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## The Angiolini inquiry: missing the big picture?

**Ruth Broadbent** examines the scope of the inquiry into Sarah Everard's murder: what exactly does it seek to prevent, & how far is it willing to go?

### IN BRIEF

► In the wake of Met Police officer Wayne Couzens' conviction for the murder of Sarah Everard, an inquiry chaired by Dame Elish Angiolini was established, with Phase 1 to focus on Couzens' career, conduct and history in the police.

► Many have criticised the scope of the inquiry as too narrow and ineffective. Its non-statutory nature also means the success of its investigation will depend upon the willing co-operation of the police—which has not always been forthcoming in previous inquiries.

Inquiries have many purposes. Some are concerned with establishing simply what happened and why. [Some] focus upon discipline. Many inquiries, including this inquiry, involve catharsis and close analysis of what may have gone wrong' (Sir William Macpherson in the Stephen Lawrence Inquiry).

On 3 March 2021 serving Metropolitan Police officer Wayne Couzens kidnapped Sarah Everard from the street, likely handcuffed her under the pretext of executing a lawful arrest, drove her to Dover, raped and strangled her. He burnt her body.

As the details of Ms Everard's disappearance unfolded, many saw her murder as the horrific expression of an endemic culture of violence against women. Reclaim These Streets, established in the wake of her death, described the purpose of the Clapham Common vigil as

a demonstration that 'we were angry that women still weren't safe and we were tired of the burden to stay safe always weighing on our shoulders'. Since March 2021 they have held or supported numerous vigils for other women killed by men. Sentencing the murderer of Sabina Nessa, killed in September last year, Mr Justice Sweeney described how the crime, first and foremost a tragedy for her family, fed into the wider 'sense of insecurity' particularly felt by women walking through the city at night.

And as families mourned loved ones, scandal after scandal suggested that not only did the police fail to sufficiently protect women, but too often contributed to the problem. In December 2021, two Metropolitan Police officers were jailed for sharing photographs of the bodies of murdered sisters Bibaa Henry and Nicole Smallman, their family's suffering already compounded by Ms Smallman's partner having discovered their bodies after the police failed to investigate their disappearance. In March 2021, the response to gatherings on Clapham Common sparked fury at the tone-deaf heavy-handed policing of women mourning Everard's murder by their former colleague. In January this year, the Metropolitan Police apologised to Dr Konstancja Duff for the use of 'sexist, derogatory and unacceptable language' while strip-searching her in 2013, and in April, a decade after the scandal came to light, the chief constable of the Greater

Manchester Police publicly apologised to the victims of the Rochdale grooming gang, admitting that the force 'could, and should, have done much more to protect you'.

Days after Fulford LJ sentenced Couzens to a whole life term, the political necessity of a wider investigation was clear, and at the Conservative Party Conference Priti Patel announced a public inquiry that would 'give the independent oversight to ensure that something like this can never happen again'. In November 2021 the home secretary appointed former Lord Advocate Dame Elish Angiolini QC as chair, and in January, the government published the terms of reference for Phase 1, which focus upon Couzens' career, conduct and history in the police. The terms of Phase 2 are not yet decided, but the inquiry's website provides that it will build upon Phase 1 and 'look at any broader issues raised by this case for policing and the protection of women'.

But as the inquiry prepares to hear evidence, women's groups have initiated judicial review proceedings against the home secretary for an investigation they say is too narrow and ineffective in nature. This forces questions as to the intention behind Ms Patel's promise and the public's expectations: what exactly does this inquiry seek to prevent? How far is it willing to go?

### What will the inquiry examine?

Phase 1 of the inquiry will seek to establish:

1. An overall timeline of Couzens' career and relevant incidents, including allegations of criminal behaviour and/or misconduct.
2. The circumstances and decision-making relating to his vetting and re-vetting, including whether any potential risks and/or red flags were missed.
3. Any other relevant matters arising from his transfers between forces.
4. His overall conduct—including non-disciplinary matters, his performance and training.
5. The extent to which any issues relating to his behaviour, particularly in relation to women, were known and raised by colleagues (including professional standards and senior leaders).
6. Any abuse of his police powers.

The published terms of reference for Phase 1 are decidedly narrow in their focus on Couzens' behaviour. There can be no doubt that the investigation must establish the details of Ms Everard's case, but tethering the exploration of wider issues surrounding the policing and protection of women to matters arising from Phase 1's examination of Couzens' conduct has drawn criticism for its potentially partial examination of the myriad factors at play, both in the commission of violence against

women and the policing of the same.

The Centre for Women's Justice (CWJ) has described the terms of reference as a missed opportunity, ignoring the reality of many women's experiences:

'To view this issue through the lens of Wayne Couzens alone, means the opportunity to fix the systemic issues that leave women vulnerable to these officers, will be missed. For example, disabled women and minoritized ethnic women have even worse [outcomes] when they report abuse —this needs to form part of the inquiry.'

The call for an intersectional approach recognises that gender violence and the policing of it do not exist within a social vacuum. Ms Henry and Ms Smallman's mother is firm in her belief that class and racism affected the quality of the police investigation: 'I knew instantly why they didn't care,' she told the BBC, describing the delay by the Metropolitan Police to investigate her daughters' disappearance. 'They didn't care because they looked at my daughter's address and thought they knew who she was. A black woman who lives on a council estate'. While the subsequent Independent Office for Police Conduct (IOPC) report found no evidence of racial bias underlying police failings into the investigations of the murder of the sisters, the family's allegations have been supported by members of the policing community, such as former Met chief superintendents Dal Babu and Victor Olisa and former chief constable of Nottinghamshire Sue Fish. Elsewhere, in January, the IOPC identified evidence at Charing Cross police station of an environment in which racism, misogyny, homophobia, harassment and bullying thrived together. The implication ought not to be ignored, however unsurprising it may be: a culture that enables discrimination of one kind will likely breed others.

Terms of reference must be manageable, but not reductive; the findings of the IOPC's report were only possible due to the breadth of the investigation. While no inquiry into an individual tragedy can investigate the full scheme of systemic issues that may be in play, the terms of reference tend towards a particularly restrictive investigation as to how Couzens was able to serve, or continue to serve, in the police, rather than an examination as to how and why he, a police officer, came to commit such crimes. Meanwhile, the emphasis at term five on behavioural issues towards women suggests an executive desire to avoid too broad an investigation, such as how the intersection of gender and other characteristics may affect one's experience of the police.

Ultimately, the interpretation of the terms of reference is a matter for the chair, and the scope of the inquiry remains to be seen. But if the inquiry hopes to prevent police-perpetrated gender violence and instil confidence in the police, its purpose in part must be catharsis: acknowledging and testing the relationship between an individual tragedy and its expression of a wider sense of injustice.

#### How will the inquiry investigate?

The non-statutory nature of the inquiry means the success of its investigation depends upon the willing co-operation of the police. It cannot compel witnesses to testify or produce evidence and those who mislead or lie to the inquiry cannot be prosecuted.

Ms Patel has defended the decision to proceed without the protections afforded by the Inquiries Act 2005 as enabling the investigation to proceed swiftly and flexibly, but critics argue this is inaccurate and misconceived. The CWJ describes the decision as 'a disservice to Ms Everard and her family', denying them access to free and independent legal advice and so compounding the risk that efforts to investigate will be frustrated by parties, including the police, withholding evidence from the inquiry. JUSTICE voiced similar concerns in its public letter to Dame Elish Angiolini. Writing to her in February, JUSTICE working party chair Sir Robert Owen noted the poor history of police disclosure in similar circumstances: 'Regrettably experience gives rise to serious concern that you will encounter institutional defensiveness on the part of the police authorities.'

The repeated failure of the Metropolitan Police to act with candour in previous inquiries is extraordinary in its disregard for the supposed constitutional root of its power. In 2014, the *Ellison Review* concluded that there were disclosure failings by the Metropolitan Police to the Stephen Lawrence inquiry. Dame Elish Angiolini in her *Review of Deaths and Serious Incidents in Police Custody* found that: 'It is clear that the default position whenever there is a death or serious incident involving the police tends to be institutional defensiveness on the part of state bodies', which can pose a 'significant barrier to understanding what has gone wrong and in consequence learning from it'. The Daniel Morgan Independent Panel concluded that its task was made harder by virtue of the fact it required the co-operation of the Metropolitan Police, having not been established under the Inquiries Act 2005:

'We could not compel witnesses to testify, nor could we compel the Metropolitan Police to disclose documents in a timely

manner. We had to rely upon the readiness of the Metropolitan Police and others to honour their promise to the Home Secretary to provide "exceptional and full disclosure."

That co-operation was not forthcoming. The report recommends that 'organisations, such as the Metropolitan Police, which promise to make "exceptional and full disclosure", should do so'.

#### What will come of the inquiry's findings?

The home secretary has not ruled out converting the inquiry into a statutory one on the advice of the chair and if the terms of reference otherwise cannot be fulfilled, but that necessarily imparts highly political questions into the inquiry's remit while the decision remains a matter for government. Herein lies the limits of any public inquiry.

Recommendations for change can only work if implemented, and political gaming around inquiries into tragedies, both before and after their establishment, may give rise to the greatest scepticism as to what any investigation can actually achieve. JUSTICE's report *When Things Go Wrong* found that in the absence of formal oversight as to a government's response to inquiries, reports and reviews, recommendations are too often ignored and lessons are not learnt. In his February letter, Sir Robert Owen suggests to Dame Elish Angiolini timetables for an examination of the steps taken by the government in response to its recommendation. Such scrutiny may serve to put pressure on the government, but the greatest unknown for those asking what changes the inquiry can secure lies in the political will of executive bodies to effect change.

But the significance of politics doesn't signal the death knell for the public inquiry; rather, its capacity to remain relevant to the public it serves becomes paramount. Political beasts are moved by public discourse. While few would suggest the Stephen Lawrence inquiry cleansed the Metropolitan Police of racism, that inquiry's decision to engage with broader issues of a systemic nature and social concern through the exploration of an individual tragedy renders its findings not easily forgotten and all the harder to ignore. The more the inquiry can engage in and so encourage continued public discourse on the issue of gender violence, rather than act as the vehicle to distract from such questions, the greater its impact will be.

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