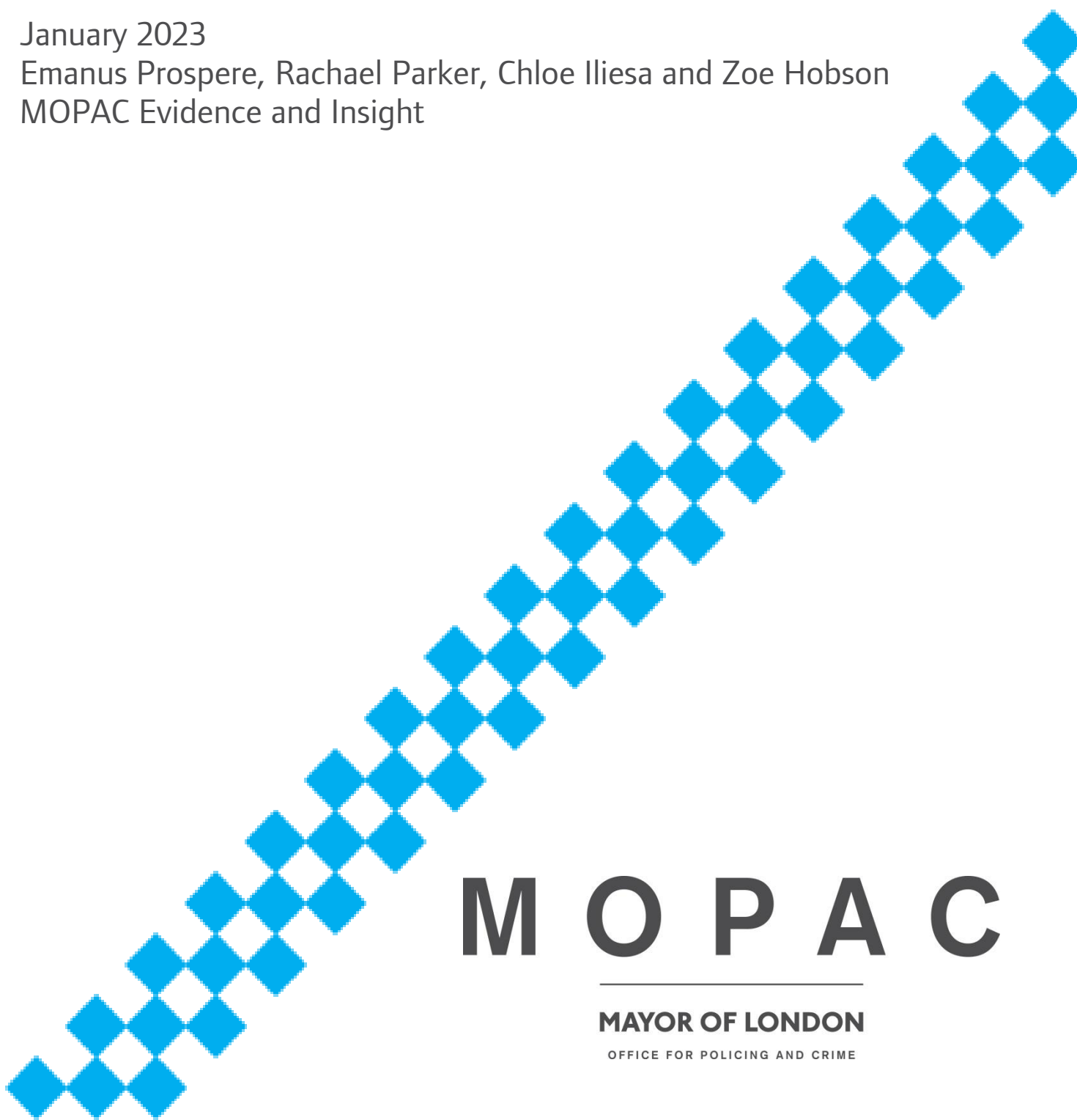


Disproportionality in Misconduct Cases in the Metropolitan Police Service

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MOPAC Evidence and Insight



M O P A C

MAYOR OF LONDON

OFFICE FOR POLICING AND CRIME

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Disproportionality in Misconduct Cases in the Metropolitan Police Service

Executive Summary

Background

Since 2016 MOPAC Evidence & Insight (E&I) has been undertaking research exploring the issue of racial disparity within the police misconduct system and has previously reported that police officers from Black and/or other Minority Ethnic communities were twice as likely as white officers to receive an allegation of misconduct within the Metropolitan Police Service (MPS). This is a critical area for the Mayor and MOPAC – the Mayor's Action Plan to improve transparency, accountability, and trust in the Metropolitan Police Service was published in November 2020 which included a commitment by the MPS to continue to significantly reduce disproportionality within the misconduct processes by 2024. This issue has further been brought to the fore by the recent Casey report on the police misconduct system (2022) which also identified this concern.

This has formed a growing body of evidence on the over-representation of staff from Black and/or other Minority Ethnic communities in MPS disciplinary proceedings, yet less is known on the specific factors *driving* the disproportionality.

This report combines research from two phases – Phase 1 was completed in August 2021 and included a review of the key literature, updated the previous analytics conducted, as well as a statistical attempt to explore the drivers of this disproportionality. Phase 2 conducted a vignette experiment to explore the disproportionality in misconduct decision-making processes by MPS supervisors. This was completed in September 2022.

Key Findings

While it is important that the MPS has the power to apply disciplinary procedures to ensure staff behave in a professional manner, the evidence to date indicates that **disciplinary procedures are disproportionately applied to police officers from Black and/or other Minority Ethnic communities**. These issues are not new and there has been **no significant change in the overall disproportionality gap** since the original MOPAC analysis was conducted in 2016.

The updated analysis demonstrates disproportionality is most stark for **male, short-service** police officers from **Black and/or other Minority Ethnic communities** who are working in **front-line roles**, and that disparity starts at the **beginning** of the misconduct process when officers are first referred into the misconduct system by line managers and supervisors. The disparity was also found to be specific to the misconduct process and not replicated in other reporting mechanisms.

Findings from the vignette study pointed to a lack of training, as well as **inconsistency** and **subjectivity** in decision-making in relation to officer conduct, at the stage where a supervisor decides whether a scenario is suitable for the formal misconduct process or not. This suggests a greater need for enhanced training and the need for more **consistency in training for supervisors** on this topic.

More detailed results are outlined below:

- **There is strong and consistent evidence of disparity in misconduct allegations against police officers from Black and/or other Minority Ethnic communities.** There has been no change in the disproportionality gap since the original MOPAC analysis in 2016. Police officers from Black and/or other Minority Ethnic communities remain **twice as likely (x1.9)** as white officers to be subject to a misconduct allegation.
- The disparity is reflected across all minority ethnic groups, although **the rate is highest for Black Police Officers** (x2.1 times more likely), followed by Asian and 'Other' Ethnicity officers (both x1.9 times more likely) and Mixed officers (x1.4 times).
- **A disproportionality gap is reflected across all staff types.** However, police officers account for the large majority (83%) of individuals subject to a misconduct allegation so volumes are low for all other staff types.
- **The most significant risk-factors for police employees to be subject to a misconduct allegation are gender, ethnicity, and length of service.** Logistic regression indicates that being a Police Officer was the strongest predictor to be subject to a misconduct allegation, followed by (in order of strength) gender (male), Ethnicity (being Black, Asian or Mixed, with the strongest association for Black employees), and length of service (less than 5 years' service).
- Role-related variables such as rank, working pattern, business group or Basic Command Unit were not found to have an impact. However, working within a **frontline role** was found to be a predictor for those subject to a misconduct allegation, with individuals on the frontline being x1.3 times more likely to be subject to a misconduct allegation.
- The results from a logistic regression on misconduct **outcomes** found that **ethnicity was not an independent predictor of misconduct outcomes or of the type of formal action sanction issued.** This would appear to confirm it is the entry into the system that is central.
- Racial disparity is **specific to the misconduct system**, as compared to Right Line reporting (no difference by ethnicity) and public complaints (in which Black, Asian and Mixed Ethnicity police officers received a higher rate of public complaints per 100 Officers as compared to White but the disproportionality gap is smaller). This suggests a key driver for disproportionality is related to the police misconduct process itself.
- Contrary to the main findings - qualitative research to explore and identify the drivers of disproportionality via a vignette experiment found that the ethnicity of the officer in a given scenario presented to supervisors did not significantly influence the responses to the questions in the vignette. **Ethnicity of the officer (as a single variable) was not found to be linked to how a supervisor would respond to an allegation of misconduct**, or the decision on whether to refer the allegation into the formal misconduct process. It should be noted that limitations of the vignette methodology may have impacted on results.
- Vignette findings did highlight a lack of training as well as a high **inconsistency and subjectivity in decision-making** in relation to officer conduct. Just over a third (**38%**) of respondents reported they had completed training on the misconduct process, illustrating inconsistent training provision for supervisors on this topic.

Conclusion

- The report continues the ongoing analysis into the issue of disproportionality in police misconduct that MOPAC began in 2016. The current findings advance learning towards the underlying drivers and raises new directions for ongoing work:
 - **Entry into the system should be the focus** - findings from this report indicate the disproportionate use of internal misconduct proceedings starts at the beginning of the process when officers are first referred into the misconduct system by supervisors. Novel work exploring this could be case reviews, more detailed scenario-based decision-making exercises, or behavioural decision research.
 - **More nuanced understanding of the drivers but gaps still remain** – on top of ethnicity, factors such as length of service (under 5 years), gender (male), and age (under 25 years) were significant predictors of misconduct allegation. Given the workforce changes being seen in policing at present, future work to establish necessary support and supervision for this group would be appropriate. On a related point, the overall predictive model was relatively weak – suggesting a wider range of variables would be beneficial. Replicating the analysis with more ‘on the job’ variables (i.e., stop and searches conducted, arrests/investigations conducted, public interactions, entry route to the police, staff sickness, previous complaints or conduct matters) or additional personal characteristics would allow greater sophistication.
 - **The need for improved training** - a lack of consistent training for supervisors on performance management and/or the misconduct process will undermine any efforts to improve standards of behaviour. Improving these will help prevent misconduct in the first place and help some low-level cases from escalating, as well as encouraging quicker and more effective action where necessary.
 - **Testing of interventions** – the lack of evidence base as to what type of intervention may address the issue is a clear gap. It would be recommended that the MPS turn their focus to the development (and robust assessment) of interventions to counter the issue.
- The issue is police service wide, yet the response to identifying and removing disparity within misconduct has been sporadic, resulting in an inconsistent approach to disproportionality in misconduct across the UK police service. It is hoped this research can make a useful contribution to the debate.

Introduction

Background

Since 2016 MOPAC Evidence & Insight (E&I) has been undertaking research exploring and evidencing the issue of racial disparity within the police misconduct system. This is a critical area for the Mayor and MOPAC – the Mayor’s Action Plan to improve transparency, accountability, and trust in the Metropolitan Police Service (MPS) was published in November 2020¹ and this included a commitment by the MPS to continue to significantly reduce disproportionality within the grievance and misconduct processes by 2024. This issue has also been brought to the fore by the recent Dame Casey report on the police misconduct system (2022) where one of the key issues highlighted was the racial disparity throughout the Met’s misconduct system.

These reviews have helped raise the awareness of the over-representation of staff from Black and/or other Minority Ethnic communities in MPS disciplinary proceedings, yet there remains a need to identify if there are any specific factors driving the disproportionality identified.

MOPAC E&I 2016 Review

The initial review (Wunsch et al., 2016) found that a number of studies evidence the existence of ethnic disproportionality in disciplinary proceedings in other police forces as well as other professions. This was supported further by the analysis of five years’ worth of MPS misconduct data (2010 – 2015)² which recognised that police officers from Black and/or other Minority Ethnic communities were twice as lightly as white officers to be subject to misconduct allegations, and that these allegations were more likely to be substantiated for Black, Asian and Mixed Ethnicity officers.

The 2016 MOPAC review also conducted qualitative research consisting of interviews with key staff involved in the assessment and investigation of misconduct in the MPS. Those interviewed for the 2016 review perceived MPS misconduct processes as fair and robust, and reported that the disproportionality evident in the data did not reflect their experiences. In talking about possible causes, most commonly talked about was a fear of being accused of racism, leading to supervisors in particular being less comfortable and therefore less likely to resolve issues informally.

MOPAC E&I 2018 Review

Analysis of three years’ worth of MPS misconduct data (financial year 2015-16 to financial year 2017-18) was undertaken as part of a commitment to conduct analysis following the implementation of the 2017 Action Plan to address disproportionality in misconduct proceedings in the MPS. This analysis concluded that a disproportionality gap was still evident, although noted that it had started to close very slightly over the three years, with police officers from Black and/or other Minority Ethnic communities 1.8 times more likely than white officers to be subject to misconduct allegations in 2017-18. Where more significant progress had been made was around outcomes of the allegations, with little difference found by ethnic group in the outcome of the allegation between 2015 and 2018. The proportion of allegations that were substantiated

¹ https://www.london.gov.uk/sites/default/files/action_plan_-_transparency_accountability_and_trust_in_policing.pdf

² The analysis focused on internal conduct matters pertaining to officers only.

accounted for 30% of finalised allegations against Black, Asian and Mixed Ethnicity officers, and 27% of allegations against White officers (see Cain, 2019 for an overview of the results).

These results indicated that progress has been made at the 'outcome end' of the misconduct process, and that the disproportionate representation of officers from Black and/or other Minority Ethnic communities starts at the beginning of the misconduct process.

Research Objectives

The overarching aim of the current research was to update the previous work and further explore and identify the drivers behind racial disparity in the misconduct system within the MPS. The report presents insights from a wider research programme undertaken in 2021 and 2022.

The overall objectives for the research were to:

- Update and explore any changes since the 2016 and 2018 MOPAC E&I research was conducted. This would enable continued tracking of disproportionality trends and evidence any changes.
- Build a greater understanding of factors influencing disproportionality within the misconduct process.
- To conduct detailed analysis of factors that could be influencing police officer misconduct using data mining and regression techniques.
- To identify whether disproportionality is reflected across multiple reporting mechanisms and data sources.

The analysis was conducted in two phases:

- Phase 1 aimed to supplement the MOPAC analysis of misconduct data that has already been conducted. The research expanded on this analysis with key learning from the wider literature and social research evidence as well as utilising additional data sources and analytical techniques.
- Phase 2 conducted a vignette experiment to further explore the potential drivers of disproportionality in misconduct decision-making processes. The key objective was to explore if the ethnicity of an officer is a driver for disproportionate referrals into the misconduct process within the MPS, as compared to other case-specific factors. It also examined allegations / concerns that could be resolved informally through performance management processes to better understand how decision-making processes may differ to those that are formally recorded via the misconduct process.

Methodology

Phase 1 of this project encompassed four elements:

- An update of the literature review conducted as part of the 2016 original review, with focus on 'what works', or interventions that have been tried or are ongoing in the areas of misconduct and ethnic disproportionality. Published peer reviewed literature or published organisational reports from both the UK and internationally, up to the end of 2020, were identified through internet searches using a variety of search terms such as 'misconduct', 'complaints', 'disproportionality', 'disciplinary hearings', and 'interventions' for both the police and other public sector organisations such health care.
- A review of the 2018 report and updating the results with analysis of MPS data on internal officer misconduct (using 2018-2020 data) to explore any changes following analysis conducted in 2018. Data was sourced from the MPS Centurion database.
- Analysis of Right Line Data and Public Complaints data (using 2018-2020 data) to identify if there are any patterns of referral or disproportionality in relation to other reporting mechanisms and data sources. Data was sourced from the MPS Right Lines referral recording system and MPS Centurion database.
- Use of data mining and regression techniques to identify if there are specific factors that can be used to predict and explain the disproportionality found for recorded misconduct allegations and the outcome received. Logistic regression³ was used to predict and explain the impact of specific factors (such as gender, staff type, business group, ethnicity, age, and length of service) on the number of misconduct allegations received over the 12-month period between January 2020 and December 2020.

Phase 2 Vignette Experiment

This vignette experiment employed short, systematically varied descriptions (i.e., vignettes) of police officer misconduct as well as matters that did not reach the threshold for formal disciplinary action in order to elicit the beliefs and likely behaviours of respondents with respect to the presented scenarios. Please see Appendix 1 for an example of a vignette utilised within this study.

The study utilised text vignettes administered online via an online survey platform. For the vignette scenarios to appear plausible and real to participants they were constructed by MPS colleagues working within the Directorate of Professional Standards and Deputy Commissioner's Delivery Group based on real-life situations.

A total of five scenarios were presented (2 misconduct, 2 that did not reach the threshold for formal disciplinary action, and 1 designed to be more unclear and open to interpretation). The five identical scenarios were presented to each participant, with the ethnicity of the officer involved **randomised**. This randomised factor within the vignette gave the survey a unique capability to investigate the effect of ethnicity in the decisions and actions taken following the

³ Logistic regression is an analytic method that enables us to look at the effect of several predictor variables together upon an outcome. In this way, it is possible to understand the most important risk-factors that make an outcome more likely.

initial reporting of police officer misconduct allegations. All other factors in the vignette were held constant (gender, rank, length of service).

Following each scenario, associated questions were asked on how participants would respond and the actions they would take if they were in that situation as a line manager in real life. Demographic information was also collected from respondents at the end of the survey to help in investigating response behaviours.

Participants were MPS police officers in line management roles (Sergeants, and Inspectors) across 4 Borough Command Units (BCU) - Central East, North Area, South East, and South Area. These BCUs were already taking part in a pilot focussing on performance management processes (focusing on the use of reflective practice) - so a survey on this topic would seem more logical to participants. The underlying focus of the research to explore disproportionality was not divulged to participants as this could have modified their responses. However, E&I worked closely with the MPS on design of the survey and the work received MPS ethical approval.

The vignette survey achieved an overall response rate of 47% (n=282). In terms of analytics, Chi-squared tests were carried to test if the randomised ethnicity had any link to the decision making of either an informal⁴ or formal misconduct route.

Who responded to the survey?

A third of respondents were from the South East BCU (33%, n=69/209⁵), followed by South Area (27%, n=57), and Central East and North Area (both 19%, n=41).

Most respondents to the survey were Police Sergeants (51%, n=107/209), followed by Inspectors (21%, n=43) and Detective Sergeants (18%, n=37). Most had been in their current roles for five years or less (59%, n=119/202).

Almost three-quarters of participants were White (73%, n=154/212), 10% (n=22) were Black, Asian or Mixed Ethnicity, and 17% preferred not to answer this question (n=36). This is in line with the wider cohort, in which 11% of all Inspectors and Sergeants in the MPS are Black, Asian or Mixed ethnicity⁶.

Results

This section of the report presents the results from across the two phases. This begins with a refresh of the literature, presentation of MPS misconduct data and other reporting mechanisms, before presenting the results of statistical modelling and finally sharing results from the vignette exercise.

Literature Review

Disproportionality in misconduct investigations is well documented (for example Cain, 2019; MOPAC 2016, Angiolini, 2020; Arhibong, Klin, Eshareturi & McIntosh, 2019). The three main

⁴ Either speaking to officer, keeping an informal record, or doing nothing.

⁵ There is a lower base size depending on the number of people who responded to certain questions in the survey.

⁶ As of end of January 2022.

academic theories of reasons for disproportionality in internal misconduct proceedings that were identified in the MOPAC 2016 report remain salient today, including a fear of being labelled racist, implicit bias and failures to address differences:

1. Disproportionality as the result of a fear of being accused of racism, leading to managers and supervisors to shy away from trying to find informal solutions

A number of studies (e.g. Cain 2019; Smith et al., 2012; Chapman, 2014) have found that low level conduct allegations are referred to Professional Standards Department (PSD) for officers from Black and/or other Minority Ethnic communities rather than managed by supervisors. An examination into misconduct allegations in West Midlands Police also identified that the primary driver of disproportionality is too many allegations being initially recorded at a higher level than they should be (West Midlands PCC, 2016). The supervisors described a lack of confidence challenging colleagues from Black and/or other Minority Ethnic communities for fear of being labelled racist or a fear of 'getting it wrong' (Ghaffur, 2004) and being subject to misconduct investigations or tribunals themselves, so passed the responsibility onto the PSD (Cain, 2019). Indeed, Smith et al (2012) argues that officers from Black and/or other Minority Ethnic communities saw these practices as a subtle form of racism. However, by drawing back from addressing minor performance and conduct issues means that these officers are often deprived of the learning and support that their White colleagues receive.

2. Disproportionality as the result of a failure of organisations to understand and deal with difference

A failure of forces to understand and deal with difference has been identified as an explanation for the disproportionality in misconduct. More specifically, disproportionality exists because forces fail to deal with difference, particularly officers being ignorant to other cultures and people doing things differently (Chapman, 2014). Through workshops and one-to-one sessions with members of UK police forces, Cain (2019) found officers from Black and/or other Minority Ethnic communities highlighted a lack of cultural competence in Professional Standards Departments as well as a failure to consider culture when assessing and conducting misconduct investigations. Smith et al's. (2012) qualitative research details how Black and/or other Minority Ethnic officers felt there was no attempt to understand differences by colleagues or senior officers and that colleagues preferred to believe it was wrong to be different. An independent review into police disciplinary proceedings concluded that the police often struggle to manage difference in their workforce, resulting in minor issues that are settled informally with White officers often end up with full disciplinary hearings for officers from Black and/or other Minority Ethnic communities (Chapman, 2014).

3. Disproportionality as the result of implicit bias

Finally, disproportionality needs to be understood in terms of implicit bias. According to the implicit bias theory, we associate people we do not know with stereotypes related to their group (e.g., Fridell & Lim, 2016). These associations are implicit as they often occur outside of conscious awareness yet can impact on our behaviour. However, whilst there are numerous studies evidencing the existence of bias within policing, for example police intervening disproportionately with black people (EHRC, 2016), it must be noted that no quantitative research has been found

which examined whether conscious or unconscious bias could explain the disproportionality in misconduct.

The results of recent research conducted by the National Police Chiefs Council (NPCC) (Cain, 2019) concur with many findings from previous research. Cain (2019) found a primary driver of disproportionality was the failure of supervisors to deal with the low-level matters at the earliest opportunity or proportionately, placing officers under unnecessary lengthy investigations which can have a negative impact on officer's health, career progression, family and the community of that officer. Once conduct allegations are passed onto the Professional Standards Department (PSD), cultural factors and working practices were then found to be inconsistently applied and the wider context is often ignored - in particular, a failure to explore if a 'trigger incident', e.g., whistle blowing or an incidence of racism, had occurred prior to the alleged misconduct.

Disproportionality in misconduct is also not unique to policing. For example, previous research with the NHS has found that Black, Asian and minority ethnic staff are twice as likely to be disciplined compared to white staff (Archibong and Darr, 2010). Further research into disproportionality within NHS disciplinary proceedings identified additional factors at both an individual and organisational level that contribute to the over-representation of staff from Black and/or other Minority Ethnic communities, including (Arhibong, Klin, Eshareturi & McIntosh, 2019). These were:

- *Closed Culture* – Black, Asian and minority ethnic staff were likely to get involved in disciplinaries as a consequence of being closed to the culture of the organisation. Reports of NHS Trusts fostering cultures that were hard to challenge, with individuals criticised if their behaviour did not conform to the accepted organisational norms.
- *Subjective attitudes and behaviour* – where Black, Asian and minority ethnic staff attitudes/behaviours did not conform to the accepted norms, these individuals were likely to be involved in disciplinaries even if these behaviours did not reflect a breach in performance standards. Black, Asian and minority ethnic staff were also not given the opportunity through informal mentoring, training or discussions to understand the accepted behaviours prior to disciplinary proceedings commencing. This is fuelled by a lack of cultural competence in senior staff.
- *Unfair decision making* – staff felt there was unfair decision making at different levels of the disciplinary process, which related to a lack of Black, Asian and minority ethnic senior managers being involved within the process.
- *Poor disciplinary support and discipline policy misapplication* – poor support in the workplace for Black, Asian and minority ethnic staff who face disciplinary actions. For example, some staff are more comfortable discussing disciplinary issues with their peers, often in a comfortable language, but this could be seen as inappropriate. Disciplinary policies are not properly applied and are applied in the first instance to Black, Asian and minority ethnic staff where an informal approach would be appropriate. The arbitrary application of rules and a lack of culturally competent qualified managers have been identified as a root causes for poor disciplinary support. Whilst these triggers are not new and have been consistently evidenced in the literature (Smith et al., 2012; Sehmi, 2015), the difficulty is the reactivity of practice to these triggers, reinforcing the need for clear policies advocating for informal resolution as a first step and to ensure staff involved in proceedings are culturally competent.

Taking the literature into consideration, the fear of reprisal or of being accused of racism impacts on the levels of disparity. Inadvertently, this avoidance of dealing with low level matters at the earliest opportunity is magnifying those levels of distrust, resulting in the exact consequence those supervisors are seeking to avoid (Cain, 2019; Sehmi, 2015; Arhibong, Klin, Eshareturi & McIntosh, 2019).

‘What Works’ to address disproportionality?

Whilst previous research has been able to clearly evidence the existence of disproportionality in police officer misconduct proceedings, a conclusive argument as to its causes or ‘what works’ in responding to it has yet to be identified. The issue is service wide yet the response to identifying and removing disparity within misconduct has been sporadic. This has resulted in an inconsistent approach to misconduct across the UK police service (Cain, 2019).

However, good practice and recommendations for future changes have been identified from police forces across the UK which may offer solutions to address disproportionality in the misconduct process. For example:

Consistency:

- New legislation around Police Integrity Regulations provides an opportunity to develop a standardised approach across the service (Cain, 2019).
- Making sure that PSD’s are more consistent in their approach on the use of guidance or working practise to understand cultural differences (Cain, 2019, Arhibong, Klin, Eshareturi & McIntosh, 2019).
- Address the inconsistent methods used by forces/departments to capture data around protected characteristics (Angiolini, 2020).

Training

- Provide comprehensive support for all staff, including a framework and standards for the provision of feedback (Atewologun, Kline & Ochieng, 2019).
- Training needs to move away from traditional NCALT training, towards an engaging, interactive experience in a safe environment, for topics such as cultural awareness, emotional intelligence and having difficult conversations. Thus, encouraging learning through the lived experiences of officers from Black and/or other Minority Ethnic communities (Cain, 2019).
- Management training for supervisors is required to provide them with the confidence to take responsibility and address misconduct at the earliest opportunity rather than passing onto the PSD (Angiolini, 2020; Arhibong, Klin, Eshareturi & McIntosh, 2019). Positively, the EHRC (September 2016) investigation into the MPS describes a clear appetite for further training, information and sharing of learning amongst managers and they were open to improving performance in this area. However, the report also recognised that an open and reflective culture is not established, with senior officers often not acknowledging when mistakes are made in misconduct cases which limits the MPS’ ability to identify learning.
- A need for supervisors to receive more training around cultural competence and awareness, such as Wellbeing Passports. The National Police Chiefs Council (Cain,

2019) are looking at investment in the comprehensive cultural awareness training the MPS currently run – ‘Leading for London’ which works to develop an understanding of localised cultural awareness of communities being served by the force and supports line managers to make difficult decisions and to promote learning rather than penalising officers and staff (MPS Action Plan 2017).

Organisational Learning & Leadership

- Ensure PSD’s reflect the workforce and communities they serve and at present many do not. In 2019, out of all the Home Office forces, 63% (25 PSD) had no Black and/or other Minority Ethnic police officers or staff working within them (Cain, 2019). For those departments that did have Black and/or other Minority Ethnic representation, this was greater than the Black and/or other Minority Ethnic population percentage for police officers within their respective force. Within the MPS, officers from Black and/or other Minority Ethnic communities account for 15% of the PSD officer workforce⁷ (as compared to 16% of the total police workforce, and the London population of 44%)⁸.
- There needs to be a better development of cultural understanding across PSDs and bespoke positive action plans to improve representation within departments (Cain, 2019; Angiolini, 2020).
- There is a need for strong and ethical leadership at all ranks to provide a supportive, inclusive and high performing team that feel supported when challenging how they’ve been treated.
- Promoting people who understand and value difference is pivotal to ensuring those BAME colleagues entering the service are supported and nurtured to realise their potential.

In addition, a recent review into referrals of medical staff to the General Medical Council has raised recommendations on how to address disproportionality that focus particularly on organisational leadership (Atewologun, Kline & Ochieng, 2019). For example:

- Ensuring senior leaders engage regularly with staff, listening to and taking action in response to concerns regarding fairness and inclusion, providing positive leadership more consistently across the organisation.
- Identify and address systemic issues that may affect individuals’ professional performance. When undertaking a performance assessment or responding to a concern, take into account the context in which they work with a focus on learning not blame.
- Senior leaders to engage regularly with all staff, listening to and taking action in response to concerns regarding fairness. Implement a strategy of active inclusion and mechanisms to mitigate the risk of disproportionality in discipline and referral processes.
- Establish a UK-wide mechanism to share good practice and undertake ongoing monitoring of data concerning misconduct disproportionality.

⁷ MPS Workforce Data Report (August 2021).

⁸ Based on GLA 2016-based Round of Demographic Projections for 2020 (Housing-led ethnic group projections).

It is important to note however, that at this stage these are useful recommendations, but it remains unclear 'what works' to reduce racial disparity in the misconduct system. Hence this ongoing research programme of work sought to further explore and identify the key drivers behind disproportionality in misconduct cases within the MPS. The learning and insights gained via this research will be important in identifying any potential barriers or enablers to fair misconduct processes in the MPS and be used to drive change within the misconduct system.

Baroness Casey Review – Interim Report on Misconduct (2022)

Since the literature review was conducted in 2021 the MPS appointed Baroness Louise Casey to lead an independent review of its culture and standards of behaviour. The interim findings published in October 2022 focussed on the internal misconduct system. One of the key issues highlighted was evidence of racial disparity throughout the Met's misconduct system.

Consistent with conclusions found in several research pieces that precede this report - the main finding was that Black, Asian, and Mixed Ethnicity officers and staff were substantially more likely than their White colleagues to receive a misconduct allegation and that this was consistent in every year of data (2013-2022). In the most recent financial year (2021-22), Black officers and staff were 81% more likely to receive a misconduct allegation than their White colleagues, Asian officers/staff were 55% more likely and Mixed Ethnicity officers/staff 41% more likely. Whilst useful, the interim report did not include any statistical modelling to explore or explain the emerging findings.

The report also found that up until 2018-19 Black officers and staff were more likely than their White colleagues to have a misconduct allegation given a case to answer decision, and therefore have a sanction justified. After 2018-19 this disparity reduces. This was also reflected in MOPAC analysis which preceded this report - the initial MOPAC review in 2016 also found that police officers from a Black or minority ethnic background were significantly more likely to have a misconduct allegation substantiated as compared to officers from a white background. However, the MOPAC 2018 update report found that the disproportionality gap had closed and that once reported and investigated there was no longer significant disproportionality in the type of outcome received.

As reported in previous studies, several reasons are cited for this disparity in the misconduct system. This included the concern that raising issues relating to racism or other discrimination and wrongdoing often led to being labelled a troublemaker, which then led to unfair disciplinary action. It was also reported that the misconduct system is not sufficiently robust with White officers who breach professional standards, but there is a lower threshold for Black, Asian and Mixed Ethnicity officers and staff. There may also be a reluctance among supervisors to address low level incidents for fear of being labelled a racist and being 'passed up' into the misconduct system.

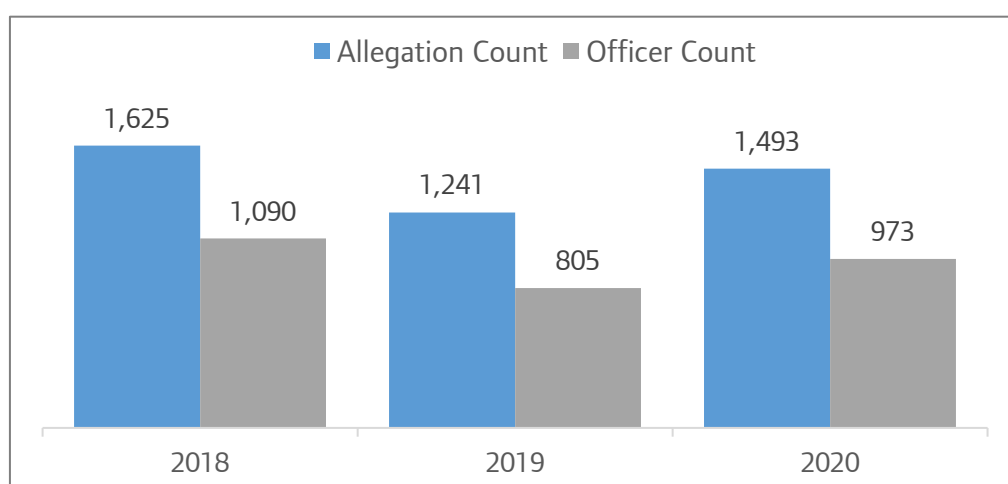
In-depth analysis of MPS misconduct data

One of the objectives for this research was to revisit the 2016 and 2018 MOPAC analysis and explore any changes in the findings of these research reports. The analysis was conducted in June- August 2021 and enabled continued tracking of disproportionality trends over 2018 - 2020. This section will update the previous results with analysis of MPS data on internal officer misconduct allegations, and then move to an exploration of finalised misconduct outcomes.

Misconduct allegations

Analysis of three years' worth of MPS misconduct data (January 2018 – December 2020) was undertaken. Over the three-year period, the number of MPS police officers subject to an allegation of misconduct was highest in 2018 and has since fluctuated, as shown in **Figure 1** below.

Figure 1: Total police officers subject to a misconduct allegation (2018-2020)



A rate per 100 population has been used throughout the rest of the report to account for changes in allegation levels and police officer strength over time.⁹

Disproportionality Rate

MOPAC analysis of disproportionality in police misconduct conducted in 2016 and 2018 found that Black, Asian and Mixed Ethnicity officers were twice as likely as White officers to be subject to a misconduct allegation. As shown in **Figure 2** below, there has been no change in the disproportionality gap over the last three years - with Black, Asian and minority ethnic (BAME) officers still x1.9 times more likely than White officers to be subject to a misconduct allegation.

An average rate of 4.9 BAME Police Officers per 100 workforce were subject to a misconduct allegation between 2018 and 2020¹⁰, as compared to a rate of 2.6 for White Police Officers.

⁹ Monthly workforce figures from the MPS Monthly Workforce Report have been aggregated to represent the average staffing levels for the individual years reported.

¹⁰ Rate of 5 BAME Police Officers per 100 and 2.6 White Police Officers per 100 in 2018 report.

Figure 2: Police officer misconduct rate per 100 officers

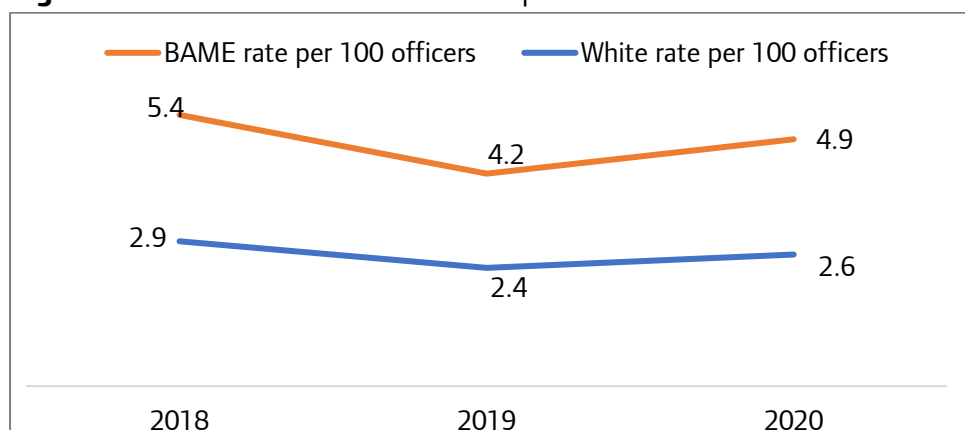
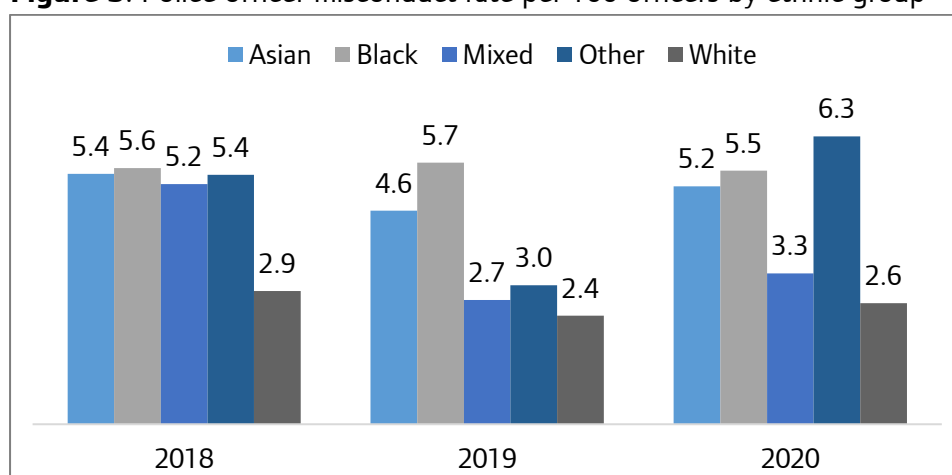


Table 1: Police officer misconduct allegations disproportionality rate (2018-2020)

Misconduct Allegations	2018	2019	2020
Ratio BAME to White	1.9	1.8	1.9

Although BAME Police Officers were x1.9 times more likely to be subject to a misconduct allegation, the rate was highest for Black Police Officers (x2.1 times more likely) followed by Asian and ‘Other’ Ethnicity officers¹¹ (both x1.9 times more likely), and Mixed officers (x1.4 times). As shown in **Figure 3** below, the misconduct rate is consistently higher for Black Police Officers, except for 2020 in which officers from an “Other” ethnic background recorded the highest rate per 100 officers. It should be noted that the category of “Other” is small (2% of total police officer workforce) so rates should be interpreted with caution. Low numbers mean that it is impossible to distinguish random fluctuation from true changes in the underlying risk of being subject to a misconduct allegation. The rate of misconduct allegations per Black officer has remained stable over the last three years.

Figure 3: Police officer misconduct rate per 100 officers by ethnic group



The misconduct rate by staff type is shown in **Figure 4** below. **A disproportionality gap is reflected across all staff types.** The difference was statistically significant across all staff types, but the largest disparity is for BAME Police Staff (x2.4 times more likely to be subject to a

¹¹ The ‘Other’ ethnicity grouping includes the categories Chinese, Other Groups, Greek and Greek Cypriot, Turkish and Turkish Cypriot.

misconduct allegation as compared to White Police Staff). The lowest disparity was recorded for BAME Special Constables (MSC) who were x1.6 times more likely to be subject to a misconduct allegation as compared to White Special Constables.

However, it should be noted that **83%** of individuals subject to a misconduct allegation over the last three years were Police Officers so volumes are low for other staff types - 10% (342) were Police Staff, 3% (86) were PCSOs, and 4% (139) were Special Constables (MSC). For those police officers subject to a misconduct allegation, two-thirds (66%) were working in frontline roles, (21%) in Met Operations and (8%) in Specialist Operations.

Figure 4: Misconduct rate per 100 workforce by staff type (2018-2020)

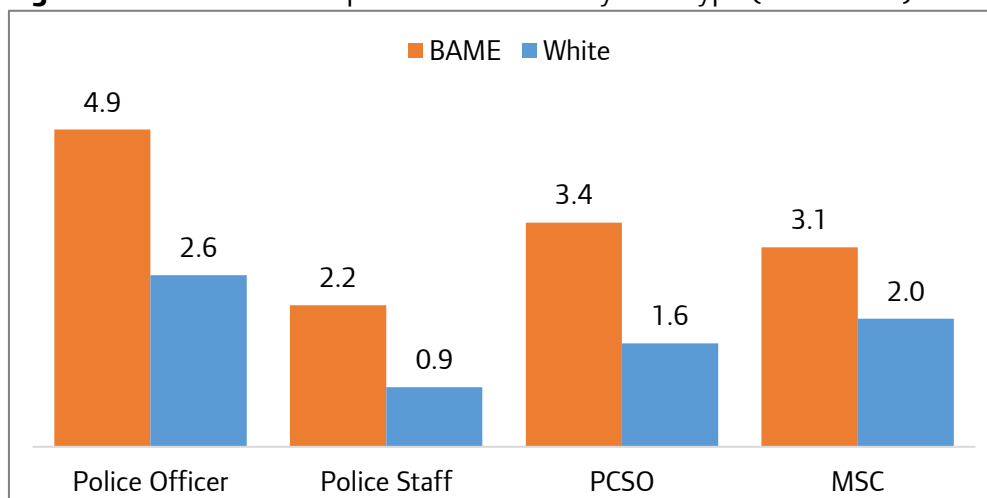


Table 2: Misconduct disproportionality rate by staff type (2018-2020)¹²

Rate	Police Officer	Police Staff	PCSO	MSC
Ratio BAME to White	1.9	2.4	2.1	1.6

Misconduct Outcomes

This section of the report focuses on misconduct outcomes, to explore if disparity exists within the decision-making end of the misconduct process. The analysis was conducted on outcomes of allegations for Police Officers only as they account for the majority of the workforce who were subject to a misconduct allegation and outcome in the given period. Any additional findings of significance related to other staff type will be noted.

Allegation Outcomes

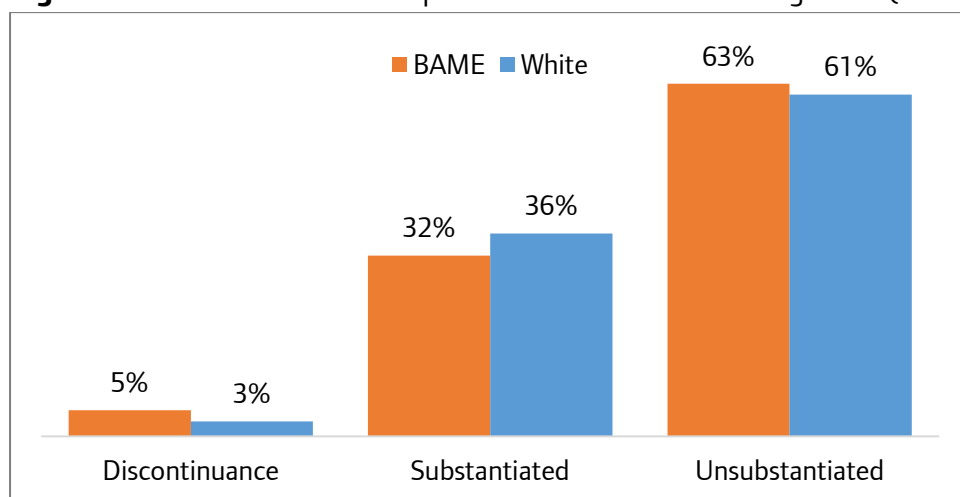
The initial review in 2016 found that police officers from a BAME ethnic background were significantly more likely to have a misconduct allegation substantiated as compared to officers from a white background (48% BAME as compared to 39% white), whereas white officers were more likely to have the allegation against them unsubstantiated. The 2018 analysis found that the disproportionality gap for misconduct outcomes was largest between 2012-13 and 2013-14 before closing (by 6 percentage points) between 2015-16 and 2017-18.

¹² The differences for each staff type were all significant at $p < 0.05$.

Figure 5 below shows that between 2018 and 2020 the converse has been found, with 36% of White Police Officers subject to a misconduct allegation having their allegation substantiated, as compared to 32% of BAME Police Officers. This means that although BAME Police Officers were more likely to be subject to a misconduct allegation, they were proportionally less likely to have it substantiated. These results corroborate findings from the 2018 analysis and indicate that progress in reducing disproportionality has been made at the ‘outcome end’ of the misconduct process.

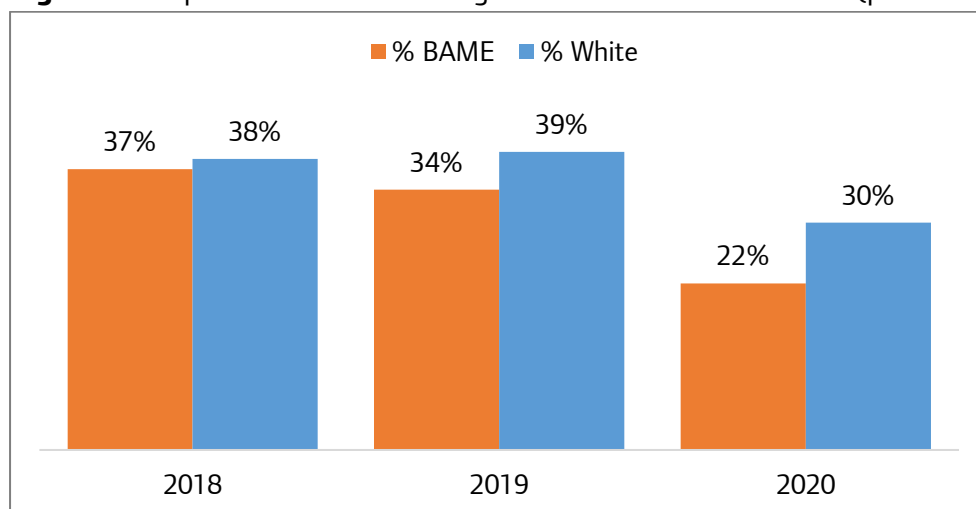
The majority of misconduct allegations are unsubstantiated (accounting for almost two thirds of police officer misconduct allegations for both BAME and white officers).

Figure 5: Outcomes of finalised police officer misconduct allegations (2018-2020)



As seen in **Figure 6** below, the overall proportion of finalised allegations that are substantiated has dropped for both BAME and White officers. Although it is important to note that this analysis was conducted in June 2021, and at that point over half (58%) of all allegations recorded in 2020 were yet to be finalised at the time of the analysis.

Figure 6: Proportion of finalised allegations that are substantiated (police officers)



More detailed analysis of police officer ethnicity shows that this is largely driven by lower substantiated rates for ‘Other’ and Mixed ethnicity police officers.

Table 3: Proportion of finalised allegations that are substantiated by ethnicity (police officers)

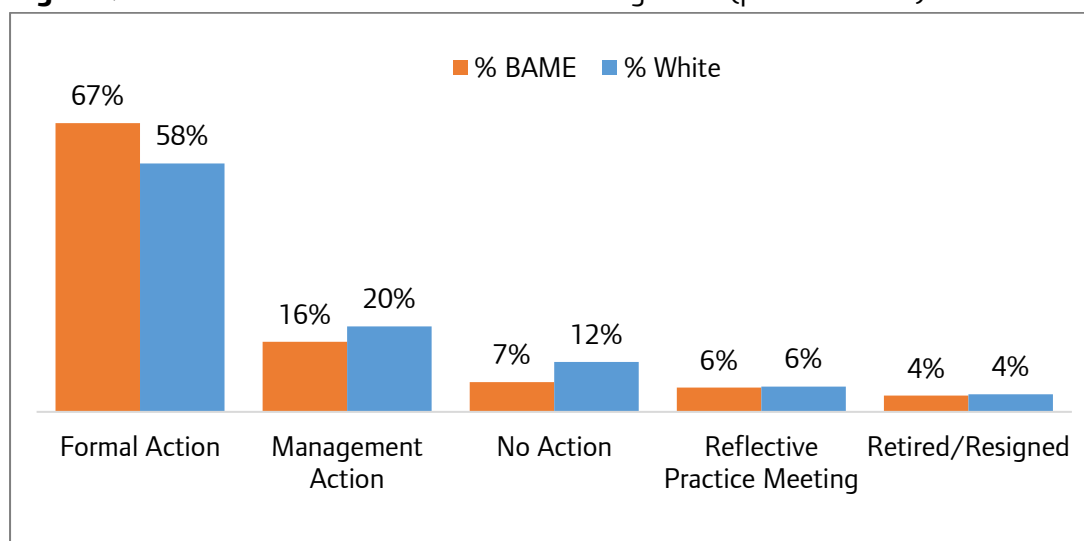
Police officer ethnicity	2018	2019	2020 ¹³
Asian	33.7%	38.6%	16.3%
Black	38.2%	34.7%	36.7%
Mixed	44.9%	31.8%	11.8%
Other	28.0%	13.3%	21.1%
White	38.0%	38.9%	29.7%

Write Off Method

For those misconduct allegations that are substantiated, a higher proportion of BAME Police Officers received a Formal Action as compared to White Police Officers (67% vs. 58%), as shown in **Figure 7**. Within BAME Police Officers, Asian (65%), Black (63%), Mixed (71%) and Other (85%) had a higher rate of Formal Action when compared to White Police Officers (58%). White Police Officers were more likely to receive Management Action when compared to all other ethnicities. These differences across write off method were **not found** to be statistically significant¹⁴.

A higher proportion of White Police Officers received Management Action (20% vs. 16%) and No Action (12% vs. 7%) as compared to BAME Police Officers. This difference is **not statistically significant**¹⁵.

Figure 7: Write off method for substantiated allegations (police officers) 2018 - 2020



The use of Formal Action for substantiated allegations has dropped notably as compared to the 2018 analysis. In the previous report, 79% of White Police Officers received a Formal Action compared to only 58% between 2018-2020. Similarly, 78% of BAME Police Officers received a Formal Action in the 2018 report, as compared to 67% between 2018-2020.

¹³ Over half (58%) of all allegations recorded in 2020 are still yet to be finalised at the time of this report.

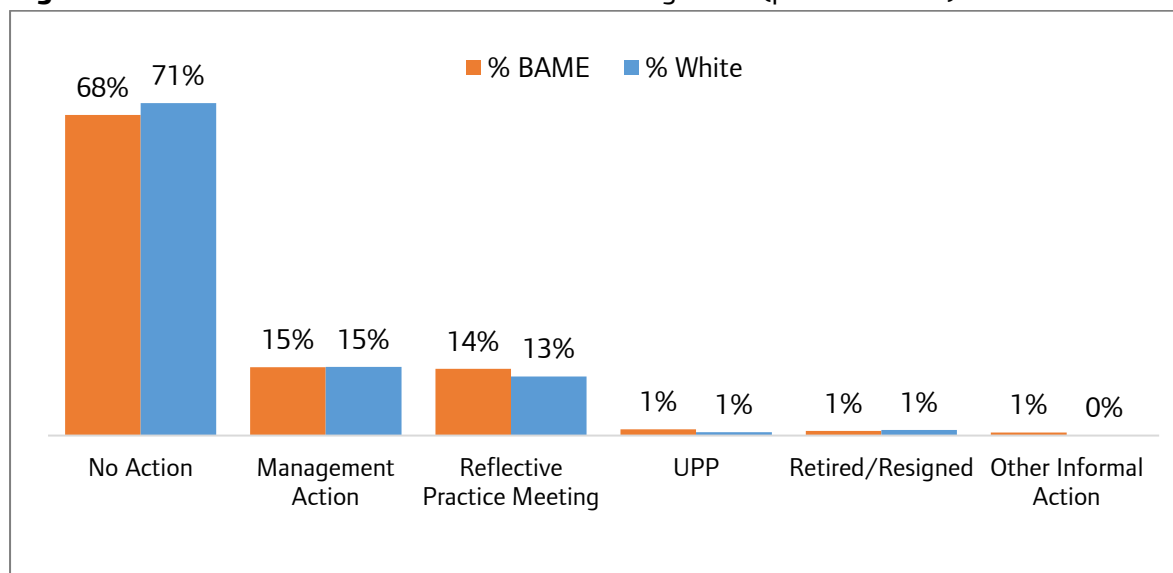
¹⁴ Comparison of ethnicities and proportion of formal action received. The chi-square statistic is 6.8212. The p-value is .145644. The result is not significant at $p < .05$.

¹⁵ Comparison of BAME and White Police Officers of No Action received. The chi-square statistic is 2.9221. The p-value is .087374. The result is not significant at $p < .05$.

The reduction in the proportion of Formal Action being taken can be explained by the increased use of Management Action, with a higher proportion of use for substantiated allegations. In the 2018 report the use of Management Action for substantiated allegations between 2015-2018 was evenly split between BAME and White Police Officers (7% BAME vs. 8% White), however, uplift in this method has also resulted in some disparity. Between 2018 – 2020 a higher proportion of White Police Officers received Management Action for substantiated allegations as compared to BAME Police Officers (16% BAME vs. 20% White)¹⁶. This difference was not found to be statistically significant.

Figure 8 shows there is no significant difference between BAME and White Police Officers in the write off method for unsubstantiated allegations. The overall use of management action for unsubstantiated allegations has significantly reduced as compared to previous analysis. The initial review in 2016 found that management action was used in 34% of all unsubstantiated allegations (as compared to 15% between 2018-2020). The new category of a Reflective Practice Meeting is proportionally used equally between BAME and White Police Officers.

Figure 8: Write off method for unsubstantiated allegations (police officers) 2018-2020

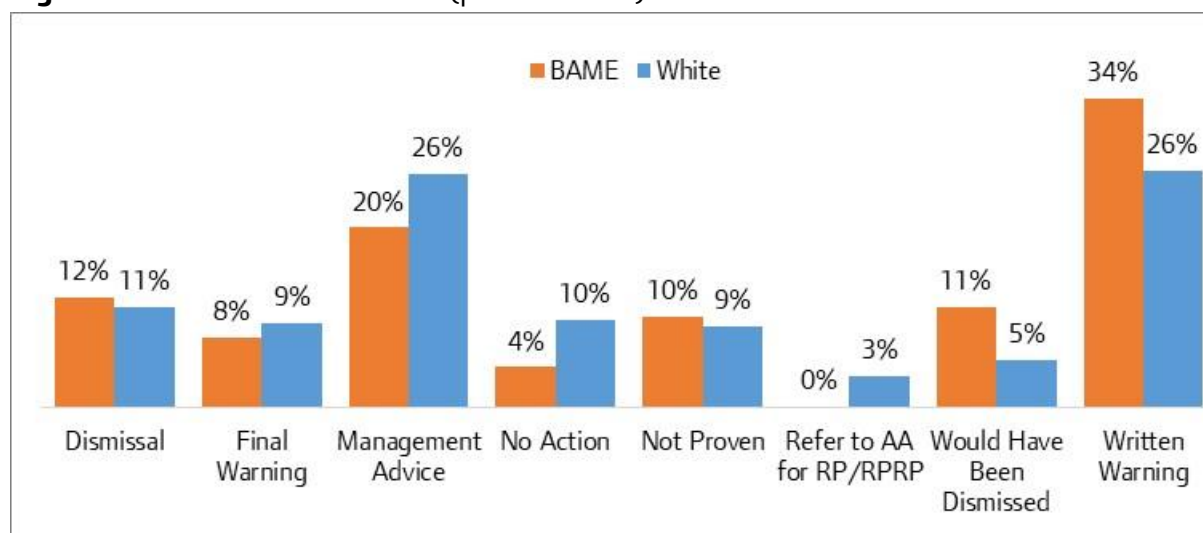


Formal Action Sanctions

As shown in **Figure 9** below, BAME police officers were most likely to receive a Written Warning, and this was at a higher rate than White officers (34% vs. 26%). The dismissal rate for both BAME and White officers was similar (12% vs. 11%). White officers were most likely to receive Management Advice (26%). No Action was taken for a higher proportion of White Police Officers (10% for White Police Officers as compared to 4% for BAME Police Officers).

¹⁶ Comparison of BAME and White Police Officers of Management Action received. The chi-square statistic is 1.0034. The p-value is .316489. The result is not significant at $p < .05$.

Figure 9: Formal action outcomes (police officers) 2018–2020



There was a total of 53 dismissals from the MPS in the period between 2018 and 2020 as a result of a substantiated misconduct allegation. Of the 53, 44 of those were Police Officers and 9 were Special Constables. Of the Police Officers dismissed 32 were White (73%) and 11 BAME (25%). Of the BAME Police Officers, 3 were Asian, 3 Black and 5 Mixed.

Analysis of other reporting mechanisms

Analysis of Right Line Data and Public Complaints data (using 2018–2020 data) was conducted to identify if there are any patterns of referral or disproportionality in relation to other reporting mechanisms and data sources as compared to the misconduct system. The analysis was conducted in 2021.

Right Line Referrals

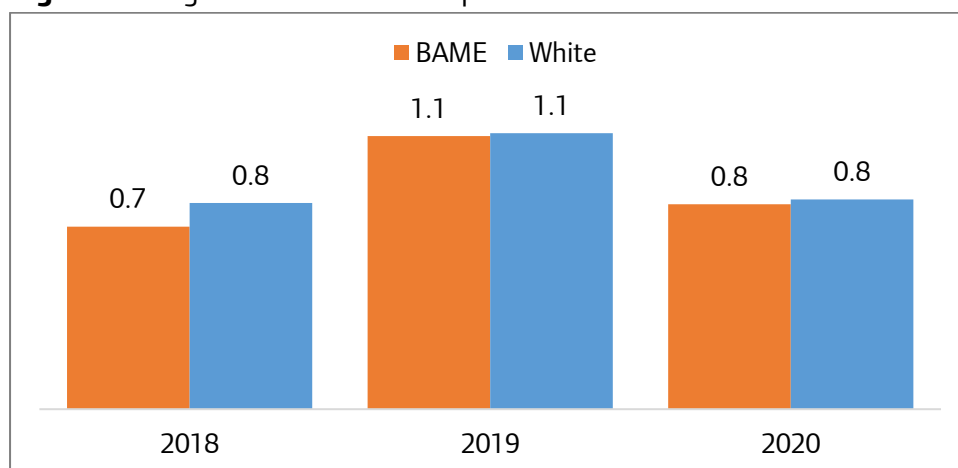
The MPS has an external reporting system for MPS employees. If a member of staff wishes to anonymously report wrongdoing, they are able to do so through the Right Line telephone number, or electronically through Right Line On-Line. Right Line Referrals does not distinguish by staff type.

There were 1,287 Right Line Referrals disclosed in the period between 2018 and 2020, which is lower than the total misconduct allegations over the same period (4,359). This may suggest a lack of awareness of the Right Line reporting mechanism. The rate of Right Line referrals peaked in 2019 - which is a different trend to internal misconduct allegations in which the rate was highest in 2018 and lowest in 2019.

Of the total Right Line Referrals recorded between 2019 and 2020, almost three quarters (72%) of individuals were White and 16% BAME. As shown in **Figure 10** below, the disproportionality evident in misconduct allegations is not reflected in confidential Right Line referrals. The rate of Right Line referrals per 100 workforce did not differ by ethnicity¹⁷.

¹⁷ Referrals are mostly for CARMS misuse/not working hours/overtime concerns/working from home concerns.

Figure 10: Right Line referrals rate per 100 workforce



Public Complaints

MPS public complaint data (**Figure 11**) shows that in the period between 2018 and 2020 BAME Police Officers received a higher rate of public complaints per 100 Officers as compared to White Police Officers. This difference is statistically significant¹⁸. However, when compared to internal misconduct allegations the disproportionality gap is smaller - BAME Police Officers were 1.3 times more likely to receive a public complaint when compared to White Police Officers in the period between 2018 and 2020.

The rate of complaints has increased each year, which is a different trend to internal misconduct allegations in which the rate was highest in 2018 and lowest in 2019.

Figure 11: Police officer public complaints rate per 100 officers

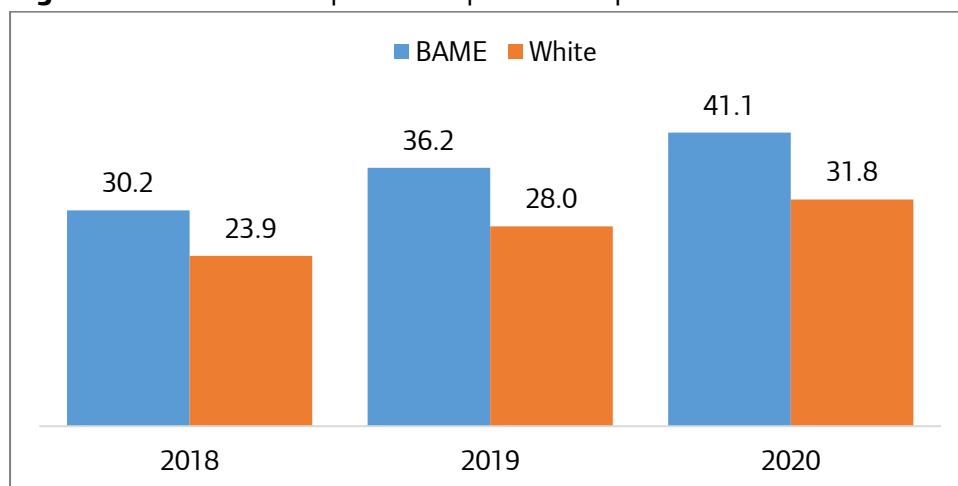


Table 4: Police officer public complaints disproportionality rate

Rates	2018	2019	2020
Ratio BAME to White	1.3	1.3	1.3

¹⁸ Comparing misconduct and public complaints for BAME v White police officers: The chi-square statistic is 78.3789. The p-value is < .00001. The result is significant at p < .05.

Modelling to understanding the differences

One of the new analytic directions within the present research was an exploration of the drivers behind the disproportionally observed in the misconduct system. Previous analyses have evidenced the over-representation of staff from Black and/or other Minority Ethnic communities in MPS disciplinary proceedings, yet there remains a need to identify if there are any specific factors driving the disproportionality identified.

To this end the research undertook a series of regression analytics and other methods to attempt to delve deeper into the drivers behind disproportionality in the misconduct system. A logistic regression was carried out to understand if variables based on employee demographic and role-related data could significantly predict whether an officer was subject to a misconduct allegation (see Appendix for the full model). A logistic regression was also carried out on misconduct outcomes to determine if any of these variables were key predictors of substantiated allegations or formal action sanctions.

Key factors predicting Misconduct Allegation

As shown in **Table 5** below, the regression model identified being a police officer (rather than other staff types), being male, of Black or Asian ethnicity and having under 5 years length of service as the strongest predictors for being subject to a misconduct allegation, but relatively speaking only explained a small proportion of the total variance.¹⁹ To this effect, replicating this analysis with a wider array of variables, especially ones related to 'on the job' and other situations variables (i.e., stop and searches conducted, investigations conducted, public interactions, entry route to the police, staff sickness, previous complaints or conduct matters) or additional personal characteristics would enable a more sophisticated overall analytic.

Table 5: Risk-factors for police employees to be subject to a misconduct allegation

Factor	Likelihood of inclusion
Staff Type (Police Officer)	x 2.4 more likely
Male	x 2.1 more likely
Black ethnicity	x 1.95 more likely
Staff Type (MSC)	x 1.92 less likely
Length of service: (3 to 5 years)	x 1.8 more likely
Asian ethnicity	x 1.7 more likely
Length of service: (under 2 years)	x 1.6 more likely
Age under 25 years	x 1.5 more likely
Mixed ethnicity	x 1.4 more likely
Length of service: (6-10 years)	x 1.38 more likely
Front line role	x 1.3 more likely

¹⁹ The strength of this model is reflected in the Nagelkerke R Square statistic which was 0.05. This is a low R-squared value but the independent variables are still statistically significant. Statistically significant coefficients continue to represent the odds of the outcome variable occurring holding other variable constant.

Substantiated Misconduct Allegations

Analysis then sought to replicate the previous analysis to determine if any of these variables were key predictors of misconduct outcomes (likelihood of an allegation being substantiated or issued a formal action sanction).

The strongest predictor in predicting increased likelihood of a misconduct allegation being substantiated was age²⁰. Those aged under 25 years were 1.6 times more likely to have their misconduct allegation substantiated. The regression also found that allegations triaged for the severity of gross misconduct was 1.4 times less likely to be substantiated. Ethnicity was not found to be a predictor of substantiated allegations.

Formal Action

Ethnicity was not found to be a predictor of a formal action sanction. Gross misconduct was the only significant predictor in determining whether a substantiated misconduct allegation would lead to a formal action taking place. Gross misconduct was 2.1 times more likely to receive formal action from a substantiated misconduct allegation.

Vignette Study

Results

In order to further explore the initial misconduct decisions, the research sought to include a qualitative aspect where vignettes were used to explore decision making.

Responses to Informal Scenarios

Two of the vignettes in the study were designed with the expectation of being more likely to have 'informal' action taken, to explore if decision-making processes may differ to those that should be formally recorded via the misconduct process. This may include informal action such as Reflective Practice which is recorded locally, Reflective Practice Review Process (RPRP), or via the relevant performance framework. For this scenario, results showed that the majority of respondents decided to take informal action for these scenarios (see **Table 6**); a quarter of respondents (25%, n=71) to Informal Vignette 1 selected to refer the case to Professional Standards as a misconduct referral (via submitting an MM1 form), despite the scenario being designed as appropriate for 'informal' action. This is reflective of the apparent high subjectivity in the decision-making process.

Results indicate that ethnicity of the officer in these scenarios did not significantly influence the response. Regression analysis was also conducted to explore if ethnicity was a significant driver when considered in combination with other factors such as participant length of service, rank, own ethnicity, and previous experience in misconduct matters. Analysis did not find ethnicity to be a significant driver. Cases involving Black or Asian individuals were not significantly different in terms of conduct decisions.

²⁰ The Nagelkerke R Square statistic was 0.025 which is not a strong predictive model.

Table 6: Responses to 'Informal action' Vignettes

Informal Vignette 1	White	Black	Asian	Total
Informal action	76	68	67	211
	78%	72%	75%	
Formal Action (misconduct)	22	27	22	71
	22%	28%	25%	
Total	98	95	89	282

Informal Vignette 2	White	Black	Asian	Total
Informal action	85	72	72	229
	97%	97%	100%	
Formal Action (misconduct)	3	2	0	5
	3%	3%	0%	
Total	88	74	72	234

Responses to Formal Scenarios

Two vignettes were designed with the expectation of being more likely to have formal action and suitable for a misconduct investigation. While the results showed that most respondents to these scenarios did decide to take formal action (see **Table 7** below); a third of respondents to one of the vignettes still selected informal action despite the scenario being designed as appropriate for the formal misconduct process. Again, this illustrates the apparent high subjectivity in the decision-making process.

Again, there were minimal and non-significant differences between each ethnicity; and the ethnicity of the officer in the scenario did not significantly influence the responses to the questions. Ethnicity was not found as a significant driver when considered as both a separate category and in combination with other factors.

Table 7: Responses to 'Formal Action' Vignettes

Formal Vignette 1	White	Black	Asian	Total
Informal action	10	11	8	29
	13%	13%	9%	
Formal Action (misconduct)	70	77	83	230
	88%	88%	91%	
Total	80	88	91	259

Formal Vignette 2	White	Black	Asian	Total
Informal action	23	23	32	78
	32%	29%	37%	
Formal Action (misconduct)	50	57	55	162
	68%	71%	63%	
Total	73	80	87	240

One vignette was designed to be more unclear and open to interpretation. Most respondents (87%, n=198) decided to take formal action for this scenario (see **Table 8** below). Again, ethnicity was not found to be a significant influencing factor in decision-making for this scenario.

Table 8: Vignette 5 results

	White	Black	Asian	Total
Informal action	11	13	6	30
	15%	15%	8%	
Formal Action (misconduct)	62	71	65	198
	68%	71%	63%	
Total	73	84	71	228

The link between training and decision-making

The ‘Leading for London’ programme is a leadership training package within the MPS that aims to build the skills, capability and positive behaviour the MPS needs to create an inclusive workforce. Included in the final set of questions on participant characteristics, respondents were asked whether they had completed this training programme. Out of the 212 respondents who answered this question, 74% (n=157) said they had completed it.

Some significant relationships were found here when examining this variable in relation to the action that respondents chose to take. It was found to be a significant relationship in two of the five vignettes where if participants had completed the Leading for London training, they were more likely to choose a formal misconduct route compared to an informal one ($p < 0.05$) and this was on both the vignette designed to elicit a formal response but also on the one more open to interpretation.

Table 9: Training and conduct decision-making

Formal Vignette	Completed Leading for London training		Total
	Yes	No	
Informal	13	10	23
	8%	18%	
Formal Action (misconduct)	144	45	189
	92%	82%	
Total	157	55	212

Vignette 5	Completed Leading for London training		Total
	Yes	No	
Informal	15	11	26
	10%	20%	
Formal Action (misconduct)	141	44	185
	90%	80%	
Total	156	55	211

Finally, the survey identified asked some more general questions about the level of training received on the topic of misconduct matters. Results here are noteworthy – with only 38%

(n=79/210) noting that they had completed training on misconduct matters, with over half (55%, n=115) specifying they had not been offered any training. Of those who had completed previous training on handling misconduct matters, 18% thought it was poor (n=14), 46% (n=36) satisfactory, 33% (n=26) good, and 4% (n=3) excellent. No significant findings arose when examining the relationship between previous misconduct training and decision-making in the vignettes. In terms of previous experience in handling misconduct matters, very few respondents believed they had either 'lots' or 'extensive' experience in dealing with this, with almost half of respondents believing they had 'some' experience (48%, n=103).

Discussion

While it is important that the MPS has the power to apply disciplinary procedures, ensuring staff behave in a professional and appropriate manner, the evidence to date indicates that disciplinary procedures are disproportionately applied to police officers from Black and/or other Minority Ethnic communities. These issues are not new, not unique to policing and as a topic, this has been explored analytically since 2016 by MOPAC Evidence and Insight. The overarching aim of the current research was to monitor wider trends on the issue and further explore and identify the drivers behind racial disparity in the misconduct system within the MPS. The report presents insights from a wider research programme undertaken in 2021 and 2022.

Summary of the results

Analysis of misconduct data between 2018 and 2020 found that police officers from Black and/or other Minority Ethnic communities are still twice as likely (1.9) as white officers to be subject to a misconduct allegation. The disparity is reflected across all minority ethnic groups, although the rate is highest for Black Police Officers (2.1 times more likely). The gap is also reflected across all staff types. Indeed, there has been no change in this disproportionality gap since the original MOPAC analysis in 2016. The more recent publication of the Baroness Casey Review Interim Report on Misconduct (2022) also found that this disparity was still evident in every year between 2013-14 and 2021-22.

The disproportionality gap is most pronounced for misconduct referrals as compared to other reporting pathways. The disproportionality gap recorded in misconduct cases is not replicated for confidential *Right Line Referrals* and is smaller for *public complaints* made against officers. The annual trends also vary across the different reporting mechanisms and pathways for reporting misconduct, indicating that they have different drivers and that the format and process of the reporting mechanism has an influence on how it is used.

One of the key objectives of this report was to analyse the factors that are influencing the disparity in the police officer misconduct system using data mining and regression techniques. An anonymised dataset of all employees working within the Metropolitan Police Service was used to examine which factors statistically matter most for misconduct referrals and outcomes. The results show that being a **police officer** was associated with increased likelihood of being subject to a misconduct allegation followed by (in order of strength) **gender (male)**, **ethnicity (being Black, Asian or Mixed, with the strongest association for Black employees)**, and **length of service (less than 5 years' service)**. Other role-related variables were not found to have an impact such as rank, working pattern, business group or Basic Command Unit of the employee.

A vignette study was conducted to explore if the ethnicity of an officer was an independent driver for disproportionate referrals into the initial misconduct process within the MPS. In contrast to the wider statistics, the research found that the ethnicity of officers within the presented scenarios did not significantly influence the responses to the questions in the vignette. That is, ethnicity of the officer – as a single variable – was not found to be linked to how a supervisor would respond to an allegation of misconduct, or the decision on whether to refer the allegation into the formal misconduct process.

The vignette did identify that those participants to have completed the Leading for London management training were significantly more likely to choose a formal misconduct compared to an informal procedure. The other notable aspect from the vignette were the officer perceptions towards training, which indicated over half had not received relevant training. Various aspects above are consistent with the previous research and wider evidence base, others that are original are raised as deeper areas for discussions.

Entry *into* the system not outcome is the issue

Results demonstrated that the disparity starts at the **beginning of the misconduct process** when officers are first referred into the misconduct system by supervisors. For example, Ethnicity (being Black, Asian or Mixed) was an independent predictor for the likelihood of being subject to a misconduct allegation - which shows that even when gender, length of service and other variables were taken into account, significant differences remain between against employees from Black and minority ethnic groups and White employees. However, ethnicity was **not found** to be a predictor of substantiated allegations or a formal action sanction. This indicates that improvements are likely required within **line management and supervision** within the MPS – when officers are first referred into the misconduct system by supervisors. These entry points become critical opportunities in setting, embedding and enforcing professional standards.

This further corroborates findings from previous research studies that suggest disproportionality arises as a consequence of conduct allegations being referred to the Professional Standards Department for officers from Black and/or other Minority Ethnic communities, whereas similar behaviour of white officers is dealt with informally by divisional supervisors (e.g., Cain 2019; Smith et al., 2012; Chapman, 2014). Findings from both MOPAC research (2016) and the more recent Casey Review (2022) also found that there may be a reluctance among supervisors to address low level incidents for fear of being labelled a racist and are therefore being 'passed up' into the misconduct system. It was also reported that the misconduct system is not sufficiently robust with White officers who breach professional standards, but there is a lower threshold for Black, Asian and Mixed Ethnicity officers and staff.

More nuanced understanding of the drivers but gaps still remain

The research findings from both Phase 1 and Phase 2 underline the value of accounting for multiple categories in any action plans or work programmes to reduce the disparity in misconduct allegations against Black, Asian and minority ethnic employees within the MPS.

The current work undertook statistical modelling to explore the wider factors that may also contribute to the issue of disproportionality. As outlined earlier, ethnicity was a predictor for being subject to a misconduct allegation, along with wider factors such as the Police officer role, being Male, length of service (under 5 years) and/or age (under 25 years).

Whilst interesting the overall predictive model was relatively weak – suggesting a wider range of variables would be beneficial in order to understand to a greater level. Indeed, ideally this analytic could be repeated with additional detail – moving into ‘on the job’ variables (i.e., stop and searches conducted, arrests, investigations conducted, public interactions, entry route to the police, staff sickness, previous complaints or conduct matters) or additional personal characteristics.

None-the-less, a greater appreciation of the findings that did emerge would also be useful to help forward planning. For example, MPS workforce statistics indicate police workforce is becoming *younger* – under 30s now account for a quarter (25.1%) of all MPS police officers, an increase of 6 percentage points over the last 5 years.²¹ The increase in recruitment over the last two years also means that a third of the workforce have under five years’ service (33.6%). In this way, new recruits may be at increased risk of being subject to a misconduct allegation and may require additional support and supervision and this can be built into current governance.

The need for improved training

Findings from the vignette study pointed to a high **inconsistency** and **subjectivity** in decision-making in relation to officer conduct, and at the stage where a supervisor decides whether a scenario is suitable for the formal misconduct process or not. On a related point there was a clear gap in the training available for staff. Just over a third (38%) of respondents reported they had completed training on the misconduct process, illustrating inconsistent training provision for supervisors on this topic. These are stark findings that illustrate a deficiency that needs to be addressed organisationally. This lack of consistent training for supervisors on performance management and the misconduct process will likely undermine any efforts to improve decision making going forward. Similarly, the Casey Review (2022) also highlighted that Human Resources does not have enough of a role in the misconduct system or in supporting line managers. Improving these will help prevent misconduct in the first place and help some low-level cases from escalating, as well as encouraging quicker and more effective action where necessary.

Testing of interventions

Whilst research to date has been able to evidence the existence of disproportionality, no studies have so far been able to put forward conclusive evidence as to ‘what works’ in responding to it. The issue is police service wide, yet the response to identifying and removing disparity within misconduct has been sporadic. This has resulted in an inconsistent approach to misconduct across the UK police service. With this in mind it would be recommended that the MPS turn their focus to the development (and robust assessment) of interventions to counter the issue.

Limitations

We should acknowledge that the results presented in this report are limited to the information captured on the MPS Centurion system and therefore variables that may impact decision making will not all be included in the data. The available factors to explore risk factors for misconduct allegations and outcome categories were limited to employee demographic data and role related factors. It is important to note that we cannot draw conclusions about how and why the factors we discuss may influence outcomes. The analyses we present in the report is only able to illustrate

²¹ MPS Workforce Data Report.

the relationships between the various factors and outcomes and the strength of each factor's unique effect.

Whilst the vignette approach was an innovative attempt to explore officer decision making – the method does have limitations. The scenarios were carefully designed to represent real-life conduct situations, however one of the main concerns of the methodology is the overall validity and inability to capture all elements of reality or the full complexity of misconduct assessments. While participants were not fully informed about the focus on disproportionality, it was possible that respondents guessed the purpose behind the study, which may have influenced their responses. This participant bias would mean that responses given to vignettes may be socially desirable and could be a different response to how people may react to real life situations.

Conclusion

The report continues the ongoing analysis into the issue of disproportionality in police misconduct that MOPAC began in 2016. The current findings advance learning towards the underlying drivers and raises new directions for ongoing work – *the focus on the beginning of the process, the need for additional variables to better explore risk factors, the role of training, and the need for the new design and robust testing of interventions*. The issue is police service wide, yet the response to identifying and removing disparity within misconduct has been sporadic, resulting in an inconsistent approach to disproportionality in misconduct across the UK police service. It is hoped this research can make a useful contribution to the debate.

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Appendix 1 – Vignette Example

Scenario 1 (Informal)

Officer A approaches you, as their line manager, and requests leave on Saturday 21st August 2021, a night shift. You are forced to refuse the request as the team are already below minimum strength through sickness and other absences.

Officer A subsequently reports sick on Friday 20th August 2021 and resumed on Thursday 26th August 2021, the first day of the next set of shifts. You are approached by a disgruntled team member. They state that it is clear from social media that Officer A was at a family gathering on Saturday evening and not sick.

You decide to speak to Officer A. Here, OFFICER A becomes upset and concedes they were at the gathering and called in sick to facilitate their attendance. However, Officer A explains that their partner had threatened to leave them if they did not attend the gathering, as this would have been the third successive family gathering, they had missed through work.

As their line manager you are aware that Officer A had recently had other annual leave requests refused and has been experiencing problems in their relationship. Officer A, a 37 year old [ethnicity] male officer is otherwise a diligent, hardworking officer with a good attendance record over his 14 years of service.

Appendix 2 – Regression Tables

Logistic Regression of Misconduct Allegations

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I. for EXP(B)	
							Lower	Upper
Is_male	0.70	0.09	60.09	1.00	0%	2.01	1.68	2.39
UPP2020	1.74	1.09	2.56	1.00	11%	5.72	0.68	48.36
PO	0.87	0.12	55.23	1.00	0%	2.39	1.90	3.01
SPO	1.86	1.04	3.20	1.00	7%	6.41	0.84	49.14
MSC	-0.65	0.26	6.46	1.00	1%	0.52	0.32	0.86
Asian	0.53	0.11	22.16	1.00	0%	1.70	1.37	2.13
Black	0.67	0.14	23.84	1.00	0%	1.95	1.49	2.55
Mixed	0.37	0.16	5.04	1.00	3%	1.44	1.05	1.99
Other	0.37	0.20	3.45	1.00	6%	1.44	0.98	2.12
U25	0.40	0.16	6.30	1.00	1%	1.49	1.09	2.03
LoS ²² U2	0.49	0.15	10.34	1.00	0%	1.63	1.21	2.20
LoS 3to5	0.60	0.10	33.88	1.00	0%	1.82	1.49	2.22
LoS 6to10	0.32	0.09	12.69	1.00	0%	1.38	1.15	1.64
Frontline	0.27	0.08	11.23	1.00	0%	1.30	1.12	1.52
Constant	-5.55	0.13	1964.58	1.00	0.00	0.00		

Substantiated Allegations

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I. for EXP(B)	
							Lower	Upper
Is Male	0.14	0.11	1.66	1.00	20%	1.15	0.93	1.41
Is Gross Misconduct	-0.33	0.09	14.80	1.00	0%	0.72	0.61	0.85
Is Asian	-0.14	0.13	1.02	1.00	31%	0.87	0.67	1.14
Is Black	0.16	0.15	1.12	1.00	29%	1.18	0.87	1.59
Is Mixed	-0.02	0.21	0.01	1.00	92%	0.98	0.65	1.47
Is Other	-0.67	0.26	6.42	1.00	1%	0.51	0.31	0.86
Is Senior PO	-20.75	20072.24	0.00	1.00	100%	0.00	0.00	.
Has under 3 years LoS	0.12	0.12	0.93	1.00	34%	1.12	0.89	1.43
Is under 25	0.47	0.14	11.84	1.00	0%	1.61	1.23	2.11
Frontline - ref			0.69	2.00	71%			
Met Operations	-0.03	0.13	0.05	1.00	82%	0.97	0.76	1.25
Other	0.06	0.14	0.18	1.00	67%	1.06	0.80	1.41
Constant	-0.56	0.14	15.25	1.00	0%	0.57		

²² Length of Service (LoS)

Formal Action

	B	S.E.	Wald	df	Sig.	Exp(B)	95% C.I. for EXP(B)	
							Lower	Upper
Is Male	-0.01	0.18	0.00	1.00	96%	0.99	0.69	1.42
Is Gross Misconduct	0.74	0.15	23.59	1.00	0%	2.10	1.56	2.83
Is Asian	0.15	0.23	0.42	1.00	52%	1.16	0.74	1.83
Is Black	0.07	0.25	0.07	1.00	79%	1.07	0.66	1.75
Is Mixed	0.74	0.38	3.69	1.00	6%	2.09	0.99	4.42
Is Other	0.59	0.51	1.34	1.00	25%	1.80	0.66	4.89
Is under 25	0.18	0.24	0.60	1.00	44%	1.20	0.76	1.90
Police Officer - ref			3.09	3.00	38%			
MSC	0.07	0.26	0.08	1.00	78%	1.08	0.65	1.78
PCSO	0.71	0.45	2.52	1.00	11%	2.03	0.85	4.88
Other Staff	0.13	0.43	0.10	1.00	76%	1.14	0.49	2.66
Frontline - ref			1.99	2.00	37%			
Met Operations	0.01	0.22	0.00	1.00	98%	1.01	0.65	1.55
Other	0.28	0.25	1.29	1.00	26%	1.32	0.82	2.13
0-2 years - ref			5.83	5.00	32%			
3-5 years	0.80	0.66	1.47	1.00	23%	2.22	0.61	8.05
6-10 years	1.05	0.65	2.62	1.00	11%	2.87	0.80	10.27
11-20 years	0.84	0.65	1.67	1.00	20%	2.31	0.65	8.27
21-30 years	1.10	0.64	3.00	1.00	8%	3.00	0.87	10.41
31 years or more	0.82	0.66	1.55	1.00	21%	2.27	0.62	8.23
Constant	-1.05	0.67	2.47	1.00	12%	0.35		