

## CENTRE FOR WOMEN'S JUSTICE

### **Briefing for parliamentarians on the need for a statutory inquiry into police perpetrated abuse, following Wayne Couzens' offences**

#### **Who we are**

Centre for Women's Justice (CWJ) is a legal charity which seeks to hold the State to account where they fail to protect victims from violence against women and girls (VAWG). CWJ is a recognised expert in this field. We are also a designated body, appointed by the Secretary of State for the Home Department in accordance with s.3 Police Super-complaints (Designation and Procedure) Regulations 2018, to raise issues on behalf of the public about harmful patterns in policing. In that role, CWJ have filed 2 "super-complaints", both concerning police failures in respect of VAWG. Significantly, one relates to the failure of police forces to correctly investigate police perpetrated VAWG.

#### **Background**

A serving police officer with the Metropolitan Police Service (MPS) at the time of his offences, Wayne Couzens pleaded guilty to abduction, rape and murder. The evidence before the sentencing judge outlined that Couzens had made specific use of his position as a police officer, and police issued equipment, to commit these crimes. It later emerged that he had previously been nicknamed "the rapist" by colleagues when employed by a different police force, and had been connected to at least 2 incidents of indecent exposure, yet remained employed as an officer and on active duty.

In her initial public responses to Couzens' conviction, the MPS Commissioner, Dame Cressida Dick ("the Commissioner") suggested that he represented no more than an isolated "bad-un"<sup>1</sup>, and appeared to deny any systemic failings or concerns in relation to sexism or misogyny within the MPS.

Since then, the press has covered many further reports of serious criminality, abuse, or predatory behaviour perpetrated by police officers and issues in how they are investigated. Some examples include: 530 reports of sexual misconduct against MPS officers since 2017; at least 6 other serving or former MPS officers convicted of criminal offences involving serious sexual abuse and/or VAWG in the 5 months between Couzens' charge and sentencing alone; and Jaysen Veeren, formerly an internal investigations officer at the MPS outlining worrying failures in how the MPS deals with serving officers accused of VAWG, including by allowing them to continue on active duty.

---

<sup>1</sup> <https://www.theguardian.com/uk-news/2021/jun/08/cressida-dick-admits-there-are-bad-uns-in-the-metropolitan-police>

CWJ is aware of the scale of the issue. As well as our super-complaint work, our solicitors have acted on behalf of victims of police perpetrated abuse in various proceedings for many years. In the last 18 months over 150 women have contacted us about their abuse by police officers and the attendant inadequate investigations. Many were initially fearful of reporting such crimes, because they felt the police could not be trusted to investigate and have since felt those fears were justified. These reports were to us alone - so likely to be the tip of the iceberg.

It is clear that Couzens was not an isolated “bad-un” and that the MPS’s response is wholly inadequate. Public confidence in the police, particularly the MPS, has been severely damaged, including rising distrust in the Commissioner’s ability and/or willingness to address the issues. As such, on 5 October 2021, the Home Secretary rightly called for a public inquiry “*to give the independent oversight needed to ensure something like this can never happen again.*” She, laudably, states that she wishes to address the problem of the police treatment of women without delay.

### **The current proposal**

The Home Secretary announced that the inquiry will be:

- a. Non statutory; and
- b. Limited in scope to issues arising from the offences of Wayne Couzens alone.<sup>2</sup>

It also appears that she intends to appoint a single chair and she has not indicated whether the chair will have any experience or expertise in VAWG.

### **The issue**

The current proposals are incapable of identifying the systemic problems around police perpetrated VAWG and thus incapable of restoring public trust and confidence in police officers and policing.

#### **1. The inquiry should and must be put on a statutory footing.**

Parliament has put in place a detailed statutory framework for the institution and conduct of inquiries. The criteria have been easily met by the present scenario.<sup>3</sup> It is unclear why the Home Secretary has decided to bypass parliament’s will.

---

<sup>2</sup> The Home Office and Home Secretary have described their intention to have a two part inquiry, with Part 1 focused upon Wayne Couzens specifically, drawing on IOPC investigations, once concluded; and Part 2 “can look at any specific issues raised by the first part of the inquiry,” which may include wider policing issues but only if they have arisen through the Couzens-specific focus in Part 1. We address this further below.

<sup>3</sup> “a case where it appears to [her] that (a) particular events have caused, or are capable of causing, public concern, or (b) there is public concern that particular events may have occurred” (s.1, Inquiries Act 2005).

A statutory inquiry has specific powers which are vital to ensuring the inquiry is effective. These include: compelling key witnesses to provide evidence; the provision of documents in a timely fashion; and safeguards for whistleblowers and affected victims so they feel able to give evidence.

The Home Secretary has suggested that a non-statutory inquiry will ensure a speedier response. This is wrong. Numerous non-statutory public inquiries have been severely delayed because they did not have the powers they needed, or the ready-made procedural framework and rules which enable substantive work to commence by a statutory inquiry without delay. A recent example, the Daniel Morgan inquiry, highlights the problems. It was set up in 2013 and due to complete work within a year. It finally published its report 8 years later and the panel later noted this was in large part due to the lack of powers the inquiry had, as a result of being non-statutory.

From responses to questions in the House of Lords this week, it appears the Home Secretary may rely on police officers' recent "duty to co-operate"<sup>4</sup> to suggest that powers to compel witnesses to provide evidence are not needed.<sup>5</sup> This is wrong.

- (i) The "duty to co-operate" is potential misconduct only. It states that a police officer has to participate openly and professionally if they are a witness – however they are not subject to the duty if they are the subject of the investigation, inquiry or formal proceeding.
- (ii) The duty does not apply to those no longer working as police officers or police staff.
- (iii) An officer can still refuse to co-operate. Only if a formal complaint is made about them can any action later be taken. The complaint *might* be investigated and this *might* result in disciplinary proceedings. It will not result in the evidence being provided.
- (iv) The MPS as a whole is not subject to the duty to co-operate so as a body, they could fail to provide documents and evidence and the non-statutory inquiry will have no powers to insist. This is not theoretical: as the Daniel Morgan inquiry noted: *"at times our contact with the Metropolitan Police resembled police contact with litigants rather than with a body established by the Home Secretary to enquire into a case."*

The "duty to co-operate" is thus inadequate for the inquiry at hand and may prolong it.

## 2. The inquiry's scope must be widened and not solely focus on Couzens

The Home Secretary proposes that the inquiry start by looking at how Couzens was able to work as an officer and commit his crimes and only if that examination suggests there may be systemic issues, to look into those in a second part.

---

<sup>4</sup> The Police (Conduct) Regulations 2020 expanded the duties and responsibilities section of the standards of professional behaviour to include the duty to cooperate.

<sup>5</sup> <https://hansard.parliament.uk/lords/2021-11-09/debates/B93B1F05-CAFE-4743-AE0E-62E8A42B4A6B/SarahEverardHomeOfficeInquiry>

This is wrong-footed. Couzens is a well-publicised and extreme case which has propelled the issue of police perpetrated abuse into the spotlight. However, this is not the only example of VAWG and/or sexual violence by police officers. To narrow the lens from the outset will necessarily miss other systemic problems which have allowed others to commit – and allow them to continue committing – VAWG offences. It will thus not be capable of protecting future victims or restoring public confidence.

It may be worth considering that our work suggests that women of colour and/or with disabilities are even less likely to have confidence in reporting and suffer even worse outcomes when they do. To focus on Couzens, will be to miss the opportunity to identify and fix this problem to ensure all women are safe from police perpetrated abuse.

### 3. The inquiry must be conducted by a panel, with at least member an expert in VAWG

It is imperative that the decision-maker(s) have the requisite expertise. In the absence of such a person it is unlikely the inquiry will be able to correctly and quickly explore/understand the issues. This is also key for the inquiry to be capable of having the confidence of stakeholders, including the women whose trust it is intended to restore, and the wider public. Further, were this a statutory inquiry the Home Secretary would be obliged to consider the suitability of the Chair/ Panel as s.8, Inquiries Act 2005 would require her to have regard to *“the need to ensure that the inquiry panel (considered as a whole) has the necessary expertise to undertake the inquiry.”*

### 4. The recent recommendations from HMICFRS must be acted on immediately

If the Home Secretary is serious in her wish to address the problem of the police treatment of women without delay, then she must start by implementing the recommendations of 17 September 2021 in HMICFRS’s report, ‘Police response to violence against women and girls: final inspection report.’ Delaying taking those steps while any form of inquiry is ongoing places women and girls at continuing risk. HMICFRS does not have enforcement powers to ensure the recommendations are implemented, but the Home Secretary does.

## **Support**

21 groups and organisations which work in the field of VAWG – national and local - support our calls including Rape Crisis England and Wales, the End Violence Against Women coalition, and the campaign group Police Me Too.<sup>6</sup>

---

<sup>6</sup> Against Violence and Abuse, East Surrey Domestic Abuse Services, EHMP, End Violence Against Women Coalition, FORWARD, Iranian and Kurdish Women’s Rights Organisation, IRISi, Justice for Gaia Campaign, Justice for Women, Karma Nirvana, National Women and Girls Network, Nia, Police Me Too, Rape Crisis England and Wales, Reclaim These Streets, Refuge, Rights of Women, SignHealth, Solace Women’s Aid, Southall Black Sisters, and Surviving Economic Abuse.

According to polling, 60% of the public support a statutory inquiry. Significantly, this polling took place before information as to the limitations of the proposals had been published. As such, support may be higher, once the public is made aware of the implications.

### **Contact**

Should you wish to discuss these matters further, including be provided with more extensive evidence and information, please contact:

Harriet Wistrich – director of CWJ at [h.wistrich@centreforwomensjustice.org.uk](mailto:h.wistrich@centreforwomensjustice.org.uk) and/or  
Debaleena Dasgupta – solicitor at CWJ at [d.dasgupta@centreforwomensjustice.org.uk](mailto:d.dasgupta@centreforwomensjustice.org.uk).

11 November 2021