck alone avoid inflicting mortal injury on their victim and manage to elude arrest. Similarly, officers' excessive use of force may in some situations pass unseen, in other circumstances lead to gross misconduct proceedings, and in yet other circumstances result in a special case hearing. To explain how officers come to be involved in special case hearings, therefore, we would need to account both for the behaviour that they displayed, and also all of the surrounding circumstances that led to it being channelled into a special case hearing. Hence, while there is a clear *procedural* distinction between special case hearings and 'ordinary' gross misconduct hearings, there is a less marked distinction between *behaviours* that lead to special case hearings and *behaviours* that lead to 'ordinary' gross misconduct hearings.

In this report we have focused on attempting to understand the risk factors leading to behaviour that could end up *either* in a special case hearing or a gross misconduct hearing. Attempting to account for *all* the surrounding circumstances through which a particular episode of behaviour might come to be judged by way of a special case hearing, and not gross misconduct, would be so complex as to be beyond the scope of this inquiry. However, we have compared quantitative data on special case hearings and gross misconduct proceedings in order to consider whether the data indicated any differences worthy of further examination.

We have used several data sources in order to identify risk factors that may lead to overtly unlawful or unethical conduct. We have looked at published research literature on police misconduct and 'grey literature' such as reports commissioned by the College of Policing, but none of these studies focus specifically on special case hearings or equivalent gross misconduct. We have analysed anonymised MPS quantitative data derived from personnel files. These data included the final outcome of special case hearings and gross misconduct proceedings, demographic information, and the number of prior disciplinary proceedings recorded on an officer's file whether these allegations were proven or not. We reviewed a very small number, nine overall, of full or partial special case hearings case files. We received a briefing on three others. Finally, looking for analogies in the field of medical misconduct, we were able to draw on some professional literature and practice knowledge relating to risk factors for misconduct that may result in fitness to practice proceedings, the equivalent of gross misconduct proceedings.

It should be noted that all of the data sources have limitations. The police misconduct literature afforded some insight into risk factors. However, it is more broadly concerned with understanding 'deviance' or 'corruption'. This is also true of the 'grey' literature in policing. We therefore used the MPS data made available to us to test how far the general arguments about police deviance or corruption appear to hold when applied to overt misconduct. We would emphasise that whilst we endeavoured to learn from MPS data, our

access has been limited. This is for reasons of confidentiality, and because of the form in which data are held by the organisation. The MPS data are, relatively speaking, small data sets. These data can support preliminary hypothesising, but our hypotheses will require ongoing testing with future data collection.¹ We believe these data are potentially an important source of intelligence for the organisation and thus warrant further internal review and research. (See Recommendation 1)

¹ See Appendix 2 for further information on the data sample.

What risk factors are associated with overt serious misconduct?

In this section we introduce an overview of factors that appear to be associated with gross misconduct. We have identified these in order to help MPS reduce risks, and focus remediation practices where they might be most useful. These are factors that may render individuals, teams or sub-cultures more susceptible to ‘crossing the line’ into conduct known to be wrong. We do not go as far as stating that these are the causes of specific instances of misconduct. Rather, they are features of individuals, teams and organisational climate that data suggest may be associated with the occurrence of gross misconduct and have been identified from the data sources discussed above.

It should be noted that the factors we have identified are characteristics associated with the *current* case cohort. If risk management practices change to mitigate current risks, then different risks may characterise future cohorts.

We suggest it is useful to view these features as risk factors that MPS could aim to mitigate. This may not always be possible. For example, data indicate that younger male officers are more susceptible to becoming engaged in gross misconduct leading to special case hearings. The MPS no doubt needs young male officers, so this cannot itself be mitigated. However, there may be behaviours associated with youthful masculinity, such as greater propensity towards use of force, that warrant recognition, consideration, and careful management of officers at risk.

We have used the language of risk to serve as a reminder that the purpose of this project is to try to identify ways of preventing – that is, mitigating the factors that might lead to – overt misconduct of the type observed in special case hearings. However, we emphasise again that it is not possible to draw a clear line between the group of officers who end up in special case hearings from the group of officers who go through gross misconduct proceedings, because of the way surrounding circumstances affect how their cases proceed. It is neither officer behaviour nor officer moral character alone that distinguishes the groups.

As it stands, this table is not intended to be used for predictive profiling. Rather, we envisage it could be used for ‘upstream’ (preventative) management activity aimed at reducing risk factors; and ‘downstream’ (after the event) activity to bolster the learning that might come from settled cases. We are recommending that the risk table be tested and developed. If suitable, it could potentially be used by supervisors and other leaders to design interventions and support officers in situations where there are higher risks of misconduct occurring. (See Recommendation 2)

The risks are set out in three columns over three main sections, as illustrated below.

	Column 1 Personal factors	Column 2 Unit or team factors	Column 3 Organisational factors
Section A Predisposing risks	A1	A2	A3
Section B Precipitating risks	B1	B2	B3
Section C Perpetuating risks	C1	C2	C3

Predisposing risks put individual officers at risk of developing problem conduct, through personal circumstances, group dynamics, or organisational culture. Predisposing factors could be addressed through targeted preventative measures directed either at individuals, teams or organisational practices

Precipitating risks are specific events or triggers (such as suffering a personal tragedy or particular work pressures) that occur close in time to the problem behaviour. Precipitating factors could be addressed through targeted support. Adoption of just culture principles, which distinguish remediable from irremediable behaviour, may help to focus support for officers whose current behaviour is remediable but at risk of worsening.

Perpetuating risks sustain problem attitudes and problem behaviours once they have emerged. Perpetuating factors might be addressed through changes in organisational culture or, where appropriate, dismissal of irremediable individuals. Such dismissals are both practically and symbolically important.

For each risk factor in the table, we provide further details in the section following the table. This includes a reference to the literature and a brief note on how our analysis of MPS data has informed the finding. In identifying three domains for consideration – the individual, team subcultures, and wider organisational influences - the table is consistent with themes in the organisational psychology of professional misconduct. (Searle et al., 2017)

3.1 Risk table (each item is discussed in detail in the paragraphs that follow the table)

	Column 1 Personal factors	Column 2 Unit or team influence	Column 3 Organisational factors
Section A Predisposing risks	A1 Predisposing risks - personal	A2 Predisposing risks - team	A3 Predisposing risks - organisational
Note that the figures attached to these risks are from SCH data, but the risks also apply to GMHs. See further discussion following the table	<ul style="list-style-type: none"> • Gender related characteristics • Younger age (below 35, cluster below 30) • Fewer years of service (below 7 years) • Higher rate of disciplinaries than colleagues (approx x 2) • Higher proportion of 'conduct' disciplinaries as distinct from public complaints • Rank predominantly constable • May have faced challenges aligning behaviour with desired policing values or cultures (e.g. equal treatment, self-restraint) • May have exhibited disillusion, cynicism or ambivalence about policing 	<ul style="list-style-type: none"> • Policing role which creates greater opportunity for misconduct (e.g. access to drugs, money, sexually explicit material) • Team culture that does not feel 'psychologically safe' to raise issues • Misplaced loyalty and 'code of silence' 	<ul style="list-style-type: none"> • Quality of ethical climate, including willingness to challenge, speak up or report misconduct • Organisational culture in relation to officer wellbeing, which shapes responses to stress, burnout etc. • Nature of equality and diversity climate. This refers to the complex interaction between personal characteristics such as race, cultural background or gender and organisational practices such as people management and performance management that may produce disproportionate outcomes • Weak internal processes that create opportunities for misconduct or fail to identify it early on • Unbalanced leadership attitudes towards behavioural breaches (partiality, overly tolerant, overly judgemental, inconsistent) • Poor implementation of disciplinary procedures such that they are perceived to be unjust

			<ul style="list-style-type: none"> • Performance regimes and reward systems that produce unintended poor consequences
Section B Precipitating risks	B1 Precipitating risks - personal	B2 Precipitating risks - team	B3 Precipitating risks - organisational
	<ul style="list-style-type: none"> • Alcohol, drugs or gambling (may be used as coping mechanisms) • Key life events such as relationship breakdown creating stress • Key career events such as promotion creating stress or opportunity 	<ul style="list-style-type: none"> • Team focus on achieving desired outcomes at all costs 	<ul style="list-style-type: none"> • Exceptional operational circumstances that present 'moral risk' or elicit misconduct that appears out of character
Section C Perpetuating risks	C1 Perpetuating risks - personal	C2 Perpetuating risks – team	C3 Perpetuating risks - organisational
	<ul style="list-style-type: none"> • Poor insight into own poor behaviour or reasons for past actions 	<ul style="list-style-type: none"> • Ineffective people management 	<ul style="list-style-type: none"> • See items listed under A3 above

In **Appendix One** we have included a brief vignette illustrating how some of these risk factors might be identified in a typical case going to SCH.

How research findings and MPS data have informed the risk table

In this section, we describe how the literature and MPS data have informed our understanding of misconduct risk. We emphasise that we do not have the resources to carry out a formal systematic review of all the relevant research literature, but our scan of the literature on police misconduct suggested it is in any event not amenable to formal systematic review.² Instead of a systematic review therefore, we have sought out research that could provide preliminary insights, and then tested these insights against the quantitative and qualitative data supplied by MPS.

Below, we explain each of the items in the risk table, and the evidence that underpins them.³ Each heading below corresponds to the relevant box in the risk table.

As noted, we have reviewed MPS data relating to both SCHs and Gross Misconduct hearings (henceforth GMHs). The research studies that we cite concern, for the most part, corruption or misconduct broadly defined.

Column 1 Personal factors

Box A1 Predisposing risks - personal

A1 Gender related characteristics

MPS quantitative data suggest differences in representation of men and women in SCHs and GMHs. The first clear finding is that males are overrepresented in both SCH and GMH cases, (89% of SCH & 90% of GMH when compared with 71% of warranted officers). This is consistent with research that has found women less likely to be implicated in misconduct, excessive use of force or corruption. Waugh and colleagues reported that female officers in Queensland, Australia, were less likely than males to be subjects of complaints (Waugh et al., 1998), a finding supported by Hickman in Philadelphia (Hickman et al., 2000) and Gottschalk in Sweden (Gottschalk, 2011).

A more complicated picture of female officers' risk emerges when we look at officers' prior disciplinary records. MPS data indicate that, looking at both male and female officers' together, officers in SCHs have nearly twice as many disciplinary cases against them at the time of the hearing than do warranted officers overall. Notably, officers appearing in GMHs have an even *higher* number of prior disciplinaries (mean 8.3) than those appearing in SCHs (mean 5.8). But when male and female officers' data are disaggregated, female officers appear to have a higher number of prior disciplinaries than do their male counterparts, whether appearing in SCHs (mean 6.5) or in GMHs (mean 9.6). We have given further consideration to prior disciplinary offences in a separate paragraph below. However, we

² It comprises studies that vary widely in jurisdiction, method and aims. Few studies focused on the issues with which LPEP and MPS are concerned, outcome measures are not comparable, and some studies were poorly conceptualised.

³ We have not included our full data analysis in this report but will share it on request with MPS.

would suggest that in light of these data it may be worth considering whether male and female officers experience different approaches to performance management and discipline during their career. (See Recommendation 6)

A1 Age

MPS data indicate that the average age of warranted officers is around 38, while in SCH cases officers have an average age of 34, with a cluster around age 29. Officers in GMHs are, on average, about one year older than those in SCHs. McDowall's evidence review for the College of Policing (McDowall et al., 2015) showed a similar association between youth and general misconduct.

A1 Length of service

MPS data indicate that officers involved in SCHs have fewer years of service than the general officer population, with the average around 7 years of service and a cluster of cases around 2 years of service. Officers in GMHs have a slightly longer length of service, averaging around 2 years more than SCH officers but still less than the general officer population. Some of the literature on corruption points in a different direction, with Cales reporting that the lowest incidence of corruption appeared to be in the first two decades of service and the highest incidence appeared to be in the middle period of between 16 and 25 years' service (Cales, 2008). It is possible that there are different drivers for the types of behaviour that gives rise to special case hearings, and drivers that lead to broader forms of corruption.

A1 Number of disciplinary cases or complaints⁴

MPS data indicate that officers in SCHs & GMHs have nearly twice as many disciplinary cases against them at the time of the hearing than do warranted officers overall. However, as noted above in our discussion of gender, officers whose gross misconduct is considered at an ordinary hearing have a higher number of prior disciplinary cases than do officers at special case hearings. Moreover, female officers appear to have an even higher number of prior disciplinaries than their male counterparts, both in SCHs and in GMHs. While length of service might initially be thought a confounding factor (longer serving officers will have had greater exposure to risk) this is not supported by the data. Officers in SCHs seem to have been involved in a higher number of prior disciplinary actions *despite* their lower length of service. Notably, when public complaints are removed from the disciplinary record, the disparity is even more stark; officers involved in SCH and GMH have a far worse disciplinary record than the MPS average. The MPS data appear consistent with Miller's report to the Home Office (Miller, 2003) that set out the available evidence relating to police corruption.

A1 Type of disciplinary cases or complaints

In the MPS data, the most frequently recorded disciplinary event in the general population of warranted officers is a public complaint. By comparison, SCH officers have a higher proportion of disciplinary events recorded as 'conduct matters'. This is also consistent with the published research (Miller, 2003). We noted in the paragraph above that when public complaints are removed, officers involved in SCH and GMH have a far worse disciplinary

⁴ Note that the number of prior disciplinaries refers to all allegations made against an officer, whether or not they were found proven.

record than the MPS average. We observe here that, because of the way in which cases are selected for SCH or GMH, allegations of racism are more likely to be heard in GMHs even though they are equally morally important to the service as are matters disposed of via SCHs.

A1 Rank

MPS data show that while 74% of all warranted officers in MPS are constables, this rank is slightly overrepresented in both SCH and GMH cases. This is consistent with the finding that SCHs involve younger officers with fewer years of service. In the research literature Porter described corrupt officers as either a lone constable proactively seeking to engage in a single act of misconduct for their own personal gain, or a high ranking officer engaging in corrupt practices over a period of time in reaction to some external source or for personal gain (Porter and Warrender, 2009).

In their study of senior officers, Hales et al describe the risk factors for misconduct as being: high visibility, multiple accountabilities, maintenance of force's reputation, huge span of responsibilities, isolation due to role, limited preparedness for higher rank and role, lack of support, and lack of constructive challenge. Legalistic training and managerial pressure can, on occasion, be in tension with ethical considerations. Personal pressure includes some of the demands in advancing career, which are highly competitive. They point out that a sense of entitlement can follow in the wake of promotion success. (Hales et al., 2015)

A1 Socialisation to desirable or undesirable policing values (see also box A3)

The MPS data available to us do not indicate how far young officers are already socialised to desired policing values at the point at which they join the service, nor how far their own value commitments are able to sustain early challenge from negative influences within policing cultures.

There has been limited research to date into how inexperienced officers from a variety of backgrounds align themselves to constructive team subcultures, but Charman's work on police socialisation is a recent exception (Charman, 2017).

We have drawn on understandings from the health care environment to inform our analysis of risks associated with socialisation. It is well understood in the health regulatory field that professionals can be placed at higher risk of disciplinary proceedings when they are not acculturated to social conventions in British medicine at the point at which they register as care professionals in the UK.

The NHS is aiming to increase social as well as ethnic diversity among trainees, and also recruits heavily from overseas. However, unexamined NHS behavioural expectations remain unchanged and can negatively affect judgements of professional activity. This leads to professionals from 'non-traditional' backgrounds being disproportionately represented in disciplinary proceedings.

Differently, a 'hidden curriculum' of undesirable attitudes and practices that can negatively influence the aspirations of young professionals is a phenomenon familiar to students and educators in medicine (and in many other professions) (Brainard and Brislen, 2007).

Research on policing sub-cultures suggests officers can be adversely influenced by a negative team cultures (Dean et al., 2010).

A1 Disillusion, cynicism and ambivalence

The quantitative MPS data do not allow us to discern attitudinal risks, but there is some indication in the case files we studied that some officers were frustrated with organisational management decisions and no longer committed to service in MPS. This would be consistent with Caplan's research which posited that cynicism could be a survival tool for some officers. (Caplan, 2003)

Box B1 Precipitating risks - personal

B1 Alcohol, drugs and gambling

One fifth of the MPS special case hearings directly involve offences associated with either excessive drinking or drug consumption, and these supplied the grounds for the proceedings. Because of the way in which cases are selected, we would expect to see a higher proportion of this type of offence in SCHs than in GMHs, so this finding is probably an artefact of the process. However, a number of other SCHs also appear to involve drink and or drugs as an aggravating factor or influence (e.g. assaulting a member of the public while under the influence of alcohol, sexual assaults which took place at a pub). All but one of the nine anonymised case files we reviewed suggested recourse to alcohol, drugs or gambling to deal with work related or personal stress. While there a variety of reasons might underlie the behaviours, these findings are consistent with research suggestive of officers adopting maladaptive (potentially addictive) coping strategies (Ménard et al., 2016, Zavala, 2018) for instance.

B1 Key life events

Key life events such as relationship breakdown can be stressful in themselves and also bring in train further problems such as financial insecurity. The quantitative MPS data do not yield information regarding officer's circumstances, but some case files we studied indicated personal turmoil could be a background factor. This would be consistent with Patterson's research findings (Patterson, 2003).

B1 Key career events

We did not find evidence of key career events (such as promotion) affecting officer behaviour leading to SCHs in the quantitative MPS data. The absence of this factor from SCH's is likely related to the youthful profile of most of the officers involved in SCHs, who have fewer years of service and are predominantly constables. Key career events were however identified as a possible factor in Hales' report on chief officer misconduct (Hales et al., 2015).

Box C1 Perpetuating risks – personal

C1 Poor insight

The quantitative MPS data do not allow us to discern whether a lack of officer insight is a factor leading to SCHs, although our analysis of the small number of anonymised case files suggests that the officers involved exhibited poor judgement in their private life. The concept of insight is widely used in the professions. It is poorly defined, but it is relied upon

by health care regulators to differentiate between remediable practitioners who might remain in their profession with appropriate training, and irreparable practitioners who should be removed from the register. (Harris and Slater, 2015) Insight is exhibited, broadly speaking, by: providing an adequate explanation for one's actions, understanding the influence of personal circumstances, recognising the impact of one's actions on others, appreciating the lessons to be learned, undertaking remedial training or other action, addressing one's future risk, and expressing regret or remorse. Given the nature of SCHs there may be limited scope to avert dismissal through demonstrating insight at this stage of an officer's career. However, it could be considered an important component in reflective practice in the disciplinary proceedings to which many of these officers will have been subject in prior years.

Column 2 - unit or team influences

In Table Columns 2 and 3 we focus on predisposing, precipitating and perpetuating factors relating to teams, units, and the organisation as a whole. We emphasise that we do not view MPS culture as either monolithic or homogeneous. Culture lives in interactions between people, is constantly making and remaking itself, and is thus intrinsically capable of change. And the organisation is made up of many localised sub-cultures that exist across different policing roles, boroughs, and other groupings. It is to be expected that these micro-cultures will have their own micro-climate influencing officer values, expectations, and behaviour.

Box A2 Predisposing risks – unit or team influences

A2 Policing role

The literature on police corruption suggests some areas of policing may present more misconduct hazards than others. This did not stand out as a clear risk factor in our analysis of MPS data, but we note the research here as it is part of the larger picture of misconduct. It was not always apparent in the MPS data where in the organisation an officer subject to SCH had worked. In some quarter of cases the 'unit' was identified as 'response'. Although this apparently high rate might at first glance suggest a risk factor, it is proportionate to the overall deployment of officers.

Miller proposed that occupational opportunities create risk, with factors including ready access to information such as PNC, relationships with informants, access to police operational planning, access to materials, money, drugs seized from crime scenes, and sexually explicit materials obtained during police operations (Miller, 2003). Dean, Bell and Lauchs argued that officers could be socialised to accept unprofessional practice when joining teams such as vice (Dean et al., 2010). Newburn suggested that some organisational procedures could inadvertently encourage corruption, such as inadequate means for paying informants or insufficient funds for purchasing contraband during covert operations (Newburn and Webb, 1999). And finally, a study commissioned by ACPO Counter-Corruption Advisory Group found the incidence of corruption within the detective branch to be twice as high as that amongst uniformed police officers (Caless, 2008). Perhaps surprisingly, this association between occupational opportunity and misconduct was not readily apparent in

the MPS's SCH and GMH data; and neither were members of the detective branch disproportionately represented in these cases.

A2 Team culture, the 'Blue Code of Silence' and team leadership

The MPS data to which we had access did not enable us to examine team functioning. However, there are research findings of value in this area.

Successful team working relies on shared purpose, social cohesion, mutual trust and solidarity. Boon's study of police and fire service teams suggested they learn effectively as teams according to an established psychological model; interestingly, police teams scored higher on psychological safety (e.g. feeling able to question authority and speak openly) than did fire service teams (Boon et al., 2013).

The downside to team cohesion is the so-called 'Blue Code of Silence' whereby loyalty to the team takes precedence over reporting misconduct. Team leadership plays an important role here. Lee and colleagues' large US study established both that officers perceive corruption more seriously when supervisors severely discipline corrupt behaviour, and that officers perceive corruption less seriously when their department allows a deviant subculture to persist (Lee et al., 2013). In their US study, Rothwell and Baldwin found that, contrary to public expectations, police officers were slightly less inclined to subscribe to a code of silence than were civilian workers (Rothwell and Baldwin, 2007).

Box B2 Precipitating risks – unit or team influences

B2 Team focus on achieving targets

Again, we were unable to test this risk against MPS data, but the issue is familiar to practitioners. The Jay report into child sexual exploitation in Rotherham (Jay, 2014) drew attention to the dangers of a target culture. In a discussion of police supervisory practice, Cain describes a version of charismatic leadership whereby supervisors adopt a view that results are critical and pay less attention to the methods to achieve them. This can lead to inattention to formal procedures and rules (Cain, 2002).

Looking at misconduct from a systemic perspective, Punch illustrated how intense pressure to deliver desired outcomes can generate deviant behaviour that goes uncorrected despite the supposed checks and balances in the justice system: "the law can be broken because control, supervision, checks and balances, monitoring, audits and leadership may all fail to function adequately while cultural and institutional pressures promote and support deviance". Punch's UK example was of 'noble cause corruption', but it can be posited that systemic governance failures also contribute to poor behaviour in deviant teams, which in turn influences individual failure. (Punch, 2003)

Box C2 Perpetuating risks - unit or team influences

Box C2 Ineffective people management

Rothwell and Baldwin's study, and ample evidence from the health care context, indicate that ineffective people management may contribute to problem behaviour (Rothwell and Baldwin, 2007). We could not test this risk against quantitative MPS data but note that in

three of the nine anonymised cases we reviewed there were lost opportunities to coach and support the eventual offender.

Column 3 Organisational characteristics

We reiterate here the point made in our comments on Column 2 that we do not believe MPS culture to be monolithic or homogeneous. It changes, and there are many localised sub-cultures that make up the organisation. However, MPS official values, strategy, governance, procedures, and processes are relatively stable and apply to the organisation as a whole. Here we highlight those which may generate risks of misconduct. The risks we identify in this section are those that are drawn from the research literature, as they cannot be substantiated through the MPS data available to us.

A3 Predisposing risks - organisational

Box A3 Ethical climate

We have not sought to measure the 'ethical climate' in MPS and the data available to us do not enable us to draw any conclusions about how it impacts on overt misconduct. However, the research literature recounts how the overall ethical climate of a policing organisation affects both the commission of misconduct and willingness to report it. Ede and Legosz demonstrated a link between ethical climate and willingness to report misconduct (Ede and Legosz, 2002). They developed a survey method to measure it, which may be of interest to MPS. (See recommendation 8)

Box A3 Organisational culture in relation to officer wellbeing

The Blue Light Framework is based on extensive evidence of the effects of a range of stressors on behaviour and the impact of leadership and organisational culture on officer wellbeing. Key elements of the framework include leadership and management practices, and creating a culture and environment attentive to wellbeing. (Hesketh and Cooper, 2020). The Blue Light Framework should support officers vulnerable to individual precipitating risks identified in **Box A1**

Box A3 Equality and diversity climate

We noted under Box A1 that employees may be placed at risk of misconduct owing to complex interactions between personal characteristics such as race, or socialisation to policing values, and organisational practices such as people and performance management.

For this reason, this risk factor is formulated in terms of organisational climate. Risk arises from how ethnic identity or other cultural differences are perceived and acted upon by others in the organisation, including team members, supervising officers and those implementing performance management or disciplinary processes.

Wunsch et al's analysis of disproportionality in misconduct cases in the MPS found that BAME officers were twice as likely to be subject to misconduct hearings and that these were more likely to be substantiated (48%) compared to White officers (39%) (Wunsch, 2016). In that study they were unable to draw a conclusion as to the causes of disproportionate representation. However, they speculated that officers may not have been called to account

at an earlier stage owing to fear of charges of racism; that unconscious bias was operating in the decision-making processes leading to the final outcome; or that cultural differences may not have been understood or appropriately managed.⁵

MPS quantitative data suggest that in both SCH and GMH cases White officers have a higher number of prior disciplinary events on average (almost double the rate) than do Black officers. As we noted earlier, our sample size is relatively small, so it is difficult to draw hard and fast conclusions about the reasons for this. However, these data are worth placing alongside Wunsch et al's analysis as part of the overall consideration of how the organisational equality climate impacts on disciplinary processes.

The MPS qualitative data we saw (anonymised case files) constituted a small fraction of SCHs and are too few and diverse to draw any strong conclusions. However, analysing the case files using the risk table was suggestive of the value of further inquiry into how racial or gender bias might emerge in everyday performance management activity, including disciplinary investigations and remedial practices such as coached patrols. In depth analysis of case files by MPS could help build on both the findings from this report, and the disproportionality identified in MOPAC's research (Wunsch, 2016) (see Recommendation 6).

Box A3 Weak internal processes

Weak processes create opportunities for misconduct. In our review of anonymised cases we identified one internal weakness, which was a failure to effectively manage the property office. Hales' study of senior officer misconduct listed a range of organisational vulnerabilities including weaknesses in governance, and inadequate processes in key areas such as procurement (Hales et al., 2015).

Box A3 Leadership attitudes towards behavioural breaches

We drew attention in Box A2, team culture, to Lee's study of the impact of supervisory attitudes to behavioural breaches (Lee et al., 2013). Officers viewed corruption more seriously when supervisors severely disciplined corrupt behaviour, and perceived corruption less seriously when their department maintained a deviant subculture. In so far as local disciplinary events influences local team cultures, so too do high level disciplinary events influence attitudes more widely. Jay also drew attention to the importance of unambiguous attitudes towards poor behaviour in her report on child sexual exploitation in Rotherham (Jay, 2014).

Box A3 Disciplinary procedures

Poor disciplinary procedures are perceived as unjust, and they undermine the psychological contract under which police officers are agreeable to being held to account. We are not in a position to make a judgment on the quality of procedures that lead to findings of gross misconduct in MPS hearings. However, in a wide ranging review of police disciplinary procedures for the Home Office Chapman indicated the importance of good training for those handling misconduct so that decisions were transparent, fair, consistent, and measured; training and supporting supervisors to address performance issues so that they

⁵ A follow up MOPAC report by Chloe Iliessa published in 2018 indicated some closure of the disproportionality gap on misconduct cases. However it does not differentiate between gross misconduct and misconduct, so the Panel has relied on the earlier findings of Wunsch et al.

do not default to conduct proceedings as a way of passing the problem to someone else; and moving away from reliance on police officers investigating themselves (Chapman, 2014).

Box A3 Performance regimes and reward systems

Critics of 'New Public Management' have consistently drawn attention to how poorly designed targets, performance regimes and reward systems have unintended consequences. These include designing activity so as to achieve easy but less important targets ('doing what can be counted rather than what counts'), 'gaming' behaviour (such as charging multiple offences), and at the extreme end, falsifying information.

B3 Precipitating risks – organisational

Box B3 Exceptional circumstances

Crises, critical incidents, terrorist atrocities, riots and other exceptional circumstances elicit both heroic acts and, sometimes, misconduct that appears to be completely out of character. In its extreme form this phenomenon was observed in US and British army abuse during the Iraq war, notably the abuse of prisoners in Abu Ghraib. While this is an extreme example, social psychology and 'situationist' approaches to ethics suggest that in exceptional situations people do not always act as well as they ordinarily believe they ought to do (Doris and Murphy, 2007).

C3 Perpetuating risks – organisational

Organisational cultures are relatively stable and enduring. For this reason, items listed under A3 as organisational predisposing factors may also function as organisational perpetuating factors.

What is already known about what works to prevent gross misconduct?

As we have already noted, the policing literature does not directly address the type of overt misconduct that leads to Special Case Hearings. Two commissioned reviews have sought to identify 'what works' over the broader fields of preventing police corruption (Newburn for HMICFRS)(Newburn, 2015); and encouraging ethical behaviour and preventing wrongdoing (McDowall et al for College of Policing) (McDowall et al., 2015). The important message from both reviews is that there are no single or simple levers.

McDowall noted "all the promising interventions that were identified were broadly preventive or remedial in their approach; none were purely focused on apprehending and disciplining those responsible for wrongdoing...The need for strong and effective leadership – such as leaders being open, acting as role models, and also being 'firm' in terms of setting and enforcing standards – was highlighted..."

Both Quinton (Quinton, 2015) and McDowall have drawn attention to the value of organisational justice in promoting an ethical culture. Quinton argued that organisational justice implied:

- Ensuring employees receive, and think they receive, a fair share of the 'organisational pie' in terms of resources, workload, pay and other rewards;
- Involving officers and staff in decision-making processes by giving them a 'voice' and listening to their concerns;
- Making sure decisions are consistent, reviewable, accurate and impartial;
- Communicating openly and honestly with employees – telling them about decisions and explaining how they were reached as a matter of course; perhaps even working on the basis that information will be shared unless there is good reason not to;
- Recognising that treating employees with dignity and respect on an interpersonal level is necessary but, without fair decision-making processes, unlikely to be sufficient on its own to engender trust
- Adopting a transformational style of leadership as a default and switching to a more transactional approach when necessary.
- Having clear organisational goals and values, consistent with the College of Policing's Code of Ethics that, in turn underlines the need for fairness and respect.

In their review, McDowall et al finally concluded that a "range of factors at the organisational, situational and individual level were all found to affect wrongdoing in different professional settings. *While it is not clear what initiatives will 'work', this finding highlights the need for action to be taken in combination at all three levels.*" (2015, p.4 emphasis added)

The preponderance of the evidence reviewed by McDowall is from professions or occupations other than policing. It may be this that accounts for the absence of evidence relating to the impact of work-related stress on misconduct in policing, which has been a

feature of our analysis. We would suggest that, in principle, effective interventions to support officer well-being should also mitigate some of the risks of misconduct. The Blue Light Framework is based in such evidence. However, we do not think it has been viewed as one of the potential means of reducing misconduct.

The risk table we have set out above groups risk factors in a similar fashion to McDowall. It will be no surprise, therefore, that we are inclined to endorse McDowall's view that the most effective preventive action will seek to mitigate the risks across each discrete area.

Recommendations

The Five Steps Model which has been adopted by some healthcare organisations and the UK medical regulator, proposes that effective management of, in their case physician misconduct, starts with prevention; moves to pattern identification; analyses cause; offers a supportive intervention prior to any disciplinary steps; and emphasises the importance of consistent consequences. (Zweig and Stapleton, 2015)

In general terms, we would expect MPS to be making clear the standards of behaviour they expect and against which its officers will be assessed. Communications should help officers to both understand what the standards are, how they play out in different scenarios, and why they are important. We suggest that if a risk-based approach is pursued it is important to adopt 'just culture' principles, clarifying the circumstances in which officers can expect behaviours to be met with remedial action, when they will be punished, and when behaviour is incompatible with being a serving officer. MPS should be both consistent and courageous in addressing risky behaviour, regardless of an individual's position or other positive characteristics. Finally, when cases are examined for learning, MPS should articulate what realistically could have been done differently had the risk been identified.

We offer ten specific recommendations below.

Recommendation 1. Consider the range of MPS data available to provide further insight into areas flagged in this review, and use this to review SCH cases on a regular basis (e.g. per 20 SCHs)

Although SCHs constitute a small number of cases they have significant impact on those involved and present reputational risk to MPS. Our review of the literature indicates there has been no external research into such cases, so that obvious benchmarks or indicators do not yet exist. However, MPS has at its disposal a considerable body of data collected for operational purposes that could be used to highlight areas of the organisation that might present greater risk of misconduct. We recommend that MPS consider how far misconduct risk indicators could be developed out of routinely collected policing data. These could potentially support focused prevention activity and contribute to increased understanding of misconduct risk both within MPS and other police services.

Recommendation 2. Consider using and further testing the risk table as part of ongoing analysis of misconduct, gross misconduct and special case hearings, with a view to MPS adopting this as a management tool for use across relevant areas of business.

The risk table identifies factors that might indicate vulnerability to misconduct. It provides a guide to risk factors not just for SCHs, but for wider misconduct as well. The Panel recognizes that DPS does not act in isolation and works with other partners throughout MPS. However, DPS has a key role in developing understanding of the drivers of misconduct, and strategies to address them, so it is well placed to develop the table further and test its

potential value. If the risk table proves to be of value, it may be useful in other areas such as vetting.

Recommendation 3. Subject to further testing of its validity and any further development, consider promoting use of the risk table at all levels of supervision and leadership.

The risk table identifies factors affecting misconduct proceedings at three levels: individual, team or subculture, and across the organization. If validated and appropriately communicated it could be used as a 'tool kit' to support decision-making each of those levels: by those with responsibility for supervising front line officers, by core and local managers, and by those leading and influencing policy across the organization.

We emphasize that the risk table should be viewed as a tool for preventing misconduct through training and early supportive interventions, not as a means of identifying individuals for whom it is too late to provide assistance.

We recommend that particular attention be paid to the role of 'core' management, that is those officers for whom people management is a part of their role. For example, Supervising Officers are well placed to identify and intervene in misconduct risk. If they were supported to understand the risk, and hold preventing it as a key responsibility, they would be more aware of how their own leadership can help prevent misconduct, be better able to support officers potentially at risk, and have the opportunity to make an early preventive intervention. (An intervention could be no more than an effective and timely conversation with their officers.)

We would anticipate that use of the risk table would be piloted and feedback sought on that trial before widespread adoption (see recommendation 4 below).

Recommendation 4. If adopted, use of the risk table should be evaluated by MPS to gauge its effectiveness.

Post implementation evaluation should be undertaken to examine the effectiveness and any unintended consequences of using the table.

Recommendation 5. Consider modifying the approach to completing the Learning Page on Centurion so that investigators have opportunity to reflect on learning from cases and a sound rationale is provided for including a "No Learning" entry.

The Panel understand that DPS manages caseloads on the Centurion System which includes a page for learning, on each individual case, to be completed by Investigating Officers. This can simply be a 'No Learning' entry. Pressures of workload and a focus on investigation can make reflection on learning from cases a secondary objective for case officers. Moreover, a single case may apparently yield no learning when, viewed as one in a series, it might yield learning possibilities. We recommend that consideration be given to supervisory officers discussing the learning entry with the investigating officer prior to completion, using the risk table to identify potential behavioural drivers, and drawing on the supervisory officers' overview of the larger body of cases to seek potential similarities.

Recommendation 6. Consider this report as part of MPS’s ongoing internal analysis of disproportionality in disciplinary processes, and consider whether external research into structural or decisional biases in performance management processes would be of value.

We have noted some apparent disproportionalities affecting both BAME officers and female officers in disciplinary proceedings. BAME officers appear over-represented in GMHs and SCHs, and female officers appearing in both GMHs and SCH’s seem to have experienced a higher number of disciplinary actions prior to those proceedings being brought. Without further analysis, it is hard to know to what factors these findings might be ascribed.

We understand that MPS is currently convening a ‘Gold Group’ to further investigate how disproportionality in disciplinary proceedings may arise. We recommend that MPS consider the findings from this report as part of the Gold Group’s inquiries, including those findings relating to gender in performance management processes.

Recommendation 7. Consider whether and how to increase public perspectives on police professionalism, and expectations of sanction, in the SCH process.

The Panel noted that other professions such as health care and social work include lay adjudicators in final determinations affecting registration. SCHs are intended to serve the public interest, but at present the public have little involvement in the process. The Panel understands that a lay group is occasionally convened to discuss the standards applied in cases and may be invited to comment via a survey. We would invite MPS to consider whether greater public involvement would enhance organisational justice and represent the public interest element.

Recommendation 8. Consider options for measuring ethical climate as part of MPS staff survey programme

We noted in our discussion of organisational predisposing factors that ethical climate affects willingness to report misconduct, and that at least one survey tool has been developed and evaluated for this purpose. The panel believes either adopting a validated survey tool, or including ethical climate questions in the regular staff survey, would be of value

Recommendation 9. Consider commissioning research to understand the values, behaviours and experiences of different demographic groups identified in the risk table.

Differences relating to BAME and female officers have been noted in the discussion above, as has the relative youth and inexperience of some of those in SCHs. In respect of younger officers, the Panel heard that most SCH cases relate to off-duty behaviour, that younger officers may be inclined to view their private conduct as having no bearing on their conduct while on duty, and that where cases did concern use of force on duty this may be related to inexperience. As the demographic of police officers is shifting quite considerably, we think it would be of value to commission research looking at the expectations and experiences of different demographic groups. This could help to identify and ameliorate some of the

attitudinal risks that may place officers at risk, and could be particularly helpful in supporting and informing new processes for mandated reflective practice.

Recommendation 10. Approach the MPS well-being strategy as a means of mitigating misconduct risk, including consideration of health-related remedial pathways.

The Panel has not had opportunity to investigate MPS's approach to officer wellbeing. However, it is clear that health issues, work stress and personal stressors are associated with some misconduct, so that work to support officer wellbeing is one means of seeking to mitigate this risk. The Blue Light Framework explicitly aims to address some of the risks we have identified in our table. This suggests that collaborative working between professional standards and MPS well-being provision could be of value in reducing some misconduct risk.

What is the right approach to alleged misconduct which may be explained in part or whole by impaired physical or mental ill-health? In terms of managing the interface between health-related misconduct and disciplinary sanctions we recognise that MPS may be restricted in what it can do by national policies, risk management, and public perceptions. However, we are conscious that health and care professions have specific health-related remedial pathways and we invite MPS to consider whether those currently available to its officers are optimal.

Appendix 1 – An Illustrative Vignette

Here we have drawn from cases we have reviewed to illustrate how the risk table could be used to analyse a case and extract future learning from it. We emphasise that although rooted in real cases this case is FICTIONAL. So too, therefore, is our causal analysis. Where we describe organisational practices or culture, these DO NOT typify MPS but are meant as a helpful illustrative example.

Brief Circumstances

Detective Constable Paula Reynolds has five years' service in the Learningshire Police Force. She has for the last two years been working in a specialist rape investigation unit. She was in the middle of a promotion process. She was stopped after being seen to drive erratically, breathalysed and found over the legal limit. She pleaded guilty at the Magistrates Court of a drink driving offence, was fined and disqualified from driving for 12 months. The Magistrate commented that he had sympathy for DC Reynolds as she was depressed following the anniversary of a miscarriage and had been drinking to compensate. However, she had a young child in the car at the time of the offence and as a serving police officer preparing for promotion to a supervisory role was very well aware of the legal limits of alcohol consumption and the standards of conduct demanded. Her drinking had put the child and other road users at risk.

Officer's account

DC Reynolds told the investigating officer that when she suffered an early miscarriage of her second child and came back to work, she had been determined to retain her caseload. Her Unit was understaffed and had a backlog of cases and she did not want to put her colleagues under any greater stress. At the time of the offence she was dealing with a case of a young woman who, on finding herself pregnant after an alleged rape, had had an abortion and then decided to make a complaint to the police. This was around the anniversary of her miscarriage. The case got to her and she suffered a depression but because of pressure of work did not feel she could take time off and found that drinking helped her get through her day.

Investigating officer's perspective

Her admission and guilty plea plus the aggravating factor of the presence of her young daughter in the car was sufficient for a case to answer.

SCH adjudicator conclusions

DC Reynolds was now receiving help for her depression and recognized her error of judgement in driving whilst under the influence of alcohol, especially with her young daughter in the car. She had a previous creditable career history and two commendations. The desire of the D/Supt to retain her services, and her character references, attested to her hard work, conscientiousness and being valued by colleagues. Notwithstanding, the SCH concluded that the public would lack confidence in this officer's stability and judgment, especially when dealing with sensitive cases of rape and sexual assault.

(See risk analysis below)

Risk analysis

	Personal	Team	Organisational
Predisposing risks.	<ul style="list-style-type: none"> Gender related characteristics Fewer years of service (below 7 years) <p>DC Reynolds suffered a miscarriage, but was reluctant to discuss this with male colleagues for fear of misunderstanding or ridicule.</p> <p>Her fewer years of service place her in the at-risk category, although the causal mechanism underlying this is unclear.</p>	<ul style="list-style-type: none"> Team culture that did not feel psychologically safe <p>This issue is here associated with gender related characteristics. Information about her miscarriage was not something DC Reynolds felt able to share with colleagues.</p> <p>Staff appraisals in principle afforded opportunity to discuss work stress and personal issues, but team performance pressures did not encourage candid admissions of strain.</p>	<ul style="list-style-type: none"> Nature of equality and diversity climate Performance regimes / reward systems with untoward consequences Quality of organisational culture in relation to officer wellbeing <p>The gender culture of her organisation, especially when amplified in promotion processes, was perceived by DC Reynolds as an impediment to talking about matters that could be construed as embarrassing or a personal weakness.</p> <p>She believed she would not be promoted if she exhibited an emotional response. The organisational culture prized collective solidarity and she didn't want to let colleagues down.</p> <p>Occupational health interventions were viewed with cynicism and perceived as a tick box exercise. To indicate lack of coping would be construed badly and perceived as career damaging.</p>
Precipitating risks	<ul style="list-style-type: none"> Using alcohol as a coping mechanism Key life event Key career events. 	<ul style="list-style-type: none"> Team focus on achieving desired outcomes at all costs <p>The team was under pressure due to</p>	<ul style="list-style-type: none"> Exceptional operational circumstances creating 'moral risk' <p>Austerity pressures meant that maternity</p>

	Personal	Team	Organisational
	<p>DC Reynolds had resorted to alcohol to cope with stress. Working on particularly distressing case that resonated with a personal experience she thought she could cope. Aiming for promotion she did not want to blemish her record by taking a sickness absence and jeopardising her promotion prospects.</p>	<p>staffing shortages (two maternity leave absences) and a heavy caseload. Team members were aware of DC Reynolds deteriorating mood and tried to support her but were reluctant to draw this to the attention of the supervising sergeant who was pushing to meet performance targets. There was strong mutual peer support to manage the workload and reliance on internal solidarity to cope.</p>	<p>leave absences in the team were not filled. However, there was an expectation that the Unit would continue to meet performance targets particularly when there was political and public pressure to achieve more rape convictions.</p>
Perpetuating risks	<ul style="list-style-type: none"> • Poor insight <p>DC Reynolds may not at this time have had insight into her own needs and coping strategies, and the impact that the combination of personal and work-related stress could have if left unaddressed. Feelings of profound sadness at the loss of her own child were triggered by the case on which she was working. For whatever reason, she did not discuss her situation with her supervising sergeant.</p>	<ul style="list-style-type: none"> • Ineffective people management <p>Appraisal practices may not have supported discussion of stress impact.</p> <p>Higher level supervision (Superintending level) did not pay sufficient attention to causes of the Unit's pressures as performance levels being maintained</p> <p>Line management not noting CRIS entries such as <i>I have not been able to obtain a statement today from the victim because of other commitments regarding another case.</i></p> <p>Performance levels were being maintained and after work social drinking was implicitly encouraged as a way to relieve stress.</p>	<p>See above</p>

Potential learning from the case

For officers

- Increase awareness that reflective practice involves monitoring one's own fitness to work, especially if under pressure
- Reflective practice should also include recognition of the signs of colleagues in difficulty, and awareness of how to draw attention to matters of concern

For line management

- Increase vigilance when teams are under pressure: e.g. monitor CRIS reports for signs of work overload
- Encourage self-reporting when there are signs of deteriorating health
- Maintain on going checks on team wellbeing given the staffing pressures
- Respond to cues of deteriorating mental health
- Emphasise the operational importance of accepting wellbeing support, and giving candid responses to Occupational Health stress monitoring survey
- Use staff appraisals proactively

For occupational health

- Work with others to ensure the Blue Light Framework is effectively implemented
- Provide reassurance that health and well-being are of critical importance
- Emphasise that health survey results are taken seriously and actioned confidentially

For middle & senior management

- Ensure distribution of case load is monitored and reasonable even if PIs are being met.
- Check if action is needed to ameliorate undue pressure points, such as back filling staff absences.
- Monitor supervisors' health and well-being and capacity when under pressure.
- Promote a culture in which the operational value to the organisation of officer health and wellbeing is clearly understood and supported⁶

⁶ Guidance and evidence at <https://oscarkilo.org.uk/the-national-police-wellbeing-service/>

Appendix 2 – Demographic Data Tables

The tables below chart the composition of the SCH and GMH groups, by demographic and other characteristics, and compares these against the composition of the MPS as a whole. Recall that the dataset used contained 101 SCH cases and 50 GMH cases.

Table 1: Age

	Years		
	SCH	GMH	All MPS staff
Mean	34	36	39
Median	32	36	38
Mode	29	28	30

Note: All data rounded to the nearest integer

Table 2: Ethnicity

	Percentages		
	SCH	GMH	All MPS staff
Asian	18	10	9
Black	5	12	7
White	71	76	78
Other	6	2	4
Unknown	0	0	3

Note: All data rounded to the nearest integer

Table 3: Gender

	Percentages		
	SCH	GMH	All MPS staff
Female	12	10	35
Male	88	90	65

Note: All data rounded to the nearest integer

Table 4: Length of Service

	Years		
	SCH	GMH	All MPS staff
Mean	7	9	12
Median	5	6	11
Mode	2	3	1

Note: All data rounded to the nearest integer

Table 5: Staff category

	Percentages		
	SCH	GMH	All MPS staff
Community Support Officer	0	0	7
Contractor	0	0	.
Other police staff	0	0	21
Police officer	90	90	63
Senior ranks	0	0	.
Special Constable	10	10	9

Note: All data rounded to the nearest integer

Table 6: Prior disciplinary cases

(note that these figures include all disciplinary cases recorded on officers' files, not just those found proven)

	Number of cases		
	SCH	GMH	All MPS staff
Mean	6	8	3
Median	4	7	1
Mode	2/4	3	0

Note: All data rounded to the nearest integer

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