

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011
POLICE REGULATIONS 2003
POLICE AND CRIME PANEL FOR SOUTH YORKSHIRE
VIEWS OF HM CHIEF INSPECTOR OF CONSTABULARY
IN THE CASE OF CHIEF CONSTABLE DAVID CROMPTON

Introduction

1. By an email dated 14 September 2016, the police and crime panel (“the PCP”) for South Yorkshire invited me to provide my answers to three questions raised by a member of the PCP concerning my expressed views on the decision of the Police and Crime Commissioner for South Yorkshire (“the PCC”) to maintain his call for Chief Constable David Crompton (“CC Crompton”) to resign or retire. On 15 June 2016, I provided my views on the PCC’s proposal in a report to the PCC (“the First Report”), and on 12 September 2016 I provided a further document (“the Second Report”) at the request of the PCP to reaffirm those views in the light of the PCC’s subsequent documents. For ease, I use the same defined terms in this document as I did in those Reports.
2. I should state at the outset that I have no objection to the PCP asking me questions arising out of my Reports. However, in deference to the fact that I have already provided two very detailed documents to the PCP in accordance with the statutory regime, I will simply address the three questions asked. I note, though, that the questions appear to arise out of my First Report, rather than the Second Report. Indeed, some matters raised are addressed in my Second Report, at least indirectly.

Question 1

“1. Can you expand on your justification for saying in para 38 that the issue of the Second Statement are the only grounds being used by the PCC to justify his proposal? Section B of his letter of 17th May contains 53 clauses, which although largely narrative rather than reasoning, would appear to suggest much broader reasons for the proposal.”

3. I do not believe that I can add a great deal to what I have previously said on this issue. The PCC's First and Second Responses do not take any issue with my characterisation of the basis of his proposal being the issue of the Second Statement, and had I misunderstood his reasons in the manner suggested I would have expected him to say so. The PCC disagrees with my view as to the inherent seriousness of that sole issue, and places much greater reliance than I do on the surrounding context to which the question refers. But he does not suggest that they form the basis of his proposal. One of the most obvious reasons why I reached the conclusion I did was – quite apart from that being the clear expression of the reasons given by the PCC as I quoted in paragraph 38 of the First Report – the PCC did not provide supporting documentation for any wider matters, but only concerning the Second Statement.
4. Had the PCC intended to rely on further specific matters he was obliged, in fairness to the chief constable, me and the PCP, to make that absolutely clear. He did not and has not. I see no basis to come to any different view.
5. I do not mean by this that the PCP should ignore the 'narrative' which the full document of the PCC sets out; I simply mean that the focus must be on the particular complaint the PCC is raising against CC Crompton. The background narrative provides the context in which the decision of the PCC was made, and the reason given by the PCC for his proposal can be viewed in that context. However, what must be judged by HMCIC and the PCP is the reason itself, not the background. That is what I did in my Reports, and I urge the PCP to do the same.

Question 2

“2. Can you expand on the reasons [77-78] that no material weight can be assigned to press coverage and to the views of politicians and members of the public outside the force area. The extent to which public opinion and public confidence in the force is led by or leads such opinion formers can be debated, but surely it is not your contention that such opinion formers bear no relation to public opinion. This question is in relation to the PCC's contention that the force was suffering a severe loss of confidence, and I am considering separately the question of whether that loss of confidence - if it existed - was justified.”

6. As I explained in paragraph 77 of my First Report, in my view the principal evidence a PCC should be concerned about when considering public confidence in a police force is the public actually policed by that force. Wider commentary and criticism may mean very little if the individuals who come into contact on a regular basis with their local force consider that force to be doing an effective job. Similarly, if public confidence in the force keeps falling, it will be of limited assistance that people not policed by that force say positive things about it. My observation was made because (a) the PCC relied (and relies) upon a loss of public trust and confidence in CC Crompton, and (b) the PCC provided almost no evidence which directly reflected the South Yorkshire region. For example, the question refers to “*the force ... suffering a severe loss of confidence*”; there will be cases in which the PCC has evidence that the officers and staff of a force have lost confidence in their chief constable and that would obviously be relevant. There was no evidence here of “*the force*” having lost confidence in CC Crompton, still less concerning the inquest or the Second Statement.

7. I do not discount the possibility that wider press coverage, or the views of Members of Parliament in other parts of the country, may be relevant in some cases. I fully accept that South Yorkshire is not a ‘bubble’. But I do not see that it assisted the PCC here. In particular, while there was a good deal of critical press coverage of SYP (particularly in the Liverpool area for obvious reasons) the PCC drew to my attention none which concerned the Second Statement, which is the sole basis for the PCC’s proposal to remove the chief. It essentially focussed on what the jury had found about the events in 1989 and the (extremely poor) light that cast on SYP’s policing at the time. Some coverage concerned the handling of the inquest, although a good deal of it appeared to confuse the legal teams of SYP and of some former SYP officers; a point I made in my First Report. The chief constable cannot be criticised for a legal team who did not represent him, and the PCC did not base his proposal upon the handling of the inquest. To the extent that the press coverage indicates that SYP were facing a hostile press, I agree but (a) it was not driven by local press most familiar with the force’s performance, and (b) press attention is transitory and did not concern the issue relied upon by the PCC for the removal of the chief, namely the Second Statement.

8. Similarly, critical comments by politicians not directly connected to South Yorkshire are not as obviously relevant to forming local opinion as local political comments might be. The PCC would undoubtedly respond to calls for his resignation from people elsewhere in the country by reference to the priority he gives to his electorate and working partners in South Yorkshire and their views of him. The policing by consent model, in my view, merits a similar approach; namely focusing on the people who are policed by the force in question. I dealt with some of the specific remarks in the House of Commons debate, including the limited calls for the chief constable to consider his position and the stated basis for those calls, at paragraphs 55-60 of my First Report.

Question 3

“3. On the interpretation of the second statement, and particularly the words "other contributory factors" - how can you be certain that these words were not intended for a "reading between the lines" particularly given the context - as indicated in the longer earlier draft of the Second Statement - of justifying questions at the inquest in relation to fan conduct and the opening of gate C. This is bearing in mind the different standards that apply to public statements as opposed to legal statements.”

9. I am concerned by this question. While it is obviously correct that one must not treat and construe a public statement as though it were a piece of legislation, I take the very firm view that a number of elements of this question proceed from the wrong direction.
10. First, if CC Crompton is to lose his job and have his reputation damaged as a result, it is the PCC (and the PCP if it wishes to endorse the proposal) who should be sufficiently sure of the basis on which he is condemning the chief constable. It is not for me, or for CC Crompton, to prove his ‘innocence’. I cannot be “*certain*” that the proposed reading is not subjectively correct, but that is neither the relevant nor a fair question. Secondly, the Second Statement must be read fairly, objectively and as a whole. I would hope that this is uncontroversial. Thirdly, I do not understand how it is relevant to interpret the Second Statement by reference to an earlier draft. The concern of the PCC is that people thought the Second Statement

meant something it did not say; that concern cannot be made good by reference to another document that no-one outside the PCC's office ever saw. Fourth, I do not read the draft statement as referring to the fans in any event. As I pointed out in my Second Report (paragraph 19), the questions concerning the opening of Gate C by a steward were not a comment on fans, as there was never any suggestion (so far as I am aware, and the PCC has referred to none) that the fans opened Gate C. The issue was whether it was opened by a club steward on the instruction of SYP or without police instruction.

11. I remain of the view that the only fair reading of the Second Statement, for all the reasons set out in my First Report (paragraphs 73-74) and Second Report (paragraphs 18-19, 21-22) in detail, is that the reference to "*other contributory factors*" means, and can only be taken to mean, the other contributory factors which the inquest jury found to have existed.

Conclusion

12. I hope these answers assist the PCP, and I urge the PCP to read them in the light of my First Report and Second Report.

15 September 2016

(Sgd.) Thomas P. Winsor

SIR THOMAS WINSOR
HER MAJESTY'S CHIEF INSPECTOR OF CONSTABULARY