

Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: April 2017

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 **Friday 5 May 2017** 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 09.00 am to carry out a dip sample of Constabulary complaint and appeal files.

PANEL MEMBERSHIP

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

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 16 February 2017 (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. GRIEVANCES

To receive and note a report by Cumbria Constabulary on Grievances (copy enclosed) – *To be presented by Deputy Chief Constable Skeer.*

7. 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 allocated actions.

8. 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 allocated actions.

9. 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 raise any overall issues identified during the dip sample session and discuss progress of allocated actions.

10. STOP AND SEARCH UPDATE

To receive and note a report by Cumbria Constabulary on the use of stop and search powers and completion of forms – *To be presented by ACC Robinson*

11. SPECIAL CONSTABULARY RECRUITMENT UPDATE

To receive and note an update on the Constabulary's Recruitment Process for Special Constables – *To be presented by Superintendent Jackson*

12. CONSTABULARY DELIVERY PLANS

To receive and note reports on Constabulary progress against the delivery plan in relation to:

- (a) Abuse of Authority for Sexual Gain
- (b) Code of Ethics
- (c) Vetting

13. 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 .*

Agenda Item No 04**ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 16 February 2017 in Conference Room 3, Police Headquarters,
Carleton Hall, Penrith, at 1.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Michelle Skeer
OPCC Chief Executive (Stuart Edwards)
Head of PSD (Superintendent Sarah Jackson)
Head of Comms Centre (Superintendent Matt Kennerley)

51. 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 welcome Superintendent Jackson to her first meeting. Everyone at the meeting introduced themselves.

52. DISCLOSURE OF PERSONAL INTERESTS

There were no disclosures of personal interest regarding any agenda item.

53. URGENT BUSINESS

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

54. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 17 November 2016 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 17 November 2016 be approved.

55. POLICE DISCRETIONARY FRAMEWORK



Superintendent Kennerley updated the Members on the work which had been carried out on the Police Discretionary Framework since it was last presented to the Panel. The framework followed the same principles as the National Crime Recorded Standards (NCRS) in that it utilised the same four outcomes. The framework allows the Constabulary to consider the wider implications of the offence and to conclude it at an earlier stage, although it must fit the criteria within the four designated outcomes. The Panel were advised that the process was victim led however if appropriate incidents would be fully investigated.

Of the 20,160 crimes reported in 2016, 2% were closed using the framework. The ability to successfully audit the current Sleuth system was proving difficult as it required officers to type the words police discretionary framework within the free text box which they did not always do or used abbreviations. It was hoped with the new computer system that this flaw would be eradicated and more precise data could be collated. A member asked whether or not the usage of the framework by individual officers was monitored. It was anticipated that the new system would also allow the force to monitor when and by who the framework was used.

In response to a member's question Superintendent Kennerley advised that the framework was unique to Cumbria in relation to which crimes were automatically selected to be considered. Superintendent Jackson provided some examples of how it was used within Greater Manchester police force.

Since the inception of the framework there had only been one case where the force had received negative feedback. This had been in relation to an offence of shoplifting of an item to the value of £4 whereby the shopkeeper felt that the incident should have been investigated. Having reviewed the matter it was felt that it had been proportionate to close the matter using the framework. Had the shopkeeper been a repeat victim or been targeted in any way this would have been considered by the officers within the Comms Centre and the matter may have been investigated further. All incidents were risk assessed prior to being finalised.

DCC Skeer advised that in a recent victim survey the force had received a positive 98% satisfaction rate resulting in them being one of the top forces within the country. The finalisation of cases using the framework was victim led. Once a case is finalised should a person be identified as having committed the offence officers would be unable to speak with or interview them regarding the matter.

Agreed; that, the Panel note the report.

Superintendent Kennerley left the meeting at this point.

56. SPECIAL CONSTABULARY RECRUITMENT

Superintendent Jackson had met with the Panel during the morning to discuss the recruitment, training and onward retention of volunteers within the Special Constabulary. At their previous meeting the Panel had raised concerns regarding the number of Special Constables who were going through the misconduct process. It had been agreed that as part of their thematic work the Panel would review the recruitment and retention process.

During the morning there had been a good discussion on the types of volunteers that the Constabulary wished to recruit into the Special Constabulary. Some of the volunteers joined the Specials as part of their University Degree course whilst others joined as they wanted to be pro-active within their local communities. Due to the various roles that the Constabulary would like them to perform it was proposed that the Constabulary consider how they carried out their recruitment and whether it should be at times tailored to enable them to recruit volunteers with specialist or community skills. They also considered that if the Constabulary would like to have volunteers with specialist skills to assist particular departments then was it necessary for them to be enrolled within the Special Constabulary or could they be enrolled as a police volunteer. When recruiting volunteers it was essential to understand what the individual wanted to get out of the role as some may want to use the scheme to enable them to enlist as regular officers whereas others wanted to give something back to their communities.

Superintendent Jackson advised that a meeting had been arranged for 3 March 2017 with HR and the Special Constabulary Commandant to commence the review. As the Police and Crime Commissioner (PCC) was also keen to have more Special Constables the OPCC would also be present. DCC Skeer stated that the recruitment of volunteers was broader than simply the Special Constabulary as the Constabulary were looking at citizens in policing.

A discussion took place about the ongoing support for volunteers once they were recruited, what supervision they received, ongoing training and their wellbeing needs. It was essential that processes were in place to ensure that regular officers and their supervision were aware of when Special Constables were on duty and how they could be deployed.

It was agreed that an update report would be provided to the Panel at their May meeting on the review work carried out by the Constabulary.

Agreed; that,
(i) the Panel note the verbal update; and
(ii) an update report on the work being carried out by the Constabulary on the recruitment and retention of volunteers within the Special Constabulary

57. INTEGRITY – ANTI-FRAUD & CORRUPTION

DCC Skeer presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit. She 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.

Superintendent Jackson advised that she was commencing a piece of work which would see her working with a small group of officers on how the Constabulary could develop relevant and interesting marketing materials regarding the Code of Ethics to be used force-wide. A member suggested that one way to gain understanding would be to have officers and staff

within their working groups discuss a dilemma or scenario. These discussions would focus on what it actually means for everyone in their day to day life.

Over the previous quarter the Constabulary had published various reminders and information relating to personal conduct and encouraging self-disclosure where they were concerned either regarding their personal conduct or associations. Following a discussion it was agreed that future reports would include an additional column to illustrate the conversion rate between the intelligence reports and those that then led onto actual cases.

Agreed; that,
 (i) the Panel note the verbal update; and
 (ii) future reports would include an additional column to illustrate the conversion rate between the intelligence reports and those that then led onto actual cases

58. INTEGRITY - COMPLAINTS BY THE PUBLIC

DCC Skeer 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 there had been an average decrease by 10% for both the number of allegations and cases received.

Work to improve accessibility to the police complaints system had now been completed. In September 2017 it was proposed that a PSD complaints investigator would carry out a review. The Panel asked that they be updated on their findings at a future meeting.

The members noted that the number of officers who met the criteria of the Repeat Officer Strategy had increased from 15 to 25 and asked whether there were any issues or trends. DCC Skeer advised that some officers through the nature of their role attracted more complaints and that each individual case would be looked at. No trends had been identified. A member asked whether officers wore body cameras within Cumbria. DCC Skeer stated that following investment by the PCC all officers had personally issued bodycams. When arriving at an incident officers would switch on the recording equipment which would then illustrate what happened, provide video coverage of a crime scene or evidence from vulnerable victims.

The Constabulary were looking at Appeal cases in relation to how many were upheld and comparing this with the IPCC appeal rate. Since coming into post Superintendent Jackson had identified some issues, which had they been done correctly would have negated the need for an appeal. The Panel had previously dip sampled Appeal files commenting upon the length of time they took to finalise.

During the current reporting period there had been 7 allegations of discriminatory behaviour. A member raised concern that if a complaint of discriminatory behaviour was withdrawn would the Constabulary still look into the matter. Superintendent Jackson reassured the Panel that whether a complaint was withdrawn or not the Constabulary would still progress the matter if there was any evidence of misconduct. It was agreed that the Panel would review all diversity cases during their dip sample session in May.

With regard to Direction and Control complaints a member asked whether any of these related to the 101 telephone system as a number of issues had been reported within the local media. DCC Skeer reported that the newspaper article had been misleading and that the Constabulary were answering 82% of calls to 101 within 2 minutes. Unfortunately the way that abandoned calls were calculated this would also include when a caller utilised the automated system and dialled an extension number or selected an option from the menu provided as they had not continued through to the 101 service. The PCC was receiving weekly reports and discussing this with the Chief Constable. Indeed when contacted the PCC had asked for specific information to enable delays in response to be investigated, however none had been provided to him.

Superintendent Jackson advised that upon appointment her priorities would be to ensure cases were dealt with as quickly as possible for both members of the public and officers or staff; keep suspensions at a low number and improve how complaint files were dealt with to reduce the number of appeals received.

A member asked whether complainants were also victims or simply complainants and whether this had had any effect in Cumbria. DCC Skeer advised that when a victim reported a crime they were taken seriously and as part of the investigation process the Constabulary would test the information received. The Constabulary had to search for the truth and how this was carried out as very important not only for a victim but for officers, staff and the communities of Cumbria to have confidence in the system.

Agreed; that, the Panel
 (i) note the report;
 (ii) be updated on the findings of the PSD complaints investigator review on the accessibility of the complaints system; and
 (iii) review all diversity cases during their dip sample session in May.

59. ANNUAL REPORT

The Governance Manager presented a draft of the Panel's Annual Report. It detailed the work they had carried out during 2016, including their panel meetings, dip sampling of complaint and misconduct files; monitoring of grievances, civil claims, information management and the continued assurance that the Code of Ethics remained embedded within the Constabulary.

The Panel had also reviewed work carried out by the Office of the Police and Crime Commissioner. This included reviewing the OPCC's handling of complaints and dissatisfaction reported by members of the public, information management and how the Commissioner's Code of Conduct was embedded within his work.

As the experience and work of the Panel developed it had been decided to include designated thematic sessions within their annual work programme. During 2016 the Panel had dip sampled and subsequently reviewed the Constabulary's completion of Stop and Search forms prior to and following work carried out by the Constabulary. A marked improvement had



been noted following specific and targeted training for officers. The Panel had also reviewed and the Constabulary's Police Discretion Framework the final update for which had been provided earlier in the meeting.

The Governance Manager asked the Panel to provide any further comments for the report by Friday 28th February. This would allow sufficient time for their inclusion and then presentation to the PCC in March. Information from the Panel's Annual Report would subsequently be included within the PCC's Annual Report to reflect the work undertaken by them.

Agreed; that, the Panel
 (i) note the report; and
 (ii) provide comments to the Governance Manager by 28 February 2017.

60. POLICING AND CRIME ACT 2017

On 31 January 2017 the Policing and Crime Act had received Royal Assent. One purpose of the Act was to make the complaints system more transparent, strengthening the role of the PCC by giving him explicit oversight of the local complaints system and to have responsibility for appeals to those complaints dealt with by way of Local Resolution. Appeals regarding investigation files would continue to be dealt with the IPCC.

Extensive amendments to current guidance would need to be carried out and it was anticipated that the new system would be implemented in June 2018. As further information was known it would be reported to the Panel.

Agreed; that, the Panel note the report.

61. POLICE INFORMANTS

A recent newspaper article had been published in relation to the amount police forces within the United Kingdom had paid to informants over the previous five years. The article had advised that Cumbria Constabulary had paid £350k to informants over the same period.

In response to members questions DCC Skeer advised that strict criteria governed the use of informants and there was a national matrix on how payments could be made. Any informant was required to be registered and the Constabulary would review any risks or ethical dilemmas on a case by case basis. The use of informants could greatly assist the Constabulary by negating the use of long term and costly surveillance teams. Resources could then be used at specific times to observe and apprehend those committing criminal activities.

Agreed; that, the Panel note the verbal report.

Meeting ended at 3.00 pm

Signed: _____

Date: _____



Panel Chair

DRAFT



Constabulary Report to OPCC

Agenda Item No 06

| | |
|-------------------------|--------------------------------|
| TITLE OF REPORT: | Constabulary Grievances |
|-------------------------|--------------------------------|

| | |
|-------------------------|--------------------------------|
| DATE OF MEETING: | 5th May 2017 |
|-------------------------|--------------------------------|

| | |
|-----------------------------|---------------------------------------|
| ORIGINATING OFFICER: | Sarah Dimmock Diversity Manner |
|-----------------------------|---------------------------------------|

| | |
|--------------------------------|--|
| PART 1 or PART 2 PAPER: | PART 1 (OPEN) / PART 2 (CLOSED) |
|--------------------------------|--|

Executive Summary:

No more than 100 words.

- The Constabulary have a grievance Policy and Procedure which affords the opportunity to resolve grievances quickly and effectively at the lowest possible management level, without the need to apportion blame or to provide punishment.

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.

- That the Ethics and Integrity Panel note the report

MAIN SECTION

1. Introduction and Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 31st March 2017 and a summary of the last 3 financial years. There were 5 grievances lodged in the last financial year, 2016/2017
- 1.2 Included in the report is a break of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an overview as to the subject of the grievance. In addition there are statistics relating to whether the aggrieved is a police officer or member of staff and whether the grievance relates to unlawful discrimination.
- 1.3 The report provides data from the last 3 years to enable a comparison to be taken

2. Issues for Consideration

2.1 Drivers for Change

Links to Police & Crime Plan and priorities; legal requirement; efficiency requirement; improvement.

- There are no emerging trends or patterns at the time of submitting of this report. No grievances have been submitted yet from 1st April 2017.
- There is a standing agenda item at the Valuing Individuals Group (VIG) to ascertain if there are any issues that the Constabulary should be dealing with. At this time no issues are being raised. All staff support groups, including the Federation, Unison, Occupational Health and the Chaplaincy are members of the group and it is chaired by the Deputy Chief Constable.
- The Constabulary's Diversity Manager will meet with the Federation and Unison when necessary to discuss issues that are emerging and look to informally resolve them prior to a grievance being submitted. The Constabulary proactively engaging to address concerns.
- The Constabulary do feedback and share good practise from the outcomes of the grievances and this feeds organisational change.
-

3. Financial Implications and Comments

Budget implications – one off and/or on-going costs, savings, growth, capital and revenue.

- 3.1 Please see Equality Implications

4. Legal Implications and Comments

Including advice received.

- 4.1 Please see Equality Implication

5. Risk Implications

Including any mitigating actions that can be taken.

- 5.1 Please see Equality Implications

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

- 6.1 If any of the convention rights are breached and unlawful discrimination is proven then there would be implications for the Constabulary which could incur status and financial loss.

- 6.2 If race, equality or diversity issues are identified that would lead to unlawful discrimination being proven then there would be implications for the Constabulary which again could lead to financial and reputational loss.

7. Supplementary Information

- 7.1 List any relevant documents and attach to report

Such as Business Cases, Equality Assessments, PIDs, Media Strategy.

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GRIEVANCE STATISTICS RESTRICTED

Agenda Item No 06(i)

| | 2013/2014 | 2014/2015 | 2015/2016 |
|--|-----------|-----------|-----------|
|--|-----------|-----------|-----------|

| | | | |
|---|----|---|---|
| Total number of Grievances | 10 | 3 | 4 |
| Of which: | | | |
| Resolved Stage 1 | 5 | 2 | 2 |
| Resolved Stage 2 | 2 | 0 | |
| Resolved Stage 3 | 0 | 0 | |
| Withdrawn | 0 | 0 | |
| Awaiting Resolution | 0 | 0 | 1 |
| Not Resolved to Satisfaction | 1 | 1 | 1 |
| On Hold (completed but not signed off/other issues) | 2 | | |
| TOTAL | 10 | 3 | 4 |

| | | | |
|--|----|---|---|
| Breakdown of Aggrieved by Gender and Race | | | |
| | | | |
| Total Males | 5 | 1 | 3 |
| Total Females | 5 | 2 | 1 |
| TOTAL | 10 | 3 | 4 |
| | | | |
| Minority Ethnic staff (male and female) | 0 | 0 | 0 |

| | | | |
|--------------------------------|-----------|----------|----------|
| Police Staff Grievances | | | |
| Male | 1 | 0 | 0 |
| Female | 3 | 1 | 1 |
| Police Officers | | | |
| Male | 4 | 1 | 2 |
| Female | 2 | 1 | 1 |
| TOTAL | 10 | 3 | 4 |

| | | | |
|--------------|----|---|---|
| Area | | | |
| West | 3 | 0 | 1 |
| North | 0 | 2 | 1 |
| South | 3 | 0 | |
| UOS/CID | 2 | 0 | |
| HQ | 2 | 1 | 2 |
| TOTAL | 10 | 3 | 4 |

| | | | |
|-----------------------------|----|---|---|
| Subject of Grievance | | | |
| Other Individuals | 4 | 1 | |
| Force Policy | 6 | 2 | 4 |
| TOTALS | 10 | 3 | |

| | | | |
|--|---|---|----------|
| Grievances involving alleged discrimination | | | |
| Race | 0 | 0 | 0 |
| Sex | 0 | 0 | 0 |
| Disability | 0 | 0 | 0 |
| Age | 0 | 0 | 0 |
| Sexual Orientation | 0 | 0 | 0 |
| Religion and Belief | 0 | 0 | 0 |
| Transgender | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 |

RESTRICTED

RESTRICTED

Grievances

Agenda Item No 06(ii)

Please see below the figures for the financial year 20016/2017 up to and including 36/03/17.

| | No. 2016/17 |
|---|-------------|
| Total No. of grievances submitted to date | 5 |
| Resolved Stage 1 | 1 |
| Resolved Stage 2 | 1 |
| Resolved Stage 3 | 0 |
| Not Resolved | 1 |
| Awaiting Action/Resolution | 2 |
| Withdrawn | 0 |
| On Hold (completed but not signed off/other issues) | 0 |

Gender and Ethnicity Breakdown

| | No. 2015/16 |
|----------------------------------|-------------|
| Male | 3 |
| Female | 2 |
| Black Minority Ethnic | 0 |
| Officers/Staff with Disabilities | 0 |
| Police Officers | 3 |
| Police Staff | 2 |

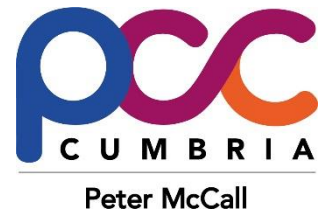
BCU Areas

| | Resolved | Further Action | Withdrawn | On Hold | Not Resolved |
|-------|----------|----------------|-----------|---------|--------------|
| West | 0 | 0 | 0 | 0 | 0 |
| North | 0 | 0 | 0 | 0 | 0 |
| South | 2 | 0 | 0 | 0 | 0 |
| HQ | 0 | 2 | 0 | 0 | 1 |
| CID | 0 | 0 | 0 | 0 | 0 |
| UOS | 0 | 0 | 0 | 0 | 0 |

Types of Grievance

| Policy – Selection Process | Treatment By Colleague(s) | Care/ confidentiality | Bullying/ Discrimination | Disability | Race/Culture |
|----------------------------|---------------------------|-----------------------|--------------------------|------------|--------------|
| 4 | 1 | 0 | 0 | 0 | 0 |

Ethics and Integrity Panel



Title: Police Staff Discipline and Misconduct

Date: 07

Agenda Item No:

Originating Officer: Diane Johnson, HR Manager

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 six 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 1 November 2016 and 30 April 2017.

2. Issues for Consideration

- 2.1 Nineteen 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, ten were male. None were of a minority ethnic origin.
- 2.2 Of the nineteen cases; three were subject of a public complaint and jointly investigated with PSD with was NFA, one case was subject to gross misconduct and was scheduled to a Disciplinary Hearing and the person resigned prior to the hearing date, two cases were subject to a criminal investigation which was NFA and no further staff disciplinary required, seven cases were no further action, six received words of advice in relation to conduct.
- 2.3 There are currently six investigations of the nineteen, 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 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 09

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 2017

ORIGINATING OFFICER: Superintendent Jackson– Professional Standards

PART 1 or PART 2 PAPER: PART 1 (OPEN)

Executive Summary:

No more than 100 words.

- IPCC data continues to show that Cumbria complaints per 1000 employees remains lowest in MSF (most similar forces Lincolnshire 393, Norfolk 244, North Wales 238) and also MSF/national averages:
 - Q3 Apr to Dec 16, Cumbria: 133, MSF average: 252 National average: 210
- The IPCC data also shows that Cumbria remains the 5th best in the country for average number of days to locally resolve allegations.
- The current 12 month rolling figures show that cases remain stable (0%) and there has been a reduction of 15 allegations (3.3%) in comparison to the last 12 months.
- A breakdown of allegations shows that West and South TPA's have reduced their level of allegations. But North TPA, HQ and UOS have remained stable or shown an increase.
- The main allegations type is Oppressive Behaviour with increases to Other Assault and Unlawful Unnecessary Detention or Arrest.
- Allegations upheld by PSD have reduced by 49 allegations (28%) comparing the last period the current 12 months. The number of Local resolutions has reduced overall by 39 (20%)
- The number of Force appeals continues to reduce, IPCC appeals have increased.
- The number of upheld appeals for the IPCC has reduced proportionately compared to the last period (from 38% to 23% of results), upheld Force Appeals have proportionately increased (5% to 12% of results).
- Following feedback from a recent HMI inspection the Force will consider using Local Resolutions (LR), where appropriate rather than using "There and then". By recording LR's the Force records details of staff that are subject of the complaint.

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.

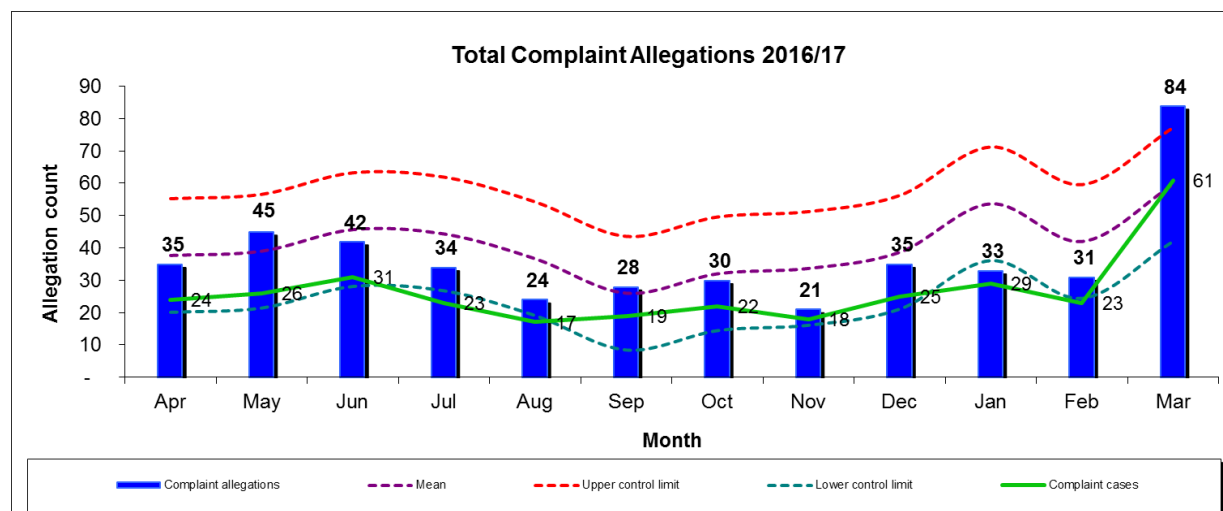
MAIN SECTION

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 April 2016 to March 2017: -



The chart shows fluctuating levels of complaint allegations and cases. The significant peak in cases and allegations in March has been noted. The rise is due to a combination of the following:

- A backlog of work led to a number of complaints from February being recorded in March
- Feedback from a recent HMI inspection has led to the Force considering and recording more Local Resolutions (LR), where appropriate rather than using "There and then". In the case of "There and then" the complaint is dealt with and captured as a miscellaneous matter however, by recording it as a LR the Force records details of staff that are subject of the complaint.
- It coincides with a spring rise in crime.

Over the 12 month period there has been an increase in the allegation category of oppressive behaviour by twenty. Even with the significant peak, during the 12 month period the number of cases remains the same and allegations are down by fifteen.

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 March 2016 and 2017. The figures show that the numbers of allegations over the current 12 month period have reduced compared to the last 12 month period and cases have remained stable. This indicates that people are complaining about less issues.

| | 12 Month Rolling to Mar 2016 | 12 Month Rolling to Mar 2017 | Percentage Change |
|-------------|---|---|------------------------------|
| Cases | 307 | 307 | 0% |
| Allegations | 457 | 442 | -3.3% |

*Including Direction and Control cases/allegations.

Allegations broken down into TPA/Area.

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

| Area | Allegations | | | 12 Month Rolling to Mar 2016 | | |
|-------------|---|---|---------------|---|---|---------------|
| | 12 Month Rolling to Mar 2016 | 12 Month Rolling to Mar 2017 | Change | 12 Month Rolling to Mar 2016 | Cases 12 Month Rolling to Mar 2017 | Change |
| North | 120 | 124 | 4 | 88 | 94 | 6 |
| South | 126 | 114 | -12 | 85 | 77 | -8 |
| West | 144 | 124 | -20 | 87 | 75 | -12 |
| UOS | 21 | 34 | 13 | 17 | 26 | 9 |
| HQ | 46 | 46 | 0 | 30 | 35 | 5 |
| Total | 457 | 442 | -15 | 307 | 307 | 0 |

*Including Direction and Control cases/allegations.

Complaint cases have remained stable when comparing the current 12 month period with the previous 12 months with reductions in South and West TPAs, North TPA, HQ and UOS showing increase in the period.

The table shows a reduction in allegations due to reductions in South and West TPAs, North TPA, HQ and UOS showing increase in the period.

1.2 Area Allegation group breakdown (Glossary of allegation types at end of document)

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 Mar 2016 | Breaches of PACE K,L,M,N,P,R | 13 | 15 | 21 | 1 | 2 | 52 |
| | D&C | 14 | 14 | 10 | 6 | 16 | 60 |
| | Discrimination F | 4 | 4 | 4 | | | 12 |
| | Incivility U | 19 | 15 | 15 | 4 | 7 | 60 |
| | Malpractice G,H,J | 6 | 5 | 8 | | 3 | 22 |
| | Oppressive Behaviour A,B,C,D,E,Y | 27 | 26 | 26 | 5 | | 84 |
| | Other W | 1 | 3 | 1 | | 2 | 7 |
| | Unprofessional Conduct S,T,V,Q,X | 36 | 44 | 59 | 5 | 16 | 160 |
| 12 Month Rolling to Mar 2016Total | | 120 | 126 | 144 | 21 | 46 | 457 |
| 12 Month Rolling to Mar 2017 | Breaches of PACE K,L,M,N,P,R | 11 | 16 | 20 | 1 | | 48 |
| | D&C | 13 | 5 | 7 | 11 | 15 | 51 |
| | Discrimination F | 3 | | 3 | | | 6 |
| | Incivility U | 22 | 11 | 16 | 9 | 6 | 64 |
| | Malpractice G,H,J | 2 | 6 | 6 | 1 | 4 | 19 |
| | Oppressive Behaviour A,B,C,D,E,Y | 23 | 42 | 32 | 5 | 2 | 104 |
| | Other W | 3 | 5 | 4 | 1 | 4 | 17 |
| | Unprofessional Conduct S,T,V,Q,X | 47 | 29 | 36 | 6 | 15 | 133 |
| 12 Month Rolling to Mar 2017Total | | 124 | 114 | 124 | 34 | 46 | 442 |

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- North – Unprofessional Conduct (11)
- South TPA - Oppressive Behaviour (16)

The group that saw the largest percentage increase in the current 12 month period when compared to the previous 12 months was Other however the low level of figures for this category means this is not significant.

Oppressive Behaviour Is the significant increase in the period up 20 (23.81%). This is partly due to an increase in allegations of assault particularly reported in Custody as previously reported on

The 2 categories in the group which have seen a rise are:-

Other Assault (+19, 33.93%) and Unlawful/unnecessary arrest or detention (+8, 88.89%)

The largest reductions have been seen in the following: -

- West & South TPAs - Unprofessional Conduct (-15 & -23).
- South – Direction & Control (-9)

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

- Unprofessional Conduct saw an overall reduction of -27 allegations (16.88%) with Lack of fairness and impartiality reducing by 14 (42.42%). The only area to increase was North which showed an increase across departments and situations, the types showing increases in all types except Lack of fairness and impartiality.
- Oppressive Behaviour showed an increase of 20 allegations (23.8%).
- Incivility reduced by 4 (6.7%).

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

| DISSEMINATION TO | Allerdale Borough Sergeants | Civil Contingencies Dept | Command & Control | Custody | Forcewide | Individual | West PPU Officers | Grand Total |
|--------------------------------------|-----------------------------------|--------------------------------|----------------------|----------|-----------|------------|-------------------------|----------------|
| Acknowledging good practice | | | | | 1 | | | 1 |
| ACU Guidance inc PASS | | | | | 12 | | | 12 |
| Custody | | | | 3 | | | | 3 |
| Diversity | | | 1 | | | | | 1 |
| E-learning | | | | | | 1 | | 1 |
| Guidance re Cautions | | | | | 1 | | | 1 |
| IPCC - Learning the Lessons Bulletin | | | | | 3 | | | 3 |
| PPU guidance | | | | | | | 1 | 1 |
| Procedure | | | | | 5 | 2 | | 7 |
| Property | 1 | | | | | | | 1 |
| Results | | | | | 1 | | | 1 |
| Traffic | | | | | 1 | | | 1 |
| Communications | | 1 | | | | | | 1 |
| Grand Total | 1 | 1 | 1 | 3 | 24 | 3 | 1 | 34 |

Best Practice circulated within the quarter.

- Forcewide (Jan - 17). Organisational. Considerations when offering a Simple Caution. When considering whether to offer a Simple Caution an offender's antecedents must be taken into account. Section 17 Criminal Justice and Courts Act restricts the use of Simple Cautions for repeat offending of similar offences within the previous two years. A Caution will generally not be appropriate where the offence forms part of a pattern of offending or where, because of an offender's previous conviction history, a Caution is unlikely to have a deterrent effect. Before deciding whether to offer a Simple Caution the views of the victim must be established and taken into account alongside wider public interest factors
- As a PNC entry (Jan - 17). Organisational. Following complaint investigation it was identified that custody officers should be aware that early assistance of an Appropriate Adult for complainant may assist in managing the individuals mental health and wellbeing during future detention in custody

Previously reported Best Practice within the period is listed in Appendix 2.

1.3 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, which is a reduction of 9 on the previous period. The Complaints manager is liaising with the TPA Commanders regarding issues around these identified officers highlighting opportunities for learning, development, force training and bodycam use. In addition, we are reviewing whether some officers receive more complaints due to them being easily identifiable, via ethnicity or accent, and where appropriate can be supported.

1.4 Dissatisfaction Reports

There were 60 dissatisfaction reports recorded in the current 12 months which is a reduction of 1 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 and incivility which combined form 55% of dissatisfaction reports in the period.

1.5 Diversity

There has been 1 allegation of discriminatory behaviour by the police recorded in the last quarter (making a total of 7 allegations of discriminatory behaviour recorded during the current 12 month period, a reduction of 3 when compared to the previous 12 months).

March 2017 – Complainant, on behalf of their child, has complained that officers involved in the arrest or detention have either instigated or covered up Institutional racism, a hate crime and/or disability discrimination. Currently live.

The latest version of Centurion, the system the force uses to record complaints, gives the opportunity to record referrals to partner agencies. Whilst it is acknowledged that there are not large amounts of referrals to other agencies to assist people who need further support outside of the complaints system this will be something that can be reported on in the future.

1.6 Performance

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

| Allegation Result Description | 12 Month Rolling to Mar 2016 | 12 Month Rolling to Mar 2017 | Change |
|--------------------------------------|-------------------------------------|-------------------------------------|---------------|
| De Recorded | 6 | 10 | 4 |
| Disapplication - by Force | 51 | 44 | -7 |
| Discontinued - by Force | 2 | 0 | -2 |
| Local Resolution - by TPA | 130 | 111 | -19 |
| Local Resolution - by PSD | 62 | 42 | -20 |
| Not Upheld - by Division | 1 | 4 | 3 |
| Not Upheld - by PCC | 0 | 1 | 1 |
| Not Upheld - by PSD | 174 | 125 | -49 |
| Special Requirements | 2 | 7 | 5 |

| | | | |
|----------------------|------------|------------|-------------|
| Upheld - by PSD | 30 | 8 | -22 |
| Withdrawn - by Force | 8 | 16 | 8 |
| Withdrawn - by IPCC | 3 | 0 | -3 |
| Grand Total | 469 | 368 | -101 |

The IPCC in the most recent report (Q3, Apr 2016 to Dec 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 36, MSF average 58 and National average 65. Cumbria has reduced by 1 day and the MSF and national are both stable.
- Average number of days to finalise cases – Cumbria 136, MSF average 161 and National average 163. Cumbria has reduced compared to the same period last year.
- Average number of allegations per 1000 employees cases – Cumbria 133, MSF average 252 and National average 210. Same Quarter last year Cumbria was at 143.
- Cumbria remains the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 368 allegations were finalised compared to 469 in the previous period. The greatest reduction (by 49, 28%) was in Not Upheld by PSD, Upheld by PSD has reduced (by 22, 26.6%). As a proportion Local resolution has increased from 39.8% in the last period to 41.6% in the current period.

1.7 Force and IPCC Appeals

| Result | Force Appeals 12 months rolling to Mar 2016 | Force Appeals 12 months rolling to Mar 2017 | IPCC Appeals 12 months rolling to Mar 2016 | IPCC Appeals 12 months rolling to Mar 2017 |
|------------------|--|--|---|---|
| Upheld/Partially | 2 | 3 | 5 | 6 |
| Not Upheld | 33 | 8 | 7 | 16 |
| Withdrawn | | | | |
| Not Valid | | | 1 | 1 |
| Live | 3 | 14 | | 3 |
| Total | 38 | 25 | 13 | 26 |

The above data highlights that the number of IPCC appeals have increased by 50% and the number of force appeals has reduced by 34% (13). The percentage of upheld Force appeals has increased in this reporting period by 1 (50%) compared to the previous 12 months. IPCC Appeals upheld results have increased by 1 (20%).

Upheld Force Appeals have increased from 5% to 12% (2 of 38 compared to 3 of 25).

Upheld IPCC Appeals have reduced from 38% to 23% (5 of 13 compared to 6 of 26).

1.8 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 reduced by 9 (15%) when compared to the previous 12 month period, the only increase being Operational management decisions.

| Allegation Result Description | 12 Month Rolling to Mar 2016 | 12 Month Rolling to Mar 2017 | Change |
|--------------------------------------|-------------------------------------|-------------------------------------|---------------|
| General policing standards | 9 | 7 | -2 |
| Operational management decisions | 32 | 33 | 1 |
| Operational policing policies | 4 | 0 | -4 |
| Organisational decisions | 15 | 11 | -4 |
| Grand Total | 60 | 51 | -9 |

Issues raised in the last quarter include complaints about decisions for specific cases, specific policies/procedures, issues around the telephone service.

APPENDIX 1 – Complaint Allegations and the Groups

| Group | Allegation Ref | Allegation Title |
|------------------------|----------------|---|
| Breaches of PACE | K | Breach of Code A PACE on stop and search |
| | L | Breach of Code B PACE on searching of premises and seizure of property |
| | M | Breach of Code C PACE on detention, treatment and questioning |
| | N | Breach of Code D PACE on identification procedures |
| | P | Breach of Code E PACE on tape recording |
| | R | Multiple or unspecified breaches of PACE which cannot be allocated to a specific code |
| Direction & Control | 01 | Operational policing policies |
| | 02 | Organisational decisions |
| | 03 | General policing standards |
| | 04 | Operational management decisions |
| Discrimination | F | Discriminatory behaviour |
| Incivility | U | Incivility, impoliteness and intolerance |
| Malpractice | G | Irregularity in relation to evidence/perjury |
| | H | Corrupt Practice |
| | J | Mishandling of Property |
| Oppressive Behaviour | A | Serious Non-Sexual Assault |
| | B | Sexual Assault |
| | C | Other Assault |
| | D | Oppressive conduct or harassment |
| | E | Unlawful/unnecessary arrest or detention |
| | Y | Other Sexual Conduct |
| Other W | W | Other |
| Unprofessional Conduct | Q | Lack of fairness and impartiality |
| | S | Other Neglect or Failure in duty |
| | T | Other Irregularity in Procedure |
| | V | Traffic Irregularity |
| | X | Improper disclosure of information |

APPENDIX 2 - Best Practice previously reported.

| | |
|-----------------------------------|--|
| 2016 to 17 Q1 | |
| Individual | |
| Procedure | 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 |
| Custody | |
| Custody | Reminder regarding good communication between officers when dealing with DPs in custody to avoid incidents resulting in injury to DP |
| Custody | 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 |
| Online News to all staff | |
| IPCC - LLB | Learning the Lessons Bulletin 26 - March 2016 |
| Pass Newsletter Force wide | |
| Procedure | 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) Inadvertent distribution of indecent images, advice re storage and sharing of images for investigation purposes. (PASS 23/16 item 3) |
| Procedure | 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) |
| Results | Special case hearing result ND |
| Policy | Reminder to renew Business Interests. |
| 2016 to 17 Q2 | |
| Individual | |
| Procedure | 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. This matter has been brought to the attention of CI Wilkinson to address as he deems appropriate |
| Civil Contingencies Dept | |
| Communications | Following a complaint by a driver whose vehicle was uplifted during Appleby because it was in contravention of the RTO for Appleby although there were no signs re this, Inspector Sowerby brought the matter to the attention of PC Earl in Civil Contingencies Department for next year's briefings/officer's guide etc |
| Force | |
| IPCC - LLB | Learning the Lessons Bulletin 27-August 2016 |
| Procedure | Guidance for use of Dissatisfaction reports |
| Procedure | Reminder for OIC to ensure that both victim and suspect are updated in relation to NFA decisions by CPS |

| | |
|------------------------------------|---|
| Procedure | Reminder of the necessity to submit Use of Force forms - parameters etc. Circulated both via forcenet and to relevant TPA Commander |
| Individual | |
| E-learning | IO sent an email to supervisors in South reminding them why the Kelvin Connect pronto manager eLearning package is necessary and to ensure the all staff in their teams complete this and remind them to put into practice as well as recording all searches on their Kelvin Connect. |
| 2016 to 17 Q3 | |
| Allerdale Borough Sergeants | |
| Property | Inspector Wear will also ensure that Sergeants are reminded to review seized property when they have their regular meetings with staff, in order to prevent unnecessary retention of property and improve the service provided to members of the public |
| West PPU Officers | |
| PPU guidance | Guidance to PPU officers whenever they are required to provide information based on a report composed by another professional in any non- sworn professional proceedings such as case conferences, they must make that clear to all persons present before giving that information. (identified on appeal outcome) |
| Force | |
| ACU Guidance | 12 Working Days Christmas Day 1-Making sure our officers & Staff maintain the highest standards this festive season-Passwords Officers and staff are reminded that to prevent unauthorised access, and therefore maintain the security of information held on Constabulary systems, the integrity of passwords must be maintained. Access and Disclosure- Information held on force systems such as Command and Control, Slueth, and PNC etc should only be accessed when it is necessary to do so in connection with official duties. Under no circumstances should personnel deliberately access records for personal reasons, or for any purpose unconnected to their duties. Where there is a requirement to disclose information to a 3rd party over the telephone, ensure that you are satisfied that the caller is who they purport to be. If in doubt ring the caller back through the organisation 's switchboard to confirm the identity of the caller. |
| ACU Guidance | 12 Working days of Christmas Day 10 Day 4 of A victim's perspective. " He said I was quite an attractive young woman. He was always quite flirty..." |
| ACU Guidance | 12 Working Days of Christmas Day 2Check your list twice- Police Officers and staff are reminded to consider the Code of Ethics and always comply with policy and procedure. This is not only the right thing to do but assists with the Investigation and resolution of public complaints. Specific points to consider The use of Body Cam, completing a Use of Force form, the completion of your electronic pocket note book at the earliest opportunity. |
| ACU Guidance | 12 Working Days of Christmas Day 3-Christmas is for sharing... -Social networking sites provide a great way to communicate and keep in touch with people, especially around the festive period when we attend more social events, Christmas parties and reconnect with friends and family. In order to minimise any risk and comply with the Constabulary Online Code of Conduct please adhere to the following points. Amend |

| | |
|--------------|--|
| | your security setting to ensure only friend/followers can view your profile etc , not everyone, Consider who you accept as friends/followers, Consider posting pictures/video etc from christmas parties and whether this may reflect negatively on you or colleague, Consider what you post ie know your audience, Don't make any reference to being employed by Cumbria Constabulary, remember that it is an offence to disclose information that is confidential, online or offline |
| ACU Guidance | 12 Working Days of Christmas Day 4 Remember that it is Christmas...Over the past 12 months there have 43 allegations of incivility. Against this back drop of the 1000's of interactions that officers and staff have with members of the public, the number of incivility allegations remains low. However, this probably one of the easiest complaints to prevent. Officers are reminded to consider the Code of Ethics when dealing with members of the public and to treat people as they would wish to be treated. |
| ACU Guidance | 12 Working Days of Christmas Day 5 Making sure our Officers and staff maintain the highest standards this festive season. With Christmas parties and celebrations to attend over the festive period, please be mindful of your responsibilities in relation to fitness for duty at the start of your shift and throughout. Consuming alcohol the night before duty can unknowingly result in you being close to or over the limit of 13 micrograms per 100 millilitres of breath. There is an expectation that police staff will be fit to perform their duties and responsibilities, and both officers and staff should take inconsideration their need to drive to work, and whether they are safe and legal to do so. Officers who participate in 'on call' duties are also required to adhere to the above alcohol limits. |
| ACU Guidance | 12 Working Days of Christmas Day 6 Does Father Christmas have his ID.. - It is imperative that all Constabulary personnel can be identified at all times whilst on Constabulary premises and to that end the following points MUST be complied with. Officers on duty in uniform who may be called out at any time are not required to wear ID card however, this must be in the holder's possession so it can be presented upon request. Non Uniform staff and office based officers MUST clearly display their ID cards when on Constabulary premises, at all times. Challenge anyone who is not displaying visible Constabulary ID. Challenge anyone who attempts to tailgate into a Constabulary building who is not wearing appropriate ID. When entering a Constabulary building, you must ensure the door closes securely behind you before moving on, to prevent an unauthorised person from gaining access without your knowledge. Close office doors (and if possible lock them)when room is unattended. Ensure a workstation is locked or you 'log off'. when left unattended, no matter how short the time period. When discussing work related matters in rest areas please be aware that visitors may also be present who would have no need or right to information which they may see or overhear. Vigilance plays an important part in maintaining the safety and security of all officers, staff and legitimate visitors to Constabulary premises and we must all play our part in this . |
| ACU Guidance | 12 Working days of Christmas Day 7 Day 1 of: A victim's perspective. All to be revealed on Day 5 " He was so friendly, he would say...'if you ever need me ring me' He told me he would visit me often |

| | |
|------------------------------|---|
| ACU Guidance | 12 Working days of Christmas Day 8 Day 2 of: A victim's perspective. "He would ask if he could pop round for a brew. He would check in on me just to make sure everything was ok.." |
| ACU Guidance | 12 Working days of Christmas Day 9 Day 3 of: A victim's perspective. "He sent me loads of messages but I ignored them hoping hew would leave me alone. He was making me feel very uncomfortable.." |
| Guidance re Cautions | Considerations when offering a Simple Caution. When considering whether to offer a Simple Caution an offender's antecedents must be taken into account. Section 17 Criminal Justice and Courts Act restricts the use of Simple Cautions for repeat offending of similar offences within the previous two years. A Caution will generally not be appropriate where the offence forms part of a pattern of offending or where, because of an offender's previous conviction history, a Caution is unlikely to have a deterrent effect. Before deciding whether to offer a Simple Caution the views of the victim must be established and taken into account alongside wider public interest factors |
| Acknowledging good practice | One of the complaints alleged that a Breach of Code C of PACE had occurred whilst the individual was detained in custody. The investigation was greatly assisted by the entries recorded on the custody record by the custody sergeant which were comprehensive, detailed and in accordance with APP. |
| IPCC - LLB | Link to IPCC Bulletin 28 |
| PASS - ACU advice | Pass Newsletter No 25 with Advice for Police officers for the festive period |
| Command & Control | |
| Diversity | Issues regarding recording of gender of transgender female on incident log - referred to as "He". Contact with CI Comms to update call card - also discussed with Sarah Dimmock regarding any training issues going forward |
| 2016 to 17 Q4 | |
| Force | |
| Traffic | Members of the public alleging that officers are using mobile phone/Kelvin device whilst driving marked police vehicles |
| PNC entry | |
| Custody | Following complaint investigation it was identified that custody officers should be aware that early assistance of an Appropriate Adult for complainant may assist in managing his mental health and wellbeing during future detention in custody |

Ethics and Integrity Panel



Title: Stop Search Update May 2017

Date: 5th May 2017

Agenda Item No: 10

Originating Officer: T/Chief Superintendent Mark Pannone

CC:

Executive Summary:

The below information demonstrates that stop search performance in Cumbria is currently good, with scrutiny by HMIC, IAG, Business Improvement Unit and Ethics and Integrity Panel. All details as shown within the report identifies a positive picture regarding the way stop search is currently used in the county.

Recommendation:

For the Panel to note the contents of this report

1. Introduction & Background

1.1 Police Officers' use of Stop Search is high on the national agenda and local agenda and a concerted effort has been made to ensure both compliance with the Best Use of Stop Search (BUSS) scheme and also wider use of effective stop search. The key recent reassurance is that 200 Stop & Search Records were forwarded to HMIC for scrutiny last month, 98% of which were deemed to have sufficient content with reasonable grounds recorded.

Additionally, the Business Improvement Unit audit every stop and search carried out in Cumbria against the criteria set in BUSS. Once complete the searching officer and his supervisor are informed of the result which will be either compliant, requires improvement or non-compliant. Any errors or learning points are highlighted.

2. Issues for Consideration

Other key developments in stop search usage are:

Recording of S163 Traffic Stops – This is to be added to the BUSS, example provided by the Home Office of the data to be collected. Our 163 app is currently under development by Airwave, specific H/O requirements have been communicated to Airwave. App should be ready for testing in May with potential go live 24th May.

Independent Scrutiny Groups – There is a real drive toward independent scrutiny of stop & search. In Cumbria our IAG Stop & Search Group meet on a quarterly basis and this is supported by the

work conducted by the OPCC Ethics Panel which also conducts stop & search scrutiny. Groups are encouraged not only to look at grounds recorded but the data we collect, diverse panels particularly involving young people are also encouraged. We advertise group membership through our Stop & Search Page, which is an approach that is more transparent than many other forces.

It is worthy of note that the most recent stop search scrutiny by the IAG, conducted on 31st March 2017, 31 of 35 stops were deemed sufficient, with only 4 recognised as having insufficient grounds.

Monitoring of Data – Collecting data is conducted at force level with area Inspector leads with stop & search portfolio responsibility.

Complaints – The approach The Constabulary takes is to recognise that a low number of complaints is not always a positive sign; HMIC therefore advises that forces encouraged to seek feedback on all aspects of service which we do through active PSD involvement in all Stop Search complaints.

Year-end figures are encouraging, particularly focusing on our positive outcome rate of **26%**. A figure of **88%** is also reflective of appropriate use of our stop & search powers i.e. 9 out of 10 cases that are positive searches, we find what we are looking for.

The month of March however was the lowest total for the recording year, 107 stop & searches. The outcome rate for March is excellent however (**38%**) and this married with our continued positive grounds scrutiny, provides evidence we are getting our searches right.

Volume of searches conducted however will require further monitoring, compared to our MSF, our volumes are comparable (North Wales / Norfolk) this is a national trend and Cumbria is not alone in significant reductions in volume.

| | All Searches | Arrests | % | Positive Outcomes | % | Positive Outcomes that match reason for search | % of matched outcomes of all searches |
|--------------------------------|--------------|---------|--------|-------------------|--------|--|---------------------------------------|
| Financial Year to Date 2016/17 | 1956 | 287 | 14.67% | 510 | 26.07% | 448 | 88% |
| Financial Year to Date 2015/16 | 3906 | 358 | 9.17% | 653 | 16.72% | Not Recorded | Not Recorded |
| Financial Year to Date 2014/15 | 5525 | 509 | 9.21% | 737 | 13.34% | Not Recorded | Not Recorded |
| Financial Year to Date 2013/14 | 10097 | 459 | 4.55% | 639 | 6.33% | Not Recorded | Not Recorded |

Age Data:

For the month of March, the number of searches for under 18's has decreased significantly compared to the previous year, which is encouraging. Officers have been guided to utilise other options such as It's Your Choice or taking young people home if found in vulnerable situations, as appose to utilising stop & search, as the positive outcome rate of 7% does not justify this action. Under 18s is still an area however, that requires further monitoring.

| Age Breakdown | Mar-16 | Mar-17 | Change | FYTD 15/16 | FYTD 16/17 | Change | Positive Outcomes | % Positive Outcomes |
|---------------|--------|--------|--------|------------|------------|--------|-------------------|---------------------|
| Under 18 | 50 | 7 | 43 | 615 | 202 | 413 | 40 | 7% |
| 18 - 30 | 117 | 37 | 80 | 1719 | 879 | 840 | 254 | 15% |
| 31 - 40 | 48 | 31 | 17 | 664 | 420 | 244 | 113 | 17% |
| 41 - 50 | 30 | 9 | 21 | 315 | 152 | 163 | 25 | 8% |
| 51 - 60 | 4 | 1 | 3 | 69 | 40 | 29 | 16 | 23% |
| 61 + | 0 | 2 | -2 | 23 | 9 | 14 | 0 | 0% |
| Unknown | 12 | 10 | 2 | 195 | 129 | 66 | 15 | 8% |
| All | 261 | 97 | 164 | 3600 | 1831 | 1769 | 463 | 25% |

Ethnicity

There are no significant trends in relation to ethnicity for this period or for the recording year.

| Self Defined | Mar-16 | Mar-17 | Change | FYTD 15/16 | FYTD 16/17 | Change | FYTD Positive Outcomes | % Positive Outcomes |
|--------------|--------|--------|--------|------------|------------|--------|------------------------|---------------------|
| A1 | 0 | 0 | 0 | 0 | 5 | -5 | 1 | 20% |
| A2 | 3 | 4 | -1 | 16 | 9 | 7 | 2 | 13% |
| A3 | 0 | 0 | 0 | 4 | 0 | 4 | 0 | 0% |
| A9 | 0 | 0 | 0 | 20 | 7 | 13 | 0 | 0% |
| B1 | 1 | 0 | 1 | 8 | 7 | 1 | 2 | 25% |
| B2 | 0 | 0 | 0 | 7 | 6 | 1 | 3 | 43% |
| B9 | 1 | 0 | 1 | 7 | 1 | 6 | 1 | 14% |
| M1 | 0 | 0 | 0 | 8 | 2 | 6 | 1 | 13% |
| M2 | 0 | 1 | -1 | 1 | 3 | -2 | 0 | 0% |
| M3 | 0 | 0 | 0 | 3 | 2 | 1 | 0 | 0% |
| M9 | 0 | 0 | 0 | 0 | 2 | -2 | 2 | #DIV/0! |
| O1 | 0 | 0 | 0 | 3 | 0 | 3 | 0 | 0% |
| O9 | 0 | 0 | 0 | 3 | 0 | 3 | 0 | 0% |
| W1 | 246 | 85 | 161 | 3320 | 1639 | 1681 | 424 | 13% |
| W2 | 2 | 0 | 2 | 30 | 14 | 16 | 2 | 7% |
| W9 | 3 | 5 | -2 | 57 | 43 | 14 | 18 | 32% |
| Not Stated | 5 | 2 | 3 | 110 | 91 | 19 | 9 | 8% |
| Vehicle | 25 | 10 | 15 | 306 | 125 | 181 | 45 | 15% |
| All | 286 | 107 | 179 | 3903 | 1956 | 1947 | 510 | 26% |

Repeat Stop & Searches

Analysis has been conducted with regard to individuals stopped and searched in the past 12 months.

Below is a summary of individuals stopped three or more times:

| Number of times individual Stop & Searched | Total |
|--|--------|
| 10 or more | 1 (14) |
| 9 | 0 |
| 8 | 0 |
| 7 | 2 |
| 6 | 0 |

| | |
|---|----|
| 5 | 4 |
| 4 | 2 |
| 3 | 8 |
| | 17 |

A dip sample of the above records shows a trend of W1, male, between 25-35.

The positive outcome rates of the searches sampled is in line with the force average (25% - 1 in 4). Individuals who are stopped more than once in a month will be reported on a monthly basis to Ops. Board. This is to identify any particular trends with regard to the individuals being stopped, the power used, grounds recorded and outcome rate.

3. Implications

3.1 Financial - Nil

3.2 Legal - Nil

3.3 Risk - None currently identified

3.4 HR / Equality - Equality issues are a key aspect of our monitoring and scrutiny



Constabulary Report to OPCC

TITLE OF REPORT: INTEGRITY – Special Constabulary Update

DATE OF MEETING:

ORIGINATING OFFICER: D Supt Jackson – Professional Standards

PART 1 or PART 2 PAPER: PART 1 (Information only)

Executive Summary:

No more than 100 words.

This paper reflects the current situation regarding The Special Constabulary and developments in aiming to increase recruitment and ensure retention of officers serving as specials. It also provides an overview of the current situation with the wider citizens in policing agenda.

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.

- For the panel to note the contents of the report

MAIN SECTION

1. Introduction and Background

This paper is submitted following a request from the Ethics and Integrity Panel regarding Special Constable recruitment, retention, roles and training.

1.1 Recruitment & Training

Change to recruitment process

In light of issues around retention and the requirement to increase the number of Specials throughout 2016-2018, the current Specials recruitment process was reviewed by COG in October 2016 in an effort to encourage additional applicants and increase the success rate of applicants throughout the process. The full report submitted to COG on 3rd October 2016 is enclosed.

This resulted in the removal of the Competency Based Questionnaire within the application form which now comprises of an eligibility check only. Applications are rejected at this stage due to applicants being under 18, criminal convictions, visible / offensive tattoos and nationality only. Eligible applicants are therefore invited to an assessment centre.

The details in relation to the previous assessment centre format are outlined in the attached report, in summary the new assessment centre now mirrors that of other forces (North Wales in particular) and comprises of:

- A statement taking exercise where candidates are assessed on ability to pick out key details and spelling / grammar
- A verbal logical reasoning test where candidates are required to assess whether facts are true / false based on information provided
- An interview discussion including motivations for becoming a SC, experience, understanding of the role and honesty / integrity.

Whilst HR lead on Special recruitment, members of the Special Constabulary have been trained by HR to facilitate the written assessments and also to interview candidates. Feedback from panel members who have previously used the competency based questions has been positive, allowing them to use their professional judgement in relation to candidate suitability.

The change to the assessment centre format has resulted in a higher pass rate from approximately 50% to 80%. Informal feedback from candidates has also been positive.

Unfortunately whilst a higher number of successful candidates have progressed from the assessment centre, there has also been a marked increase in candidates being rejected / deferred for vetting / medical reasons following the assessment centre. Special Constables are currently bound by Home Office standards for medical and the same level of vetting as a regular PC.

Following the review of the SC process, the Competency Based Questions stage has also been removed from Police Constable recruitment.

Recruitment Campaigns

Three recruitment campaigns have taken place over the past six months for Special Constables. Whilst the vast majority has been via social media, adverts have been published in local press in an attempt to reach all demographics. The most recent campaign focusses on Barrow where current Special numbers are particularly low, an open evening in relation to Specials recruitment (attended by the PCC) took place on 19th April 2017. It was well attended and the senior officers in attendance were impressed with the calibre of attendees. 51 applications have been received over the past 6 months, nearly 40% higher than the previous 6 months.

The retention of Specials is a particular challenge at present due to intensive PC / PCSO recruitment which results in the loss of SCs who joined with the ambition of becoming a regular officer. Therefore there is a drive to recruit “career specials” who are likely to remain with the Special Constabulary for years. One solution for this is looking at engaging with local employers.

Following a visit North Wales Police last year to view their Specials recruitment process, it transpired that they had launched a pilot scheme with the local County Council with the objective of filling an intake with employees of the Council only. To encourage this, North Wales were looking at deploying these individuals to undertake work that is of priority to the council e.g. monitoring School patrols, focussing on particular areas where anti-social behaviour is prevalent. In return, the Council were expected to release these individuals for training and to undertake the role of a Special for a certain number of days per year.

North Wales advised that they had successfully recruited sufficient numbers to fill an intake of 18 and were looking at running a similar scheme with Airbus. They advised that they had previously faced similar difficulties to Cumbria around engaging with employers, however the negotiation aspect around deployment duties has somewhat improved this.

The above pilot has been discussed with the PCC who is considering running a similar scheme with local councils / employers.

Establishment

The current Special Constabulary establishment is detailed below:

| | |
|------------------------------|----|
| Total Officers (inc Uni SCs) | 88 |
| Active (inc Uni SCs) | 63 |
| Uni SCs | 9 |

There are currently 19 individuals in various stages of the regular PC recruitment process.

There are 11 applications being processed for the May intake with a further 21 at earlier stages of the recruitment process. There are three intakes of 18 scheduled for 2017 (including May). The recruitment of Specials is discussed at the monthly strategic workforce planning meeting.

Training

Student Special Constables follow the Initial Learning for Special Constables (IL4SC) training programme laid out by the College of Policing. This is the programme followed by most forces and certainly by all those in the North West Region. The training content in Cumbria is harmonised with that delivered in Lancashire. This programme has been designed to work alongside a Police Action Checklist (PAC). The PAC utilised by all forces in the North West (NW) Region, including Cumbria, is consistent with an agreed

minimum. All NW forces use the same PAC standards however there are some additions to the minimum PAC dependent on each individual force requirement. Completion of the IL4SC and the PAC is the minimum requirement to measure that an officer has achieved the National Standard for Safe and Lawful for Independent Patrol as specified by the College of Policing.

Student Special Constables attend HQ over a series of weekends and some week dates to complete the IL4SC and once they deploy operationally they work towards completing their PAC. They must attend ALL timetabled IL4SC sessions before being able to deploy operationally.

Their PAC is monitored by their supervisor and both the supervisor and the officer are supported by the Citizen's in Policing (CIP) Coordinator to ensure the PAC is completed correctly and the minimum National standard met. Completion times for the PAC varies from officer to officer depending on how much time they are able to commit to duties and the nature of the incidents they attend but on average this takes 18 months. We would expect an officer to be able to deploy independently after around 18 months service however this does vary.

Special Constables do not have tutors and work alongside experienced Special Constables and Police Constables whilst working towards completing their PAC.

Special Constables also have monthly evening training sessions to ensure their training is up to date. Special Constables complete all mandatory training at these evening sessions or via e-learning and additional training days where necessary as part of their continuous professional development (CPD).

Attendance at all CPD training is encouraged and monitored by the Special Constabulary supervisors and CIP coordinator.

University Special Constables

University Special Constables receive a small amount of training delivered at HQ during their induction period. All law inputs are given as part of their University Course.

University Special Constables deploy operationally for 13 weeks on a placement. During this time they deploy in company with a tutor constable who is an experienced Police Constable and complete a different PAC to that of non-university Special Constables. They are measured to a different standard during their placement and if they successfully complete their PAC they are deemed to have achieved independent patrol status equivalent to that of a student Police Constable. The majority of University Special Constables meet the required standard after this 13 week placement.

University Special Constables do not receive any financial support whilst on their course however they do receive travel expenses consistent with the SC expenses policy.

Mapping across of training.

The force has in the past used a "Pre Join" route into policing where Special Constables, whether the traditional IL4SC route or University route, who achieved IP status and joined as PC's could have their classroom based training time reduced from 20 weeks to 7 as their knowledge was mapped across. This was initially considered to be a cost saving option and also meant that new officers were deployed quicker into area. There were 4 pre join intakes over 2012 and 2013 but these courses were not repeated as there were insufficient officers eligible to make this a viable option and cost savings were not as anticipated. The curriculum required to ensure the Diploma in Policing knowledge requirements were met still required those on the pre-join course to follow the original 2

year programme. There were issues that necessitated full IPLDP courses and adhoc numbers fore the pre-join did not warrant any further progression. A the sametime this was being reviewed the collaboration with Lancashire was progressing.

It needs to be noted that the training requirements are significant and are one of the key reasons why recruitment and retention of Specials is difficult. A more risk based approach is recognised as a key enabler to improving numbers.

Operational Deployment.

Duties

Special Constables use a system called "Duty Sheet". This system is multifaceted allowing for event management including, operational planning, planning of training, arranging of meetings and one to ones. It is also a communcation tool allowing Specials to remain in contact with the Constabulary and the Constabulary with them recognising that they are not on duty every day. Special Constables use the system to record their duties and to claim their expenses. The system also hosts the officers PAC's, external skills, personal information including employer and occupation. It is seen as an excellent duties management tool.

Officers must use the system to book their duties in advance and are asked to do this at least 2 days before they attend for duty. This is to allow for regular Sgt's to log on to Duty Sheet and check which Specials are coming out on duty and factor this additional resource into their duty planning; unfortunately use of the system by regular supervisors is limited so Specials are not always taken into account as they should be which often means they are not deployed as well as they could be. This is a work-stream that is being integrated into the renewed strategic workforce planning strand of the People Strategy.

Duty Sheet is compatable with DMS and some forces have trialed this.

Operational Commitment

Special Constables are asked to book their duties in advance so that they can be factored into deployment plans. When they book a duty and then do not turn up this is dealt with by their Specials Supervisor. We cannot hold Specials to account for not turning up as they are volunteers and can chose to deploy when they want. If however the officer repeatedly did not turn up then this could be looked at as part of mangement action and the UPP process.

If an officer signs up to deploy on a pre-planned operation then they must inform the operation SPOC to be removed from the operation. This allows for the event to be managed effectively.

1.3 Wellbeing

Special Constables are generally perceived well by their regular colleagues. There can be a lack of tolerance by nature of the fact that new Special Constables go operational with a lesser knowledge than their regular counterparts, this is not always appreciated or understood. Where Special Constables are supported by regular shifts, developed and deployed more effectively the SC feels more valued and appreciated. Where they are less supported and appreciated by regular colleagues this can affect the SC's morale.

There is no indication that attitude differs within each TPA.

The majority of Special Constables are in North Cumbria, this is where the largest number of applicants come from, where the county's population is more concentrated, and where the University is. As Special Constables are posted to their nearest station this means that

more Specials are, by default, based in Carlisle than anywhere else. In West we get some benefit because of Sellafield being a positive employer but employers in South have not been as supportive. The same problem exists for regular recruitment in that it is very hard to attract and post applicants to the South TPA.

Supervision

The Special Constabulary has its own rank structure: Special Constable, Special Sergeant (10), Special Inspector (3), Special Chief Inspector(1), Deputy Chief Officer (1) and Chief Officer. (1). The Special Constabulary is supported by the Citizen's in Policing Coordinator who is a Police Constable based in the Community Safety Unit.

Every Special Constable has a nominated Special Sergeant as their supervisor and each area is led by a Special Inspector. The preferred ratio is no greater than 10 Special Constables per Special Sergeant and in some areas this is a lot less. As all Special Constables are volunteers and deploy for duty around their work and home life it is impossible for them to be on duty as a team with their supervisor each time they come on duty. This means that operationally SC's are supported and deployed by the duty Sergeant for the duration of their shift.

Special Constables do not have PDR'S and are not included in the new PDR system. Special Constables do not have 15 week reviews however team meetings are held regularly and supervisors are encouraged to keep in regular contact with their teams.

Special Constables who are working through their PAC's to achieve IP status are monitored on their PAC's by their S/Sgt and are contacted regularly to review their development and performance.

Welfare and Support

Special Constables are supported by their supervisors and centrally by the coordinator. If there were any issues in relation to the officers personal or professional life that came to light the officer would be supported by their supervisor or coordinator as appropriate. This is not an intrusive process and any disclosure would be dependent on the relationship between the officer and their supervisor. As Special Constables are only required to deploy for 4 hours a week and wouldn't always be on duty when their supervisor was any issues may not come to light without being disclosed by the officer if they wanted too.

Special Constables often work alongside particular officers and shifts and working relationships are developed and Specials supported by their regular colleagues.

Any issues that are discovered by regular Sergeants are often reported to the Special Constabulary so that support can be given.

Special Constables can access Occupational Health Unit services in the same way as their PC colleagues and processes are in place to ensure these are used appropriately and relevant referrals submitted in a timely manner. The service that can be and have been accessed include: Physiotherapy, assessments for fitness to return to duty and psychological wellbeing. Special Constables can also be members of the Police Treatment Centres at a small cost.

If a Special Constable is injured whilst on duty and needs to have time off from their paid employment the constabulary will reimburse any loss of earnings.

Contact with Employers

There is no current process in place to keep in contact with Special Constables employers, and it should be noted that not all Special Constables inform their employer of their role. It is an area that we will review, with consent of the Special Officer, so that we can share positive contributions and ensure their health and wellbeing is jointly considered.

Special Constables who are supported in their volunteering role as part of the Employer Supported Policing programme have a closer relationship with their employer. The Constabulary also contacts the ESP employer annually to thank them for supporting their employee to volunteer as a Special Constable.

Future Development

The constabulary and PCC are keen to ensure that we continue to recruit and retain specials and it is recognised that nationally, special constable numbers are falling. There is a clear correlation between increase in regular recruitment and a reduction in special constable numbers. Despite significant movement in streamlining HR processes, there is a requirement to improve the approach to training to be more volunteer focused and more adapted to the role provided by Specials. The concept of 'specialist special' is also being explored to tailor the role more to need rather than continue to maintain a generic special constable role profile. This is being progressed via The Commandant and wider constabulary senior management.

1.2 Citizens In Policing- overview

The Citizens in Policing programme in Cumbria has existed in its current format for 2 years.

History

In January 2011 the Special Constabulary Coordinator was given the additional task of Police Support Volunteer coordinator. The role was based in Community Safety and the officer worked across both areas of business developing the current Police Support Volunteer programme, recruiting volunteers and coordinating the Special Constabulary.

Nationally there was a move to combine the Police Support Volunteers (PSV), Special Constabulary (SC) and Volunteer Police Cadets (VPC) under one umbrella of "Citizens in Policing". As a result of this Cumbria formally placed PSV's and the SC under one programme – Citizens in Policing with the 2 strands of work below it. It was decided at that time not to develop VPC's so this was not included as a specific area.

The coordinator for both strands of work remained the same individual, in the same department and was retitled "Citizens' In Policing Coordinator". The ACC holds the portfolio for Citizens In Policing supported by Chief Superintendent Territorial Policing Command and the Special Constabulary Chief Officer.

Current Position

The force's establishment of Police Support Volunteers is currently 45. There are 10 applicants at vetting for newly created roles and these will hopefully join us over the next 2 months.

These volunteers support many areas of business performing a wide range of tasks in areas such as High Tech. Crime Unit, PPU, Community Safety Unit, NPT's, Bike Safe, Country Watch, Farm Watch and Restorative Justice.

Currently our Police Support Volunteers do not need powers to perform their roles however the Police and Crime Bill 2017 allows Chief Constables to confer powers on volunteers if required to fulfill a particular role/need.

We have attracted a retired Special Constable, a retired Police Constable, a retired Police Sergeant, a retired Superintendent and a retired PCSO to our volunteer roles. We also have an ex Special Constable who is a volunteer and are working with an individual who cannot be a Special for medical reasons to create a volunteer role that uses the range of IT skills they have. We also work with Special Constables who are considering leaving due to health problems to find them other volunteering opportunities. This means that we don't lose vital skills and allows us to develop flexible approaches to volunteering.

Volunteer Police Cadets- this is currently being considered.

1.3 Professional Standards

An examination of intelligence, operations, conduct and complaints was made to identify any trends or issues that could assist to support Special Constables and so prevent these situations arising. This included looking at if the problem was linked to their constabulary role or their paid employment or entirely separate and if the number of hours or duties and policing area had any correlation on their likelihood to come to attention. As usual age rank and length of service were also considered for their impact and compared against the regular officer's statistics.

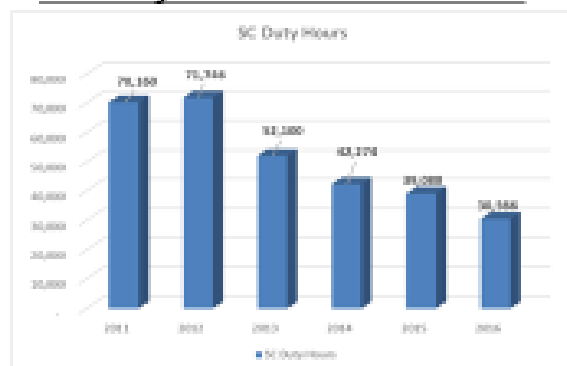
Having examined all these factors there were no particular trends or issues identified and there were no statistically significant results of analysis that would enable preventative measures to be implemented.

1.4 Performance Dashboard

Performance Dashboard – Special Constabulary



SC Duty Hours – Annual View

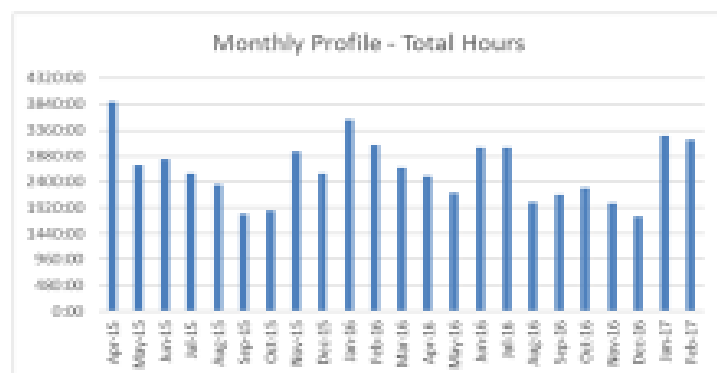


Deployment & Establishment Statistics

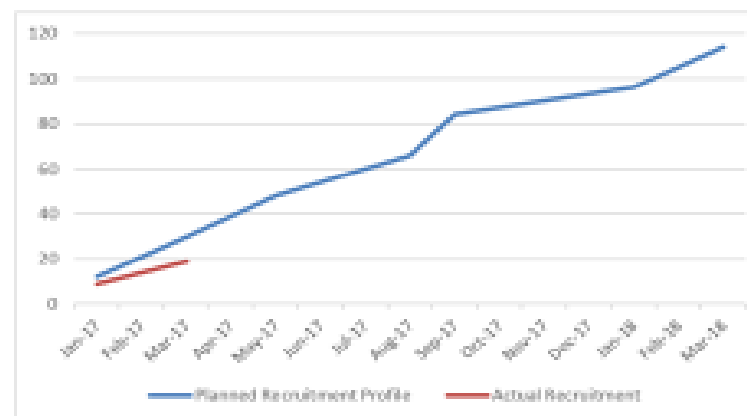
| | | | |
|------------------------------|----|--|--|
| Active Officers | | | |
| Active Officers | 88 | | |
| Residential Transfer to Regs | 13 | | |
| University | 9 | | |
| Not Active | | | |
| Non-Operational | 20 | | |
| Training | 20 | | |
| Leave of Absence | 1 | | |
| Indicated Resign | 4 | | |
| Location | | | |
| To Regulars | 20 | | |
| To other force | 5 | | |
| Resigned | 25 | | |

| | | | |
|------------------|----|--------------|----|
| Deployment | | | |
| Albion | 0 | North TPA | 38 |
| Barnes Borough | 7 | South TPA | 16 |
| Barnes | 0 | West TPA | 17 |
| Carlisle | 11 | Headquarters | 8 |
| Capitani | 8 | | 72 |
| Headquarters | 8 | | |
| Kendall | 8 | Groups | |
| Reynolds & Bates | 4 | Response | 8 |
| WPSU | 0 | Basic | 16 |
| WPSU | 0 | | 24 |
| WPSU | 0 | | 24 |
| | 74 | | 24 |

SC Duty Hours – Monthly Profile



Recruitment Profile – Target 100 by 31 March 2018



Ethics and Integrity Panel



Peter McCall

Title: OPCC Quality of Service & Policing Issues

Date: March 2017

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 Our service standard is that:
 - An acknowledgement will be sent out on the day of receipt of the correspondence advising them that they will receive a full response from the OPCC within 28 days. Should the matter take longer to conclude updates will be provided on a 28 days basis until the matter is finalised.
 - Where possible a response will be provided at the earliest opportunity and is often well before 28 days.
- 1.3 A system has been developed within the OPCC to acknowledge, log and monitor the resolution of the issues raised. Once a QSPI is logged within the OPCC it is then allocated appropriately. Predominantly the majority of issues are passed through to the Chief Constable's Office who then allocate it to the appropriate Territorial Policing Area (TPA) or department to deal with. Regular contact between OPCC staff and the Chief Constable's Office takes place to ensure that matters are progressed in a timely manner. The staff officers have access to the same information and QSPI spreadsheet as the OPCC and will update it accordingly.
- 1.4 Where an urgent matter is received then the OPCC will directly contact the Chief Constable's office to ensure that the matter is progressed immediately.
- 1.5 Since its inception the number of QSPI's received and dealt with by the OPCC has increased as can be seen from the figures below:
 - 2013 - 98
 - 2014 - 198
 - 2015 - 167
 - 2016 - 235

1.6 The OPCC has received correspondence from groups or organisations who raise an issue regarding a particular matter. These include:

- February 2015 – 124 emails regarding Hunting within Cumbria
- October 2015 - 173 letters regarding the positioning of CCTV cameras across Cumbria
- February 2016 - 83 emails regarding Fox Hunting within the County

Although these matters were classed as one matter within the appendices every email and letter received an individual response, resulting in the yearly figures increasing to:

- 2013 - 98
- 2014 - 198
- 2015 - 167 + 297 = 464
- 2016 - 235 + 83 = 318

1.7 As can be seen from the appendices the issues raised by members of the public are very broad ranging but it is primarily the Constabulary who provide the response either at a personal level or provide the information to the OPCC to write to the individual. Of the 318 QSPI's process in 2016 the OPCC provided the response to 102 (32%) with the Constabulary dealing with 216 (68%) either via direct contact or providing information for the OPCC to respond with.

2. Making A Difference

2.1 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. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then enables the Constabulary to find out more about the issue and look to implement a suitable solution or resolution for not only them but on occasions the wider community.

2.2 Where matters are passed to the Constabulary the OPCC is advised of progress and of either a final solution which has been agreed with the individual or information/advice relating to their issues.

2.3 Every QSPI will receive a tailored response from the OPCC in answer to the issues that they have raised.

2.4 Members of the public also contact the OPCC for advice and clarification on a variety of topics and issues. Again these will all receive a response either providing the information sought or signposting the individual to the correct organisation who can assist them.

2.5 The OPCC has received a number of letters of thanks for the help and support they have provided. On some occasions the author has acknowledged that they did not get the final outcome they had hoped for but thanked the OPCC for the work they have carried out to assist them in being provided with the correct information.

2.6 A number of people also write to the Commissioner regarding complaints they wish to make about Cumbria Constabulary. As the Police and Crime Commissioner does not have any

statutory authority to deal with complaints between the rank of Chief Constable, these are logged and the individual advised that their complaint will be forwarded to the Professional Standards Department to deal with it.

3. Organisational Learning

3.1 On a six monthly basis the OPCC will analyse and produce information relating to the QSPI's as contained within the attached appendices. This enables us to look at any trends or patterns regarding the issues being raised, how the OPCC has facilitated an outcome and any organisational learning. This is reported to the Commissioner and to the Ethics and Integrity Panel.

3.2 Detailed below illustrates the amount of shared learning between the OPCC, the Constabulary and the Professional Standards Department relating to the total number of QSPI's dealt with during 2016:

94% shared learning with TPA's
5% shared learning with PSD
1% shared learning with HR

In 100% of the QSPI's received during 2016 the OPCC provided advice or information; or was the conduit through which the Constabulary contacted and resolved the issue with the individual.

3.3 As can be seen from Appendix 1 the nature of the top six issues raised within 2016 are:

- Police Response / Service (72)
- Driving Issues (35)
- 101 (14)
- Anti-Social Behaviour (14)
- Police Resources (12)
- Car Parking / Damage (11)

3.4 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.

3.5 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.

3.6 101

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.

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.

3.7 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.

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.

3.8 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.

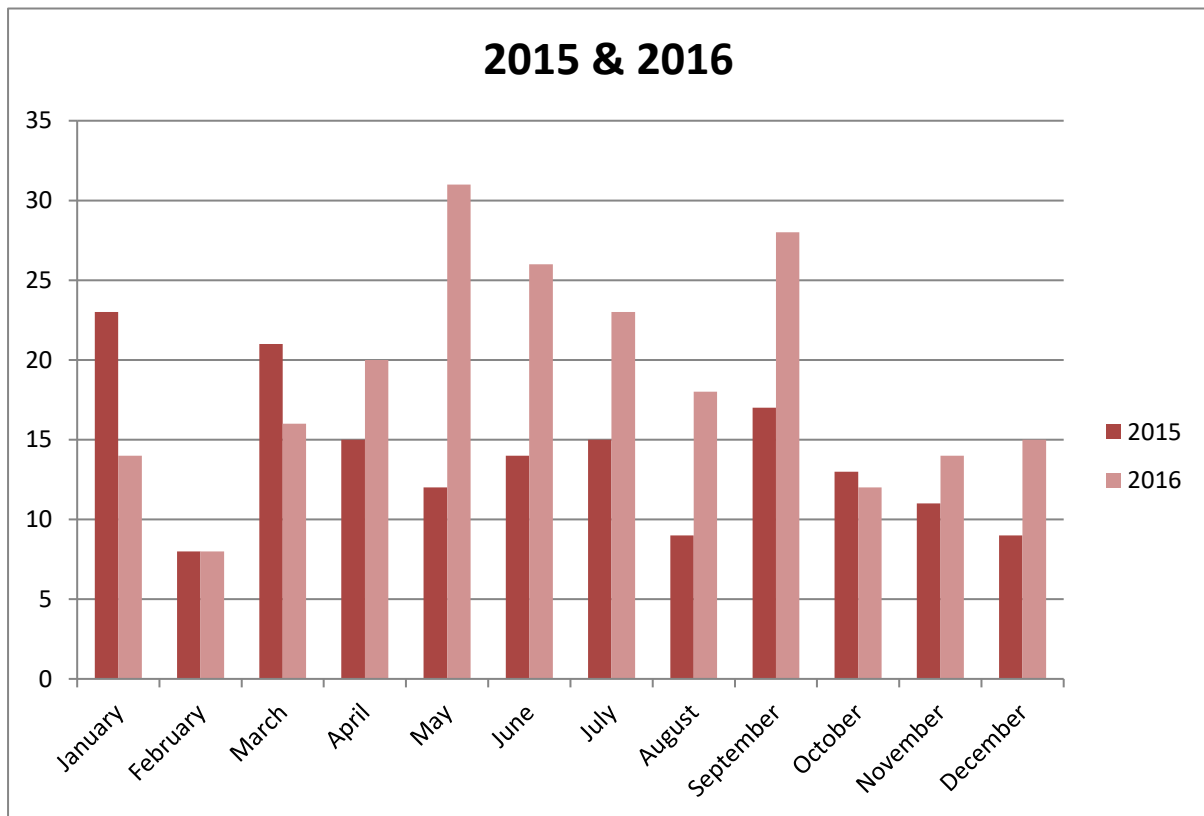
4. **Implications**

- 4.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues.
- 4.2 Legal – none identified.
- 4.3 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.
- 4.4 HR / Equality - none specifically identified.

5. **Supplementary information**

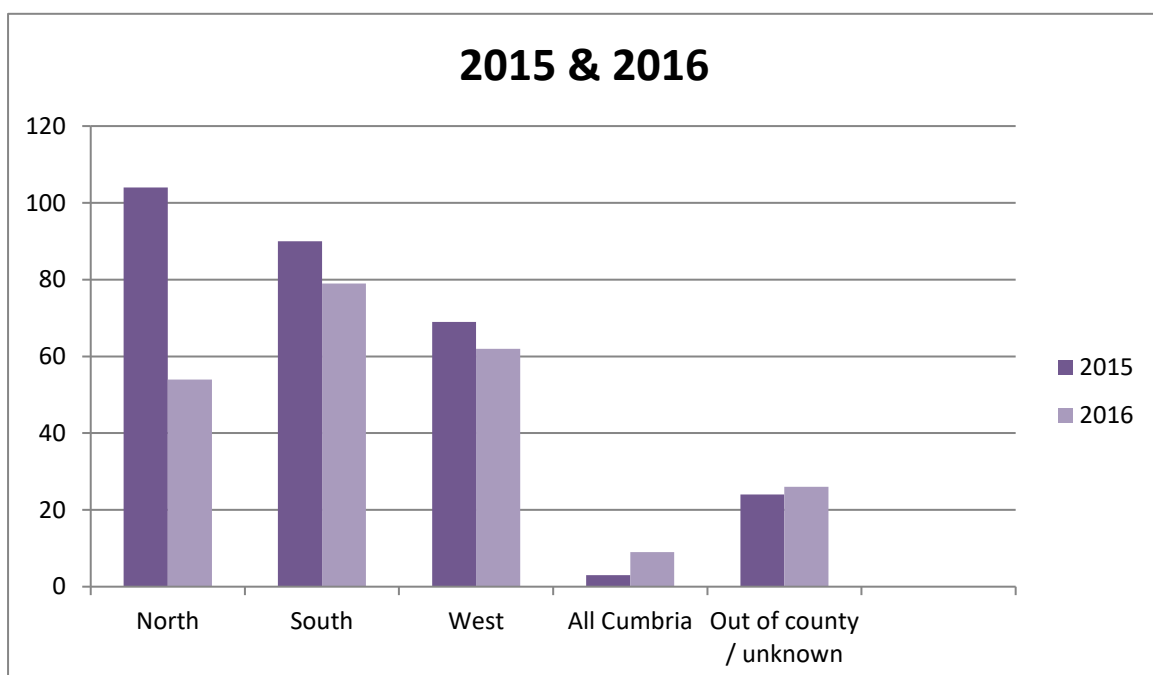
Appendix 1 – Quality of Service issues received by the OPCC

QSPI'S PER MONTH

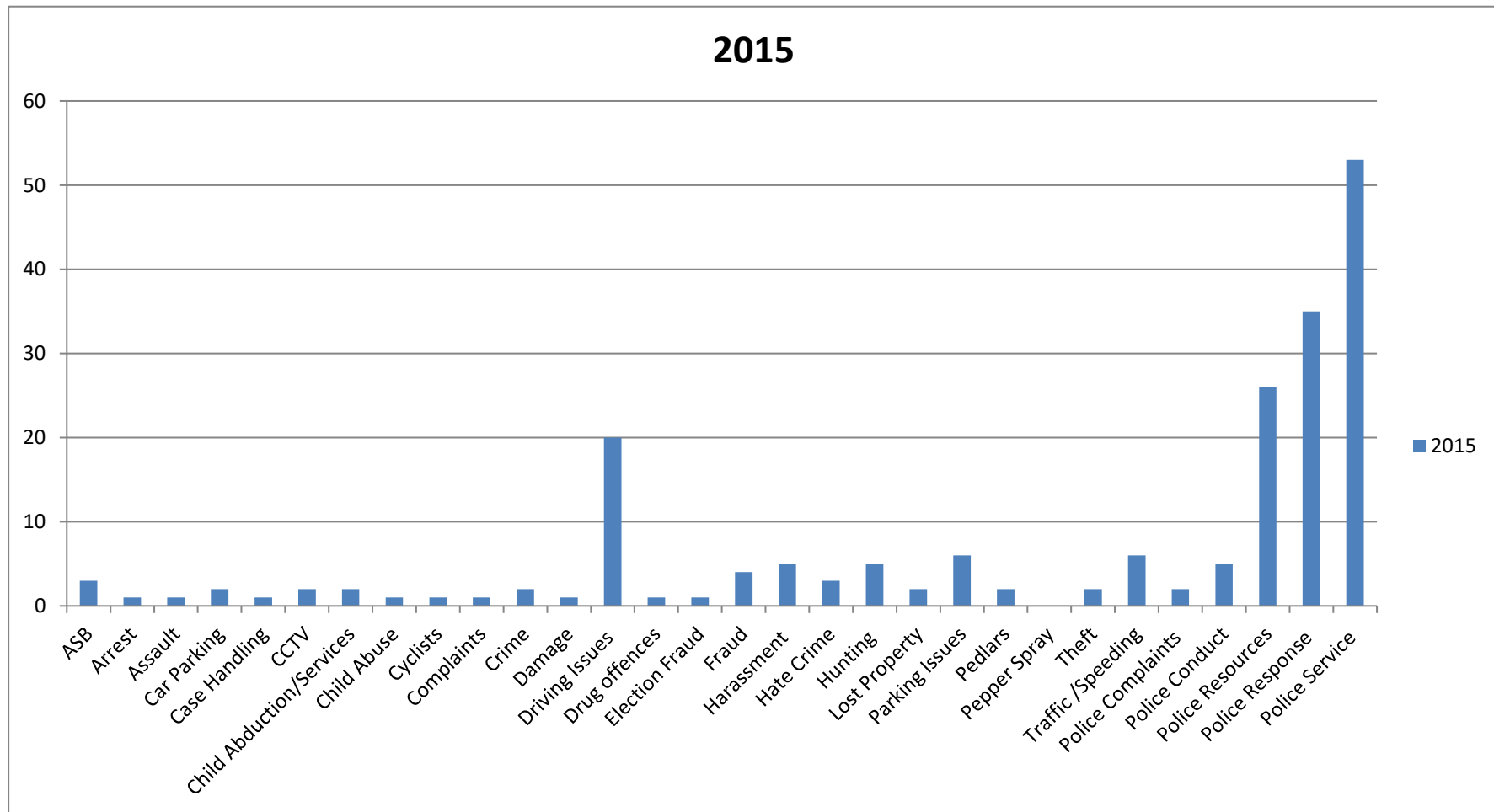


In February 2015 the OPCC received 124 emails regarding Hunting within Cumbria and in October 173 letters regarding CCTV cameras. In February 2016 the OPCC received 83 emails regarding Fox Hunting within the County. These have all been illustrated above as one case each.

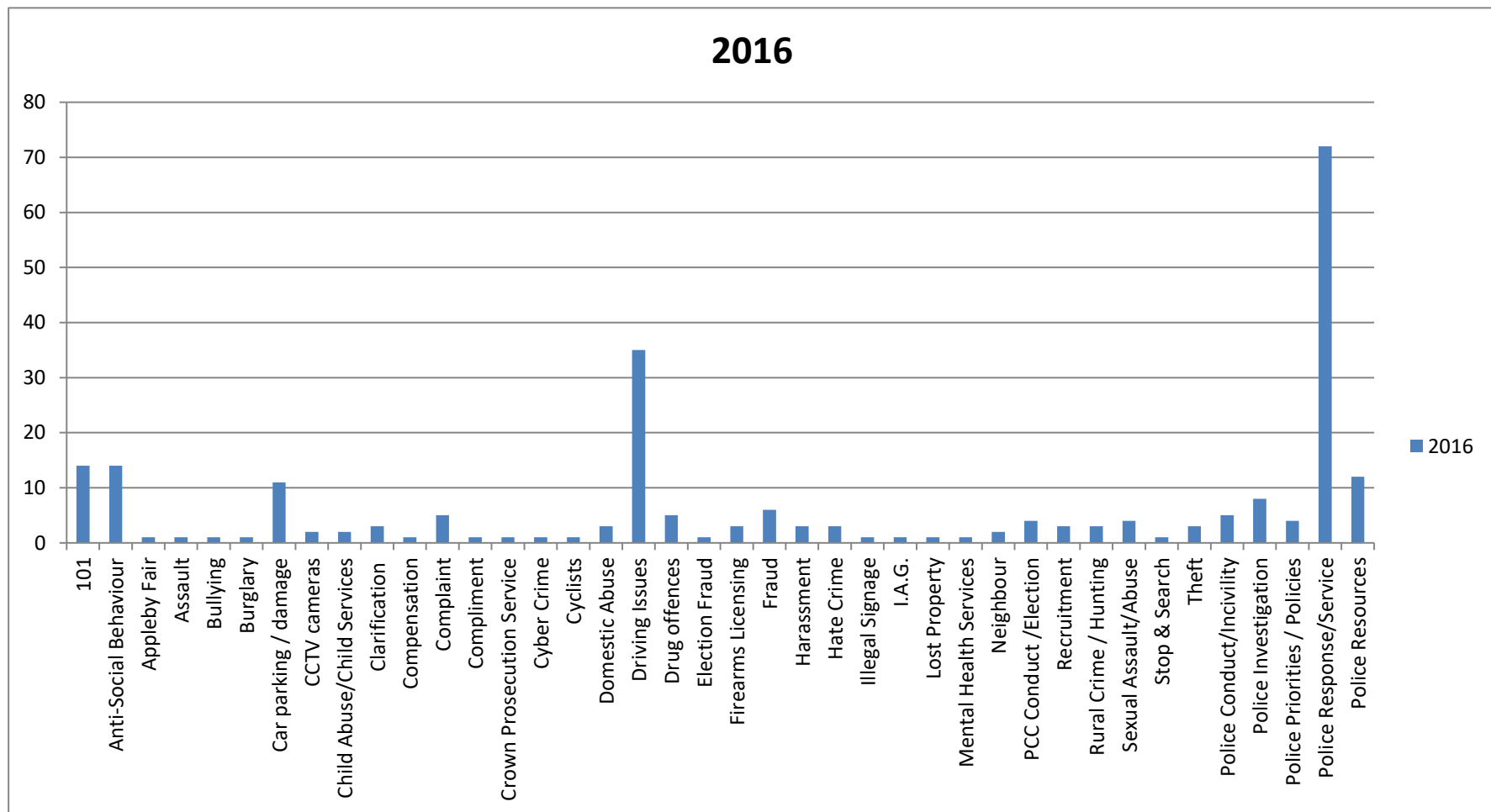
QSPI's per Area



QSPI Categories

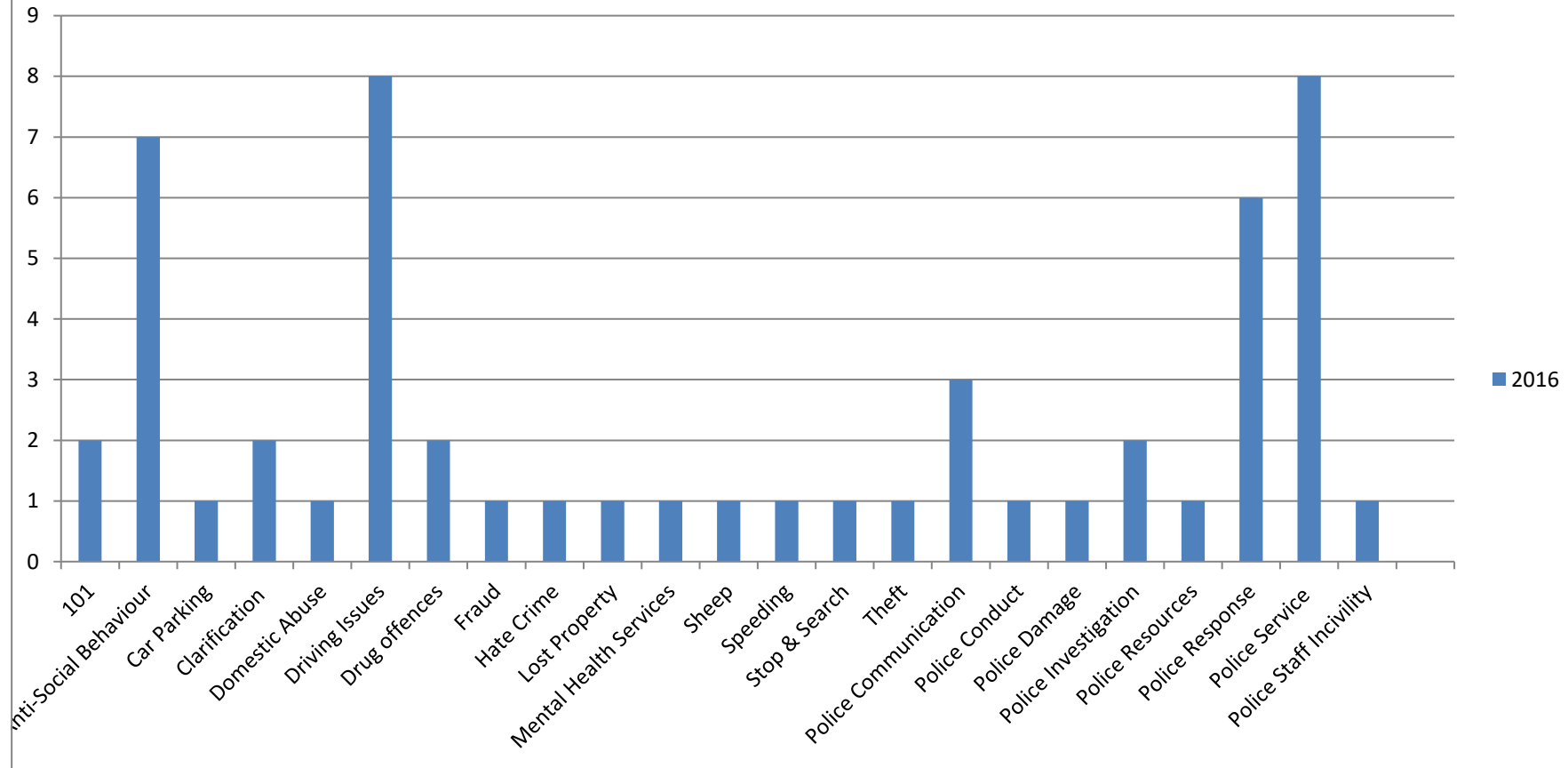


During 2015 the OPCC received 124 letters regarding Hunting and 175 letters regarding CCTV provision within the county. In the above table these have been counted as 1 case each.

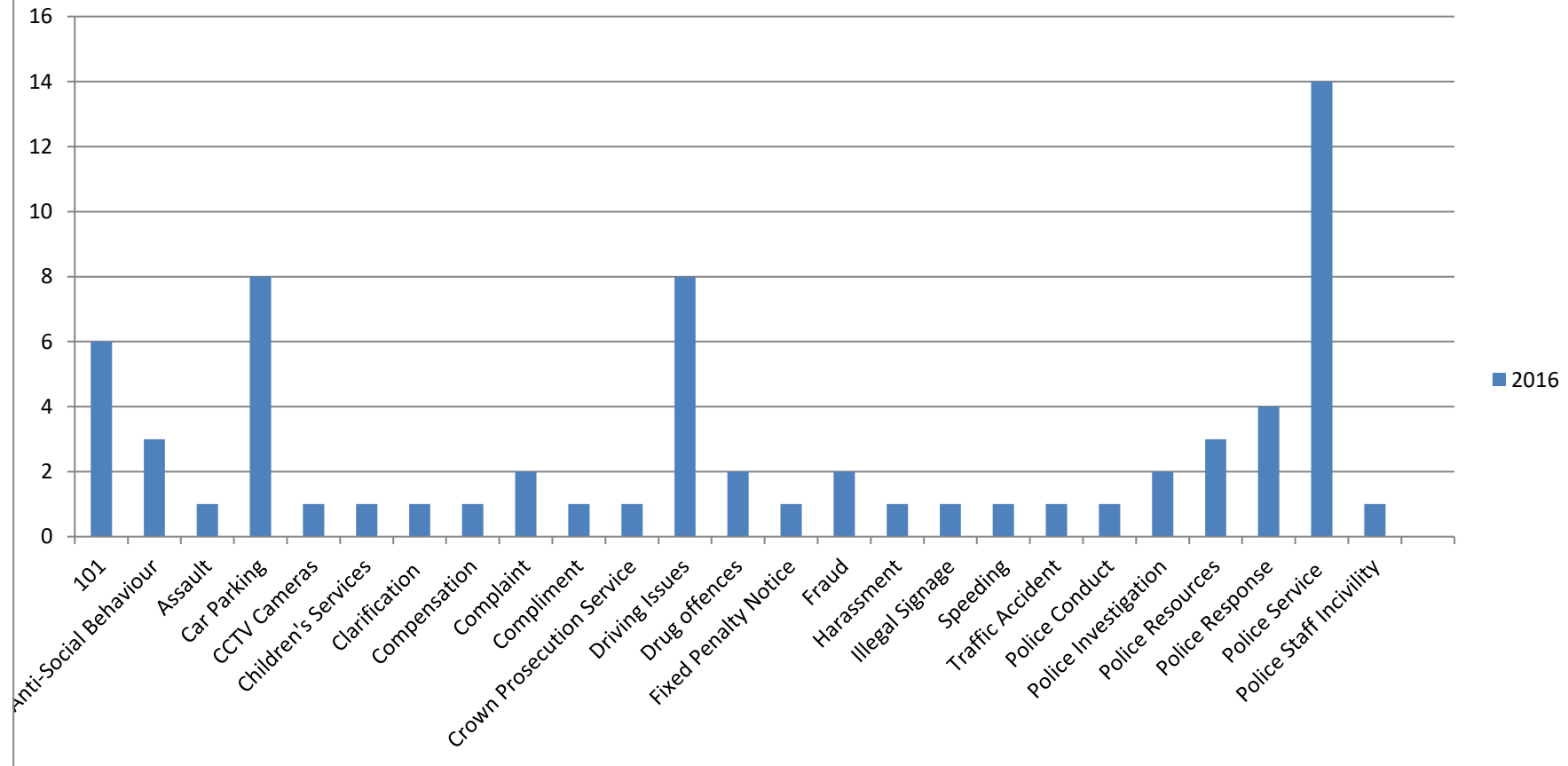


The above figures are for the period 1 January 2016 to 31 December 2016.

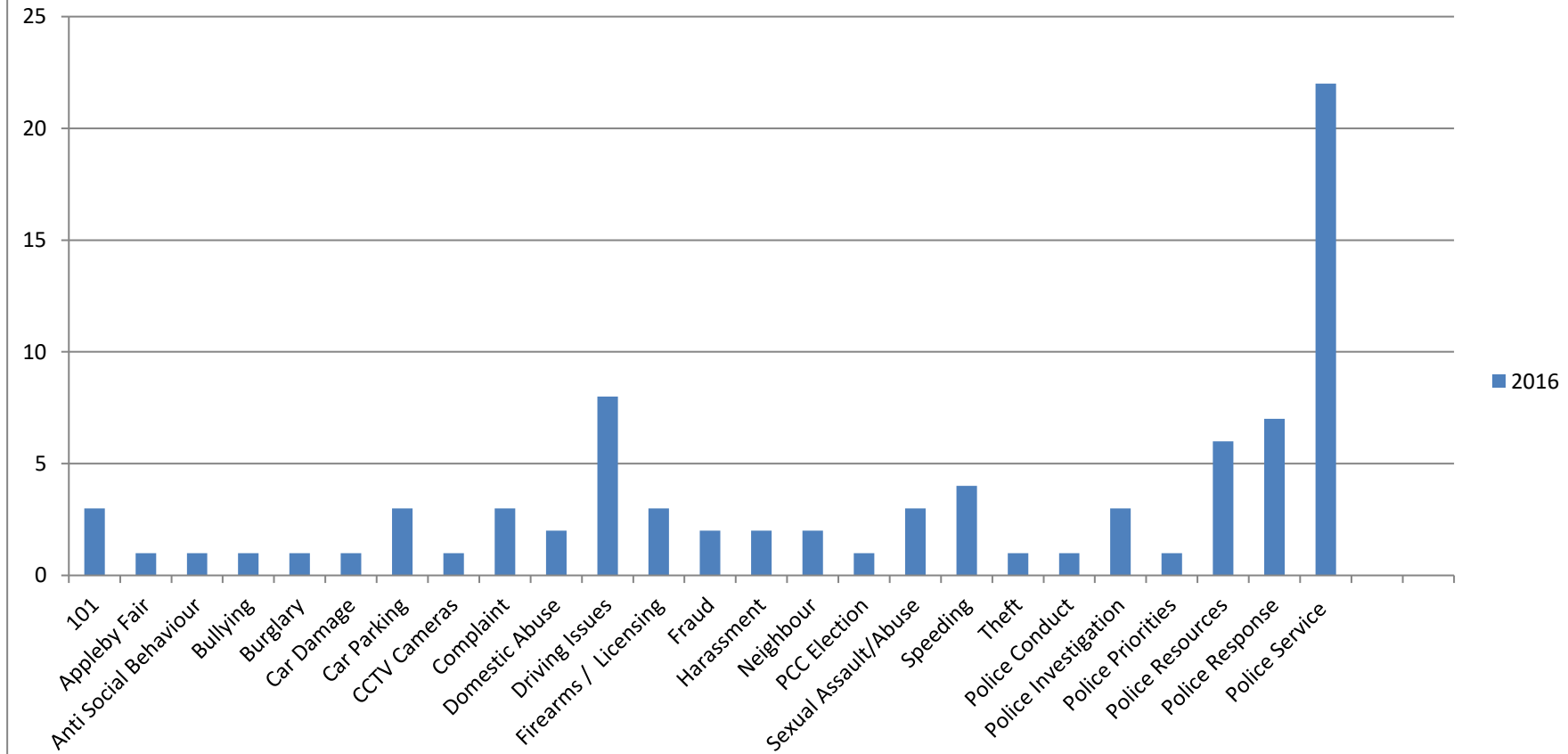
North Area & Categories

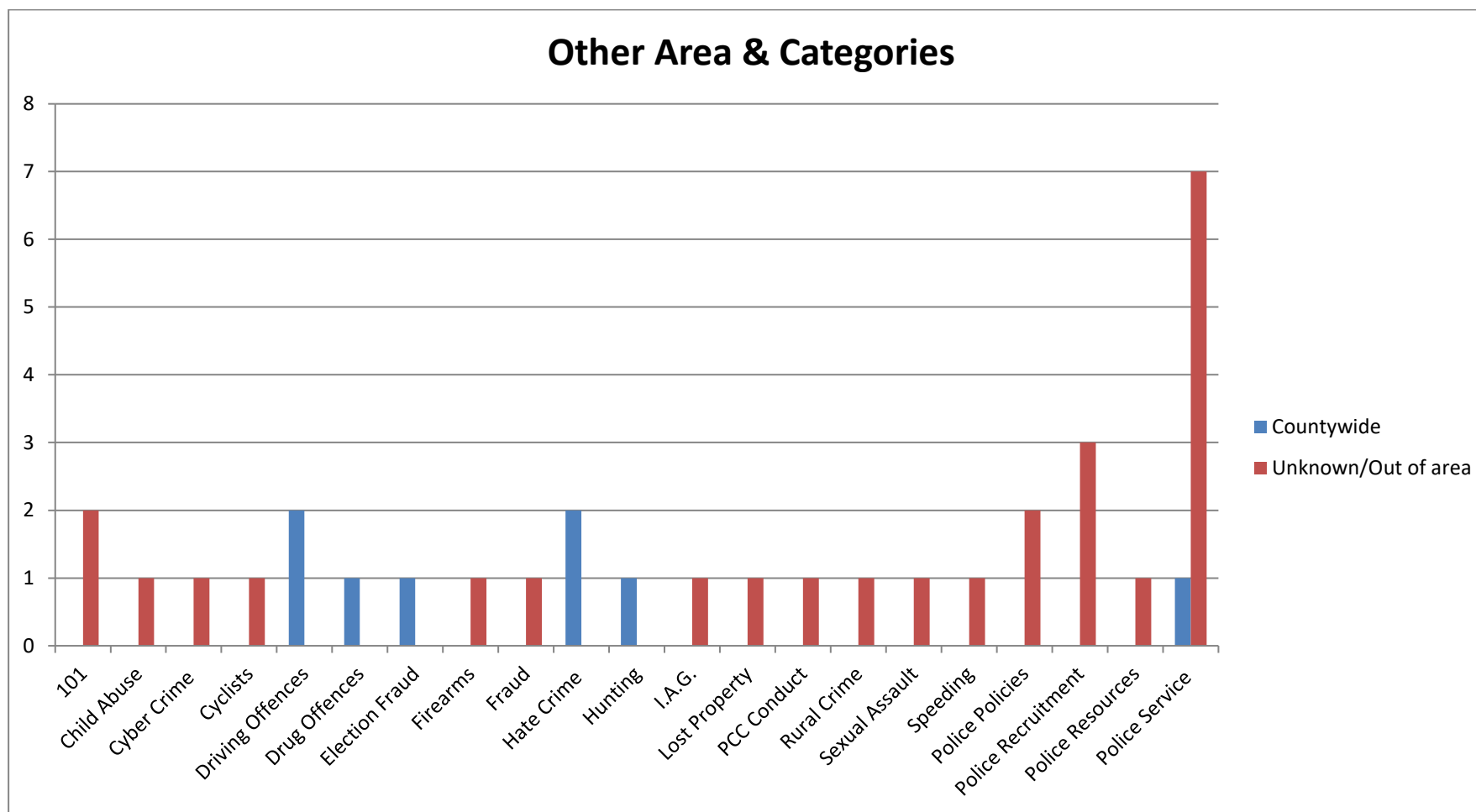


West Area & Categories



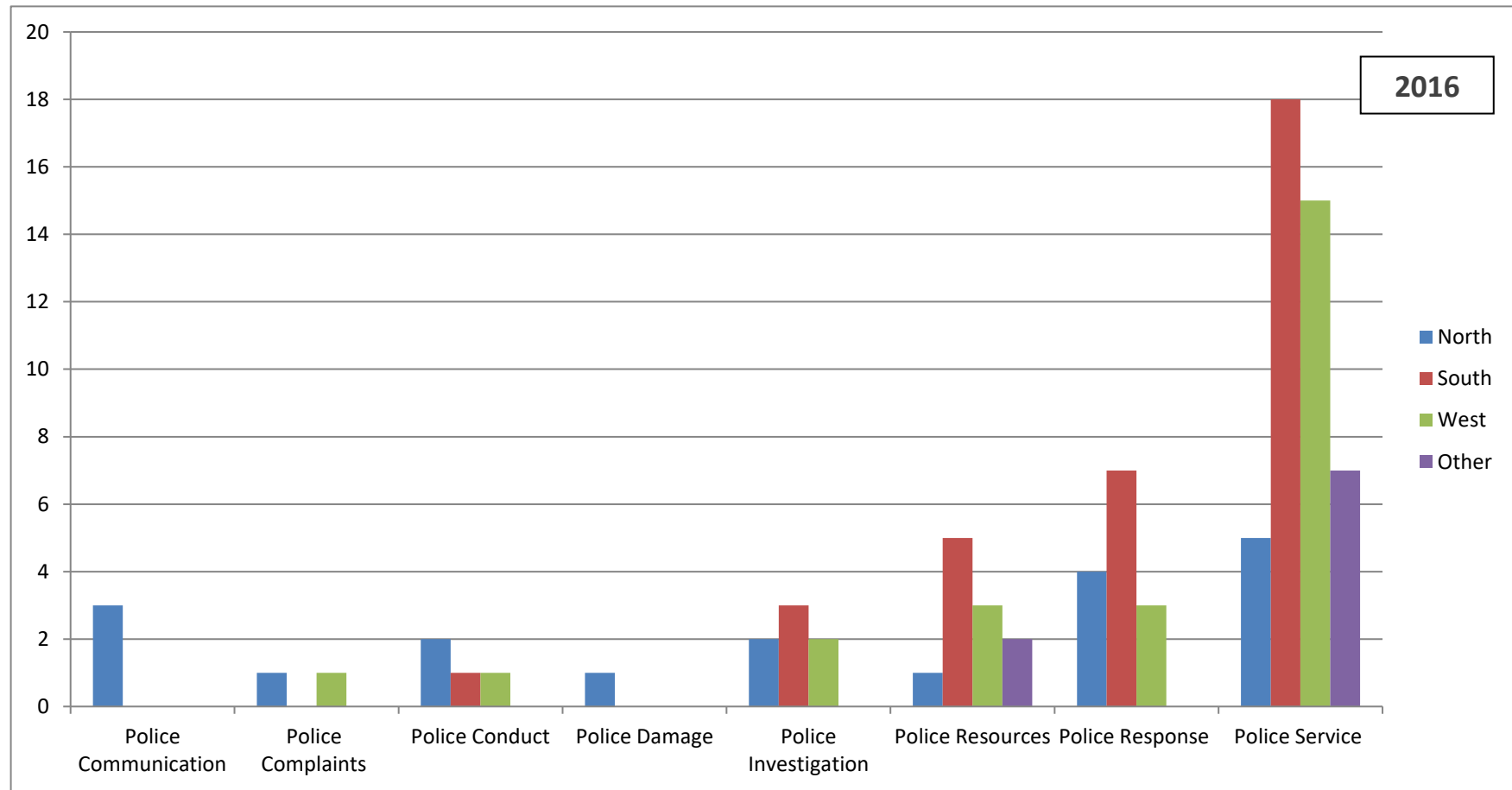
South Area & Categories





The OPCC received 83 emails regarding Hunting in Cumbria, this has been illustrated as one 1 case above .

QSPI Categories – Police Service



The above categories cover a wide range of areas which members of the public wish to report or are concerned about. Below are some examples:

Police Resources - lack of or reduction in police resources; police officer numbers

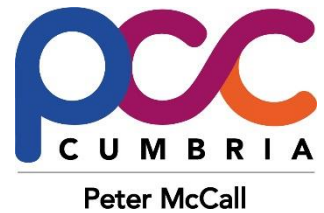
Police Response – dissatisfaction with response provided (or lack of); officer's attitude

Police Investigation - handling of a case

Police Communication – communication (or lack of) with defendants, victims and witnesses by police officers

Police Service – provision of policing services (or lack of); officer attendance; types of policing such as rural crime; policies and procedures.

Ethics and Integrity Panel



Title: OPCC Complaints

Date: 25 April 2017

Agenda Item No: 13a

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 from the figures detailed below a large proportion of the complaints received by the OPCC, the Commissioner is unable to deal with.

| 2013 | 2014 | 2015 | 2016 | 2017 |
|---------|--------|-------|---------|-------|
| 29 (19) | 13 (8) | 2 (2) | 22 (22) | 3 (3) |

- 2.2 The reduction in the number of complaints received by the OPCC indicates that 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. Appended to the report is a breakdown of the complaints received up to 31 March 2017 (Appendix 1).

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 the Commissioner, Mr Peter McCall, was elected. Detailed in the table below is the number of complaints received regarding the Commissioner, Mr Richard Rhodes, and by what method they were dealt with. No complaints have been received to date regarding Mr McCall.

| YEAR | N° of Complaints Received | Complaint not about the PCC | Dealt with by informal resolution | Police & Crime Panel investigation |
|------|---------------------------|-----------------------------|-----------------------------------|------------------------------------|
| 2016 | 2 | 0 | 2 | 0 |
| 2017 | 0 | 0 | 0 | 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. Complaint received regarding the previous Commissioner were 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 1 January 2016 to 31 March 2017. During that period there have been two Chief Constables in charge of the Constabulary. In February 2016 a complaint was received regarding T/CC Mrs Skeer who returned to her substantive post as Deputy Chief Constable in March 2016 and therefore authority to deal with the complaint has transferred to the Chief Constable. There remains three complaints outstanding.

| YEAR | N° of Complaints Received | Recorded | Not Recorded | Dealt with by informal / local resolution | Investigation | IPCC Appeal |
|------|---------------------------|----------|--------------|---|---------------|-------------|
| 2016 | 4 | 4 | 0 | 1 | 1 | 3 |
| 2017 | 3 | 2 | 1 | 2 | | |

- 2.11 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.

2.12 OPCC Staff Complaints

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

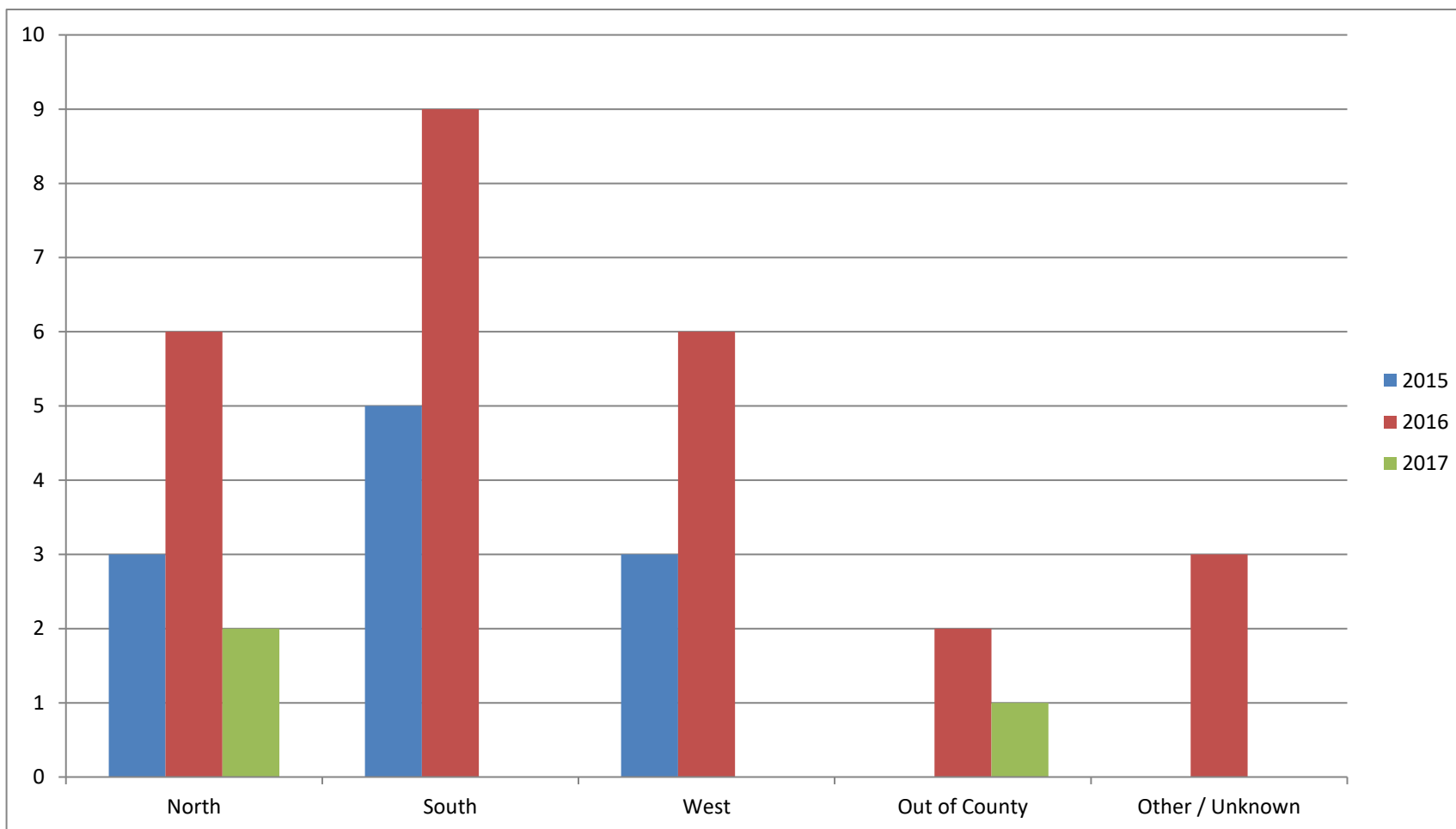
3. Implications

- 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

OPCC Received Complaints - Areas



OPCC Received Complaints – Types

