Dan Gilling – My name is Dan Gilling, head of the Law School here in Plymouth. Welcome to the Witness Seminar on post-PACE police and policing in the South West. Under the direction of Dr Michael Kandiah from the Institute of Contemporary British History, King’s College London, an impressive witness seminar programme has been unfolding since the 1980’s and it’s covered a host of contemporary historical issues. For those who don’t know, these witness seminars are like group interviews, that because they are recorded and then transcribed, provide a really valuable all history archive resource. I would say, anything you say, will be taken down and will be given as evidence. In 2010 the ICBH held another witness seminar on the Police Criminal Witness Act, now what’s distinctive about this one is that this is the first witness seminar to sharpen its focus on local experience, rather than simply assuming a general one and we hope that this will be the first of many that start to focus on the local. Plymouth University and the Law School, in particular, are delighted to be involved in the expansion of the witness seminar format in this way and the contribution of the resource to aid the study of modern policing, as well as a resource to be added to the archive of the union created in the South West Police Heritage Trust, a little plug there. I would like to thank a number of people for making the event possible, Michael Kandiah who I think has managed to arrive, welcome, and also to Judith and to Kim who have made such an impressive contribution themselves in the study of crime history and gentlemen behaving badly. The event would not be possible without the witnesses on the panel and we would like to thank everyone, especially His Honour Judge Taylor and Detective Superintendent Brendan Brookshaw, who have both helped in putting this event together. They’ve been very good friends of Plymouth Law School and welcome also, to the audience and to Carmen Talbot and David Rees from the South West Police Heritage Fund and thank you everyone for coming and we really do look forward to a productive and a very interesting day.

Judith Rowbotham – Thank you and welcome. I’m Judith Rowbotham and by identifying myself first, I want to set a precedent. Please, because this is being recorded, because it will be transcribed, will
anybody who asks a question, makes a comment, before they do so, say who they are, even if you’ve spoken before, just re-affirm who you are, so we can identify you easier when it comes to writing out the transcript. This leads me to one other thing, this is a seminar where Chatham House rules do not apply and what is recorded is therefore public consumption. You will all, if you ask a question and I do encourage anybody to ask questions or indeed to add information, anecdotes, remembrances, understanding, as well as any specific questions that you may have, please do add this because this is a very important part of the process, but, you will have a chance, any of you who speak, you will have a chance to see what you actually said, you’ll have a chance to slightly tweak it so that if you said something you wish you hadn’t said in terms of some information, particularly some of the witnesses, then you can tweak what is there so that you have a more acceptable version of it and you may also add information if something has come to you which is relevant to what you’ve said, but you’d like to add it. Again, you can add to this transcript. We’ll identify that it was later added, but that will be very much an important part of the process. In due course the transcript will be published, will be made available, it will be part of the resource that is developing to continue and sustain the South West Police Heritage Trust, but it will also form part of the resource of the Institute for Contemporary British History at King’s. It will host the link on its website as well as the Plymouth University Law School’s, so there will be a wide dissemination of it and this does mean it is an important resource. We have a small audience. It doesn’t mean to say that you’re not all extremely valuable and important. A small witness seminar is often more valuable than a very big packed one where a lot of people have a contribution, but don’t have a chance to get a voice. So, what I would like to do is start this morning’s session by asking each of the witnesses on the panel with me to introduce themselves briefly. I will be a ruthless Chair in this sense and cut them off if they talk for more than about eight minutes. I threaten to hatpin a very senior ambassador to China once when he said he planned to carry on for 15 minutes, so I have form in this respect. My hatpins are just behind me and we will then proceed to a series of questions, after which we will take a brief break for comfort and then I will open the entire session to discussion and questions from the floor. So, I think we will be starting from the right and going through on the panel. Tom could I ask you to switch on your microphone and simply explain who you are and give a little bit of biographical background.

Tom Savery – My name is Tom Savery. I was born and bred in Plymouth, you would not believe and I practice as a solicitor in the City for 50 years. For many years I practiced in the Criminal Courts and prosecuted and defended because pre-recreation of the CPS, police had panels of solicitors in private practice and their panels, I think seven of us in Plymouth, and the police chose to instruct you or not instruct you as the case might be. Also there was quite an extensive amount of defending to do. Plymouth is the third largest city south of Birmingham – London, Bristol, Plymouth and has its fair share of crime which is associated with urban areas.

William Taylor – William Taylor, a retired circuit judge. I was called to the Bar by The Inner Temple in 1968. Spent 21 years as a criminal barrister, both prosecuting and defending. Prosecuting on the western circuit, which is from Basingstoke to Gloucester, all the way south and to the west and defending in and around London. High-end crime and when PACE came out I had the enviable task of instructing the Metropolitan Police and what it meant, not least Section 76 and 78.

Judith Rowbotham – Could you perhaps explain your understanding of Section 76 and 78.

William Taylor – Well Section 76 recollection is the mental health element and Section 78 is whether or not the court considers what happened was unfair. Is that too simplistic?
Judith Rowbotham – Not at all. It’s always your voice and your understanding of it that’s important in events like this.

William Taylor – And I was lucky enough to be invited to try heavy crime far west and I was the Senior Circuit Judge here from 1989 till I had to retire on health grounds in 2006 and that was trying, as indicated, the heavy end of the market and I was fortunate enough to form a close working relationship with, the then, Chief Superintendent Steve Pearce who is here today, particularly on the drug-front and we’re still working with a charity to that end to this day.

Judith Rowbotham – Thank you very much. Mel?

Melanie Simmonds – Good morning. My name is Chief Inspector Melanie Simmonds of the Devon & Cornwall Police and thank you for inviting me to participate today. So, I’m a single-parent with two delightful daughters aged 16 and nine years and I’ve been a resident of Devon since the age of 12, previously growing up in Dorset. I joined Devon & Cornwall Police as a Probationer Police Constable in 2003, having spent the first 12 years of my professional life working in the field of veterinary nursing. I’m often asked the question as to why I left my first career to become a police officer and it’s actually not unusual for some officers like me to choose to join the police later in life as a second career choice and when they have the benefit of life experience behind them and some accumulated skills from their previous career. As rewarding as veterinary nursing was for me, I had always been attracted to policing as a career and I’ve never regretted my decision to join up. The rewards of working and a challenging and exciting role combined with the ability to play a part in making a real tangible difference to the quality of lives, not only of individual citizens, but also wider communities cannot be overestimated. So, my policing career began with patrolling the streets of Brixham, often single-crewed, and after two years I was encouraged to seek promotion and once I passed the necessary examinations, roles of Patrol Sergeant and then Detective Sergeant soon followed. I spent 18 months working as a Custody Sergeant in Torquay where of course the Police and Criminal Evidence Act of 1984 and particularly Code C covering the detention treatment and questioning of persons by police officers, underpinned almost every element of the work that I was undertaking on a daily basis. In 2009 I was then promoted to Inspector where I worked in the fields of counter-terrorism, specialising in the delivery of the prevent strategy and then fire arms command. And now as a Chief Inspector I’m proud to lead a hard-working, highly capable and dedicated team of around 200 police staff and officers working within the Force Control Room in Plymouth. Here, we make resourcing decisions in relation to the emergency and 101 telephone calls we receive from the public, assessing vulnerability, threat, risk and harm and then deploying an appropriate police response that meets the needs of the caller and the presenting circumstances. Now clearly, having only joined in 2003, I cannot speak from personal lived experience of pre-PACE policing and the culture that existed prior to 1984. So in preparation today I have, however, sought the views and recollections of a very small number of colleagues that I’ve tracked down who have experience of policing pre- and post-1984. But, what I can of course share today are some examples from my career that are personal to me. In preparation today and without pre-PACE personal policing experience to refer to, I’ve instead reflected considerably on the wider issue of what policing culture means to me, but also the perception I believe the wider public hold and how different events and also the media often appear to influence this and if my examples I share today don’t directly correlate with the implementation of PACE, I still hope they give you a valuable perspective of my experience of the culture of policing and that you’ll be able to utilise this in your gathering and assessment of evidence. This week has been an interesting week as a police officer as you can imagine with current events and I’ve reflected quite heavily on how it feels to be a police officer at the moment and I’d like to share just a few words if I may. So, whilst not directly related to PACE, the
nine Peelian Principles which were first issued to every officer in 1829 continue to underpin the work that we do. These include recognition that the power of the police to fulfil their functions is dependent on public approval, co-operation and diminishes the necessity for the use of force and he confirmed the long-standing and important principle of policing by consent as Sir Peel said to maintain at all times police officers must have a relationship with the public that gives a reality to their historic tradition that the police are the public and the public are the police. The police being only members of the public paid to give attention to duties in the interest of community welfare and existence. So when members of the police service in the UK, whether individually or collectively meet the expectations of the public that we serve and are true to the Peelian Principles of policing by consent, then for me, there are no greater supporters behind us than the British public. So many victims of crime express immense gratitude when an offender is brought to justice or stolen property is recovered or their missing child is found safe and well and I work with some tremendous, highly professional and hard-working colleagues who go that extra mile every day in serving the public and undertaking the expectations of them in their role. Sometimes even risking their lives to help others. But as a police service nationally, we haven’t always got it right and when we get it wrong, understandably the loss of public confidence is immense. The USA are struggling presently it would seem in terms of public confidence, but the UK are not immune to this. Historical events in policing that pre-date my time in policing will still impact on how the public perceive me and my colleagues as police officers today. I can’t simply say “well I wasn’t around then” because the impact of these cases affect the confidence the public have in the current generation of police officers. Stephen Lawrence enquiry, historical sexual offences committed by Savile, child exploitation cases and more recently Plebgate have not left the public feeling a high degree of confidence in the police. This week we have the result of the Hillsborough Inquest and whilst I was only 16 years old at the time of this terrible tragedy, as a serving police officer now and listening to the personal statements from family members who lost loved ones and their anger and distress concerning the response on the day and subsequently, it doesn’t make easy listening. Public confidence in the police is important. A policing culture that encourages public confidence in the police is essential. If the public don’t have confidence in us, they won’t call us when they need our help, risking offences being unreported or undetected and offenders remaining at large. They won’t pass information to us when sometimes the information they give us is the last piece of the jigsaw that helps us solve a crime and of course public information is invaluable in the current climate of being vigilant to prevent and detect offenses relating to counter-terrorism and childhood sexual exploitation. So, I’m proud as you can probably detect to be a police officer and in addition to the statutory and common law powers we have, PACE, the Peelian Principles underpinning policing by consent and now the Code of Ethics are the bread and butter for me and they’re the principles that I live and breathe by and urge in my team every single day. Thank you.

Judith Rowbotham – Thank you.

Paul Richards – Hello and good morning. My name is Paul Richards. I’m a lecturer in Police Studies here at the University. My previous life, I was a police constable, joined in 1979, so I was a constable of six years standing when PACE actually came in, so I hope to provide some of the cultural contexts, certainly personal to me and also the grade of service. So, in 1979 I joined as a young constable in Camborne in Cornwall and then I moved to Exeter two years later. I remember certainly pre-PACE days we had a very strong culture of fairness even then, because one of the things you feared mostly when you’re a probationer constable was the Station Sergeant. There was a sergeant in every station and when someone was arrested this person had to be taken before the Station Sergeant and then I moved to Exeter two years later. I remember certainly pre-PACE days we had a very strong culture of fairness even then, because one of the things you feared mostly when you’re a probationer constable was the Station Sergeant. There was a sergeant in every station and when someone was arrested this person had to be taken before the Station Sergeant and then look after this person while you carried on your duties either preparing for an interview and so forth. Yes, there were cases where we used to use, what was referred to as “cell therapy” where if I was on
a day shift, for example, and I had arrested somebody, I would say “see you in the morning and think about what you’ve done and I’ll see you tomorrow” and then I’d go off and investigate, go home and go back the following day for my interview starting at 8 o’clock. So there were abuses because, there’s a lot of talk about abuses, I can only give my personal recollection from being a constable in Exeter and I saw no abuses. All I saw was a system revolving around a Station Sergeant who made sure the rules were followed. Before PACE we had a thing called Judges Rules, which was just one sheet of paper, which essentially said what you could and couldn’t do. All interviews in those days were written down, contemporaneously, so they were written down. They weren’t tape recorded, but, as far as I was concerned I saw no real abuses of power, that I could see. However, quite frequently I would go on escort as a young constable often used to do, to different parts of the country to pick up offenders and this is where I became aware of the Metropolitan Police and we used to get stories, and this is around 1982/1983, stories about abuses within the Metropolitan Police system and what I was struck by when we went there, when you go to Exeter there’s one police station, one Station Sergeant, when you go to the Met there could be one station like Chelsea and another station up the road, another station up the road, and what we were hearing was anecdotally were detainees actually being taken to different Station Sergeants around the Metropolitan boroughs and sometimes the Defence Counsellors didn’t see them for days. They were just up there in the system and there was no way of recalling it. So we were hearing about this abusive systems of people, but we regarded ourselves as the best police service in the country, Devon & Cornwall was regarded as that, that was one of the reasons I joined Devon & Cornwall Police and we thought that’s just corrupt practice, nothing to do with us. However, when PACE was announced there were great fears that it was going to be a criminal’s charter, that there was going to be an imbalance, that there was going to be too many rights given to offenders. Our culture then was we wanted to investigate, we wanted to bring offenders to justice in the best most pragmatic was possible, because we were interested in the victims and what they felt. When PACE came in, I remember it distinctly, we had the miner’s strike – I’ll talk about that later on in the context of the discussion.

Judith Rowbotham – Could you say how you’ve ended up here at Plymouth?

Paul Richards – Certainly, I did various stations all over the force area. I got promoted to the Isles of Scilly, which is a very interesting neighbourhood policing position as a sergeant and then back to Torbay and spent my happy hours at Torbay and I was the First Sergeant for Mel. That was when I first met Mel in 2004/5 or something, when I was a sergeant in Paignton. When I retired in 2009 there was a position going as a police lecturer here. I was luckily enough to be retired then from Devon & Cornwall Police and walk into a job here at the University.

Judith Rowbotham – Thank you very much indeed. I think one of the interesting things would be now to have a clip from Brendan Brookshaw.

[Start of clip] Brendan Brookshaw – Yes it did. I thought it was a very good framework within which people could, police officers could use their discretion and I suppose I came to that feeling relatively early. I’ve never been the sort of person who’s a black and white person. I think there’s a whole load of shades of grey in between. So I’m not sure about absolute morality. I think it’s up for discussion. So, Police and Criminal Evidence Act I could see had been brought in and I always felt it had been brought in because of some abuses in the past by the police service and it was really re-dressing that. That wasn’t the view of the police officers that I worked with, especially when I actually got to Devon & Cornwall Police and I was posted to Ilfracombe, which is relatively remote even today, but was
remote then, and I think a lot of police officers seemed to feel that it was some sort of imposition, that it limited their abilities to do their job properly, but certainly I never felt that. I always felt that it was a framework which enabled, rather than prevented.

Judith Rowbotham – If I could start the questions. Tom if I could ask you to switch on your microphone again. When did you first become conscious is what I'd like to ask the panel, to reflect on when you first became conscious of PACE. In your case very possibly as the proposals were being evolved and what was your initial reaction to PACE? How did you understand it at that stage when you first became conscious of it?

Tom Savery – I first became conscious of it because I was on the panel of prosecuting solicitors for Plymouth and of course, as it was being evolved one was aware of it. I came rather sharply to it because at about that time I was asked to talk to the Conservative Ladies Luncheon Club and I went along and explained that St Margaret was introducing legislation which was guaranteed to increase crime. I had in mind the restrictions of PACE. The atmosphere felt 20 degrees in 20 seconds. I got the shortest vote of thanks ever and I've never been asked back, but I believe then and I believe now that PACE in fact was somewhat a retrograde step. The one positive thing and it's very significant, is that I think to some extent it protected the police because pre-PACE you had two off-the-shelf defences, either the police were lying or the Old Bill had planted the evidence. Practically every interview was open to argument. Personally I would be more attracted to the French system of an examining magistrate, but I think with the introduction of recorded interviews and people getting used to it, I think that was a great advance, not only for the administration of crime generally, but also actually and occasionally to help the police because in my experience I did suspect that occasionally the policeman might overegg the pudding for what he thought, I'm sure, were perfectly good reasons to nail some slippery so-and-so. But of course if you overegg it and you get an experienced counsel, that is blown apart and the whole thing falls down. So I think to the extent that it may make some policemen be a bit more careful, I think it was only a good thing and on the whole from that point of view I think it was a good piece of legislation. It was at the time when we had lots of, I think, rather ill-advised and misconceived legislation. I'm thinking of the Rehabilitation Offenders Act and the Bail Act and the introduction of the night solicitor and so forth. The problem, give it to the Civil Service and the result is a nightmare.

Judith Rowbotham – Could I ask Judge Taylor to perhaps follow on from that?

William Taylor – Can I rewind Judith a little before that and discuss juries and magistrates? Because what came out of police officer’s experiences before those courts, I think, drove away the investigated and presented evidence. Up until probably the early 1970’s most juries were male. Almost certainly most had served in one, if not two, World Wars. Occasionally there was a woman and if you were a Defence Advocate on a sex case you got rid of her without any problem at all by simply saying “challenge” and magistrates again were upper middle class and the like and the chances of a police officer being disbelieved on his oath in his evidence were remote and frankly, it may sound a little cynical, a police officer’s recollection of a police interview was what he said it was and that was usually accepted by the court, whether it was a jury or not. I remember a case which I shall refer to as P, in the middle 1970’s, when a woman with an 11-year-old boy was woken in the early hours of the morning by the Flying Squad, her husband doing 18 years for robbery and they searched the house to find, so they said, a loaded rifle visible behind a wardrobe. What followed was an interview with no contemporaneously notes, no tape recording, was 14 pages of the Queen’s prose, word for word it read beautifully and I said to the Detective Sergeant of the Flying Squad “is that a general gist of what was said?”, “no my Lord” he said, looking at the judge, “that’s exactly
what was said” and I said “word for word?” and he said “my Lord, word for word”. Fourteen pages “yes my Lord, word for word”. Luckily when I asked him to recount word for word the questions and answers he’d given about 20 minutes later he was unable to do and somewhat surprisingly Mrs P was acquitted. Post-PACE or immediately before PACE contemporaneous notes came in and then with PACE came the tape recorded interview and I think everyone after that, defendant and police officer was stuck with in fact what questions were asked and what answers were given and from my point of view where prosecuting, defending and trying cases, it was a breath of fresh air.

Judith Rowbotham – Thank you very much.

Melanie Simmonds – So for me, day one of my police training course bread and butter, presented with a hard copy of all of the different PACE codes, which were quite lengthy by then, I don’t think H had been added by that stage and yes, it was bread and butter and you didn’t follow it at your peril. There would have to be a really good reason as to why you didn’t, you understood the consequences if you didn’t, but it’s always been bread and butter for me quite clearly.

Judith Rowbotham – I think that I’d like to just add here that Brendan Brookshaw commented that when he joined the Force in 1988 that was also when he learned about PACE and he commented that although he had been an undergraduate at Kingston University reading Biochemistry, he had had very little encounters with the police and had certainly had no conscious recollection of the passage of the legislation before he joined. How about yourself?

Melanie Simmonds – So the legislation has grown and there have been times where you’ve seen it changed.

Judith Rowbotham – But I was thinking more of your personal memory. Before you joined the police were you aware of PACE?

Melanie Simmonds – No, not at all. I’d never had any encounters with the police either as a victim or witness and you’d be pleased to know, not as an offender either. But, I had no real knowledge of the police other than the fact that I felt it was this career where I could make a difference. I’d done work experience with the police but we’d never touched on it within that, but it didn’t come as a surprise to me to learn that there would be on day one these very strict guiding principles and laws that we would be required to follow and that absolutely we would let an arrested person know that you can speak to a solicitor or whatever the other rights maybe, that you can read this copy of PACE if you wish and it seems alien to me that actually we would never of provided that information to people who we were depriving of their liberty and I feel very reassured in the fact that I know that PACE is there. I think it affords a lot of protections. It gives us a lot of guidance in terms of how we can structure our investigations and perform them professionally and actually make sure that we identify the right offender for the crime and prosecute the right person. Because we don’t want to just prosecute anyone. We want to prosecute the person whose responsible and PACE by following it gives us the opportunity to do that. I can’t compare before, so I don’t feel it unnecessarily restrictive and it does give you at times, a lot of the time, when you’re dealing with life at risk, an opportunity to exempt yourself from it, but it doesn’t cover every eventuality which I found, as a Custody Sergeant, a little difficult sometimes.

Judith Rowbotham – And if I could move onto Paul.

Paul Richards – Certainly my first recollection was Home Office circulars coming around sort of saying what PACE was, what it was going to be and essentially it was legislation codes practice. Instructions if you will for what the police should and shouldn’t do and I remember one of the
earliest fears, certainly from our point of view and my point of view was, as your Honour was talking about earlier on, Section 76 and 78, which is about the exclusion of evidence. Because one of the things that we used to do always, the Judges Rules, sends it down later on for someone to decide whether evidence would be excluded. What this section of PACE did, if PACE wasn’t followed, then the evidence could be challenged later on and was excluded. So there was a possibility your investigation, your searches, any evidence you’d obtained and I remember this distinctly, a great fear that then if you like, an offender could walk away, you’d have to face the victim because of your mistake and not following the code. So it was drilled upon us very early that we had to follow, because if you didn’t follow PACE there were dire consequences. So there was a mixture of fear and apprehension when we heard it was going to come in. There was a massive fear about the Custody Centres because they had to build these massive Custody Centres with lots of cells, lots of Custody Officers, the idea of a Custody Officer which was going to be a sergeant to look after detainees and it was a huge undertaking. I remember my biggest fear was that I would make a mistake because really as an Operation Officer what you want to do is bring people to justice fairly and not have it challenged later on. That was my fundamental wish, be efficient for victims, do effective investigations, so do it in the right way. So, actually, I welcomed PACE when it came in because it gave me, because Judges Rules was just a page, which is isn’t enough. So this gave you set instructions what you would and wouldn’t do and I actually relished that. I really wanted that.

Judith Rowbotham – It’s interesting to reflect that. Have we got the section with Brendon explaining about his attitude to the teaching that he received initially?

[Start of film]

Judith Rowbotham – Was that your own idea? If I can just ask you to emphasise that rather than the idea that you derived from the way that you were trained and taught.

Brendan Brookshaw – I think that’s my own idea. It comes from my own set of values. The way that I was trained, looking back on it feel that police training was very much just about well this is the law and you have to go out there and apply it in a very potentially, quite robotic way, but that was the law and that was the end of that. I always think now in retrospect that police work is actually all about making relationships with people, whether it’s a two minute relationship while you write somebody a parking ticket or whether it’s a 20 year relationship with the head of the local council or whatever it might be. So for me, the skill set that I think should’ve been taught was some of that softer stuff around emotional intelligence and capability to form and maintain relationships. That wasn’t the way it was trained back then. We were in essence given a very clear download on what the law was and we had to learn definitions by heart. So with the Theft Act we had to learn the definition of theft and that’s the way we were tested. And I did, as I’ve gone through my career when I did my Sergeant’s exam, when I did my Inspector’s exam. Initially that’s what it was like. It was just a written exam which gave you the opportunity to display how much you knew about the law. Right or wrong answer in other words. As I’ve gone through my career, then that’s become a little bit better. In my Inspector’s exam in particular, there was an osprey type of scenario. So you had a written law exam first of all which had a whole section of PACE involved in it and some esoteric things like the Badgers Act and what type of documentation you had to carry if you were a tanker driver and all those sorts of weird things that policing involves. But then there was a second bit, a live bit where you had to interact with a series of actors I suppose and deal with some live experiences and then you got marked on that. It was a better way of doing it and I understand it’s changed again now, so it’s more about continuing professional development. Still a law element to it, but also about how you’re performing in the real world as opposed to in a series of fairly artificial environments.

[End of film]
Judith Rowbotham – Could I again, starting with Tom, could I ask how you feel over the years, both from within your work as a criminal solicitor and also as a member of the community more widely, how you feel that PACE has provided either challenges or opportunities for you in your relations with the police and for your perception of how policing has worked?

Tom Savery – My impression is that, certainly since PACE, the police have shifted away from what I think the main intentions of the police and been more stratified and police now are more concerned with ticking the boxes and making sure that everything is correct, rather than getting to the nub of the problem. I don’t think it was a good piece of legislation. It has been ameliorated over the years I know, but I think the thrust was incorrect. Pre-PACE, the police certainly weren’t experienced, the Plymouth police worked extremely well. The vast majority of police officers, dedicated decent people, in an organisation of hundreds of thousands of people you get the odd bad apple and when they’re caught, they’re well and truly correctly punished. By and large I think there’s far too much regimentation and regulation of the police and that it should be eased off and the more regulation there is, the more opportunity there is for some solicitors to make a living and make a meal out of non-existent flaws in the system. I would like to go back to the earlier system whereby we put some faith in the police. As I say my impression is, that now they’re, to a large extent high bound by paperwork and I think they and society suffer as a result.

Judith Rowbotham – I was going to ask if you had any examples that you could think of, that you might reflect on.

Tom Savery – Of what?

Judith Rowbotham – Of the way in which you think that PACE has provided a challenge. Any particular incidents you could think of.

Tom Savery – Well as I said, I think the overwhelming plus was the interviewing procedure. That I think was a great step forward and I’m sure it was in everyone’s interest, society’s, the police’s and indeed the accused. But in other respects one got the impression that, from the paper that’s crossed my desk from time to time, and in fact there’s more concern about making sure that the correct procedure was followed, rather than getting to the core of the problem. I can’t off hand, after this time, recall things, but that was certainly the impression I got for a number of years.


William Taylor – Well I take a shade different view from Tom. I think that it gives society a greater confidence in the system to show there’s a record, not only of detention, for how long, by whom and for what purpose and then going on to look at the record of interview. There is, once somebody’s interviewed on tape, hopefully there is very little room to wriggle on either side. My only reservation is I wish they’d gone further, be far more robust and had a video interview so you could see somebody laying back with a great big grin on his face, when a hard working police officer is trying to get to the truth and all’s he’s doing is lolling backwards and forwards with a smirk. I think if juries and magistrates could see that, you’d get a much better picture of the interview as a whole, rather than just listening to what he said. I always taught my pupils at the bar to watch a witness come into court, answer a few questions and then turn 90 degrees to the witness box and listen to what he’d said and may I suggest, those in the audience tonight, try it with Eastenders or whatever you’re going to watch and listen to the difference in tone of voice. Because you can pick it up. You do it on the telephone every day. The pause, the micro-second of a pause, the cough, the change in pitch of the voice. You can hear it. But that takes a trained ear, particularly of a police officer. Juries,
magistrates won’t pick that up when they’re listening to tapes and heaven forbid a transcript which gives absolutely no life to the interview at all.

Judith Rowbotham – Thank you.

Tom Savery – When I was a kid we were all scared stiff of the bobby and if bobby caught you scrumping apples, he’d give you a wallop across the ear and heaven help you if you swore at a policeman, he’d give you a good boxing across the ears. Can you imagine that these days? I’m not sure the prison situation’s better though frankly. I say, we went as kids in awe and fear of the bobby.

William Taylor – Can I just add to that? I think in a nutshell Tom I thoroughly agree. Police officers in those days were held in respect by their local community. That eroded sadly. A lot in the hands of solicitors who would do anything to try and get somebody off.

Tom Savery – I agree with you. I agree with you 100 percent.

Judith Rowbotham – I think that I can add an anecdote there which is not entirely local to the area, but I remember sitting on a bus when a group of nine year olds, possibly ten, pulled out a Stanley knife. One of them pulled out a Stanley knife and the bus came to a halt, the bus driver called for the Transport Police telling the kids to get off the bus. They spent 20 minutes jumping on and off the bus with the biggest grins on their faces that you could possibly imagine and the bus driver announced the Transport Police would be there in 20 minutes. Nineteen minutes, 10 seconds they disappeared and the gentleman sitting on the bus behind me leant forward and said “not if, but when I was a kid and did something like that, somebody would have told my mother, I’d have been hauled home by ear by the local constable, I’d have been walloped by him, I’d have been walloped by my parents”. My taxi driver this morning told me an anecdote of his grandfather, PC Damerell in Stoke, in Little Compton, who had dealt firmly with a local butcher, he said. Being very proud his son is also a member of the present Plymouth force and said “it would be much better if we had the chance for people to do what my grandfather did, go and give the butcher who was abusing his daughter a good walloping, then he’d learn”. I’m not quite sure that the spirit of PACE has entirely been always appreciated therefore by the people outside the police. On the other hand, could we perhaps have the salmon poaching?

[Start of clip]

Brendan Brookshaw – There’s a huge difference between Ilfracombe and Torbay, for instance, I mean it’s not as urban as Plymouth, but it is one of our three main urban areas in this part of the country. I mean categorically, if you’ve ever seen the film Hot Fuzz, that captures it absolutely exactly and I probably noticed it more going the other way. So coming to an urban environment, it’s faster paced. There’s a lot more happening and you have to be much more, very quick on your feet in terms of operating. In terms of PACE, particularly Stop Search, there wasn’t really a difference in attitude. I didn’t see that at all. It was a difference in approach. The approach in a rural environment, I think from a self-preservation aspect, because you were often the only officer or if there was another officer, they were in another car 20 miles away. You couldn’t afford to go in very hard and what I noticed when I first got to Torbay was this much more robust, I suppose approach, as opposed to a low-key questioning and asking and a bit of cajoling. It was very much “right this is the thing, I’m a cop and I’m going to do this” and I always found that style very difficult, because it isn’t my natural way of doing things. But you do get into a way of working and after I’d been in Plymouth for a couple of years, I hadn’t realised that I’d become urbanised in that way and I went to Tavistock. I was posted to Tavistock and I’d never been there before and I genuinely walked out of the police station on the first day to just get my bearings, the old police station in Bedford Square, and I turned
right and walked across the square and a man ran at me across the square. So, having spent the last three or four years in Plymouth, a person running at you would only mean one thing really, which is that you’re about to get thumped and so I responded very automatically, I suppose, by going into left posture. At that point we had CS gas, so I’ve put my hand on my gas, I put my hand up and as the guy came towards me I shouted “GET BACK!” in the way that we’re trained to do and he came rushing over, ignored my “get back”, grabbed me by the hand and said “oh! a new sergeant, what’s your name?, what’s happened to Dave?, has he retired?” and at that point I thought I needed to rechip into a different way of doing things. It’s only 16 miles away, but it’s a big, big difference in culture.

[End of clip]

Judith Rowbotham – Do you comment on the issue of the challenges and opportunities?

Melanie Simmonds – Yes absolutely. I think there are challenges around the paperwork burden for officers because we do want our officers to be walking the streets and being visible to the public. We’re introducing mobile data to mean that they don’t have to come in to police stations as much, but there a lot of paperwork requirements in relation to putting a case together and yes, it is a lot of I suppose dotting i’s and crossing t’s because you don’t want to lose the case because you didn’t follow one aspect of PACE perhaps, but if it avoids miscarriages of justice and it instils public confidence, then I would say it is probably worthwhile. I just wanted to pick up if I could on, in terms of whether people still had the same respect for the police as they used to have. I mean absolutely, I grew up remembering that if I’d have got into trouble, I would have feared my parents much more than I probably would’ve feared the police and I would’ve feared the police quite a lot. So I had quite a stern upbringing, but I think it served me in good stead. Whether it’s a case of a lack of respect for police now or whether actually it’s a general lack of respect for authority at a number of levels. So I think if you ask the question of teachers, you might hear teachers saying something similar. But, I would say that it doesn’t, for me it’s not a generational issue because I work with some fantastic young people who are police cadets and do Duke of Edinburgh Award and so on, and are fantastic examples to society and likewise I have been called in the street by someone in their 50’s “a pig” for doing my job and just wearing my uniform and a lot worse, but I won’t repeat it here because it wouldn’t be appropriate and I’m quite commonly hear the words “you must do what I say because I pay your wages”, “I’m a taxpayer and I pay your wages” and these are comments that come to me from older members of society. So I would say that I think it’s about our culture as a society and not just about what age we are and actually our upbringing and lots of things like that. In terms of challenges, for me, PACE didn’t cover every eventuality. So when I was working in custody there were times when I had to make a conscious choice to breach PACE and potentially face some consequences as a result and I will share one with you in a moment, if I may. But, what allows us to be able to do that is something that’s been brought in recently which is called the National Decision Model and what it recognises is that you can’t encounter, you can’t write down for police every single encounter we’re going to have and legislate for it and write it down and say “you will deal with it this way and you will deal with it that way”, every single incidence we come across will have a set of differing circumstances and officers have to be able to make dynamic decisions and as long as we can justify and show why we’ve done what we’ve done, we will be protected from litigation or criticism I would suggest and we’ve tried to move away from the nine o’clock jury and more into trying to understand that if something doesn’t go right, but an officer had the right intentions and really honestly held belief that it would go right, then we shouldn’t be doing nine o’clock jury, we should be learning lessons as to how we can do it better next time. So very briefly the example I had was a female who came into custody. She’d been arrested. She was in quite a distressed demeanour. She had some mental health issues in her background, but she was quite distressed about being
brought in, so I accepted her custody for the offense that she’d been arrested for and I decided I was going to place her in one of our video cells. I just wanted to keep an eye on her and make sure that she was going to be ok because her welfare was my primary concern. Sometimes when people come in to custody, if they’ve got past suicidal tendencies there will be an inclination to remove their clothing from them, particularly if you haven’t got a video cell free and it’s not done to humiliate, but obviously clothing can represent an ability for them to self-harm and potentially kill themselves. Whereas we can give then alternative clothing that breaks if you try to use it as a noose or something like that. But, obviously it’s quite humiliating removing someone’s clothing, so I would never have rushed into that. So with this lady I felt I want her to retain her clothing, but I’m going to put her into a video cell and I’m just going to keep an eye on her because she is quite distressed and very quickly on video I observed her take her bra off and then start to knot it around her neck very very tightly. But genuinely I was really concerned, she was knotting it so tightly we wouldn’t be able to undo it and she would potentially throttle herself. Now I was the only female officer in the Custody Centre at that time. I didn’t have any female detention officers and no other female custody sergeants and PACE is really clear. Code C point 11a states that anyone undertaking a strip search, which is what it’s going to be, if I’m going to go in there and remove her clothing this is going to be a strip search, you must be the same sex as the detainee when you do that and I wouldn’t have been able to do that safely and prevent her from coming to any harm and me coming to any harm on my own, because she wasn’t going to volunteer her clothing. So I had to make an immediate decision. Protect her life Article 2 European Convention of Human Rights and so on, I’m going to take a male officer in with me, I’m taking a blanket, I’m going to do my best to protect her, her privacy, but I’m going to forcibly have to remove her clothing as reassuringly as I can, explaining why I’m doing it, but doing it, but I’m going to have to do it in the presence of a male officer and that’s exactly what I did. I safeguarded her and consequently she left the Custody Centre fit and well the next day and obviously process followed in relation to why she was arrested. I explained to my Inspector what I’d done, volunteered that information straightaway, made a full record of it and whilst I don’t want it to diminish why I did what I did, I think the best way that I can sum up why I took that action and I would do it again if I was faced with the same set of circumstances, is that I was presented with a set of circumstances, I would rather explain to a senior officer why I breached PACE than a coroner as to why I didn’t and that’s why I acted as I did, but PACE doesn’t allow for every single one of those and we have to be brave and we have to show professional courage. But what was clear there is that my motivation for breaching PACE was not a corrupt one. My motivation was to save her life and protect her. Had I wanted to do it to humiliate her or had I wanted to do it for reasons of sexually gratification or anything like that, then it would be completely wrong and I’d have breached PACE and potentially hidden behind the national decision model. Clearly my reason was a good one. But PACE doesn’t cover for every eventuality and that for me is some of the biggest challenges. But I don’t think it ever could cover every eventuality.

Paul Richards – Going back to the original question I think about post-PACE and what happens culturally, what happens to investigating officers like myself. I think I have said already, it was refreshing to have a set of rules that you could understand and I didn’t really see it as a burden and interestingly my colleagues didn’t as well. You just had to follow the rules to get the job done and I think, certainly from myself and my colleagues, is a very pragmatic attitude towards it. However, a Custody Officer myself, like Mel, your attitude towards PACE changes slightly because then everything you do, you eat, you sleep, you breathe PACE. You have to have a very good understanding of PACE because you are absolutely responsible for anyone who comes through the doors of the Custody Centre. The moment they arrive they are pretty much your responsibility and going back to Mel’s point, we were always told throughout my entire service that PACE was a set of
rules that had to be followed. There was no negotiation with this. However, if needs must and there was a genuine reason, then you could, provided you could justify that breach, and that was the whole point I was told right from the start. There were codes of practice. They were there for a reason, but they could be breached provided you could provide justification for doing so and you would write it down in your pocket-notebook or in Mel’s case, the custody record. So it’s having that knowledge that you could, if you had to breach it, but for only specific situations and I think that, for me again, was important because it actually preceded the Human Rights Act and the idea that then every action was accountable, proportionate legal account unnecessary. In my experience Devon & Cornwall Police were already doing that. We were already accounting for decisions we’d made, already justifying decisions we’d made, so actually I didn’t think a huge thing when it came in.

Judith Rowbotham – What I think is very interesting is again reflecting on some of the contribution made by Brendan Brookshaw, he commented that when he was in Ilfracombe there was a very considerable resistance there to PACE and the use of PACE and he reflected on an incident where he had not actually abided by PACE, but he had made an arrest and for him it was a very real dilemma, a moral dilemma he’d got the right result, but he’d got it by the wrong means. Would anybody like to comment on any incidents? Do you feel that that was unusual? I mean, after all, we are talking Ilfracombe or would you say Paul or Tom or Judge Taylor, would you say that that was unusual? That there was still a legacy of, shall we say, ambiguity and fudge about the implementation of PACE.

Paul Richards – I have to say on my own account I didn’t see any, because when PACE came in, which if you’ve ever arrested anybody, you had to take that person to the Custody Officer and right from the word “go” you had to explain what you did and why you did it and everything had to justified. If you didn’t follow PACE before you got to the police station, for example, if the person didn’t know why they had been arrested and of course what we forget is this was a massive change in terms of surveillance of the police, because up until then officers were not routinely videoed. Every time you took a detainee into custody there was a video recording of everything you said. So, and I remember myself being terrified of this because obviously you needed to have this rehearsal. I don’t know if you were the same Mel. The first time you took your detainee for the first time into custody you were terrified of getting all the wording wrong or the wrong order or saying the wrong thing. I didn’t see that as a problem if you will, for myself, because it was like a set of operational guidelines and you had to change your behaviour accordingly. So I didn’t really see a problem with it as an Operation Officer because it was just like I said, it was quite refreshing to have a set of rules I had to follow and I preferred that, because as I’ve said, I didn’t want later on to lose a case on some technicality.

Judith Rowbotham – I wonder if I could ask everybody here if they have the opportunity to re-write PACE, what they think should be added or omitted from that legislation. Tom.

Tom Savery – Let me give some thought to that because I’m a little bit rusty these days. I say my main thrust is that I think the whole legislation of that in other areas is overkill.

William Taylor – I’d like to see some cold wet towelling around the foreheads of the legislators to concentrate on mentally disturbed people being detained, because there is nowhere else, in a police cell, and if there’s anything to me that seems more inappropriate to look after someone’s sanity then a police cell is just, it’s not fair on the police, it’s not fair on the person detained and the same I think goes for youngsters as well being detained in a 10x8 cell with a hard bed. Some may say they thoroughly deserve it, but that’s not the way to treat people.

Judith Rowbotham – Melanie.
Melanie Simmonds – Yes, I think picking up on that point, you’re absolutely right. When people were brought in to me, I don’t know how Paul feels, but when people were brought into me, detained for their own welfare because they were suicidal or at a risk of self-harm under Section 136 of the Mental Health Act, my only choice was to place them into a custody cell. I struggled with that, but it was the safest place at the time because we hadn’t got those arrangements in place with partners to have places of safety. I think we’ve come a long way and just to reassure you in terms of that, so for example, where I work in the Control Room now, we have a street triage programme that we’ve spearheaded in this Force and it’s being looked at nationally. So we have mental health practitioners sat inside our Control Room alongside our operators, reviewing every single log that comes in, providing advice and support to officers attending that and quite often trying to engage other colleagues or signposting or giving other advice or in terms of how we can do something differently and they can even go out onto the street as well. So, it does reduce potentially the number of Section 136 detentions that we have and also we do have these arrangements for places of safety. I think Brendan raised a really good point about the softer skills actually and how we engage with people and whether that would be better to be incorporated within PACE. I mean it’s such a weighty document in itself. It’s hard for me to really think of anything in there that shouldn’t be. It does cover pretty much every eventuality other than, for example, the example I gave just now. So, I don’t think I could answer that any further than that.

Paul Richards – I think some of the changes, because obviously PACE has evolved, there’s been lots of changes. One of the changes that I remember when I was in the service was Code G. Code G came out as a response pretty much to the Human Rights Act and it put a huge responsibility, because previously you could arrest, what it changed was, the idea you could arrest somebody for any reason whatsoever. In the old days you had to arrest somebody for what’s called arrestable offences and it was quite technical, but after Code G originally came in you could arrest someone for any offence. However, and it was a big however, you had in a set of reasons why that arrest was strictly necessary. So it was underpinning essentially the Human Rights Act. Now when that came in it was great to begin with, but I think as time went on, the misconception a lot of police officers and certainly just as I joined the University, there was a real problem when it came in again where they changed the rules yet again and there was a real problem with arrests falling down because officers were fearful of making arrests because they weren’t justifying themselves correctly and I think this was a problem with PACE. When it changes quickly often then the training isn’t sufficient. What I would change is the training and the awareness of PACE must be robust enough to cover these eventualities because the culture of the police changed and custody officer colleagues of mine were reporting a huge drop in the number of arrests. I’m not saying that these arrests were unnecessary, but arrests sometimes are very necessary and that was my worry, for example, domestic offences. Pick up on Mel’s point, I totally agree with Judge Taylor’s point as well, one of the things when I was Custody Officer frustrated me the most and this is back in 1992, so it hadn’t changed that much, was the lack of support for someone experiencing mental health and how unsuitable and how personally frustrated I felt that someone I could tell was reacting badly to being in custody, because it’s a horrible, smelly, noisy, hard place and it’s not a place for anyone experiencing mental health issues.

Judith Rowbotham – Thank you. Tom would you like to add anything now at this point or Judge Taylor? In that case what I’m going to do is take a brief break so that people can go to the facilities, get a cup of tea or coffee. I gather the nearest place is the building next door. And if we can resume in 20 minutes please. Thank you.

[BREAK]
As part of the Witness Seminar what I’m going to do is ask for, we’ll start with one clip which I wanted to show earlier and has now been tracked down. But after that what I’m going to do is throw the session open to questions, comments, memories, reflections from the audience. Please do feel entirely free to make comments, ask particular members of the panel and please also, if you do, make sure that you sign the consent form, because that means first of all we know how to get hold of you so we can run your comment back to you so that you can approve it and secondly, we know who you are. Thank you very much. Could we have A1 please?

[Start of clip]

Brendan Brookshaw – …. I think it does provide a good framework. I still think that there have been elements of PACE that we have not doctored, even over the 29 years that it’s been around, so the key piece of that, that I would talk about is Section 1 Stop Search. That was brought in to prevent unnecessary arrest. It was brought in following some real issues with, I think what were called suss laws, back in the 70’s where a lot of people from minority communities were stopped and searched unnecessarily and that caused a lot of anger and included some civil unrest. So there was a really good reason for bringing in the stop and search laws around the Police & Criminal Evidence Act. Had the police actually adopted that, well even now, we’re looking at our figures and we’re looking at the disproportionality in relation to people from minority groups who were stopped searched and we find that’s still the case. So I think the benefit of using a proactive crime protection tactic like stopping and searching is still great, but has to be used in a lawful proportionate way and I think the drift over the last few years has, maybe a decade actually, has probably been towards well I have gut feel that someone needs to be stopped and searched, rather than an actual application of what the law is, which is, is there reasonable grounds?

[End of clip]

Judith Rowbotham – That was the point that I’d wanted to try to show earlier, which I think amplifies some of the comments that, in particular, the two on my left who have commented on. But I think also again illuminates some of the points that were made on my right. But, if I can invite questions from the audience and remind you if you will, please say your name before you actually give your question. I know we have one question. Thank you and also please wait for the mike to get to you before you actually speak.

Natalie Hunt – My question is to Melanie. What you were referring to earlier about when you were in police custody and being the only female, was that the only occurrence when you were the only female?

Melanie Simmonds – Ok. Thank you. Really good question and actually I probably should have qualified it earlier. So if I just give you some context. The Custody Centre I worked at in Torquay is below the main police station and routinely when you would be strip-searching someone, there wouldn’t be a sense of urgency behind it. So if you were required to do that, if you were the only female officer in custody, then you would call up on the radio and ask for a female officer on patrol to come back and you would delay the search until that point. So it’s rare, it’s very very rare the example I spoke of. I don’t know of anyone else who’s ever said to me they’ve had to do the same and in the 18 months, two years, I worked in custody and had hundreds of people come before me, male and female whose detention I authorised, I never had to do that then. We have female detention officers. We have female custody sergeants. Sometimes one of them, if they’re due on duty, may go sick or be unable to report for duty and this occurrence can occur. But to reassure you, no absolutely, it’s a real rarity, because ordinarily there are female officers on patrol who can very quickly come back to us and assist us with that search.
Kim Stevenson – I’m also a former police officer. I joined Nottinghamshire Police in 1977 and worked in the city there. My experience of the introduction of PACE was very very different from the kind of positive description that I’ve heard from the panel today. So, certainly there was a lot of resistance to PACE when it came in and as young officers we were working with very experienced officers, both on CID and in uniform who were very resistant to many of the things that PACE brought in. I’m very supportive of most of the introductions PACE brought in, but conversations took place in police cars before you even got to the police station. Admissions or trying to get admissions were discussed sort of informally beforehand, even at the station, CID were there and making life very difficult for custody officers. You know, wanting to go in and conduct interviews, not sort of trying to follow the review processes and timings. I can remember coming on duty in the mornings and we used to have a garage office where the mechanics were based to mend the police cars and often you came on duty at eight o’clock on a Saturday morning and there were drunks in there. Friday night, you know, we used to go and kind of round up whole groups of guys who were on stag nights and you used to just put them in the cells overnight and half the time they would be released just in time for the wedding on the Saturday morning. These were practices that had been going on for quite a long while, so when PACE came in, to find suddenly that there was now control and new kinds of restrictions changes didn’t just happen overnight. It wasn’t met with kind of, right suddenly we’re all going to embrace PACE and follow these rules and regulations. So that’s kind of a little bit about my experience and one question really I wanted to ask – to what extent do you think or did it change the relationship between the police and the local legal profession? Because certainly my experience was it made it a lot harder and relations weren’t very good with our local legal profession when PACE first came in, because suddenly the local legal profession had a lot more power and clout and could do more under PACE and our officers didn’t like that.

Judith Rowbotham – Could either you, Tom or Bill make any comment on that?

Tom Savery – I think it gave opportunities to a less sensitive solicitor to pick any sort of flaws which may or may not had to do with the merits of the case. The more rules you put up, the more that statistic there’s a chance of being broken and in a court of law that gives ammunition to the innocent until proven guilty theory. I don’t think it changed reaction with the local solicitors at all. As I say, I can think of one or two who were over-enthusiastic about the boxes, but apart from that, no, in my experience.

Judith Rowbotham – Judge Taylor.

William Taylor – A simplistic way of looking at it, if you’re a defence lawyer you look at the procedure first, then the law, then the facts and the less scrupulous of the professions will go, even attack the police officer, then the judge if they’ve nothing else to go on, but there are plenty of unscrupulous people out there, sadly who will take any advantage at any stage to put the marbles underneath a perfectly decent case and sadly, as I indicated at the beginning, defending in and around London, prosecuting on a western circuit, it was necessarily big areas of where the police were based that I came to deal with. The only observation I’d make is that it came as a complete culture shock to the police to suddenly find there was a codified way that they had to behave and simply saying “you’re nicked sunshine” was a thing of the past and having to take them by the scruff of the neck into a police station and just shoved into a police station, again, was a thing of the past. I personally think it was a good thing, but not for the unscrupulous solicitor who just tried to nit-pick with absolutely everything and frankly, coming back into the law, I certainly would never now come
into as a police officer. At least you question the vocation if you’ve got to fill forms in day after day after day, rather than getting on with your job. But perhaps I’m just an old cynic.

Judith Rowbotham – Thank you. Any comment from Melanie or from Paul?

Paul Richards – Well yes, because the question was about antagonism and whether there was any. I was an investigator obviously when PACE came in, as a police constable and quite frankly there was already a lot of antagonism between investigators and defence counsel already. What it did do however, I’ve got to say, there were some sharp practices going around where some and, I say, some, defence lawyers would look at the shoulder number of the person interviewing or if they were a more junior officer, because obviously you wear your shoulder number and they would definitely give you a much harder time and challenge you more frequently because there’s a balance to be struck in PACE where the defence counsel cannot interfere with an interview. They can’t interfere with justice but they can obviously advise their client frequently. So there’s this fine line that they sail, if you will. But I do agree with Judge Taylor, there are individuals who you really didn’t want to do defence that day. But quite frankly, as you may see now, most of it were got through. There were individuals who are absolutely very difficult and it was true when I was a custody officer in Torquay as well, there were defence lawyers who were absolutely really difficult people to deal with, but they were just difficult people. PACE maybe enabled them to do more difficult things, I guess, but they were already difficult to begin with I think.

Steve Pearce – I was a former police officer too. It seems that there are many of us in the audience. I was a police officer pre-PACE. I joined in 1968 and I was stationed at Brixham. I was talking to Melanie just now and she was at the same station too, but it was a lot different when she worked there and I worked there. This comment is about pre-PACE and I think it is necessary looking at the age of the audience, who many look as if they could be my grandchildren, wouldn’t know what it’s like, probably unless they see on YouTube or what they read in the papers, what society was like in 1968/70 and I think if you can wind back, and I thought about this before coming, as my early days I was looking at fingerprints where people wore socks on their hands to stop them from leaving fingerprints, scientific evidence was very limited at that stage and there was no CCTV. Society expected police officers to crack crimes, if you like, to solve crimes, certainly the more serious ones, because that was what they were supposed to do and the only way, in all honesty, well not the only way, but the major way that crimes were solved were by gaining admissions from suspects. I mean that’s what led ultimately to pressures and malpractices which you’ve heard about and will read about, but by all means, that was universal. Certainly from my experience which was only in Devon and Cornwall they were very very limited. The challenge if you like when PACE came in, all of a sudden it wasn’t just a conversation or interview, it was, because lawyers would repeatedly say, well they wouldn’t tell them to say anything, it was just no comment, so you couldn’t have a conversation, you couldn’t have any previous conversations where you spoke to people either off the record or on the record and therefore the generation before me, if you like, all of a sudden when PACE came in as people have said “we can’t operate like this” and most of them retired, others didn’t and just bent the rules and then retired, others I don’t think, like the dinosaurs, a bit like me who joined in 1968 got it and worked with PACE and actually made PACE work for you. I think the savvy ones thought we can’t do that anymore, we can’t use conversations to get admissions, then we have to use the law the best way we can and PACE provided us with safeguards. It provided us with rules and regulations which allowed Stop Search as Brendan said. It allowed certain powers of searching people’s houses, so it gave us a framework. So the savvy ones got it and the other ones either got into trouble or left and it was a very difficult period which Melanie will recognise, before Bill, because he was there when it changed. So I think society changed totally and the police were
slow to change with it. But when they got it, for me and I retired 10, 13 years ago now, in 2003, all the way through my career, police gradually got it and of course PACE was only like A, B, C and D when it was first introduced and now you’re on G are you?

Melanie Simmonds – No H.

Steve Pearce – H. Right, so there’s even more safeguards or rules and regulations. There’s more safeguards too.

Meg Roper - - I am a retired Health Visitor and previously a magistrate in Oxford. Both my husband and I have worked with poor troubled families. He taught in socially deprived areas of London and Oxford and as a Health Visitor a lot of my working life was spent with families with the most need. I became a magistrate in Oxford because someone I respected recommended me for the work. Frankly I can’t remember PACE. That may be because I became a magistrate in the mid 80’s. We retired back home to Devon where I worked for a few years in Plymouth. I want to ask, why has the correct procedure, i.e. PACE, prevented justice being done? I find that an extraordinary statement made earlier by a panel member. Anybody working in the public services needs the security of correct procedure. Whether you are a police officer, nurse, doctor, teacher, politician we all need to do things properly to protect the public and ourselves. I would suggest that that the younger members of the panel were able to accommodate PACE better than the older ones! My experience as a magistrate showed me that some lawyers made the police look stupid but magistrates got used to the ones who did that. I would suggest that instead of blaming PACE for that, restrictions and procedural change perhaps be required of solicitors; their code of conduct and how they conduct themselves in court. I was shocked by one of the panel members advocating beating kids, young people. That is called assault – do we carry it through to adults? No, we may advocate it for children because they are little. Do we assault a vulnerable adult because they are vulnerable? Children need protecting not assaulting. That’s my statement. I really had to say that. That’s it.

Judith Rowbotham – Can I just make the comment that I was quoting a taxi driver that drove me in Plymouth and that was why I used that particular comment. It certainly doesn’t represent my own personal views.

Paul Richards – I was a police officer at the time when PACE came in as I said earlier on and I think that was the greatest fear that somehow PACE would interfere with justice and the thing mainly in those days, remember the police were measured by how many crimes they detected, how many people were brought to book and this is where the biggest fear was, that somehow where crimes were written off to an offender, that would be interfered with because you had to bring in a procedure to it and that was the biggest fear and there were a lot of people fearful of that and going back to Kim’s point, I’m saying, I, my culture was of that way, but a lot of other people around me who had real difficulties in adapting to this new way of thinking. But actually what proved to be the case, it didn’t really affect detections and it didn’t really affect people being brought to justice in the right way. What it did, it clarified and I said in my view it gave me better tools to do my job, essential, because my understanding of PACE and the way I use PACE, I didn’t want, like I said, my investigation to be challenged later. The worse thing that could happen to me as an investigator was later on in court, and it never happened thank goodness, to face a victim to say “look I failed you” because someone had been cleared of a case because of some technicality or something I’ve done wrong with PACE. Because PACE makes you have to follow the rules. Otherwise, as I’ve said before, everything gets excluded. So that’s the way I used to investigate. That maybe in comment, if you like,
from the sort of 60’s, but if you’re in my service pre-PACE, after PACE, great fears about it’s going to affect justice, but post, it didn’t really.

**Judith Rowbotham** – Tom Savery.

**Tom Savery** – Yes, Tom Savery, solicitor. As Bill indicated not all solicitors are Mother Theresa’s. In a huge organisation you get the odd person whose standards and behaviours are not what you would require and I can think of a couple of solicitors I always treated with a long spoon, put it there. I don’t how, what you think could be done to solicitors to improve it and bear in mind of course, that solicitors are controlled by the magistrates. Very much so. It’s the magistrates who control the solicitors. When I started in 1958 the people I dealt with, ordinary people who were just daft really, by the 80’s and 90’s and today a lot of the criminal fraternity are far more street wise than they ever were and they’re very well aware of the various loopholes and so forth and PACE deals with people whose object is to get out of it, as it were, to avoid being caught by its machinations and I say, I come back to my earlier theme, I think it is micro-managed and ought to be revisited. I think a weakness of it is the lack of emphasis and care you give to mental illness. PACE is what, 32 years old. Thirty years ago mental illness was dismissed. I think at long last we’re beginning to realise just how serious mental illness is and ought to be treated. I don’t think PACE allows for that and the other thing of course is that a lot of crime now is involved with drugs. It wasn’t a problem in 1982. With regard to assaulting a child, well, call me what you like, I think a slapping occasionally is in the child’s interest. It’s far better they get a smacked backside when they’re 12 than going to Youth Court at 15 and find themselves taken away. There have to be parameters. Kids will push the parameters and I’m not suggesting you beat the living daylights out of the kid, but the odd slap, I don’t think hurts. It’s probably a good thing. You may not agree.

**Judith Rowbotham** – I know that there was one other question.

**Carmen Talbot** – I want to ask the whole panel about their views on vest cameras and the impact it had on ...

**Judith Rowbotham** – Vest cameras. Body worn cameras. Would anybody like to comment from the panel?

**Paul Richards** – It’s interesting because I’ve just learnt that the police officers aren’t given pocket notebooks anymore either are they, they’re given tablets. Actually in my day you had a pocket notebook. So everything was recorded in the pocket notebook and that was your notes made at the time and just like Hot Fuzz, it saved my life on many occasions in court when I was being cross-examined by some sneaky lawyer. That was just path of the course. That was fine. But body worn videos I think are going to be coming into every police force over the next few years. The interesting thing, for me, is I worry about when they’re going to be turned on and turned off, because the whole point is they don’t record everything and it’s up to the operator to decide to turn it on. So if they wanted to have a dodgy search, a Section 1 search they didn’t want recorded, then they’d turn it off. So my only concern about this is trusting the officer to turn the thing on when it’s required. But I think, if I was an investigator like I was when I was first in the police service, I’d love it. Again, I’d love it because it records everything I see and do and actually I think it would have a big impact on the jury and magistrates if they could see what the police saw when they arrive and deal with somebody.

**Judith Rowbotham** – Judge Taylor.
William Taylor – I couldn’t agree more. If a police officer is investigating or comes upon a scene with some violent disorder, he’s caught it there and then, no argument and that’ll cut down a great deal of time and expense. If there’s a question of turning it on or off, if a police officer comes on for duty, I’d like to see it switched on and switched off when he leaves the police station that night. I didn’t realise Paul that there’s a complete discretion and for the two of us at this end of the table and I suspect Steve as well, to hear that notebooks are no longer issued, I think it’s absolutely appalling. What happens in 20 years’ time when the note that you took at the time on your tablet needs to be looked at? It’s gone.

Tom Savery – I would’ve thought any technology which establishes the accuracy of what happened as opposed to the somewhat variable and prejudiced view of the human mind, is all to the good. I would’ve thought it was very desirable state of affairs. Not all humans tell the truth you know. You’ll find that when you get older.

Melanie Simmonds – Yes, I think they’re positive. I think it’s absolutely important that members of the public know that they’re there and it needs to be very clearly visible when they’re recording. But I think it does capture very much, as Paul has said, what it’s like for that officer as they attend that scene and it captures what human emotions they’re going through as well, which they try to demonstrate when they’re writing their statements. I certainly listen to some feedback in relation to a firearms command operation that happened outside of our force area and the commander used a Dictaphone to record what was going on at the time and it was the Dictaphone that captured the turmoil that was going through their mind and the decision making that they were doing and I think that’s really really valuable and in the days of currently everyone having a Smartphone and consumer journalism and so on, you know, literally every encounter that we have, certainly if there’s lots of people there, the first thing they’re going to do is take out their mobile phone and it’ll be on Sky News. But that will probably be a distorted view. It’s not necessarily the officer’s view. It’s a view from a different position. So if it’s going to be used in evidence gathering, I think it’s really positive, but it needs to be from the position of the officer.

Judith Rowbotham – Any other comment from the panel?

Patricia Gray – I’m a lecturer in Criminology and Civil Law. Many years ago when I was young and before I came into academia, I worked with young offenders. So that’s my …[inaudible]... as a social worker …[inaudible]... I’ve had many conversations with desk sergeants. My question is about, I think it’s about history in the present and how history is repeating itself with echoes in the present and I think I’m getting mixed messages from the panel. Some people on the panel are talking about that PACE was not necessary, it was overkill, we should have more faith in the police and some of you are kind of like, I think the general impression is that PACE was a good thing and it’s given more faith and trust in the police and that kind of thing. So my question comes back to the present. I’ve been reading this thing, this historical thing and I know nothing about the legislation and I ask myself why in 2007, which is many many years after PACE first came in, there was a major review of PACE and it led to a complete re-vamping of a lot of PACE particularly, so I wondered why, because I’ve been given the impression PACE was one of the things that came in and I agree with what they’re saying. Why did they need to do that and why is it these last few years, again, my understanding there’s so many deaths in custody and those deaths form questions on many things. I’m a great fan of crime drama and I’m currently watching Undercover and I know that media dramatize these things. It starts with the story of a death in custody and the police are very strongly implicated in that death. I think in a number of deaths in recent years there has been that. PACE was wonderful, why did it have to re-vamped? Did it actually change anything?
Paul Richards – I didn’t say PACE was wonderful. What I would say is PACE was a necessary set of tools because obviously a police officer had no choice but to make the best of it. I think, as Steve was alluding to, you’d then use it to your advantage to investigate a crime. Use the powers wisely and carefully, one of the search attributes in Section 18. Whatever you were going to do you’d use PACE as part of your armour as an investigator. That’s the way I saw it and that’s the way I used it. Your point about reviews, obviously there were massive reviews, continual reviews into PACE. 2007 was certainly, this idea of arrestable offences was reviewed and the whole idea about how arrests were done was very complex previously. It was very technical and difficult and it often led to confusion. There were serious arrestable offences as well. I remember those and it was just very difficult. So I think, my own recollection of it, there was a real need to make it more rationalised and of course you had the Human Rights Act as well, which was this idea of accountability and necessity and so what one of the major reviews was about, getting rid of arrestable offences and replacing it with the power to arrest anyone for any reason, brake like out, whatever it might be, it could be completely minor, but the reason for arrest must be justified. I think that was the main purpose of the 2007 review from my recollection. It was very technical all these different arrests and powers, so it went back to, essentially, if you arrested somebody you had to have a reason. So it wasn’t just the fact it was theft or a brake light out. The reason you arrested for a brake light was because they wouldn’t give you a name and address, so you couldn’t serve a summons on them later. So there was a whole set of, Section 25, I remember, all these different parts to PACE which said why arrest was necessary and that, I think was one of the main reasons it was reviewed. But I see PACE as a living breathing thing. It has to evolve as society evolved. So human rights came in, they had to do something about that impact on that and making the police more accountable was important and every action taken was necessary, which is one of the finer principles of the Human Rights Act.

Judith Rowbotham – I have two questions waiting. I’m going to take them in order. One here and then Natalie again.

David Rees – My name is David Rees and I’m slightly older than some of the people here today actually. I wanted to ask the panel to consider this question of respect for the police, for the great job they do in keeping us safe in this country and the context I wanted to ask the question was – do you think that our education service to the national curriculum is actually giving the message to young people, from primary to secondary? and then they leave to go into the job market or university, are we connecting?, is the Home Office connecting with the Department of Education and Science in terms of young people understanding the important roles which you people play and can respect and incorporate the new generation of young people to be supportive? I can remember living in Wales, in the Valleys as a young person, when speaking to the police officer on duty was like meeting the Queen.

Judith Rowbotham – Thank you. Would anybody from the panel like to comment?

Melanie Simmonds – Yes, I think I will actually. I think I’ll comment first of all as a parent. So, I’ve said I have two children, nine and 16. So my nine-year-old was absolutely delighted about two months ago because she’d been able to apply for a job in school and she had to write out a little application form and then had to be interviewed for it and this was a Behavioural Ambassador, she was asked to do that because she was already part of the sort-out squad which is a team of children that patrol the playground. So we had a good little practice interview and so on and I thought how fantastic and she’s really proud of this badge she has as a Behavioural Ambassador and she has this little hat she wears when she’s on sort-out squad duties. So already they’re underpinning those really important principles of working together, respecting for each other and she’s taught not to tell children off, but to facilitate debate and if they’ve fallen out with one of their co-students, how can
she facilitate them getting on better with each other and it’s absolutely outstanding. They never had that when I was at school. My eldest daughter, I remember a couple of years ago at the start of her GCSE’s going to a presentation where the Head Teacher spoke to the students in front of all of us and she said we will give you all of the support and investment you need, but if you don’t want to try and if you don’t want to come to school and don’t want to participate, we won’t make you, you have to want this and then we will give everything for you. So, clearly they were keeping on top of truancy and they were reporting it, but what they were saying was they were going to invest in those children that actually were giving some investment back and working hard. So I appreciate as a parent some of those messages that I heard. I obviously don’t work front line at the moment so I hope I’m speaking accurately, but I remember when I was front line, 10, 11, 12 years ago, we had officers in schools, we had lots of regular engagement, I don’t believe we have the same presence in schools that we had then and I think if I’m honest, some of the cut-backs that we’ve experienced in terms of our numbers, which 50 million over four years, you’ll be aware that we have had to look at necessarily suffered. We haven’t got the officers present, but we still have PCSO’s who can visit and do engagement work. We have the youth officers. We are a presence in schools. I went and did a talk to a school with some children with Downs Syndrome and other special needs last year, went and visited them and did a presentation. So we do have that presence, but whether we have the same presence that we ever had before, I don’t know. The link between the Home Office and the Department of Education I wouldn’t know. All I would say is that when I worked on the prevent strategy, there was a very clear link there between the police and the Department of Education around how we make sure that together we identify, not criminalise, but identify and support young people who are potentially being groomed or radicalised or drawn into terrorism with people wanting to exploit them. So there were some good links there and I think those links still exist.

Judith Rowbotham – Thank you. We have a question from Natalie.

Natalie Hunt – Why is it that disproportionate stop searches still happen under PACE with regards to black and ethnic minority people?

Melanie Simmonds – I’m certainly not an expert in this field. I know a lot of work is being undertaken to understand this area. Whether there is some direct targeting of those communities and that is the reason why, I don’t know, but that is clearly being looked at. Whether there is an element, I’ve had this suggested to me before and I hope this isn’t the case, but whether there is an element of when officers are undertaking a Stop Search they are required to complete a record of that and they will always make sure that they complete those records, or should always make sure they complete those records. They are very very busy people. Sometimes if the person doesn’t want the record at the time and they get deployed to an emergency incident, they’ll complete it a couple of hours later at the end of their shift and they may forget to complete some of those records. That has been suggested to me in the past. Whether that’s an indication, I don’t know, but the answer is I don’t think we’re clear on that. Absolutely there should not be that disproportionate representation and what we need to be absolutely clear on, as Brendan said, is that there has to be a justification for that Stop Search before we use that power to stop someone in their tracks and ask them questions and search them.

Paul Richards – Certainly in my view, the HMIC reports that’s come out some time ago, indicated, to my shame at the time because I was just serving, the number of Stop Searches that were not signed off by supervisor, because one of the things I feel is very important and what’s unfortunate is the impact of the cuts, is intrusive supervision of our officers isn’t what it should be and one of the things that has to be done is review of all 2-5-1’s, all search forms should be reviewed and signed off by a sergeant. A lot of these forms are just simply not signed off, so they’re put in through the
system and they were not supervised and they were not signed off and I think that’s one of the issues that sergeants, supervisors aren’t taking their teams conduct seriously enough and not supervising strongly, more intrusive enough, but this is what’s going to happen when you have cuts as well. It’s going to get worse. So I do fear for that and that might explain one of those issues because they’re not supervising properly.

**William Taylor** – Can I deal with your question? The lecturer if I may? I’ve been thinking about your question. You were saying why does PACE need to be revisited. Well crime evolves. 1984 was the date of PACE. There was little or no terrorism, apart from the IRA. There was no internet at all then. DNA still had three years to be invented. CCTV didn’t exist, except sometimes around a bank and PACE has had to evolve to take into account all those other matters and I’d hate to see personally any legislation that wasn’t capable of evolving with time.

**Patricia Gray** – I think PACE was about putting the trust and confidence back into the police and making them more accountable, I think, and what struck me was that now in 2016 those issues still remain and they haven’t been resolved. There is still this continuing problem and that’s the issue that I was interested in.

**William Taylor** – Well what worries me, the word respect has been used once or twice this morning and sadly with so-called, no, there’s no Chatham House rules. With miscarriages of justice that has received a great deal of publicity over the last 30 years, respect in the judiciary, the police force, the criminal justice system, has taken a real hit. Respect has got to be earned and the more that the Press fan some of these cases, the worse that the respect is likely to be and take time to recover. There was a question that was asked a little earlier about schooling. I believe that respect starts at home and when I was a junior barrister, when middle-aged women were caught shoplifting, it wasn’t appearing in court that they feared more than anything else, it was being the local paper because they felt the shame of the offences. The word shame doesn’t exist anymore. It’s whether or not you get caught or whether or not you get away with it and my view is probably very old fashioned, but respect, learning how to behave begins at home and frankly a cuff around the ear from a parent or a police officer in the appropriate circumstances, if that prevents crime, I’m for it.

**Patricia Gray** – I work with young offenders now as well as being an academic and I also work with students and I actually think there’s a lot of respect and I think a lot of respect for the police. I personally have a lot of respect for the police and I think that that’s echoed by young people, young offenders I work with. So I think perhaps we’re taking a little bit of an over-rated view of their reaction. I think what’s different is this generation challenges, they don’t kowtow, they want to know why and how and so they’ll question people. So I think that’s kind of where the difference is. I come back to what you said Melanie, it didn’t really strike me when it happened, but it’s striking me now, is what happened at Hillsborough. Now people are really happy because it’s come out in the inquest and a decision has been made, but it’s challenged very much the police and the police involvement and I think that’s quite painful.

**Judith Rowbotham** – Tom did you have any comment to make?

**Tom Savery** – Coming back to the question of education, it seems to me education has a number of problems and one is the much wider curriculum, when I was a kid it was three hours and so forth, whereas now children are introduced, thankfully, to the beauties of nature and science and their minds are stretched and so forth. That takes time out of the curriculum doesn’t it? Does PE suffer? Something’s got to give and apart from what I think is a much nicer, broader, more educative curriculum than it used to be, is the whole question of the laptop. We didn’t have to deal with
laptops. My skills at using the slide-rule now aren’t particularly valued. Laptops are now as much as part of their lives as a school satchel, which again is something they’ve got to be taught and the third thing is, we talk about disrespect of the police, the whole of society strikes me as being disrespectful, frankly, and teachers suffer from it, goodness knows the police suffer from it, the courts suffer from it, all suffer from disrespect. When I was young, which I was once, there was a word which has been made up which didn’t exist then, called mugging. As a kid, a youngster, a young man, the idea of an old lady being attacked and leaving them beaten up, we never dreamt in our wildest dreams about it, whereas now it’s too easy. So I think education, having said that, I do think it’s serious that youngsters can’t read and write, 97% should be literate by the time they leave school. Because if they can’t read or write they’re being denied their access to a huge raft of things and they’re just relying on Wikipedia and what other people tell them, they can’t pull up their own mind. So education’s got a real problem. Coming back to PACE, I’m not saying it’s a bad thing at all, what I’m saying is, probably not very clearly, is in my view is was micro-managed, it’s overkill. Now to take Melanie’s point, when you think how an Act of Parliament becomes, it goes to the House of Commons, it goes to the House of Lords, the House of Commons has a second committee stage and all the rest of it, all that to say, that in fact a policeman is not allowed to search a person of different sex. Is that really necessary in an Act of Parliament? That police have got to have a rule, you’re not allowed to strip search a person of the opposite sex. Of course you’re not, but surely to goodness that’s something that can be dealt with if it ever happened. A sharp disciplinary process would soon discourage it. Is it really necessary to have that sort of micro-management? That’s what I’m critical of PACE, not the concept of trying to get things right, but the concept that somebody’s drafted this thing, think all the possible points that they can to put down to cover the situation. I think a lot of it’s unnecessary, a lot of it’s counter-productive and the people it’s trying to control, for want of a better word, are people whose aim in life is to avoid being controlled, find its loopholes and the more legislation you get, the more loopholes there are, the more some lawyers are perhaps, with not the same scruples as others, will have a field day.

Melanie Simmonds – I don’t know what the background is in relation to Section 11 of Code C which I referred to, but I wonder whether there were abuses in the past where male officers were strip searching female officers for the wrong reasons, for sexual gratification, for humiliation, who knows? I don’t know, but I suspect that maybe one of the motivations for it.

Judith Rowbotham – I can actually confirm that if you were suspected of being a pickpocket, then one of the things that would automatically happen to you when you were taken into custody was that you would be stripped and searched. That is how one of the more famous cases relating to homosexuality started to young men who were suspected of dressing up in order to pick pockets. They were dressed up as women. Boulton and Park were arrested and stripped. There was no absolute certainty that they were young men, but they were stripped, not to confirm their sex, but to confirm whether or not they were members of the Swell Mob and had got various items tucked away in petticoat pockets. As many of you may know the Boulton and Park case took off in a slightly different direction after that, but it was usual that any pickpocket, regardless of sex, would be stripped and searched and since the police in the 19th Century were universally male, then yes, there was a very long tradition of suspects being stripped regardless.

Melanie Simmonds – I think the other point I would like to make is that of course not everybody who is suspected of involvement in offence goes onto be charged. We do have a fundamental principle of you are innocent until proven guilty. Everybody has fundamental human rights of being treated with respect and courtesy and dignity, absence of torture and so on, whether you have committed an offence or not committed an offence and I think we have to think about that in terms
of the background of some of the things we know that happened many generations ago and actually PACE provides those protections I believe to officers, but it also provides protections to people who are suspects who have not yet been charged and who may go on to be charged and prosecuted through the criminal justice system, and I’d also like to add that PACE does provide a number of tools, as Paul’s alluded to, so just going back to the comment that was raised earlier, I mean there are things like samples that we can now take by force if needs be, evidentially if we believe they will add evidence to the fact that someone has committed an offence. If someone remains silent or goes “no comment” through an interview, they can’t go to court later, as I’m sure most of you know, and then give an account in court, because if they didn’t give it to a police officer at the time it was asked, then they won’t accept it in court later. So we can draw inferences from those silences and that is a valuable tool and that is a tool where I find that when I give disclosure to solicitors, the more pre-interview disclosure I give, the more likelihood they are to say to their client “actually you ought to start acknowledging your involvement in this” and that can be quite helpful. We can take DNA and fingerprints now from people once they’ve passed that threshold of being suspected of an offence. So these are valuable elements of PACE which if you remember what I said earlier, we don’t want to just prosecute anybody and then say “job done, we can put that crime away”, we want to prosecute the right person. If we got the wrong person in custody we need to eliminate them as much as we want to track down who’s responsible and that is what PACE, I feel, enables us to do.

Judith Rowbotham – Thank you. We have in fact reached the time for the end of this particular session, but we do continue this afternoon. I hope to see at least some of you here and from the audience as well and I hope that you have enjoyed and profited by this morning’s session. I would particularly like to thank the witnesses who’s given a very diverse and I think, challenging and interesting view of how PACE has changed the police culture here in the South West in a number of interesting ways and ways that I think sets up questions that need to be asked of other local areas and I hope that, therefore, the questions here will be used to inspire that. So thank you very much to Tom Savery, to Judge Taylor, to Chief Inspector Simmonds and to Dr Richards. Thank you.

[BREAK]

Judith Rowbotham - … will simply come in and join us and we have our panel resumed, so we’ll start the second session. The focus of this second session is on the way in which police cultures, the way in which the police plan operations, their general daily comings and goings have improved or not improved, changed or not changed as a result of the introduction of PACE. So the focus for this session, this particular session, is on the issue of police and broader community relations. So our panel for this afternoon are people who have all had experience also of looking from outside the police at the police, rather than being part of that institutional culture, though we do of course in one of our witnesses have somebody who has also been a policeman. So we’ll going to start with a brief clip from Brendan Brookshaw and we will use that to launch the questions.

[Start of clip]

Judith Rowbotham – Do you think you have seen a consciousness of PACE amongst the local community over time in terms of attitudes towards police and policing?

Brendan Brookshaw – Do you know I don’t think I have. When I was a Custody Sergeant what I saw, and I think that’s probably because most people don’t have much contact with the police in this country. If you’ve been involved with the criminal justice service, if you’re a career criminal or if you’re involved, then you do know PACE and you will ask and you will know what your rights are. That’s really apparent. So people that were frequent visitors to the Custody Centre would say “I want my copy of the Code of Practice please” and “I know I’m entitled to a phone call” and “I’m
entitled to ...” this, that and the other and if you tried to curtail those rights, if you try to say “no I’m not going to give a phone call until such time as a search has been done”, then they would be very capable of giving you a good argument why that should happen. What I find with most people is that their knowledge of policing is derived from what they see on TV drama, rather than reality. So I have dealt with any number of people over the years who have said “you haven’t read me my Miranda rights” for instance, which is something they’ll have seen on the TV, you know, from Starsky and Hutch and other stuff, but of course they don’t exist in the UK. There is a set of rights and a caution. It is very different to the US caution and people will say to me “I know I’m entitled to a solicitor”, “I know I’m entitled to a phone call” and PACE doesn’t actually say that, but people will rattle off the American caution because it’s what they’re familiar with, I think, from the TV. So I don’t think in the wider population there’s a sense of understanding of the Police and Criminal Evidence Act and I think that’s because most of the information they get is through American police drama rather than police contact.

[End of clip]

Judith Rowbotham – So what I’d like to do is ask a question of the panel first. How important is it in your view that the police have good relations with the wider community, the community in general?

Steve Pearce – I see a lot of you were here this morning, so you would have heard me speak from the front row and know that I’m a former police officer. Just very briefly, I won’t go into the same degree of information that my predecessors did this morning, but I joined in 1968 as a constable and I retired in 2003 as an Assistant Chief Constable. All my time in Devon and Cornwall. I think about 85-90% of my time was as a detective. In which case my focus was, as you would expect, on nicking people I suppose and solving crimes or managing them. Serious crimes as a Detective Constable or as a Senior Investigator to Detective Superintendent. Although I was obviously aware of community issues, my focus on a day-to-day basis was more professional, if you like, on the crimes criminality. But of course I was aware of what was happening around me, not just of committing crimes, as I had different roles at different levels in the police service. But from 1995 to 2000 I became the Chief Superintendent in charge of Plymouth police. So the policing for the whole of the city, which is a uniform role and quite a different role from what I’d been used to in the previous X number of years and that links me into, if you like, my knowledge to answer the question – the importance of community relations – because I very quickly realised that the role really was something like, I was a police manager of a budget, I was responsible for all policing in the cities, I can’t remember now, but say three or four hundred police officers and staff, who all looked to me to be their leader in terms of policing. But that was a minor part of my role, it turns out. The largest part of my role and what turned out, and I still believe this, was my role as a person leading the police within the community and having community relations and dealing with the community, talking to the community, discussing their issues. So I spent an enormous part of my time dealing with small groups, large groups, charities, Plymouth City Council, partner agencies, at a level that I’d never dealt with previously. So I had to learn very quickly how these organisations worked and what made them function, because they all impacted on my day-to-day role as the Police Commander for Plymouth. So I very quickly learnt that whilst my police officers were out there doing their policing role, clearly impacting on sections of the community who were complaining about why we were doing it, how we were doing it, this is subjects that have been brought up this morning, why we were targeting certain groups of individuals, why some people were being stopped searched disproportionally to other people, why the public of certain parts of the city seemed to get more police resources thrown towards them than other parts of the city, why minority groups, black minority groups, why lesbian, gay and bisexual groups seemed to be targeted by the police for whatever reason. They were impacting on the service effectively the police were giving. So I very quickly realised, not just me,
other people obviously in the police service nationally realised too, that the role of the police was changing and had to take account, needed to take account, because they were our citizens too. They were our victims. They were entitled to get the same level of policing resource, policing attention as anyone else within the city from maybe the more affluent parts of the city, those people who could speak up for themselves at meetings more readily and those people who had the nous to be able to find me and ring me up and track me down, other than the people, who are euphemistically referred to as the harder to reach people, who always found it difficult because they couldn’t get past my PA and that’s the sort of history of it effectively. So I found my job, and I’m sorry to go on too long, I found my role to go out there and my wife will tell you for those three or four years, in common with lots of other people in senior positions, I didn’t spend many evenings at home. I spent them not at police briefings or in police social clubs, as I’ve done previously in my service, but I spent them at community meetings where mostly, although I was always very careful to balance it, mostly in these areas that were crying out the loudest, but not forgetting of course that the so-called richer suburbs of the city deserved some policing too. So I turned up with them and I don’t think they’d often seen a Chief Superintendent turn up at the Elburton District Residents Association AGM because in the past that would have been delegated to the local sergeant. So I did. There’s no danger of that course, they then expect you to turn up every year then and you can’t, but I tried to balance it and I attended a range of meetings, whether they be strategic, sometimes they were quite tedious, sometimes they were quite enlightening and sometimes they were very very aggressive. But I learnt to deal with that and to be honest and fair and I think, hopefully, then took that experience back into my day job of policing and able to sort of influence my own staff in the way they police the city.

Judith Rowbotham – Thank you very much. Could I ask Tom to contribute some thoughts on that.

Tom Savery – The question as I understand it is about should the police be held in respect?

Judith Rowbotham – Not so much that, but what you think is the role of the police in relation to the community.

Tom Savery – I think the police should be the glue of society or the oil of society, which makes it turn round. When I was a kid I was brought up in a little village called Hooe and the pillar of the community you had the vicar, the bank manager, the school teacher, the milkman, the postman and the copper at different levels of perhaps social strata and pay, but those were the people around which my little village revolved. It’s now just a large, more of a suburb of Plymouth and I think it’s most important that the police do get involved. Our copper knew us by name, knew our families, knew any domestic violence or any problem, anyone who was a bit light-fingered. He was very much part of the community and on the ball and he was the authority figure that we kids looked up to and you respected him, you didn’t cheek him or be rude to him or anything like that, my goodness me, but he was a figure of authority and as I say, he was one of the constant pillars of our little village and I think that was a very happy state of affairs. Probably not so these days. Although I think the alleged perception of unhappiness with the police, I think is grossly exaggerated. I think most people instinctively feel comfortable with the police, which they don’t in lots of countries, let’s face it. Here, if a policeman does step out of line it’s a matter of unpleasant surprise and concern. I always remember Archbishop Tutu giving a lecture and he said when he came to this country, he and his wife were wandering around and they were lost. He said a policeman approached him, “can I help you sir?”, he said a policeman addressed me, a black African, as “sir”. He said “what country have I come to? You people don’t realise how lucky you are”. I think that was lovely actually, but that’s my view, as I say, it’s good news or bad news isn’t it if a policeman does step out of line. What is the police force, a 125,000 or something? How many bad eggs do you get? Miniscule. They’re human,
they make mistakes, you get the odd bully, you get the odd fool and so forth, but in any society you get that, even in politics would you believe.

Judith Rowbotham – Because you’ve been involved in local politics have you not?

Tom Savery – Very much so, yes, to Plymouth’s detriment. Yes, I have for 42 years.

Judith Rowbotham – Can you comment a little on your relations with the police in that role?

Tom Savery – Well yes, because it seemed to us quite normal that the police always, for years we’ve had quarterly communication meetings in all the wards of the city. You know, three councillors would turn up and once a quarter, always had the police liaison officer there and the community to answer and some people would be complaining about this, that and the other, but the big advantage was that they could explain things. “Why isn’t the street lamp repaired?” – “Well actually that’s more to do with South West Electricity Board than the police”. Why this, why that, why was such-and-such a person let off lightly? Almost a lot of peripheral things, but they were there and people could talk to the policeman, not somebody “I’ll find out for you” or “I’m representing somebody”, the actual policeman and usually it was two, in our case it was usually a male and a female policeman, were there all the time. It just seemed normal. I don’t think it occurred to anyone that it wasn’t normal, that’s the way it was, had been as far as I could remember and always would be. Very satisfactory state of affairs and again they could, if they wanted any Council help, you know, we knew who to talk to. Very happy situation. I’m not a great admirer, although I think free press is critical in this country, I’m not the greatest of admirers I must say.

Judith Rowbotham – Could I invite Bill to make a contribution?

William Taylor – A lot of what I wanted to say has been said already. But on the other hand, I think the trust in good relationships with the police and the public are absolutely paramount. The word confidence comes to mind, the society has to have confidence in the criminal justice system from top to bottom, otherwise you’ll not get the cooperation of the average citizen or the ordinary citizen when it’s needed. The police have got to be seen as not to be a threat, but a critical friend, if I can put it that way and I say that knowing that on some sink estates in the country, it’s very much a case of them or us and they’re asked to keep their mouth shut at peril of coming themselves into disrepute for letting the sink estate down. Confidence has to be reflected too and should be reflected in jury’s verdicts and frequently it is not. All you have to hear a defence counsel say, when he’s got nothing else to say is “well members of the jury when you go home tonight and you sit down with a glass of beer, will you say to yourself I am satisfied as to my verdict, am I satisfied that there hasn’t been a miscarriage of justice, am I satisfied there hasn’t been another Birmingham Six or a Guildford Four, am I sure?” and frequently an irresponsible press seem to fan the odd bit of bad publicity with the occasional police officer so the average member of the public, not infrequently, will get it hopelessly wrong.

Judith Rowbotham – Thank you very much. I think that it’s worth reflecting that one of the reasons why PACE was brought in was because of the sense of bad publicity surrounding the police and their relations with the community and the late 1970’s and 1980’s and that a great deal of knowledge of that did relate to the media and the way in which the media have presented the police. So one of the things I would like to ask the panel is to think more about the reportage of policing the community and what their opinion is of how the media has actually influenced and shaped the relationship with the police and whether the media has allowed PACE to make a difference in the way in which the community perceives it relations with the police, fairly or not.
Steve Pearce – I think it’s quite difficult to give a full answer because a lot depends on where you are in time. I’ve been retired from the police now for 13 or 14 years and I read stuff and I hear stuff which I’m horrified about and castigate the press and random rave at my telly, like most people do, I guess, from time to time. It’s a pity the police officers aren’t here who were here this morning, because I think Melanie mentioned this and I thought people were meant to be innocent until proven guilty, but the press has just proven you “guilty”, effectively in the eyes of the public, which I think is, well apart from being bad, I think it’s outrageous behaviour on behalf of the press and I think it doesn’t do society and justice, if you like, a great dis-service as well as the individual people involved and that’s not just in Plymouth or the South West, that’s all over the UK. Of course, I haven’t got that insider knowledge anymore of how the police operate and how much they give the press and how much they relate to the press. In terms of my own experience from the press, I think maybe this is because it was in a better age, maybe in my eyes anyway, it has deteriorated. I used to have weekly meetings with the crime reporter of the Western Evening Herald, as it was called then, now The Herald and she used to come into the office and I would chat and I felt I could talk to her in complete confidence and say “that’s happened this week”, “I rather you didn’t report that”, “I’ll give you a comment right afterwards”, “you can telephone me at any time” and we had that level of trust, which had been handed from previous relationships with the editor etc. On a Devon and Cornwall basis, the chief constable, when I’d left Plymouth to become one of the assistant chief constables at Middlemoor, the chief constable had a biannual, I think, editors meeting in the force area so the editors of the local TV, the local press would come and I felt there was a level of trust and I think the chief constable could have a word, and did have words with the editor and sort of say “look we’re not happy with the way this is happening, can we have a better relationship and understanding”. Bearing in mind, everyone appreciates, there’s a free press and they’ve got their job to do, but sometimes it got in the way of things and sometimes they get a better story if they waited. I suppose what it all adds up to, without the police trying to stifle the free press, a better working relationship, I guess, for the benefit of the whole community. Occasionally that went wrong because reporters would go and do their own thing and an editor would end up running a story or something and I can remember on one occasion the chief constable, I’m careful because it isn’t Chatham House, the chief constable falling out with the editor of that particular media outlet, shall we say, and saying to us, the senior staff, “I don’t want you talking to that agency ever again and that wasn’t tenable, because we needed to talk to them and someone like me was sent down to talk to the editor of that outlet and try and coax back a better relationship and it happened. I’m not sure it would happen today. People carried on talking to that agency, because if didn’t, if we’d lost that, then they would have gone, turned native on us and probably embarrassed the police force. So that was then and I’m talking 15 years ago. I just get the impression now and I suppose this is because of the competing need for 24-hour news for Twitter and social media. They are a business and they are in the business of creating stories etc. and keeping interest and I suspect what’s happened is whilst they’ve gone all out to report news, their relationship and trust has broken down and I don’t think if I was a chief superintendent or an ACC, now, I would say very much to a journalist “off the record”, because I would be afraid they would break that level of trust.

Judith Rowbotham – So just to recap, you felt that in the period immediately after PACE that the reportage of the police, at least locally here, was relatively positive.

Steve Pearce – Yes, I think that’s true and I think that is very much a local thing because effectively, even in those days after PACE in the 80’s and early 90’s, whilst we had good relationships, there were still people dotted around the county who were stringers or they were reporters for national papers and they would telephone with a story and get a quote and then it would come to us and we’d then talk to the local editor of the paper and say “hang on Fred, what’s happening here?” –
“oh, we can’t control them”. I won’t name the paper. Because journalists, like human beings, like police officers, it’s their job, it’s their career and I can understand why if they get a story which they think is going to improve their chances of being a better journalist, they’re going to run with it. But they’re without that control. So I think locally, I think PACE, because I think journalists saw there was now a fairly rigid set of rules, i.e. PACE, in place for the care of custody of prisoners, for the stopping and searching of people, for the protection of the community etc. So I think they saw that and they saw, not initially, but very quickly overtime, they saw the police responding to that and as covered this morning, I think in the overlap, you know there were some people who just didn’t get PACE and ended up retiring or being encouraged to retire fairly quickly. Generally speaking, yes, I think PACE did have an influence on the early days. I think now, it seems to me, for the reasons I’ve explained, it’s no holds barred.

Judith Rowbotham – Thank you. Could I ask Tom to make some comments on that?

Tom Savery – I’m an unqualified supporter of the free press, which I think is one of the pillars of our country and should be preserved, in spite of the press’ own stupidities and I think when the press crack on about our Draconian libel laws, I would merely say that libel by definition is an untrue statement. If it’s true, it’s not libel, end of. When I was at university one of the very very few things I learnt was we had a press baron came down to talk to us, ask for questions and at that time the Daily Express had an economics editor called Frederick Ellis and his big thing was the gold standard. The country had to get back on the gold standard and I, all innocently, asked him why was he the editor who was carrying on about the gold standard, you see, and he said “well you know what the editors of the Express is, his policy is, don’t you?” and I said “yes, get back on the gold standard”, he said “no, no, no, his policy is to sell the bloody thing”, and that actually, I’ve never forgotten. That is the main motivation they got in newspaper to sell every day. So I think one’s got to be a little bit sceptical. It used to be said “oh it must be true, it’s in the newspapers”. I don’t think people are quite so gullible these days as that and of course we’ve got the counter-balance of the television. I think by-and-large newspapers don’t do a bad job. Most of them have political prejudices and they show with the emphasis or lack of emphasis they give to certain news stories, particularly ones involving a bit of scandal. End of.

Judith Rowbotham – Do you see a difference between the national press and the local press?

Tom Savery – We have a very good local press actually. I think they’re very moderate and they report it not dramatically, but very soundly. I don’t think they’re as bias as the national press. That’s my assessment of the situation. Sometimes a bad crime maybe this day’s headline, but so be it. I have no real criticisms of the local press and I say, nationally, I get cross with the papers I read, I keep vowing not to buy, but I still do. That’s it.

Judith Rowbotham – Thank you Tom. Could I ask Bill too?

William Taylor – Well looking at your questions, I think I understand it. You want respect as the press reflected the changes in PACE. I come from a very narrow angle and that is, I only see it over the last 32 years in relation to custody time limits and that is X has been arrested and will be in custody until a certain time, or it’s been extended by a superintendent or it’s been extended by a magistrate. Beyond that I’ve got nothing, I’m afraid, to say.

Judith Rowbotham – Thank you.

Steve Pearce – It’s just struck me as others have been talking, which may interest people, an anecdote. I’m trying to think of the date, but it was probably in the late 80’s early 90’s. I went on a
training course at the police college for a week dealing with the media and the course was run by journalists and they were supposed to teach us how to respond without too many ‘umms’, and how to stall for time etc. One thing that I thought was valuable at the time, which as time’s gone on I would never do now, is that they said, certainly if it’s live, it’s live, you got no chance, but if it’s recorded, they said if you go wrong, just swear very badly because they’ll never publish it, because the lawyers will tell them they can’t. Well in the 1990’s I might have done that for a couple of years, but now I realise, all these years later. But that was the advice of journalists, which is obviously what they did. If they went wrong they swore rather badly, because their editors wouldn’t print it or wouldn’t publish it, certainly if it was on TV. Think about that now. I mean, I think they’d think it was a scoop wouldn’t they? If there were two superintendents and someone lost his head and starting swearing rather badly, they’d print it. It would be rolling and rolling and rolling. So that’s how I think times have changed and the relationships have gradually changed between journalists and police. From my experience, as I say, I can’t speak of current experiences because I have no dealings with the police, the press office, or journalists.

Judith Rowbotham – I think that it’s often forgotten that in terms of the police and the community, one of the most important things is dealing with what may be called various forms of community agencies. So agencies that maybe government related, including the probation service, but also NGO’s and charities and groups of that nature. So could I ask how important, what was the nature of any of your relationships with such community relations and do you think that PACE promoted a better relationship or made no real difference?

Steve Pearce – I think it made a difference. I’m not sure if it made a difference, but I think PACE made a difference in the mind-set, I think, of police and how we dealt with things. The fact that we were, I think, becoming more professional and we were having to take account post-Scarman, which as colleagues will know, led to PACE, the Scarman Enquiry, where they talked about community relations and local meetings and things, so in my head, I think Scarman with PACE effectively, although I don’t think, I can’t remember, but I don’t think this is a specific requirement of PACE to have community consultant meetings or to be consulting the community. But it changed our mind-set I think and I was helped by the fact that in those days, when I was in a position to have a budget to run a lot of the services within Plymouth, the policing style was such that effective the chief constable, under pressure from the Home Office and politicians, we had police targets to complete, to aim at, to achieve. Now those targets, from my memory, were things like to reduce house burglary, to reduce car crime, to improve public confidence, to improve community engagement, response times to emergency calls, those sorts of generic things that you could measure. I was then, as the commander for Plymouth, told that my job was to achieve that for Plymouth and therefore for Devon and Cornwall and then all police forces would do the same. But it was a policing style in this force at the time of evolved budgeting that allowed me to be very flexible, because really and truthfully, as long as it was within the law and within the spirit of the law, if I reduced car crime, then no-one actually asked me how I did it. I mean I could prove it by saying “well this is what car crime was and this is what car crime is now” etc. obviously figures and it’s going down or maintaining that sort of level of crimes. So I think traditionally, of course, what police officers would’ve done, is just try to lock up more people that committed car crimes and they would spend hours and resources, following targets, and they continued to do some of that, but they thought “well we know who’s committing the car crime, it’s these group of people, we’ll just keep watching them and try and arrest them and therefore car crime will go down”. Well it never did. What happened of course is the people that committed the crimes in the 80’s, say it was car crime in particular, because it wasn’t viewed as a serious offence, they’d end up getting four months in jail or something, come out and carry on committing car crimes and the same with house burglary. So how do we reduce them other
than arresting people? Well I was able to spend money which previous regimes couldn’t, and they can’t do now because of the financial situation, because it’s been centralised again, so I was able to say “well who are committing these car crimes?” and “why are they committing these car crimes?”. Well a lot of them are committing car crimes because they are committing crimes to buy drugs and why are they buying drugs? because they have drugs habits they have to feed and whatever we do and how ever many times you arrest them, they’re still going to come out and carrying on committing them. So it was then that I formed a relationship with, I should say Judge Taylor formed a relationship with me, although I knew him through my detective days, said “let’s look at this a bit more widely, let’s involve the probation service”. I’ll let Bill, Judge Taylor tell you more about this because it was his initiative and his chairmanship that led this, but I was able to say, and I don’t think the commander could say it now is “ok I’ll put five grand into a pot and probation will put five grand into a pot and somebody else will put five grand into a pot and we’ll look at targeting the people who are committing the crimes and why they commit them” and would you believe, car crimes came down. So the chief constable was happy, I was happy and I use car crimes as an example, but that was the same for house burglaries. We still did our bit of targeting of course because however many times you manage to provide services for people with drug problems, there was always going to be people that fell off the end and would carry on committing car crimes. There were always people committing car crimes that weren’t addicted to drugs, they just wanted to nick, what is now, satnavs, but then it was probably stereo radios or something and there always will be. I suppose what I’m trying to get to is, I think, I’ve not only realised it personally, I also had the means to be able to do things that others hadn’t done by using money and things like diverting to achieve my targets and in terms of community relationships, I worked very closely with the Plymouth Race Equality Council and did a lot of work with them and the Plymouth Pride Forum in terms of the LGB community, because, as I said earlier, there were some relationship problems which we needed to rebuild and to re-establish good community relations. Now they had no money. Now I was able to say “well ok, we’re refurbishing a police station, you can have all the old furniture”. Now I’m not sure they could do that now. They’d probably say “you’re giving away our money, that should go into the central pot”. So I was able to build my relationship and £3000 worth of furniture, or something, for a charity, was seen as very good and I had that flexibility. So I think if you’ve got motivation, which I think the police did at the time and you’ve got the flexibility to do this, there are other ways and that’s why we were quite, I think, quite successful. I’ll let Bill talk about the drugs project more fully, because I think that proved it. But, sadly, and I can’t speak for now, but I do know from talking to colleagues that of course as funds, time and resources got less, I talked to my, the current police commander at Plymouth who said he can’t give 50 quid away without authority from Headquarters anymore. That’s how times have changed and that’s not about PACE, it’s probably about finance.

Judith Rowbotham – But I think it’s all related actually.

William Taylor – To answer the question “have I seen any reflection of PACE with other entities in the criminal justice system?” the answer is no. But as far as looking at collaboration is concerned, very much so. I regarded, perhaps, in the 17 years that I was a senior judge in this city, that Plymouth was my city and they looked to me to make sure it was safe together with the police commander based in the city and on that basis I used to have regular arms-length briefings from Steve and his successors, as I did from the probation service. One day I had a barrister stand up, rather nervously, saying “this defender has pleaded guilty to burglary for one reason and one reason only, to get probation” and I said to him “are you saying that he committed this burglary for that sole purpose?” and he said “your Honour, yes, if you give him probation today, he will get assessed, stabilised and treated on a probation order tomorrow, in the community, he’ll have to wait 18 months”. That’s
why he committed that offence. A wonderful old court liaison probation officer sitting at the back of the court, old enough to be my father and I said to him “Mr X is there any reason why we can’t put this case back for six weeks for him to be seen tomorrow to be assessed, stabilised and treated and if he’s clean in six weeks, a probation order, if not, inside?” and he said “your Honour I think we can accommodate that” and I said “Smith, you’ve heard what I said to Mr X, are you happy with that?”, “delighted” was the answer from the dock. So off he went. The next morning, I had a meeting with my probation officer and he said “we’re in trouble”. Notice he said “we”. I said “in what way?” and he said “well my boss said the judge can’t do it, his boss said the boss can’t do it and he went right up to the chief who said he can’t do it, I’ll speak to my friend in the Home Office” and his friend at the Home Office wasn’t available, but somebody close to God was and he said “that seems eminently sensible to me, find the money” and that happened and that was the precursor of the Drug Treatment and Testing Orders. I had two such punters, or defenders, I should put it, in two days. In six weeks one came back clean, one came back still positive for heroin, one got three years’ imprisonment and I was told by Steve that that took precisely 24 hours to get round the criminal justice underworld in Plymouth. Then I said to Steve, one particular day, “is there any reason why we can’t have a drug worker in court, rather than waiting for them to appear in court?”, sorry in a police station and he said “well we haven’t got the money”. A friend and I, together, took an old car from Lands End to John O’Groats and back again over a weekend and I begged, borrowed, every bit of money I could and raised it, and the two of us raised £20,000 to get a drug worker into, was it Crownhill Steve?

Steve Pearce – Charles Cross.

William Taylor – Charles Cross Police Station, who would say to somebody who’d just been arrested and put into a cell “now Smith, by the look of you, you look as though you might have a problem with a substance or alcohol, don’t tell me unless you wish to, but it may assist you getting bail or not, if you came clean with me and you’re prepared to go to a drug rehab centre to be seen, stabilised and treated”. That was the system which I had in mind and I had Steve’s full co-operation with that and much to my delight watching The Bill one day on the television, my wife said to me “Willy look, they have a drug worker”. As a result of Steve’s co-operation and getting some money from various friends and all the magistrates in the two counties, that’s now standard throughout the country and without Steve, it wouldn’t have happened.

Steve Pearce – I should say without the money it wouldn’t have happened too. Again we’re back to the finances, Bill had to raise the money and did, to his credit, he did and is now, as he said, national policy.

William Taylor – I might add Steve that we, notice I say we, over three years reduced acquisitive crime by 53%, which we thought was well worth doing.

Judith Rowbotham – Tom could you add anything in that area to the issue of relations with community institutions, particularly thinking of your time when you were on Plymouth Council.

Tom Savery – As a solicitor, no. Most of my clients, very reliably ended up in prison, kept very few of them out. But the City Council was aware of the social problems in the city, which are pretty significant and our Social Services Department used to get involved, particularly with the police and the front line. I think our policy was just to back them. We didn’t pretend to be social workers ourselves or have any expertise in that area. We did realise the enormous damage which drugs did, the enormous help it would be if it could be, even partially, alleviated and as I say, we supported it with money and moral support as best we could.
Judith Rowbotham – Thank you. One of the areas where, in particular, Bill and Tom of course have related to the community is through juries and I wondered if you could say anything about your understanding of whether or not jury attitudes locally, in particular changed in terms of attitudes towards police, police evidence in court, post-PACE, no change, anything like that.

Tom Savery – One area which is an off-shoot from this, one area which I’m convinced jury attitude was very significant was the abolition of the death penalty. It was becoming quite obvious in the early 60’s that juries were just not prepared to convict in what were very clear murders. It’s not directly related to this, but that was, in my opinion, where juries had a strong influence. It wasn’t a conscious decision, but it was just quite clearly that a pattern was evolving where you had clear murders which for one reason or another, different juries all over the place, were finding guilty or reducing to manslaughter and I’ve no doubt they have an effect. On the other hand, when you talk about juries I have to remember the bad winter of 1963. I had quite a long theft case, receiving case at Exeter side, which meant leaving 6.30 in the morning to get to Exeter because of the road, bitterly cold. One chap on the jury, I was talking to the Court Inspector, if you want to know anything about courts, confidentially, ask the usher, they know everything. I was chatting to this chap one lunch-time, I said “so-and-so” and he said “oh he’s quite happy, he’s loving it here, he’s a cow-man, but he’s earning more here sitting in the warm, sitting down doing nothing, than he does getting up at 5.30 in the morning to milk the cows, so he’d be quite happy for it to go on until Christmas”. I don’t know what contribution he made to the verdict, but my chap inevitably went down, as did most of my clients.

William Taylor – I don’t believe a word of that Tom.

Tom Savery – It’s true, honestly. Trust me, I’m a Tory.

William Taylor – I think I’d like to be able to give first-hand evidence or experience, so to speak, because at the beginning of March I received a Jury summons. I showed it to my wife and she said “oh Willy, you’ll enjoy that”. I said “I would darling if I wasn’t 70” and she said “what’s that got to do with it?”. So I said “automatic release from jury service, it’s 18 to 70, not after 70”. So I can’t give personal evidence, although I couldn’t resist phoning up my successor and saying “by the way Paul, I’m on jury service on the 21st March”. I won’t tell you what he said because this is being recorded, but he said “you’re not serious”, I said “shall I read you the summons?” and he said “oh go on, you really have had one?” and I said “yes, I have, 21st March” and he said “you can’t, this is your old court” and I said “I think you’ll find I can and should, you can’t excuse me” and he went “oh”. I said “do you want the good or the bad news?” and he said “well you’ve given me the bad news” and I said “well the good news is I’m over 70 so I can’t sit”. “Thank God for that” he said. Anyway be that as it may, on the serious note, what I have noticed since I started sitting as a part-time judge in January 1983, was progressively juries were reluctant to convict at all when it was one person’s word against another. Particularly in sex cases and I don’t think matters have improved much since. Save, I’d love to see the statistics now post-Savile, because I think there’s been a mind change in how juries perceive it. If jury A could sit through case after case after case, like I have, you heard the same things being said by a defendant, holy unknown from one case to the next and precisely the same way they went about grooming youngsters, it would be very much easier for them to convict, but sadly, they don’t. I think it’s not a question of PACE, I think it’s just a question I go back to, confidence in the police, confidence in witnesses, confidence in the system and above all, trust.

Steve Pearce – Yes, from a policing perspective, I just thought it may interest you and I’m sure other officers would’ve been influenced in this way too. As I said to you, when I joined the service in 1968, most policing, in life I guess, most jobs, you learnt from your forebears. So in those early days you
were told and certainly as a detective in the early 70’s, “if it’s not in your pocket-book, it didn’t happen”. So therefore when you went to give evidence you said what was in your pocket-book and if it didn’t happen, you either didn’t remember or no, whatever, and that was the sort of norm I think because that was the culture, because some wily lawyer or judge would try and catch you out. I very quickly learned, certainly dealing with juries, that effectively although you are a police witness and a police officer, you are also a human-being and human-beings have failings like everyone else and not only was it the right thing to do, it was the best thing to do if juries saw you as a human-being, not as a person just trotting out, you know, like the stuff you see on TV at 5.30, ‘I was proceeding down the highway’ and I said to him and she said to me etc. etc. and ‘that’s all that happened your Honour’. I quickly realised that if you didn’t know or you made a mistake, the right thing to do was to say so, because then people believed you. So that’s, I think, how things changed. That was before tape recorded interviews and that was before contemporaneous notes, when it was done it was done from memory and notebooks and things, and again these things went on for years, the fact that up until the 60’s and until PACE, I guess. So I think, from a personal perspective, in terms of did it change police behaviour? well I think it did because other police officers saw that it wasn’t wrong. Your tutors told you it was wrong, but it wasn’t wrong to be human and say “well I’m sorry your Honour, if I’ve made a mistake, I’ve made a mistake, I thought it was 3.30 maybe it was 3.45” or whatever, if that was in doubt. So I think we woke up to the fact that juries were either impressed or not impressed by witnesses and therefore they weren’t impressed with people that doggedly said, when obviously things were right, said either “I don’t remember” or “it’s wrong”.

Judith Rowbotham – Thank you. At this point what I’d like to do is throw the session open to the audience and to invite the audience to put their own questions, make statements about their own experiences as members of the community and raise any issues that they would like to do.

Meg Roper – I am a retired Health Visitor and previously an Oxford City Magistrate. I want to comment first on the Press and I speak as someone who experienced professionally the sensationalisation of the deaths of two young children and their mother at the hands of someone who was found unfit to plead at trial. It was a ghastly experience and did nothing to prevent future deaths occurring but probably increased the circulation of the newspaper at the time! However, I think amongst press freedom in this country we have journalists who work for months and months on exposing injustice etc. that needs to be brought to the attention of the public. Party political statements have been made by some members of the panel so I am going to respond to this. I believe that poverty (and inequality) is the root of many of our ills in society. I recently went to see my local MP about cuts to Working Tax Credits because in Plymouth an enormous number of families depend on it. He supported the cuts and said “we have a mandate to do it”. In Plymouth that mandate amounted to 37% of the people who voted, voted for him in this constituency. We get systems which mean that people lose respect for the people and the systems. Throughout a lot of our work we are dealing with people in poverty whether its police, health or social services. I am talking about relative poverty Tom, I’m not talking about absolute poverty in this country. The number of children in poverty in this country is increasing and while this continues we will have problems in our society. If anyone needs convincing, read ‘The Spirit Level’ written in 2008, which shows chapter by chapter why it is in unequal societies like ours we see an increase in prison numbers, suicides, substance misuse et.

Judith Rowbotham – So are you suggesting Meg that the police have not made, to all the problems that you’re seeing, that the police have not managed to make any real difference?

Meg Roper – I think none of us have actually. I’ve not actually identified particularly the police. I think they have an incredibly difficult job and you can’t look back on history and say 50 years ago we
hit children. I’m sorry we’re not in 50 years ago, we’re now in 2016 and we have to look forward and certainly that isn’t the way to start hitting children to create respect. I think that creates disrespect. But I think in a society where children grow up with their parents scraping around week in, week out, not only for their housing, as affordable housing has gone down and down and down, so children move from private to rented. I think it was in the 1980’s, about 1984, I represented my professional association at the TUC congress and what did I speak about? Homelessness and young families and my opening statement was “children die”. Well we’re going back to that sort of level and we’re saying as a very rich country “we can’t afford welfare”. Now whether it’s the police, whether it’s hospitals, whether it’s social services, wherever it is, we’re all, I’m sorry I’m retired, we’re all experiencing cutbacks and I think it’s just going to get worse and worse and I don’t envy the police at all. I have as much respect for the police as I can have, for social services, for health visiting, for anything. This is not a criticism of the police, but I think society has to be looked at as it is today, 2016, and we have to find out what’s fundamentally wrong with it. You say you can give five thousand pounds, you can’t do that now, that’s to do with cutbacks.

Tom Savery — You did say we’re a very wealthy country. We’re not, we’re bankrupt. We’re bankrupt as a country.

Meg Roper — I don’t want to engage in this as we obviously both think very differently.

Tom Savery — Fact.

Judith Rowbotham — Are there any other reflections from the witnesses on this? Can I have the microphone down here?

David Rees — I’d like to ask a question relating to the policing and consent. I’m not a great expert on policing. One of the notions about policing, particularly in Britain was that it was largely a policing by consent. Has that changed with the start of PACE or how did PACE shape policing consent in the community?

Tom Savery — Sorry, I didn’t quite get the question.

David Rees— Well it’s sort of the notion of consent, policing and consent. The consent within the community. The police were operating within the community in a consensual fashion. This relates to the notions of respect which we’ve talked about, so these are all bound up in a number of different ways. Was this something you recognised at all or has it shaped anything?

Steve Pearce — I’ll try and answer that. I think, as you say, policing with consent, for me, sort of infers that we will police an area, let’s take Plymouth, we’ll police an area in a way that the public of Plymouth wish us to police and to treat people respectfully, treat them each according to their needs. I’m getting a feeling that maybe, I’m just trying to think has it changed? I think in some cases I guess it’s changed. I think if I think back 20 odd years in terms of policing by consent, that meant to me, I think that I could walk into any community in the city by myself as a police officer with my hat on and knock on a door and ask someone a question and even 20 years ago I might have been told where to go very quickly, but I don’t think and I don’t know why this is and I didn’t have arms. In the 80’s staff would’ve had a wooden truncheon, but they wouldn’t have a lot of kit. So I suppose it’s the neighbourhood bobby image that people were comfortable with, even if they didn’t like police or they thought you were there to arrest them or their son, I didn’t feel afraid to go into those places as a single cop. I think what happened and I’m not sure why it happened, how it happened, is then all of a sudden, somehow levels of violence and that maybe associated with drugs, I’m not sure, but I think, I’m struggling to find the turning point, I just know that I wouldn’t now probably want to walk
into some of the places. If I was able to sort of go back with a helmet and without any kit by myself, without any backup, in some places. Now why is that? Because, maybe wrongly, now as a long member of the public, not associated with the police, I think in some areas this has broken down. People are quick to assault, they’re quick to make allegations, they’re quick to respond with violence, assault and therefore police end up thinking, as we’ve seen this morning, ok we’ll have more equipment, we’ll have cameras to record it and they become more defensive. Now do they still police with consent? Generally speaking, I think, and this is only certain areas, I’m struggling really, but I think if a PCSO, because you don’t see many police constables walking around these days, if a PCSO walked down my street where I live in Plymouth, then I think they’d be safe and would be treated reasonably. If a PCSO walked down one or two other streets in Plymouth, they would have a different mind-set. Now they would go into that street with a different mind-set to start with, so maybe it’s something in them and they probably wouldn’t go in alone, they’d go in in twos and they’d probably have some back up, you know, if they went in to arrest someone. Whereas I can remember, certainly in the 80’s as a detective inspector in Plymouth, I can remember unarmed officers, me being one of them, just walking into a house 6o’clock in the morning, knocking on the door, “Mrs Smith we’re here to arrest so-and-so”. If there’s a hint in this day and age that there may be somewhere in some distant bit of intelligence there’s a firearm or a knife involved, you wouldn’t go near it without an armed response crew and that ups the anti- and therefore in terms of your question about consent, I think most people would consent, you know, if you were going to arrest someone. I’m not sure they would want to consent every time there’s a hint of a knife or a gun, even though you think of the safety of the officers, an armed response team of three cars with six guns turns up and kicks the door down at 4o’clock in the morning and drags everyone out screaming. That might be a bit of an exaggeration, but I’m trying desperately to illustrate my point.

Judith Rowbotham — Are there any comments from anybody else on the panel?

Tom Savery – Yes, can I make some comments about the police. We tend to forget how lucky we are with our police. Look at the American police. They all carry guns and we’ve seen the regrettable shootings which have taken place recently. Russian police, German police, Chilean police, Argentinian, 25,000 people disappear ...[inaudible]... In this country if there’s a hint of an assault on a prisoner, goes straight to ...[inaudible]... it’s exposed isn’t it? Nobody in this country, no prisoner can disappear and just fall off the edge. People are protected and they’re respected. I’m proud to be a member of probably one of the two leading nations in the world with human dignity, the other being Sweden. I think we don’t want to beat ourselves too much about the police. As I’ve said there’s thousands of police, most of them, and I’ve spent many years working with them, are decent hard-working, genuinely motivated people. I only personally knew two bad apples which over a long period isn’t bad going. Police like everyone else should be subject to examination, comment, criticism, but do let us get into perspective, remind ourselves how fortunate we are with our police, that we do live in a society where people are respected, don’t disappear, don’t get tortured, don’t get locked up at Guantanamo Bay for 11 years. We’re very privileged to live in this country and it wouldn’t hurt occasionally just stopping and thinking about it. End of lesson.

Judith Rowbotham – Question from Kim Stevenson.

Kim Stevenson — We were talking this morning about PACE introducing new procedures and that in some ways it was divisive but it also brought in more checks and accountability for example as Tom just said, where a policeman assaulted somebody, PACE brought in different provisions about making complaints and police discipline which is probably more appropriate for Brendan, unfortunately he’s not here. So I suppose one question therefore would be in terms of complaints and discipline, was there a shift from the introduction of PACE and did that make a difference in
terms of facilitating people being more comfortable making complaints. Did complaints go down because, you know, there was a heightened awareness of what did PACE do in that sense in terms of the public and community? I suppose from the legal perspective, slightly aligned to that, Section 76 of PACE, confessions and evidence being obtained under oppressive circumstances or threats or violence. Again you would presume that maybe you were seeing less of that as a judge on the bench, or magistrates not having allegations or ideas based around that kind of evidence. I just wondered whether there was any shift from 1984 onwards where we start to see less of those kinds of complaints from lawyers.

**Tom Savery** – Pre-PACE it was a stock reaction. The Old Bill are fitting us up. Post-PACE you can’t get away with that one.

**William Taylor** – Kim, Section 78, not 76.

**Kim Stevenson** – Section 76 relates to confessions being obtained by oppression or in unreliable circumstances. Section 78 refers to any evidence obtained unfairly. So if it was a 76 scenario, the tribunal had no real discretion, they had to exclude it.

**William Taylor** – I never had a case under Section 76.

**Kim Stevenson** – Which actually answers my question perfectly, doesn’t it? Because that’s kind of what I was testing. Post-PACE you would expect not to see those kinds of 76 situations. So if you didn’t see any, then that’s a very good response.

**William Taylor** – However I do see that I do think we’re living in a complaint or complaining culture. In other words, what’s in it for me? If I’m caught red-handed, let me complain, perhaps somebody will back down. I went, just before I retired, down to the cells to have coffee with the security staff and I saw a leaflet. The first leaflet a punter would see having been sentenced to a term of imprisonment and it simply said “how do I complain?”. Enough said.

**Steve Pearce** – Shall I just deal with the Section 76, 78 bit first? I think the reason Bill didn’t see any is partially because the police woke up. They did wake up, because pre-PACE, as I said earlier, you were taught on the job. I was quite a young detective at some ridiculous age like 24 or 25, detective constable, and you learnt from your seniors. This is pre-scientific evidence, this is pre-CCTV, you learnt that your job was to get a cough, effectively to get an admission, because people expected you to clear up crimes and you were to get a cough. Now the way you did that, most of us did it, I mean clearly others didn’t and that’s why PACE came in, is you worked out that there were pressure points with prisoners that you could use to achieve your ends without resorting to lying or violence, by being a good interviewer. To be told by senior detectives, senior in age, that this young bloke’s got it because he knows how to talk to criminals and knows how to get a cough, was seen as a huge accolade. The thing which now, post-PACE, would be certainly inadmissible, but seen as an end to justifying their means, I can give you two examples. One is, in the middle of the night the uniform staff arrested a chap for smash and grab, a shop window he’d gone in the city centre and the alarm went off, police attended, there’s a big hole in the window, jewellery’s missing. Within 150 metres, because they were quite quick, they find a local criminal who’s got previous convictions, so it was a fair bet, but he didn’t have any jewellery on him. So he was arrested anyway and put into the cells. A wily detective, there weren’t any custody officers and sergeants who’d said “oh we’ve got Harry in again, he’s smashed and grabbed, we’ve got no evidence, he’s saying he didn’t do it, he was just walking by, he heard a smash and because he’s a criminal he’s been nicked”. So wily detective found another detective and said “right, take your tie off”, shoved him in the cell as another prisoner. So the detective went into the cell alongside Harry the burglar and he was pushed into the cell roughly
by the police with his tie off and of course the conversation went “what are you in for?” - “the bloody police’s just arrested me for fighting in the street” says detective with tie off, “I was only minding my own business, had a few drinks and he had a few drinks and there was a bit of a scuffle and I got nicked” – “what are you in for?” – “well they reckon I’ve done this smash and grab, well they’ll never catch me because I haven’t got the property on me, I’ve hidden it away” – “well where have you hidden it?” – “well I put it in a dustbin behind such-and-such a shop and I’ll go back when I’m released and get it”. So the wily detective after a while says “you’re nicked” in the cells and bangs the door, the sergeant comes in “he’s coughed” and so they go and find the jewellery. So the duty detective goes in and sits down and says “right Harry, you were arrested at such-and-such a time, you just admitted to this officer that you’ve hidden the stuff and we’ve gone and found it where you said it was, you’re nicked, you’re charged, you’re in court”. Now that was seen as good coppering. That was seen as a result. No-one was beaten up. No-one was hit. The wrong person wasn’t arrested, because the wrong person wouldn’t have known where the jewellery was and he went through and he pleaded guilty and that happened all the time. Another example and these examples, to me, is the way to do the job. There aren’t many young people left, but people of our generation will remember when people got paid their wages in wage-packets and a firm called us up and said “we’ve dished out the wage-packets”, as they did on a Thursday or whatever and for people who doesn’t know about these things, the wage-packet was a little brown envelope with money in it and it always had a note folded over the top, and it got to the end of the queue and someone’s was missing and had been stolen, by obviously another employee and they reported it to us and they suspected a person who had financial difficulties and was seen by the firm to be a bit of an odd-ball and the likely person to have committed the crime. So the person’s arrested on reasonable suspicion. I’m not sure that reasonable suspicion would stand up in this day-and-age, but he was an employee who was hard up for money and in those days, that seemed to be good enough. He was arrested and he vehemently denied having stolen this wage-packet. He had his own, but not the other one. It also had a name on it, I should say, the name of the person. They always put the name on whose wage-packet it was. So the detective sergeant came up with a ruse. We searched the place upside-down. We couldn’t find it, but some of us had that gut feeling that the stolen wage-packet was in that house. The sergeant went back to the firm and said “make me up another wage-packet, identical to the stolen one”. So they did. Then he went into the cells into the prisoner and sort of said “have you had a think about what we’ve been saying”? He said “no, I still didn’t do it”. He produced the wage-packet and he said, because he was in with his wife, he said, I swear, “she told you it was in the piano stool”. So we went back to the piano stool and opened the piano stool and amongst the music, he had a piano and a stool would you believe, amongst the music was the stolen wage-packet. So we came back and he coughed. Now that under Section 76 or 8, whichever it is, would now be totally inadmissible, but, in those days that was seen as good coppering. So I think PACE, because PACE was associated across the board with other things too, you know, it was timely, but it stopped those practices and what it meant is that cops who were good talkers and good detectives, had to re-think their tactics a bit. And then what was worse for practical detectives, until they got their head round it, is that lawyers started telling their clients to say “no comment”. Oh, first of all, lawyers were allowed to sit alongside them and then say “no comment”. So we’d have said to this chap, the jewellery man, we wouldn’t of obviously put a detective in the room, we would’ve just said “you’re arrested ...[inaudible]” – “yes” – “there’s no forensic evidence” – “no” – “where’s the jewellery?” – “no comment”, “no comment”, “no comment”. Even if it had been found in the bin, if they’d searched the place, you could never tie him to the jewellery, so he would’ve walked free. The ends, in our view at that time, justified the means. As I say, it would certainly be excluded now. So people had to re-think the tactic and the way they interviewed and I think they became more professional along the way, if I’m honest, because it made you think about these
things. It gave you the powers to search, well we could search anyway, but it gave you more powers to search immediately afterwards and I can’t remember the Sections, but I do remember saying to people “right” and they’d say “you’re not searching my house” and I’d say “well under Section, whatever it is, we are mate, I don’t care what you say”. PACE gives us that power and it seemed to be glorious to be able to say, without going to a magistrate to get a search warrant, PACE allows us to and you can do what you like, you know, Section so-and-so. We all knew it and trotted it out at the time. So I think it made it more professional, in the long term. Now, we talked about complaints. I guess if those people are still around and I haven’t identified them, they’d complain about me now. I think somehow people just accepted it as their lot, I think, and didn’t complain. I mean, unless it was very serious, perhaps they thought nothing would ever happen, how it wouldn’t be dealt with. I can remember complaints against me, would they make me more careful? I mean complaints invariably about, I don’t know, the way we searched premises. I was on the Drug Squad in the 80’s. Complaints came in from places we’d searched because of the time of day we searched, because of the way we searched, they complained effectively and perhaps, sometimes, with justification, on the lack of evidence we found. With drug searches, as people will know, it doesn’t take five minutes, if you’re going to do it properly, it takes a long time, it disrupts families. But I think as an example, when I was effectively in a more senior role, but in charge of the Drug Squad, and I reflect now, I remember one morning there was a detective sergeant then on the Drug Squad ringing me up and saying “you sitting down?” and I said “yes”, so he said “we’ve just kicked the wrong door down and it’s an elderly guy”. He was up the top of his stairs shaving in the morning as the troops came through the door. He said “the guy is on his way down to see the editor of The Herald, he’s kicking up hell of a fuss, it’s an honest mistake”, as ever, it’s the wrong house, not the wrong information. I mean it’s a terrible policing error. It was a back-to-back house within the city. It was 36 X Street. They went into 36 Y Street, which was the next street over and I said “if he’s going down to see the editor of The Herald, he’ll want him to do all sorts, can you try and scoop him up and I’ll come down and see him”. I bought a bunch of flowers for his wife and a bottle of scotch for him and talked him out of making a complaint and he was very happy and we dealt with his door. I think in this day-and-age that wouldn’t happen, because people, I think someone said earlier, are very quick to complain and maybe look at conversation. I don’t think I’d do that anyway, because that would be as a detective, whatever I was then, that would’ve been seen as a great, I mean if I hadn’t turned him around, he would’ve gone down to The Herald and said “the boss even bought me a bloody bottle of whisky, that just goes to show how wrong they were”. Back to the question, did it change the police thinking? I think it did, because when complaints came in and they were more professionally investigated and people became more conscious of litigation, the police backed off more and said “well if you want to make a complaint, you make a complaint”. People generally speaking, in my experience, just wants someone to say “sorry” and put it right. They don’t want a three-month inquiry. When the cops say “no comment” themselves, because they’re interviewed and they’re entitled to say “no comment” and they won’t admit it, and eventually they might get some compensation for the door, they wouldn’t get their whisky or flowers. So I think, in some respects, it made it worse, because the litigation, as I say, the police backed off more and said “ok, there’s the forms, you complain, we’ll have a brand new squad and they’ll come and interview you and they will see people”. Whereas in my belief now, certainly having left the police 12, 13 years ago, I think if they were quicker to say “sorry” and say “I’ve made a mistake”, the police would have more confidence in the system, than a letter six months down the line saying “dear Mrs so-and-so, we’ve investigated your complaint, we’ve got no grounds to think the police acted unlawfully, I’m very sorry, I hope you still support us”. End of.
Judith Rowbotham – Thank you very much. Do we have any final comments? Can you bear to take one more question from Craig?

Craig Newbery-Jones – Just carrying on very slightly from the question Professor Stevenson ...[inaudible]... of the Law School, again this might be slightly outside the period of questions here. Do you think, we sort of mentioned the press there and the press potentially making it more difficult for policing in the modern age perhaps, but do you think social media and growth of the internet has made it more difficult in regards to complaints? In particular, in the sense that social media is quite a double-edged sword in a sense that it can be very valuable for community outreach, but in turn it gives more people a voice for whatever that may be, good or whatever really, it’s a good excuse to go across the panel. I guess Brendan would’ve been able to answer that right now, I’m not sure what your experiences are in regards to that.

Steve Pearce – I’m happy to go again if the other guys aren’t. I don’t think, I can’t remember, when I retired, I’m sure people were tweeting each other or texting each other, I can’t remember now. I certainly wasn’t doing it very much. I’ve become much more savvy since I’ve retired about these things, only to communicate with the rest of my family, most of the time. When I first saw the Devon & Cornwall Police policy, when I saw it, when I saw things on Twitter and I saw tweets and social media groups from cops, I was a bit horrified, you know, because I traditionally thought how does that fit in with force policy and all the rest of it. But that’s life and that’s how things are going to change and that’s more open and I think the way, and I think this is the way the police deal with it, I think, and of course the public will say they will tweet or put it on Facebook, I just reflect back to that drug thing, you know, that wrong door going down, you can just imagine now if those people were internet savvy or IT savvy, that would’ve been all over. I hope the police are quick to use the same means. I hope they put someone monitoring this stuff, as you say, Brendan would be the guy to say that, because I think you can’t stop that, so you have to embrace it and therefore you have to someone saying straightaway “I’m sorry” or whatever, “please come and see so-and-so” or “can I contact you?” and try and put the other side without being too defensive. But if you don’t engage at all, or you say “it’s not our policy to answer questions on Twitter, I’m sorry”, then you’re on a hiding to nothing, I think. So I think the trick, for me, is I just hope the PR and the media people of the police are saying to the chief constable and advising these people “look, you’ve got to get a grip”. It was mentioned this morning, Hillsborough and what’s been happening in Liverpool and as a result of Hillsborough, how social media has changed the landscape and the force are now under the cosh totally. Not just for how they dealt with it in 1981, I can’t remember the date.

Judith Rowbotham – 89.

Steve Pearce – 89, yes, thank you, the way they’ve dealt with it in the last two years whilst the inquest has been going on and that would never have come out ever before.

Judith Rowbotham – No, it was the unfortunate use of social media that has seen the suspension of the chief constable this morning.

Steve Pearce – Yes. So I think, somehow the police have got to sort of, and of course it’s all about spending resources, because if you’ve got people employed to manage that, they’re not like they’re walking the street are they? That’s what the public want, you know.

Judith Rowbotham – Are there any comments?

William Taylor – Well only as a postscript, that we were talking earlier about relationships within the various agencies. Steve and I after our respective retirements became close friends and in two
hours’ time, both of us will be attending a board meeting as trustees of a day centre for drug and alcohol abuse, so something Steve, came out of it.

**Steve Pearce** – What you mean you’ve still got me working.

**Judith Rowbotham** – Anything from you Tom that you’d like to add finally.

**Tom Savery** – Not really. Just observing that the internet and Twitter and Facebook and all the rest of it, huge benefits, but a huge black side to it and I think it can be controlled, but I think the authorities should keep on a relentless war, for want of a better word, to stop the abuse, because it opens the gates to people who normally wouldn’t dream of picking up a pen and writing a letter, but they can type stuff and it can go global, you can abuse your ex-partner by posting intimate, private photographs, it’s a frightening tool and I think governments should get more pro-active in trying to control it without suppressing it.

**Judith Rowbotham** – Thank you. I think that, particularly with a board meeting for two of our panellists, we’re only two hours ahead and that the time has come to draw the proceedings to a halt. I’m sure there are more comments and queries and indeed ideas and questions that this has raised. Now you will all get, those of you who have questions and who’s already commented, do please remember that you’ll get a copy of the transcript and that you are encouraged to add information where you feel that it’s useful, relevant and that also you may, if you want to draw, an occasional line, you may do so.

**William Taylor** – Like a police officer’s notebook.

**Judith Rowbotham** – No, you wouldn’t do that. Thank you again to our panellists and thank you to the audience, because it is the panellists, but also the audience, that make events like this and make them important resources. So as one of the co-ordinators who has only chaired, since Kim as one of the other co-ordinators and Michael Kandiah have also commented, may I say thank you, all of you, you have made this what I think will be a very interesting, a very important contribution to the witness seminars that have been coming out under Doctor Kandiah’s aegis and I look forward to more at Plymouth, in related areas. So thank you all very much indeed.