

SUMMARY

**OF THE SOUTH YORKSHIRE POLICE AND CRIME
COMMISSIONER'S PROPOSAL TO CALL UPON
CHIEF CONSTABLE CROMPTON TO RESIGN OR
RETIRE UNDER SECTION 38, POLICE REFORM AND
SOCIAL RESPONSIBILITY ACT 2011**

**(THE SUBMISSION MADE BY THE POLICE AND
CRIME COMMISSIONER TO THE POLICE AND
CRIME PANEL'S SCRUTINY MEETING ON 16
SEPTEMBER 2016)**

Proposal under section 38, Police Reform and Social Responsibility Act 2011
in respect of Chief Constable David Crompton

Police and Crime Commissioner's Submission to the Police and Crime Panel
for the Scrutiny Meeting – 16th September 2016

1. I want to do two things as briefly as I can.
2. I want to explain why I suspended the Chief Constable on 27 April 2016, the day after the Hillsborough inquests concluded; and then I want to say why I have chosen to continue with that suspension until now, when I am asking for your recommendations.
3. But first I need to set matters in context.
4. The Hillsborough disaster happened 27 years ago. 96 people died, men, women and children.
5. The original inquest verdicts of accidental death were never accepted by the families who began a long and difficult campaign to have them overturned, all the while facing what Bishop James Jones called the *'patronising disposition of unaccountable power'*.
6. The turning point for the families was the establishment of the Hillsborough Independent Panel in 2010, which oversaw the disclosure of all the documents relating to Hillsborough. Their report was published in September 2012. It was very critical of South Yorkshire Police. Crucially it concluded that the behaviour of the football supporters did not contribute to the death of the 96.
7. On the day of publication, the Chief Constable, David Crompton, issued a full and unequivocal apology on behalf of the force. For the families, this was a very significant moment. It signified to them that the Chief Constable had accepted that fan behaviour was not to blame for the death of their loved ones, which, they believed, South Yorkshire Police had always thought.
8. The original inquest verdicts were then quashed and in March 2014 new inquests were opened in Warrington. They continued until April of this year – over 2 years.
9. I became Police and Crime Commissioner in November 2014, some six months into the inquests, and also in the wake of another huge issue for South Yorkshire Police, the scandal of child sexual exploitation in Rotherham.
10. The Hillsborough Inquests, along with CSE, were standing items on my fortnightly meetings with the Chief Constable. At those meetings the Chief Constable assured me that the purpose of his legal team at the inquests was to assist the Coroner in understanding the facts; that no questions were being asked that upset the bereaved families; and that the families made a distinction

between his legal team and those representing other officers, who had behaved more aggressively.

11. I had no reason to disbelieve any of this.... until March of this year, when I was told by the Chief Constable that lawyers for the families had made submissions to the Coroner about the conduct of his legal team – something that could not be made public at the time. Although the Coroner rejected the submissions, the fact that the families had made them, worried me. I therefore asked to meet the Chief Constable's lead barrister, Fiona Barton QC.
12. This meeting took place on 15th April. Ms. Barton told me that she *had* asked questions about the behaviour of supporters, but only five in two years and the only reason for putting them was to elucidate other facts. Ms. Barton also said that she was not viewed by the families in the same light as the legal teams representing other officers. She did, however, confirm that no written instructions had been given to her.
13. At the same meeting, the Chief Constable reiterated that his instructions to his legal team had been that they should do nothing that would go behind the findings of the Hillsborough Independent Panel or undermine the unequivocal apology he had then made. He didn't appear to see that this was contradicted by the submissions the families' lawyers had made to the Coroner. They were upset by the questioning and saw it as undermining the apologies previously made. Yet the Chief Constable seemed determined to justify the particular questions relating to fan behaviour.
14. This worried me because if the jury found that fan behaviour played no part in the deaths, any attempt to justify the questions publicly would invite immediate condemnation. The Chief Constable did not appear to grasp the gravity of the situation he was putting himself and the force in. It had the potential to seriously damage public trust and confidence in both him and the force.
15. In the days leading up to the verdicts I invited all the South Yorkshire MPs to a briefing on the inquests and had telephone conversations with those who couldn't come. They all said the situation was perilous for the force. Some said that links would be made between the behaviour of the force in Rotherham over CSE and at Orgreave in the miners' strike. All this was happening during the PCC and local council elections, and some elected members I met while canvassing said there would be public cynicism if no one was seen to take responsibility.
16. On the evening before the verdicts were announced I had a call from Jack Dromey MP, the Shadow minister for policing, who said that the view in Westminster in all parties was that the conduct of the Chief Constable's legal team had caused distress to the families, had prolonged the inquests and added to the costs.
17. By now I was very anxious indeed about how events would unfold and the consequences for South Yorkshire Police.
18. Let me come now to the day of the verdicts, April 26th.

19. Early that morning I went to see the Chief Constable. By this time I had reached the view that the situation for the force was as grave as it was at the time of the Jay Report, when public confidence was very badly shaken. I don't think the Chief Constable appreciated just what a storm was going to be unleashed. I asked him to think about one possible option, given that he was retiring anyway in November. This was to apologise on behalf of the force, take full responsibility and resign to make way for a new Chief and a new start. This way, I believed, the Chief Constable could show leadership and leave with some dignity. If he stayed in post, I was not persuaded that even a full apology would be enough to stop an unrelenting storm of criticism that would damage public trust and confidence.
20. The Chief Constable said he would not consider this as he had nothing to resign for.
21. The jury returned verdicts of unlawful killing and also found that the behaviour of football supporters did not cause or contribute in any way to the deaths of the 96.
22. Following the verdicts the Chief Constable went before the media and read out an apology, though took no questions. The media, however, remained encamped outside police headquarters.
23. The criticism of the force and the Chief Constable began immediately.
24. The families called for the Chief Constable to go. My office began to get emails to this effect. People I met that evening while canvassing said they were shocked at the behaviour of South Yorkshire Police at the inquests. Other critics called for accountability. The most dangerous aspect of the criticism was that too many were eliding the past conduct of the force and the present.
25. Andy Burnham MP issued a statement in which he said *'The current leadership of South Yorkshire Police needs to explain why it went back on its 2012 apology at this inquest, prolonging the agony for the families'*.
26. Late that afternoon the Chief Constable indicated that he wanted to make a second statement the following day answering Andy Burnham's question. I saw a copy of the statement in which the Chief Constable sought to justify his legal team's questions. I thought that any statement would be seen by the public as an attempt to justify behaviour that they had already concluded was wrong. My Chief Executive made it clear to the Deputy Chief Constable that in my view this second statement – especially the references to the opening of Gate C – would be very badly received by the public as well as the bereaved families. It would be unwise for the Chief Constable to put out any statement of this kind. This was communicated to the Chief Constable but he was adamant that he would make a statement.
27. The following day, April 27th, the Home Secretary and the Shadow Home Secretary were due to make statements in the House. The Chief Constable came to see me with a shortened version of the statement with references to the

gates taken out. I told him I could not advise him. I believe I had already made my views plain to the Chief Constable that there should be no second statement but he seemed determined to make one. To comment on the wording of a further statement would therefore undermine my message: that it should not be made. I also felt that, by now, the Chief Constable was seeking to draw me in to decision-making that was clearly his.

28. The Chief Constable issued the second statement just before the Home Secretary was due to speak in the House. It drew immediate and continuous criticism in the House and the media all day.
29. I don't know at what point the then Home Secretary was made aware of the statement. I am quite sure she was commenting on it directly when she said in answer to one question,

'I think everybody will be disappointed and indeed concerned by some of the remarks that have been made by South Yorkshire Police today. There was a very clear verdict yesterday in relation to the decisions that were taken by police officers and the action of police officers on 15th April 1989 and I would urge South Yorkshire Police force to recognise the verdicts of the jury. Yes, they must get on with day to day policing within their force area. But I think they do need to look at what happened, at what the verdicts have shown, recognise the truth and be willing to accept that.'

This caused me considerable alarm because it suggested that the then Home Secretary was losing faith in the force.

30. The reaction in Parliament was uniformly hostile. Jack Dromey MP immediately telephoned me to say that the Chief Constable's statement was 'a disaster'. My staff were telling me that criticism was starting to come in on social media and telephone calls were starting to come in. One of these calls I took. It was from [REDACTED] who told me he had lost a loved one at Hillsborough. He spoke about the pain caused to him personally by the conduct of the Chief Constable's barristers whom he felt had tried to discredit fans and blame others throughout the inquests.

31. Overall, by this time there had been serious criticism of the force and the Chief Constable and I was firmly of the view that this would not stop but rather intensify. Trust and confidence in South Yorkshire Police would be damaged with every hour that passed. At 2pm I went to see the Chief Constable and put it to him again that he should consider taking full responsibility and offer to resign for the good of the force so that a new beginning could be made under new leadership. I said I would acknowledge that and thank him. Otherwise I feared I would have to suspend him. He asked to be able to sleep on this and give an answer the following day but I said that events were moving too quickly. I asked for a reply by 3pm. Just before 3pm he came to my office with the Deputy Chief Constable and said that he was not prepared to resign. I therefore suspended him. He left the building shortly afterwards.

32. Later that evening I was with party members for some of the time. One said to me that the trouble with South Yorkshire Police was that no-one 'at the top' ever

took responsibility for anything. Their reaction to any issue was always to hide themselves away and hope that everything would blow over.

33. These then are the reasons why I suspended the Chief Constable.

34. First, I was quite sure that the criticism of the Chief Constable and the force would have continued and intensified if he had remained in post. This had started to impact on public trust and confidence and that would have continued without decisive action.

35. Second, the second statement made clear that the Chief Constable simply could not or would not see that the conduct of his legal team had caused distress to the families and that trying to justify the questioning simply added to that. This was insensitive and it damaged both the force and the Chief Constable himself. As long as he remained in post there was the constant danger that he would be drawn into making further such damaging and insensitive 'clarifications'.

36. Third, the second statement showed that the force had not learnt the lessons of past failures, but was still more concerned with its own reputation than harm done to victims. At a time when we are trying to persuade, for example, the victims of non-recent child sexual exploitation, to come forward, this sent out an extremely unhelpful message. This was the burden of many criticisms in the House, including the Home Secretary, and the media.

37. In the days that followed many people said they supported my action. Louise Haigh, MP for Sheffield Heeley, said it was 'absolutely right' because the actions of the present leadership had damaged trust and confidence. At a hustings meeting on BBC Radio Sheffield, all the PCC candidates agreed with the action taken. I am quite sure that if any of them felt the public mood was different from this, at least one of them would have distanced themselves from the decision. And, of course, I was emphatically re-elected a few days later in the PCC elections – an unequivocal democratic endorsement.

38. The then Home Secretary also welcomed – as she put it - my '*determination to take action*' in a speech she gave to all police and crime commissioners at an Association conference on 24 May.

39. Let me end with a couple of observations on the views of the Chief Inspector, since the Chief Constable in his submission essentially relies on these.

40. I read his comments on my proposal with great care as I am bound to do.

41. The main reason why I could not accept what he said was because I think he made little attempt to understand the context in which these issues were playing out here in South Yorkshire. Hillsborough is not the only time the force has failed victims or faced severe criticism. There was CSE and there was Orgreave. If there is to be an inquiry into Orgreave it is essential that the relationship between the campaign group and the force is better than that between the force and the Hillsborough families. But at the moment the Orgreave Truth and Justice Campaign group is so distrustful of the Force that they won't even meet with them directly. What happened at the Hillsborough inquests and after the

verdicts were announced, has seriously set back the possibility of a better relationship and this affects many ex-mining communities across the county.

42. I also want to address the Chief Inspector's views about the Chief Constable's second statement to the media. First, the Chief Inspector's interpretation of what the second statement said is incorrect. Most people understood the statement for what it was – an attempt to justify the force's legal team asking questions during the Inquests that turned attention again to the matter of the behaviour of Liverpool supporters.
43. Second, the Chief Inspector believes that it was reasonable to issue the second statement. I do not agree. There was no need for the Chief Constable to respond to the rhetorical demand of Andy Burnham MP for an explanation of the questions put by the legal team at the inquests. People in public office are asked questions all the time and sometimes it is not always wise to answer. Alternatively, if the Chief Constable felt he had to say something, he could have said he was sorry for any inappropriate questioning. But I do not think he did believe it was inappropriate. The Chief Constable had a choice whether or not to issue the second statement; but he made the wrong decision; which adversely affected the force. The fact that there may not have been "*one clearly correct course of action*", as the Chief Inspector puts it, does not render the error that was made any more acceptable. One critical part of the role of a Chief Constable is the exercise of good and prudent judgement.
44. Third, after the Chief Inspector wrote to me, I received the findings of the Peer Review of the force. The Panel will recall that this was very critical and pointed out failings in the Senior Command Team that had never been picked up by HM Inspectors. Yet the Chief Inspector suggested in his letter to me of the 15th June that, when assessing the position of the force, I should rely on his earlier reports. This did not give me much confidence. The Peer Review findings were a shock precisely because HMIC reports had not alerted us to the seriousness of the force's weaknesses at a strategic level. The Peer Review, therefore, played no part in my decision to suspend the Chief Constable but it does affect my view of the accuracy and timeliness of HMIC reports.
45. Finally, I found the Chief Inspector too dismissive of local opinion, including that of elected representatives. And I also rely on my day-to-day engagement with the people of South Yorkshire.
46. In **summary** then, I found the Chief Constable's determination to put out the second statement on the day after the inquests indicated only too clearly that South Yorkshire Police was still putting its own reputation first before considering victims and was still being too defensive in the face of criticism. Such a stance makes it difficult for an organisation to learn lessons, change its culture and move forward.
47. As I thought on April 27th and as the Peer Review has since made clear, South Yorkshire Police needs a new start under new leadership. That is why I maintain my proposal to call on the Chief Constable to retire or resign.