

Peter McCall

Police and Crime Commissioner for Cumbria

Carleton Hall

Penrith CA10 2AU



**Enquiries to: Mrs J Head
Telephone: 01768 217734**

Our reference: jh/EIP

Date: 9 November 2016

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

CUMBRIA POLICE & CRIME COMMISSIONER AND CUMBRIA CONSTABULARY ETHICS AND INTEGRITY PANEL

A Meeting of the Ethics and Integrity Panel will take place on **Thursday 17 November 2016** in **Conference Room 3**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**.

**S Edwards
Chief Executive**

Note: Members are advised that allocated car parking for the meeting is available in the Visitors Car Park to the left of the main Headquarters building.

The Panel members will meet at 9.00 am and carry out a dip sample of Constabulary complaint and appeal files.

PANEL MEMBERSHIP

Mr Michael Duff
Mrs Lesley Horton
Mr Alan Rankin (Chair)

AGENDA

PART 1– ITEMS TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

To consider (i) any urgent items of business and (ii) whether the press and public should be excluded from the Meeting during consideration of any Agenda item where there is likely disclosure of information exempt under s.100A(4) and Part I Schedule A of the Local Government Act 1972 and the public interest in not disclosing outweighs any public interest in disclosure.

PART 2– ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

4. NOTES OF THE PREVIOUS MEETING

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 8 August 2016 (copy enclosed).

5. CIVIL CLAIMS

To receive and note a report by Cumbria Constabulary on Civil Claims (copy enclosed) - *To be presented by Mr A Dobson, Director of Legal Services.*

6. MISCONDUCT

- (a) To receive and note a report by Cumbria Constabulary on police staff misconduct (copy enclosed) - *To be presented by Deputy Chief Constable Skeer.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

- (a) To receive and note a report by Cumbria Constabulary on work undertaken by the Anti-Fraud and Corruption Unit (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*
- (b) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

8. INTEGRITY – COMPLAINTS BY THE PUBLIC

- (a) To receive and note a report by Cumbria Constabulary on public complaints (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*
- (b) To receive and note a report by Cumbria Constabulary on assault complaints (copy enclosed) - *To be presented by Deputy Chief Constable Skeer.*
- (c) To raise any overall issues identified during the dip sample session and discuss progress of actions detailed within the action sheet.

9. OPCC COMPLAINTS AND QSPI

To receive and note a report by the Office of the Police and Crime Commissioner regarding complaints and quality of service issues received (copy enclosed) – *To be presented by the OPCC Chief Executive .*

10. FUTURE WORK OF THE PANEL

- (a) To receive an update on thematic areas of work to be considered by the Panel in 2017 – *To be provided by Deputy Chief Constable Skeer.*
- (b) To report on outcome of thematic session held on 3 November 2017 with ACC Martland.

11. 2017 MEETING DATES

To receive and consider proposed meeting dates for the Panel in 2017 (copy enclosed) - *To be presented by OPCC Chief Executive.*



Agenda Item No 4

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Monday 8 August 2016 in Conference Room 2, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

Ms Lesley Horton (Chair)
Mr Alan Rankin
Mr Michael Duff

Also present:

Assistant Chief Constable Darren Martland
OPCC Chief Executive (Stuart Edwards)
OPCC Governance & Business Services Manager (Joanne Head)

28. APOLOGIES FOR ABSENCE

No apologies for absence were received as all members were present.

The Panel Chair thanked everyone for their attendance at the meeting and took the opportunity to congratulate Michael Duff on being permanently appointed to the Panel.

29. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of any personal interest relating to any item on the Agenda.

30. URGENT BUSINESS

There were no items of urgent business to be considered by the Panel.

31. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 4 May 2016 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 4 May 2016 be approved.

32. INTEGRITY - COMPLAINTS BY THE PUBLIC

ACC Martland presented a report which detailed public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period. It was noted that during quarter four there had been a decrease in the number of complaints received compared with the same period in 2015. 201 complaints had been



received compared to 249 in 2015. The current 12 month rolling period showed that there had been a reduction of 10 cases (3%) and a reduction of 67 allegations (13%). All Territorial Policing Areas (TPA's) had reduced their level of allegations, although HQ had shown an increase. This was attributed to the increase of Direction and Control complaints which referred to the Constabulary's operational policing policies and procedures, management decisions, general policing standards and organisational decisions. Over the current 12 month period direction and control complaints had increased by 65%. Examples of these related to the floods in 2015 and Constabulary's change to what types of incidents they would now deploy officers to and dissatisfaction from members of the public.

The number of complaints dealt with by Local Resolution had increased by 20 cases with the number of allegations upheld by PSD reducing by 7 allegations. The number of appeals considered by both the Constabulary and the IPCC continued to reduce.

The panel noted that the number of complaints relating to arrest or custody had increased. They were advised that the Constabulary had not identified any patterns or trends in relation to a particular officer or shift.

The Constabulary continued to finalise allegations within the IPCC guidelines with Cumbria remaining third best in the country for the average number of days to locally resolve allegations.

AGREED; that, the report be noted.

33. INTEGRITY – ANTI-FRAUD & CORRUPTION

ACC Martland presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. He guided members through the report, commenting on each of the cases listed that had been finalised and those still ongoing providing an update on their current status.

The members were again pleased to note that the number of officers who were currently suspended had remained low, ie two. ACC Martland provided members with examples of the types of issues and incidents which were currently ongoing.

AGREED; that the report be noted.

34. GRIEVANCES

The Panel received a report which outlined the number of grievances currently being dealt with by the Constabulary in comparison to the previous 12 months and 3 year periods. In 2015-16 there had been 4 grievance cases recorded.

Culturally in Cumbria officers and staff voiced their concerns and generally matters were dealt with informally. Although this may be good for the individuals involved it did not allow the

matters to be recorded and to enable the organisation to learn for the future or make appropriate changes.

The OPCC Chief Executive advised that at a recent meeting with the secretary of the staff union, Unison, they had stated they were pleased that issues were resolved at an early stage and saw this as a positive step by the Constabulary.

AGREED; that the report be noted.

35. STOP AND SEARCH REVIEW

During the morning the Panel had undertaken a dip sample of a number of stop and search forms with a view to assessing whether the information contained within the form provided enough evidence to substantiate the grounds for the stop and search. Earlier in the year the Panel had carried out a similar dip sample following an HMIC inspection which had resulted in a number of recommendations being made to the Constabulary.

The Panel were pleased to report a very positive turnaround from those sampled earlier in the year. The reasons for the stop and the search were now clearly identified. The members noted that the number of stop and searches had decreased however ACC Martland anticipated that the numbers would increase again slowly with continued learning and awareness. Monthly dip samples would continue to be undertaken to work with officers and maintain standards.

Following discussion it was agreed that the Panel would carry out an annual dip sample of stop and search forms.

AGREED; that, the

- (i) report be noted; and
- (ii) Panel carry out an annual dip sample of the Constabulary's Stop and Search forms.

36. POLICE DISCRETIONARY FRAMEWORK

The Panel had been provided with a report relating to the Police Discretionary Framework and had planned to undertake a dip sample of cases where the discretionary framework had been utilised. Disappointingly the Panel had not been afforded the opportunity to dip sample cases but rather had only been provided with 6 cases, those which had been highlighted within the report. The report itself did not provide any context to the number of occasions whereby the framework had been utilised, ie 107. In addition the only way in which cases could be identified as having utilised the framework on the current computer system was if an officer specifically stated this in the 'free text' box. The Panel felt that there was no driver for the framework to be used by officers.

ACC Martland explained that due to a number of staff resigning and a recruitment process the changes had not been forcefully implemented. By mid-October the Control room would again be fully staffed and further progress would be made to implement the framework. It was important that the framework supported the organisation's ability to resolve issues and

balance the demand for service. The re-introduction of the framework would be monitored and form part of individual's 15 week review with their line managers. The members asked that an update report be provided to their February meeting to allow enough time for the re-introduction to take place and become embedded.

AGREED; that,
(i) the report be noted; and
(ii) an update report on the reimplementation of the framework be provided to the Panel's February 2017 meeting.

37. CODE OF ETHICS

The Code of Ethics for all police forces in England and Wales was launched on 15 July 2014, setting out nine policing principles and ten standards of professional behaviour. The Assistant Chief Constable presented a report which outlined the work undertaken to embed the Code of Ethics within the Constabulary. This had been done through a variety of mediums including Chief Officer Roadshows, newsletters, information on noticeboards, training courses and promotion processes to include the Code of Ethics.

The Code of Ethics was now built into and embedded into the day to day business of the Constabulary via the Ethical Framework. Including their decision making model, misconduct processes, selection and promotion procedures.

The Panel agreed that an annual report on this area of business was not required, rather reports be presented to the Panel when issues arose.

AGREED; that, the report be noted.

38. CODE OF CONDUCT

The Governance and Business Services Manager presented a report which illustrated the Chief Executive's monitoring of the Police and Crime Commissioners Code of Conduct and PCC/Officer Protocol. Upon taking up office in May 2016 the Commissioner swore an oath of office to act with integrity and agreed to abide by a Code of Conduct.

This report focused on the ethics and culture of the PCC and his office. To date no complaints had been received from either members of staff or the Commissioner. Two complaints had been received regarding the previous PCC, Mr Richard Rhodes. One had been deal with via local resolution; Mr Rhodes had left office prior to the second one being completed. No complaints had required investigation by the Police and Crime Panel (PCP) regarding the Commissioner. The Chief Executive advised that the PCP were to review their process for dealing with complaints initially. Currently the PCP membership had no involvement in the initial stages of a complaint. The proposal was to elect a sub-committee with the monitoring officer being an advisor and the members would consider the complaint. The Chief Executive would update the Panel on the outcome of the review.



The Panel agreed that an annual report on this area of business was not required, rather reports be presented to the Panel when issues arose.

AGREED; that,
 (i) the report be noted; and
 (ii) no future annual report was required but that issues should be reported to the Panel as they arose.

39. FUTURE WORK OF THE PANEL

Since the Panel was established its role had gradually expanded beyond the original remit and it was now an opportune time to consider the future direction for the Panel. The Chief Executive outlined proposals for the future work programme of the Panel. A lot of good work had been achieved during the past 18 months especially in relation to complaints and misconduct processes. It was proposed that the Panel would look at some more thematic areas of work, whilst maintaining oversight on the current areas of business.

It was agreed that the Constabulary would provide areas of thematic work for the Panel to review at the November meeting and the Panel were asked to provide any feedback to compliment this.

Earlier in the year two Panel members had resigned, including the Chair. A new member had been appointed earlier in the year, Michael Duff. However the Commissioner and the Chief Constable wanted the Panel brought up to its original membership of four including the appointment of a permanent chair. It was proposed that the opportunity for the Chair be offered to the existing membership with the panel vacancy being publically advertised.

AGREED; that,
 (i) the report be noted;
 (ii) the Constabulary provide thematic areas of work to the November meeting;
 (iii) a recruitment process be undertaken for a fourth panel member and the appointment of a permanent Panel Chair.

Meeting ended at 4.10 pm

Signed: _____

Date: _____

Panel Chair



Office of the Police & Crime Commissioner Report

Title: Police Staff Discipline and Misconduct

Date: 17 November 2016

Agenda Item No:

Originating Officer: Andrew Taylor, Head of HR

CC:

Executive Summary:

The Constabulary has a Disciplinary Policy and Procedure which affords the opportunity to resolve cases quickly and effectively at the lowest possible management level. This report provides a summary and analysis of the cases which have been dealt with in the twelve months preceding this year's meeting of the Panel

Recommendation:

That, the Ethics and Integrity Panel note the Report.

1. Introduction & Background

- 1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period August 2015 and 30 October 2016.

2. Issues for Consideration

- 2.1 Between August 2015 and November 2016 twenty four members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. Nine staff members were female, fifteen were male. None were of a minority ethnic origin. * Note that five cases were assessed in May 2016.
- 2.2 Of the nineteen remaining cases; one case was subject of a public complaint and locally resolved, seven cases were no further action, four received words of advice in relation to conduct, four received advice in relation to the Code of Ethics, one person resigned prior to the outcome of the investigation and two were unknown but an online publication regarding conduct was produced.
- 2.3 There are currently two investigations which are ongoing and not subject to review by the panel at this time.

2.4 No hearings have taken place during this timeframe. No appeals were heard during this time period.

3. Implications

3.1 Financial

1.1 Please see Equality Implications

3.2 Legal

1.2 Please see Equality Implications

3.3 Risk

1.3 Please see Equality Implications

3.4 HR / Equality

If the provisions of the Employment Rights Act 1996 are breached in terms of unfair dismissal the there would be implications for the Constabulary which may lead to financial and status loss.

If any equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which may lead to financial and status loss.



Constabulary Report to OPCC

Agenda Item No 08 (i)

TITLE OF REPORT:	INTEGRITY – COMPLAINTS BY THE PUBLIC
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DATE OF MEETING:	11th November 2016
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ORIGINATING OFFICER:	DCI Nazir – Professional Standards
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PART 1 or PART 2 PAPER:	PART 1 (OPEN)
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Executive Summary:

No more than 100 words.

- IPCC data continues to show that Cumbria complaints per 1000 employees have reduced in the quarter. Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q1 Apr to Jun 16, Cumbria: 55, MSF average: 91, National average: 70.
- The current 12 month rolling figures show that there has been an increase of 25 cases (9%) and a reduction of 2 allegations (0.4%) in comparison to the last 12 months.
- A breakdown of allegations shows that all Areas have increased their level of allegations except North & West TPAs, mainly due to Oppressive Behaviour allegations.
- Allegations upheld by PSD have reduced by 33 allegations (72%) comparing the last period the current 12 months. The number of Local resolutions has increased overall by 2 (1%)
- The number of IPCC and Force appeals continue to reduce.
- The number of upheld appeals for the IPCC has reduced compared to the last period by 6 to 3 (21% of results), upheld Force Appeals have increased (6% of results).

Recommendation:

Set out clearly the recommendation to be approved, using bullet points and ensure references are included to previous decisions on this matter. Any alternative options considered should not be outlined here but in the 'introduction and background' section.

- To continue to issue PASS Newsletters, Best Practice and Forcenet when trends are identified.
- To circulate trends regarding types of allegation and outcomes to the TPA's.
- To finalise work on improving accessibility to the complaints process.

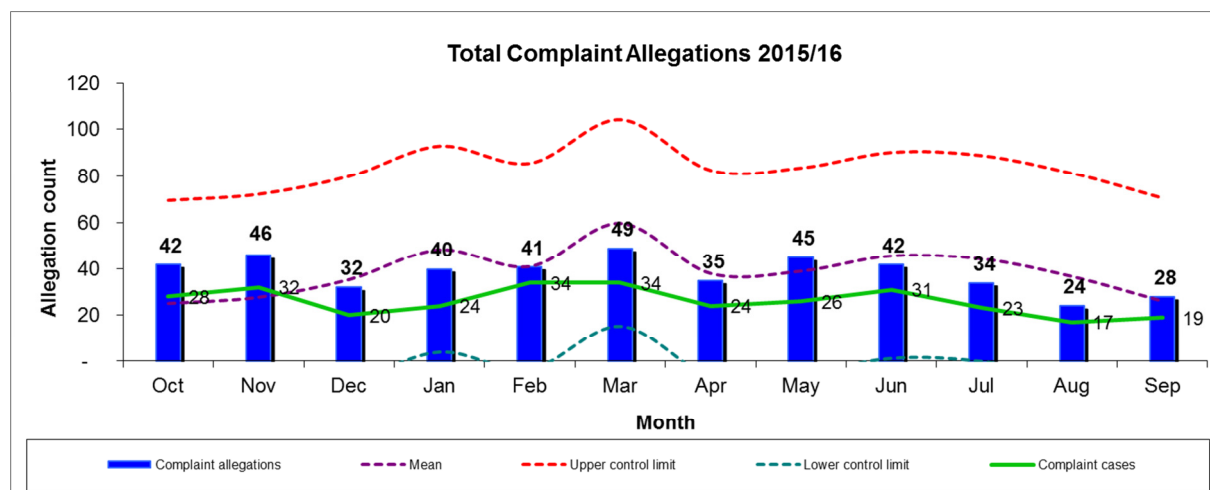
MAIN SECTION

1. Introduction and Background

Alternative options considered, evaluation, benefits – anything not covered in sections below etc.

1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from July 2015 to June 2016: -



The chart shows fluctuating levels of complaint allegations and cases. Peaks in allegations were seen in October, November, March and May, although only October, November, May and September were over the three year average. The most significant change was the increase in Allegations and cases in October and November opposite to the three year trend of reductions in autumn. Over the 12 month period the total allegations at 458 are the lowest figure for 2 years and cases are 312, an increase of 24 on 2014/15 but a reduction on the 334 in 2013/14.

The nature of complaint cases and allegations will continue to be monitored closely to identify any potential future trends.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of September 2015 and 2016. The figures show that the numbers of cases over the current 12 month period have increased compared to the last 12 month period. This indicates that there are more people complaining but they are complaining about less issues.

	12 Month Rolling to Sep 2015	12 Month Rolling to Sep 2016	Percentage Change
Cases	287	312	8.7
Allegations	461	459	-0.4

*Including Direction and Control cases/allegations.

Work to improve accessibility to the police complaints system has been completed, this will be reviewed in December by a PSD Complaints investigator.

1.2 Allegations broken down into TPA/Area.

The table below shows the numbers of allegations and cases broken down into areas:-

Area	Allegations			Cases		
	12 Month Rolling to Sep-15	12 Month Rolling to Sep-16	Change	12 Month Rolling to Sep-15	12 Month Rolling to Sep-16	Change
North	127	107	-20	88	79	-9
South	123	134	11	80	95	15
West	160	142	-18	81	81	0
UOS	22	29	7	18	26	8
HQ	29	47	18	20	31	11
Total	461	459	-2	287	312	25

*Including Direction and Control cases/allegations.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with only North showing a reduction.

The table shows a reduction in allegations with South, UOS and HQ showing increases in the period.

1.3 Area Allegation group breakdown

The table below shows the allegations broken down into area and group: -

12 Month Period	Group	North	South	West	UOS	HQ	Grand Total
12 Month Rolling to Sep-16	Breaches of PACE K,L,M,N,P,R	9	16	23	1	2	51
	D&C	15	15	7	14	17	68
	Discrimination F	3	2	3			8
	Incivility U	11	12	15	6	7	51
	Malpractice G,H,J	5	5	9		4	23
	Oppressive Behaviour A,B,C,D,E,Y	31	39	34	4	1	109
	Other W	1	3	1	1	1	7
	Unprofessional Conduct S,T,V,Q,X	32	42	50	3	15	142
12 Month Rolling to Sep-16 Total		107	134	142	29	47	459
12 Month Rolling to Sep-15	Breaches of PACE K,L,M,N,P,R	11	11	20	1		43
	D&C	9	5	9	2	11	36
	Discrimination F	3	2	4			9
	Incivility U	28	20	17	5	7	77
	Malpractice G,H,J	6	5	6	2	1	20
	Oppressive Behaviour A,B,C,D,E,Y	26	27	23	3	2	81
	Other W	1	3	1		2	7
	Unprofessional Conduct S,T,V,Q,X	43	50	80	9	6	188
12 Month Rolling to Sep-15 Total		127	123	160	22	29	461

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- South TPA – Oppressive Behaviour (12) and D&C (10)
- UOS- D&C (12).
- West TPA - Oppressive Behaviour (11)

The group that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Direction & Control increase of 32 complaint allegations (88.9%). This is mainly due to more appropriate use of this category particularly regarding complaints about the control room. This is reflected in the main type increased being Operational Management decisions and Organisational Decisions.

The 2 main categories that have seen a rise are:-

Organisational Decisions (+15) and Operational Management Decisions (+14)

Organisational Decisions include where officers and staff should be located and how officers and staff should be deployed. We have seen a number of complaints where a member of the public disagrees with the decision not to send a Police Officer when they have called the Constabulary, this was anticipated. A Police Officer makes the decision to deploy patrols, deal with the incident over the phone or to deploy someone at a diarised time, the incident is risk assessed in order to ensure the right staff are being deployed to the right jobs at the right time.

Operational Management Decisions include general strategic decisions on how certain police powers should be exercised. This includes the recording of crimes. We have seen a number of complaints where a member of the public disagrees with the decision not to record a crime. These types of complaints are recorded as a Direction and Control matter following IPCC guidance which states, "where a complainant is informed that a crime will not be recorded due to NCRS (National Crime Recording Standards) and disagrees with the decision the complaint should be recorded as a Direction and Control matter (IPCC Focus Issue 2).

The largest reductions have been seen in the following: -

- All areas except HQ - Unprofessional Conduct (-46).
- All areas except UOS - Incivility (-26)

The three main groups are Unprofessional Conduct, Oppressive Behaviour and incivility:

- Unprofessional Conduct saw an overall reduction of 46 allegations (24.5%) with Other Neglect and failure of duty reducing by 39 (30%). The only area to increase was HQ which showed an increase across departments and situations, the main type being Other Neglect and failure of duty.
- Oppressive Behaviour showed an increase of 28 allegations (34.6%).
- Incivility reduced by 26 (33.8%).

The group/allegation type that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Other Assault which increased by 31 allegations (62%), this is one of the Oppressive Behaviour types.

In the current 12 month period the following PASS Newsletters and Best Practise guidance have been issued in respect of identified issues: -

- Online News to all staff (Oct 2015) All staff are reminded of the necessity to ensure criminal enquiries are conducted efficiently and to also be cognisant of statutory time-limits which may impact on investigations either at initial recording or subsequently if a recording decision is amended as a result of insufficient evidence or case review.
- Online News to all staff (Oct 2015) All staff are reminded where the driver of an unmarked police vehicle, with no covert warning equipment wishes to stop a vehicle the driver should unless exceptional circumstances exist, obtain the assistance of a marked car to take the lead role before making any attempt to stop the vehicle. If any officer is unsure on correct stopping of vehicles then please contact the driver training unit at HQ.
- Online News to all staff (Nov 2015) All staff are reminded that together with the necessity to follow the NCRS and Home Office Counting Rules, they should ensure that when allegations are made to the police by way of letter, decisions regarding recording/action or forwarding to appropriate body, which in this case may have been Action Fraud, are appropriately documented together with the rationale. This can be accommodated within the incident reporting system which ensures that there is a record of receipt, decision and action which avoids the potential for matters to be overlooked
- Pass Newsletter Forcewide (Oct 2015) Issue 19 Recent Special Case Hearing
- Force Orders (Nov 2015) Reminder to staff regarding the transportation of persons detained under the Mental Health Act - ie via Ambulance
- Online News to all staff (Oct 2015) Learning the Lessons Bulletin 24- October 2015
- Pass Newsletter Forcewide (Nov 2015) Issue 20 Recent Special Case Hearing
- Online News to all staff (Dec 2015) Photographs taken of exhibits for public circulation which showed exhibit information
- Dissemination to Individual (Dec 2015) Review of procedure re the provision of a statement or evidence for the defence, procedure to be reviewed and circulated in due course in line with Constabulary review.
- Control room staff (Dec 2015) Certain incidents (e.g. high risk mispers/RTCs) are often correctly THRIVE'd as grade 2 logs but need an immediate police response, rather than a response within 60 minutes. (please ensure via link, or the CMR Sgt that Dispatch are made aware of any such log so they can deploy accordingly). Calls to deal with members of the public who are having a 'mental health crisis' require the Ambulance Service informing. (please ensure we take responsibility to inform the Ambulance Service rather than instructing the caller to do so after their call to us). Logs created in Storm can be viewed in Webstorm before they are shared with Dispatch which can lead to confusion over deployment and command. (please ensure we share the log with Dispatch as soon as possible, while we continue to speak to the caller and update the log).
- Dissemination to Department Manager (Dec 2015) Issues surrounding response times provided to callers to the Communications Centre and non compliance with set timings

- Pass Newsletter Forcewide (Dec 2015) Issue 20 Advice re Alcohol consumption and duties
- Pass Newsletter Forcewide (Dec 2015) Issue 22 Recent Special Case Hearing
- Dissemination to Control room staff, (Jan 2016). Control room training now including advice following complaint re attendance for a shop lifting in progress
- Dissemination to Department Manager, (Jan 2016). Insp Barr to review policy re mental health detainees
- Dissemination to Individual, (Feb 2016). Correct procedure for recording of complaints which can be taken by telephone contact.
- PSD Admin, (Feb 2016). CCTV viewing re subjudice cases
- Online News to all staff, (March 2016). Learning the Lessons Bulletin 25- February 2016.
- Dissemination to Custody, (March 2016). Custody officers reminded of timeliness of cell checks; removal of option to input multiple entries to custody records simultaneously; guidance regarding surplus items of clothing in cells
- Online News to all staff, (March 2016). Reminder of standard of driving by on duty police officers in marked police vehicles
- Online News to all staff, (April 2016) Learning the Lessons Bulletin 26 - March 2016
- Dissemination to Custody, (April 2016) Reminder regarding good communication between officers when dealing with DPs in custody to avoid incidents resulting in injury to DP
- Online News to all staff, (May 2016) Reminder to renew Business Interests.
- Dissemination to Custody, (June 2016) Concerns raised regarding the detention of an individual - namely the lack of provision of clothing following a strip search. In addition detainee is taken to hospital and is returned to his original cell which has not been cleaned. During the initial part of his detention the detainee is seen to urinate on the mattress whilst apparently asleep, he also has blood on his face which would transfer to the mattress
- Dissemination to Department Manager, (June 2016) Review of PIN notice and procedure following an issue identified as part of a public complaint when a PIN was not authorised correctly. The process has now been reviewed and revised protocol and notice are to be circulated force wide
- PASS Newsletter, (June 2016) Check accuracy of information being forwarded to another department in reply to a member of the public to prevent any perception of falsification by them. (PASS 23/16 item 4)
- PASS Newsletter, (June 2016) Inadvertent distribution of indecent images by another force. Force notified and advice re storage and sharing of images for investigation purposes on a PASS Newsletter for Cumbria Constabulary. (PASS 23/16 item 3)
- PASS Newsletter, (June 2016) Ensure any details by a witness is recorded on the overnight package and/or entered separately as an exhibit. (PASS23/16

item 1). Also ensure any attempt to contact potential witnesses is logged to prevent a perception of failure to conduct a thorough investigation (PASS 23/16 item 2)

- PASS Newsletter, (June 2016) Special case hearing result (PASS 24)
- Dissemination to Chief Inspector, (July 2016). Incident occurred in Oct 2015, whereby a male said to be armed with a large knife, was missing/to be located. The IPCC highlighted that the decision not to utilise air support had not been documented on the incident log.
- Forcenet News to all employees. (July 2016) Reminder for OIC to ensure that both victim and suspect are updated in relation to NFA decisions by CPS.
- Forcenet News to all employees. (August 2016). Guidance for use of Dissatisfaction reports.
- Forcenet News to all employees. (September 2016). IPCC Learning the Lessons Bulletin 27-August 2016.
- Forcenet News to all employees. (September 2016). Reminder of the necessity to submit Use of Force forms - parameters etc. Circulated both via forcenet and to relevant TPA Commander

1.4 Repeat Officer Strategy

Officers who meet the criteria for the repeat officer strategy (Subject of 3 complaint cases in a 12 month period) are brought to the attention of the Professional Standards Department Tactical Tasking and Co-ordination Group on a monthly basis where the complaints made against them are assessed following which appropriate guidance and support is provided.

There were 16 officers who met the repeat officer strategy in the current period, two of them twice, which is a reduction of 29 on the previous period. These officers have been highlighted through the PSD TT&CG process, for three of the officers dissemination reports have been produced, of the others 7 had their supervisors updated, a profile was completed for one officer and the others are currently being reviewed.

1.5 Dissatisfaction Reports

There were 58 dissatisfaction reports recorded in the current 12 months which is an reduction of 26 when compared to the previous 12 month period. The main categories reported on in the lower level dissatisfaction reports over the 12 month are regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty, incivility and oppressive behaviour which combined form 71% of dissatisfaction reports in the period.

1.6 Diversity

There have been 8 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 1 when compared to the previous 12 months.

- Complainant states their son's complaint of sexual assault was not dealt with properly and they believe this is due to their foreign name and the son's mental condition. Local resolution by TPA. (recorded November 2015)

- Complainant feels it was discriminatory for the officer to ask if they had any mental health issues or was seeing a doctor when they attended to report a crime. Not Upheld - by PSD. (recorded November 2015)
- Complainant was arrested and alleges the officers that carried out the arrest were homophobic. Not upheld by PSD. (recorded December 2015)
- Complainant states he was poorly cared for in custody and that this was due to his mental health issues. Not upheld by PSD. (recorded December 2015)
- Complainant states they were racially abused by attending officers following a call to an incident, the complainant inferred their comments were because they are a Gypsy. Not Upheld by PSD. (recorded February 2016)
- Complainant states the officers contacting them was transphobic due to the way they reacted when the complainant answered the telephone. Withdrawn. (recorded March 2016).
- Complainant states that on the 12 May 2016 they were having to cope with an episode of PTSD (Post Traumatic Stress Disorder). They was lying in the road and after some time the police arrived on the scene. They state that as a transsexual they believe the officers behaved in a transphobic manner and the complainant believes they wanted to teach them a lesson. The police officers would not have treated a similarly gendered person in this manner. Withdrawn (recorded July 2016)
- Complainant states that on 7 December 2015 they were arrested by officers from the Civil Nuclear Constabulary and transported to the TACT unit in Manchester. The complainant has made a separate complaint in respect of how they were transported to Manchester but believes that the officers' actions were based on their religion, racial background and culture. This is currently live. (recorded September 2016)

1.7 Performance

Allegations finalised in the period regardless of when the allegations were recorded.

Allegation Result Description	12 Month Rolling to Sep -15	12 Month Rolling to Sep-16	Change
De Recorded	5	6	1
Disapplication - by Force	58	51	-7
Discontinued - by Force	2		-2
Local Resolution - by Division	130	108	-22
Local Resolution - by PSD	37	61	24
Not Upheld - by Division	1		-1
Not Upheld - by PCC		1	1
Not Upheld - by PSD	221	167	-54
Special Requirements	1	6	5
Upheld - by PSD	46	13	-33
Withdrawn - by Force	11	16	5
Withdrawn - by IPCC		3	3
Grand Total	512	432	-80

The IPCC in the most recent report (Q1, Apr 2016 to Jun 2016) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 37, MSF average 56 and National average 64.
- Average number of days to finalise cases – Cumbria 74, MSF average 112 and National average 103.
- Average number of allegations per 1000 employees cases – Cumbria 55, MSF average 91 and National average 70.
- Cumbria is the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 432 allegations were finalised compared to 512 in the previous period. The greatest reduction (by 54) was in Not Upheld by PSD, Upheld by PSD has reduced (by 33) with Local resolution by PSD increasing by 24 (64.9%) but as a proportion Local resolution has increased from 32.6% in the last period to 39.1% in the current period.

1.8 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Sep - 15	Force Appeals 12 months rolling to Sep- 16	IPCC Appeals 12 months rolling to Sep- 15	IPCC Appeals 12 months rolling to sep- 16
Upheld		2	9	3
Not Upheld	37	16	10	7
Withdrawn				
Not Valid			2	
Live		12		4
Total	37	30	21	14

The above data highlights that the number of IPCC appeals have reduced by a third and the number of force appeals has reduced by 23% (7). The percentage of upheld Force appeals has increased in this reporting period compared to the previous 12 months. IPCC Appeals upheld results have also reduced.

Upheld Force Appeals have increased from 0% to 6% (0 of 37 compared to 2 of 30).

Upheld IPCC Appeals have reduced from 43% to 21% (9 of 21 compared to 3 of 14).

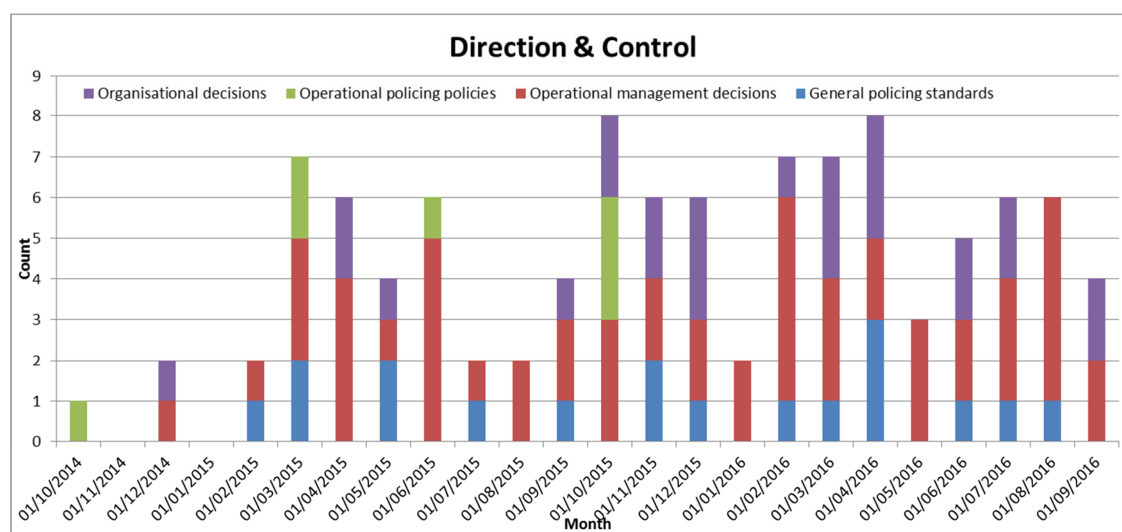
1.9 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about how the constabulary is run rather than individuals. Over the current 12 month period direction and control complaints have increased by 32 (89%) when compared to the previous 12 month period, the largest increases being Operational management decisions and Organisational Decisions. As mentioned previously in the

document this is in small part due to more appropriate use and partly to the agreement regarding complaints about the control room. The table below shows a breakdown of direction and control complaints.

Allegation Result Description	12 Month Rolling to Sep - 15	12 Month Rolling to Sep - 16	Change
General policing standards	7	11	4
Operational management decisions	20	34	14
Operational policing policies	4	3	-1
Organisational decisions	5	20	15
Grand Total	36	68	32

Issues raised in the last quarter include complaints about decisions for specific cases, specific policies/procedures, issues around the floods and Control Room performance. There have been a number of items of Best Practice circulated to the Control Room in the period and some issues have now been including within the training plan. Complaints are starting to reduce as callers become accustomed to the changes in response and employees become accustomed to using the new formats and tools to grade/categorise incidents and so ensure the right resources are being sent to the incidents at the right time.





Office of the Police & Crime Commissioner Report

Title: OPCC Complaints

Date: 17 November 2016

Agenda Item No: 09

Originating Officer: Joanne Head

CC:

Executive Summary:

In accordance with the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner has a responsibility in relation to conduct and complaints. The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

Recommendation:

That, the Panel notes the current position in relation the number of complaints and quality of service issues received by the Office of the Police & Crime Commissioner.

1. Introduction & Background

- 1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to make complaints about police officers and/or police staff under the rank of Chief Constable. As this is a matter for the Chief Constable to deal with a process has been developed with the Constabulary to forward such complaints onto the Constabulary's Professional Standards Department, advising the complainant accordingly.
- 1.2 Some issues which are brought to the attention of the OPCC do not constitute a complaint but are regarding quality of service issues. Again a system has been developed with the Constabulary to pass on the issues to the Chief Constable's Secretariat. The issues are then raised at a local level with the OPCC being kept updated as to progress and advised of either a final solution which has been agreed or a final response which the Commissioner will then send to the author.

- 1.3 Regular contact between OPCC staff and the Constabulary staff officers takes place to ensure that the matters are progressed in a timely manner and that an author is updated of progress or the final result as soon as possible.

2. Issues for Consideration

Complaints received by the OPCC

- 2.1 Detailed below is a table which illustrates the number of complaints which have been received by the OPCC. In brackets are the number of those complaints which were passed to Cumbria Constabulary to deal with, these were all regarding police officers below the rank of Chief Constable, the Police and Crime Commissioner has no statutory responsibility to deal with such matters. As can be seen a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with. Appended to the report is a breakdown of the complaints received (Appendix 1).

2012	2013	2014	2015	2016
3 (2)	29 (19)	13 (8)	2 (2)	22 (22)

- 2.2 As can be seen by the reduction in the number of complaints received by the OPCC the public are more aware of the Police and Crime Commissioner, the roles and responsibilities he has and the procedures to be followed regarding making complaints about police officers and staff or the Constabulary.

Commissioner Complaints

- 2.3 Complaints made regarding the Police and Crime Commissioner are dealt with by the Police and Crime Panel (PCP). This Panel has statutory responsibility for holding the Commissioner to account for the work that he carries out and they are therefore the logical body to deal with any complaints.
- 2.4 Chapter 4, Section 30 of the Police Reform and Social Responsibility Act 2011 details the circumstances in which a Police and Crime Commissioner could be suspended this being that the Commissioner has been charged with an offence which carries a maximum term of imprisonment exceeding two years. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 details the role of the PCP.
- 2.5 Any complaint regarding the Commissioner is sent to Cumbria County Council's Monitoring Officer to assess and consider its severity. If it does not meet the above criteria an agreed protocol is in place whereby the Monitoring Officer will correspond with the Commissioner to ascertain the circumstances surrounding the complaint and provide the complainant with an explanation. If the complainant is satisfied with the explanation such a complaint would be finalised as an informal resolution.
- 2.6 If the complaint cannot be dealt with by informal resolution the PCP will then consider the complaint and may decide to establish a subcommittee to consider the findings of the initial

investigation of the Monitoring Officer and consider whether to undertake a more detailed investigation.

- 2.7 The Panel will be aware that Police and Crime Commissioner elections were held on 5 May 2016. Following the election a new Commissioner, Mr Peter McCall, was elected. Detailed in the table below is the number of complaints received regarding the previous Commissioner, Mr Richard Rhodes, and by what method they were dealt with. No complaints have been received to date regarding the new Commissioner.

YEAR	N° of Complaints Received	Complaint not about the PCC	Dealt with by informal resolution	Police & Crime Panel investigation
2012	1	0	1	0
2013	7	1	6	0
2014	2	0	2	0
2015	1	0	0	0
2016	2	0	2	0

- 2.8 The majority of the complaints received relate to the way in which the Commissioner has carried out his duties or work he has undertaken rather than his personal conduct. To date all complaints have been dealt with by way of informal resolution resulting in the PCP not having to instigate any investigation.

2.9 Chief Constable Complaints

The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable. Members of the public may write to complain about the Chief Constable when in fact they are unhappy about the way in which policing is provided or regarding a policy or procedure rather than his personal conduct.

- 2.10 The table below illustrates the number of complaints which were received from 22 November 2012 to 31 March 2016. During that period there have been three Chief Constables in charge of the Constabulary. In February 2016 a complaint was received regarding T/CC Mrs Skeer who has since returned to her substantive post as Deputy Chief Constable and therefore authority to deal with the complaint has transferred to the Chief Constable. There remains two complaints outstanding.

YEAR	N° of Complaints Received	Recorded	Not Recorded	Dealt with by informal / local resolution	Investigation	IPCC Appeal
2012	0		0	0	0	0
2013	5			5		1 (Not upheld)
2014	4	2	2	2	0	0
2015	1	1		1	0	0
2016	4	4	0	1	1	

- 2.11 The Independent Police Complaints Commission (IPCC) guidance states that all complaints received regarding a Chief Constable must be recorded and then dealt with in the appropriate manner. This can be either by way of an informal or local resolution or by way of an investigation. In the majority of cases the complaint was dealt with by way of an informal resolution in the format of a letter providing an explanation of the circumstances surrounding the issue complained about.
- 2.12 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation.
- 2.13 OPCC Staff Complaints

No complaints have been received regarding any member of OPCC staff during the reporting period.

3. Implications

- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 3.4 HR / Equality - none specifically identified.

4. Supplementary information

Appendix 1 – Complaints received by the OPCC



Office of the Police & Crime Commissioner Report

Title: OPCC Quality of Service & Policing Issues

Date: November 2016

Agenda Item No: 09

Originating Officer: Joanne Head

1. Introduction & Background

- 1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced. These are regarded as quality of service and policing issues.
- 1.2 A system has been developed with the Constabulary to pass on the issues to the Chief Constable's Secretariat. The issues are then raised at a local or appropriate level. Regular contact between OPCC staff and the Constabulary staff officers takes place to ensure that the matters are progressed in a timely manner.
- 1.3 The OPCC is advised of progress and of either a final solution which has been agreed with the individual or information which can then be incorporated into a final response which the Commissioner will then send to the individual.
- 1.4 As can be seen from the attached information members of the public contact the Police and Crime Commissioner/OPCC regarding a variety of issues. The number of instances which relate to the same issues are relatively low.
- 1.5 In each instance the OPCC helps to facilitate the individual to be provided with a response or explanation to the issues that they have raised. This could be by, an officer speaking with them directly, a response letter providing a full explanation, or advise on the appropriate authority or organisation for the individual to raise the matter with.

2. Issues for Consideration

2.1 Quality of Service Issues

As the role of the Commissioner has become more widely understood and publicised, the number of issues which are brought to his attention has increased. Appended to the report is a breakdown of the quality of service issues which have been received by the OPCC from 1 January to 30 September 2016 ([Appendix 1](#)). Detailed within the charts is a breakdown of the nature of the issue, the area in which the incidents occurred and the months in which issues were reported.

2.2 As can be seen from Appendix 1 the nature of the top six issues raised within the first seven months of 2016 are:

- 101
- Anti-Social Behaviour
- Car Parking
- Driving Issues
- Police Response / Service

2.3 [101](#)

Members of the public have contacted the OPCC to complain about the ability to get through to Cumbria Constabulary via the 101 system. Many have given up as the call has not been answered and then contacted the OPCC to report issues. The numbers illustrated in the attached information does not take into account the telephone calls received by the OPCC where a member of the public has contacted the OPCC and is subsequently advised to contact the Constabulary via 101 as this information is not recorded. A number of members of the public have also raised their concerns at public surgeries held by the Commissioner over the past few months.

2.4 The Commissioner having been made aware of this has raised it at his 1-2-1 meetings with the Chief Constable. Weekly performance updates received from the Constabulary and in general terms issues are starting to be addressed.

2.5 [Anti-Social Behaviour](#)

Anti-Social Behaviour issues are predominantly reported from North Area (5 cases) although South and West Areas have also reported 1 and 2 cases respectively. Some of these instances have occurred when other offences are being committed and reported upon such as drug and traffic offences.

Some of the instances reported to the OPCC are:

- A gang of youths throwing soil and hurling abuse at local residents.
- Residents experiencing ASB due to their property backing onto the local primary school. Gangs of youth throwing items at their house and verbally abusing them and other residents.

- In a children's play area, evidence of substance abuse, anti-social behaviour and vandalism. The individual felt that these actions appear to go unchecked because it would appear residents have little regard or respect for the local constabulary.
- ASB being experienced by local elderly residents

It is noted from the correspondence received by the OPCC that ASB is experienced by a broad range of the community and is not isolated to a particular group or community.

2.6 Each of the above reported instances were forwarded to the Constabulary, via the Chief Constable's office for the matter to be dealt with. On each occasion the individual incidents were looked at with various solutions being put in place via the local problem solving team and individual officers with a view to looking at longer term solutions.

2.7 Car Parking

The majority of instances reported to the OPCC relate to private/residential parking, this is not a matter for the Constabulary to deal with but is in fact dealt with by the local authority for that area. The Constabulary have responded to the individuals and where appropriate have deployed local officers/PCSO's to look into the matters raised and be mindful of when they are out on patrol.

2.8 Driving Issues

This category covers a wide variety of issues from speed limits and proposed improvements of the A66; drivers in Carlisle speeding and 'jumping red lights'; boy racers in Penrith; speeding on rural roads in the Kendal area; seeking road safety measures in Moor Row. An Individual also raised concerns over the police response following a road traffic accident and their inability to contact the police via the 101 system.

2.9 Police Response / Service

Issues raised in relation to 'police response' relate to dissatisfaction on the response provided; the lack of communication/response; an officers attitude; being made to feel they are not being taken seriously. On occasions members of the public send letters to the Chief Constable/Cumbria Constabulary and copy the PCC/OPCC into them. These are logged and retained for information.

- Dissatisfied with a police investigation into an assault of their son, the information presented at court and the lack of the victim's injuries being fully detailed at court.
- Dissatisfied with the way in which their original issues were dealt with and subsequently their complaint and appeal.
- Due to noisy neighbours asked the police to attend to ask neighbours to turn loud music down. A police car drove into the street but did not ask the residents to turn down the music. When they rang 101 to complaint they stated that the call handler became nasty with them.
- An individual emailed the OPCC regarding issues with her son, however when the police contacted her about the matter she denied having sent the email or that there had been any issues.

- Family felt that the constabulary were not taking threats towards their daughter and themselves seriously or responding in a timely manner, but when counter-allegations were made they were interviewed almost immediately.
- Two individuals feel that the police are not taking their allegations of assault and harassment seriously.
- A father felt that his son and friends had been dealt with too harshly by the police.
- An individual spotted drug dealing in Barrow, had rung up about it and then someone had rung back and left a message but they can't hear. When they rang 101 to ask what was happening they were told that no one knew anything about it.

2.10 How the OPCC has made a difference

The OPCC through raising the issues with the Chief Constable's staff office facilitates individuals to receive a written response answering their questions or queries. Where appropriate the OPCC can ask that direct contact from the Constabulary be made with the individual enabling the matter to be progressed or resolved quickly.

Resolutions have been achieved through a variety of mediums:

- Officers in the local policing team have contacted the individual to seek a resolution, provide an update or obtain further information.
- The Chief Constable's office provides a full explanation of the issue or procedure and this is subsequently provided to the individual to finalise the matter.

3. Implications

- 3.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 3.2 Legal – none identified.
- 3.3 Risk - None identified, beyond that to the OPCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 3.4 HR / Equality - none specifically identified.

4. Supplementary information

Appendix 1 – Complaints received by the OPCC

Appendix 2 – Quality of Service issues received by the OPCC



Ethics and Integrity Panel

Title: 2017 Meeting Dates

Date: 17 November 2016

Agenda Item No: 11

Originating Officer: Stuart Edwards

CC:

Executive Summary:

The Police & Crime Commissioner and the Chief Constable both wish to ensure high standards of integrity and ethical working within their respective organizations. In order to achieve that objective and provide openness and accountability to the public they have established the Ethics & Integrity Panel.

Recommendation:

That, the Panel considers and agrees the proposed meeting dates for 2017.

1. Introduction & Background

- 1.1 The Ethics and Integrity Panel were established in February 2015 with the first panel meeting taking place in March 2015. Upon its formation it was agreed that the panel would meet on a quarterly basis throughout the year.
- 1.2 Meeting dates were set up to correspond with the reporting cycle of the Constabulary to ensure that reports contained the most up to date information possible. Therefore the meeting dates in 2015 and 2016 were held during the second week of the month.
- 1.3 Following each panel meeting a report is prepared and presented to Police and Crime Commissioner at the next available Executive Board meeting.

2. Issues for Consideration

- 2.1 When considering the meeting dates for 2017 thought has been given to Panel members and attending officers/staff availability; and the Constabulary's reporting periods.

2.2 The proposed meeting dates for 2017 are:

- ❖ Thursday 9th February
- ❖ Thursday 11th May
- ❖ Thursday 10th August
- ❖ Thursday 9th November

2.4 In addition to the above dates additional dates will need to be arranged to enable the Panel to carry out all of its dip sampling of misconduct and grievance files. This will be arranged following consultation with the Panel members and the Constabulary.