

Peter McCall

Police and Crime Commissioner for Cumbria

Carleton Hall

Penrith CA10 2AU



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

Our reference: jh/EIP

Date: 8 February 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 **Thursday 16 February 2017**
in **Conference Room 3**, Police Headquarters, Carleton Hall, Penrith, at **1.00 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 11.00 am to carry out an agreed Thematic Session.

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 17 November 2016 (copy enclosed).

5. PROFESSIONAL DISCRETION FRAMEWORK

To receive an update on the implementation of Professional Discretion Framework (copy enclosed) - *To be presented by Superintendent Matt Kennerley*

6. SPECIAL CONSTABULARY RECRUITMENT

To receive a verbal report on the Constabulary's recruitment process for the Special Constabulary - *To be presented by Superintendent Sarah Jackson*

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

8. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

9. Annual Report

To receive the draft report and agree upon further contents prior to the report being presented to the Police & Crime Commissioner (copy enclosed) – *To be presented by the OPCC Chief Executive.*

10. Police and Crime Act 2017

To receive a report regarding the Police and Crime Act 2017 (copy enclosed) - *To be presented by OPCC Chief Executive.*

Agenda Item No 04

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 17 November 2016 in Conference Room 3, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Michelle Skeer
OPCC Chief Executive (Stuart Edwards)
Director of Legal Services (Andrew Dobson)
Constabulary H.R. Officer (Diane Johnson)

40. 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 Alex Roche on being appointed to the Panel. Everyone at the meeting introduced themselves.

41. DISCLOSURE OF PERSONAL INTERESTS

Mr Rankin declared a personal interest in relation to Agenda Item No 5 Civil Claims, as an employee of Sellafeld.

42. URGENT BUSINESS

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

43. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 8 August 2016 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 8 August 2016 be approved.

44. CIVIL CLAIMS

The Director of Legal Services presented a report which outlined active and closed Public Liability Claims, Employer Liability Claims, Employment Tribunal applications or proceedings and Judicial Review proceedings.

The Director guided members through the claims which were still being processed providing details of the individual claims and advising of any issues arising. There were no identified trends or recurring issues.

On a national and local level the Constabulary, along with other forces, were in the process of dealing with employment tribunals in relation to police pensions. Currently there were 108 claims with more being added following the Constabulary implementation the national pension regulations. The claims were being co-ordinated nationally by Hertfordshire Constabulary.

A number of claims had been initiated regarding non-payment of overtime for a number officers involved in covert intelligence handling. These claims were based upon the decided case of Allard v Chief Constable of Devon and Cornwall Constabulary. In accordance with Police Regulations officers who were called to duty between shifts were entitled to 4 hours overtime. Officers within other forces were now making similar claims.

The Constabulary had taken measures to stop this practice going forward and were in the process of looking into the cases. A member asked what learning had been established so far and how had practices changed. The Director advised that as this matter was still at an early stage he proposed to provide further details of this matter to the Panel when Civil Claims were next considered.

Agreed; that,
 (i) the Panel note the report; and
 (ii) further details be provided, including any learning for the Constabulary, regarding the Allard cases be provided to the Panel.

(Andrew Dobson left the meeting at this point.)

45. POLICE STAFF MISCONDUCT

The Constabulary HR Officer presented a report which detailed the number of police staff discipline and misconduct cases which had been dealt with during the period August 2015 and 31 October 2016. Over this 14 month period nineteen members of staff had been subject to disciplinary proceedings. Eight had received words of advice; seven were no further action; one had resigned prior to the outcome of an investigation and two were not identified.

The Panel had had the opportunity on Thursday 3 November 2016 to dip sample police staff misconduct files. The purpose of the dip sample session was not to consider the merits of the case but to consider the transparency, fairness and timeliness of the process.

The Panel had been pleased to note that more detail was contained within each case regarding what were the actual 'words of advice' or management action taken. This then afforded the ability to refer back to them should it be necessary in the future. No trends or recurring issues had been identified. Most of the issues were of a relatively minor nature and were dealt with swiftly and effectively. A good example of how learning had been identified and shared throughout the Constabulary had been evident within one of the cases.

Agreed; that, the Panel note the report.

46. 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.

On 3 November 2016 the Panel had undertaken a dip sample of police officer misconduct files. They noted that a number of special constables were also undergoing misconduct proceedings. The Deputy Chief Constable confirmed that as they had the same warranted powers as regular police officers they were subject to the same misconduct procedures.

A discussion took place on the recruitment and training processes for special constables. It was noted that the Constabulary were reviewing the way they recruited special constables' right through to training and continued support. In response to a question regarding their deployment the Deputy Chief Constable advised that this was an operational decision depending upon the local requirements. Ongoing support and training were an area the Constabulary would be reviewing to ensure that this was provided to try and prevent misconduct.

The Panel offered their assistance and it was agreed that they would look at the review.

The Chair referred to the inclusion of Officers' photographs and personal information on some complaints files, which Panel members felt added nothing but could lead to unconscious bias. The Deputy Chief Constable advised that it was probably simply custom and practice but that she would look into it.

AGREED; that, the
(i) report be noted; and
(ii) Panel consider the recruitment of Special Constables at a future meeting.

(Diane Johnson left the meeting at this point)

47. 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 increase of 25 cases (8.7%) compared with the previous 12 month period. The largest increases were within South Territorial Policing Area (TPA) for Oppressive Behaviour (12) and Direction and Control (10); West TPA for Oppressive Behaviour (11). There had been an 88.9% increase in the number of Direction and Control complaints particularly with regard to the 101 service. This reflected the change to organisational decisions and how officers and staff were deployed. A number of complaints had been received where they disagreed with the decision not to send a police officer when they have called the Constabulary.

As part of their dip sample session on 17 November 2016 the Panel had, among their usual different types of files had sampled assault and appeal cases in particular. The number of complaints relating to assaults had increased during the last quarter by 24%, whereas the national average was 8%. The Panel reviewed a number of assault complaints during the morning and were satisfied that each case was dealt with appropriately. The majority of issues complaint about was the use of handcuffs during the arrest process.

A report outlining the numbers of assault complaints received; what they related to and how they were dealt with was provided to the Panel. It was noted that the majority of complaints were made as a result of the individual being arrested as part of their detention process. An individual now had the ability to make a complaint whilst they were being detained in custody, rather than having to wait until they were released. This was contributing to the increase in the number of complaints being received. Notably only 2 complaints were upheld, with 2 being dealt with by local resolution. The remainder were either not upheld or a successful application to dis-apply was made to the IPCC.

AGREED; that, the report be noted.

48. OPCC COMPLAINTS AND QSPI

The OPCC Chief Executive presented a report which outlined the types and number of complaints and quality of service issues which had been received by the OPCC during the year and comparison figures from previous years. A breakdown of the types of complaints and which areas they related to were contained within Appendix 1 of the report.

During the current year two complaints had been received regarding the previous Police and Crime Commissioner. These had been dealt with by the Police and Crime Panel, in accordance with legislation, and had not been upheld.

It was noted that the number of quality of service issues received by the Commissioner had steadily increased over the last year. The nature of the top six issues raised within the first nine months of 2016 were – 101, Anti-Social Behaviour, Car Parking, Driving Issues, Police Response / Service.

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

individual enabling the matter to be progressed or resolved quickly. Resolutions have been achieved through a variety of mediums:

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

AGREED; that the report be noted.

49. FUTURE WORK OF THE PANEL

Following the Panel's last meeting the members had met with Assistant Chief Constable Martland on 3 November 2016. At this meeting they looked at a thematic area of work carried out by the Police namely the use of drug testing at the Kendal Calling event during the summer.

During the meeting ACC Martland outlined the considerations and decisions the Constabulary had taken regarding the drug testing process and what steps they had taken. Especially with regard to upholding the law whilst ensuring those attending the event remained safe. The panel were briefed on the ethical dilemmas the force had faced and their rationale behind the decisions made. The members proposed that the Constabulary collect further data regarding the process to inform their future work. At the end of the session the Panel felt assured that the Constabulary had acted correctly.

A number of further thematic areas of work were discussed for the Panel to consider in future sessions. It was agreed that the Panel would initially consider Special Constabulary Recruitment and the Use of Taser with others being presented when required. These would be added to the Panel's Annual Work Programme for 2017.

AGREED; that, the
(i) report be noted;
(ii) Panel consider two thematic areas, these being Special Constabulary Recruitment and the Use of Taser.

50. 2017 MEETING DATES

A report was presented which detailed proposed meeting dates for the Panel during 2017. The Panel would continue to meet on a quarterly basis, taking into account the reporting cycle of the Constabulary. Following a proposed amendment to the February meeting date it was agreed that the Panel would meet on:

- ❖ Thursday 16th February
- ❖ Thursday 11th May
- ❖ Thursday 10th August
- ❖ Thursday 9th November



Meeting ended at 4.15 pm

Signed: _____

Date: _____

Panel Chair

DRAFT

Ethics & Integrity Panel – Action Sheet: 17/11/2016

Agenda Item No 4b

Minute Number / Topic	Action to be taken	Person responsible OPCC / Force	Report back to Panel	Date action completed	Review Date
DATE OF MEETING: 8 August 2016					
Police Discretionary Framework	An update report on the reimplementation of the framework be provided to the Panel's February 2017 meeting.	ACC Martland	February 2017		
Stop & Search	Panel carry out an annual dip sample of the Constabulary's Stop and Search forms.		May 2017		
DATE OF MEETING: 17 November 2016					
Civil Claims	Further details be provided, including any learning for the Constabulary, regarding the Allard cases be provided to the Panel.		May 2017		
Future work of the panel	Panel consider two thematic areas, these being Special Constabulary Recruitment; and The Use of Taser.		February 2017 & August 2017	16.02.2017	



Constabulary Report to OPCC

Agenda Item No 05

TITLE OF REPORT:	POLICE DISCRETIONARY FRAMEWORK
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DATE OF MEETING:	16th February 2017
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ORIGINATING OFFICER:	Supt Matt Kennerley
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PART 1 or PART 2 PAPER:	PART 1 (OPEN)
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Executive Summary:

No more than 100 words.

The Discretionary framework is a tool to be used to ensure that investigations into low level crime are not disproportionate to the value or anticipated outcome of the crime. Additionally it acts to ensure that there is an appropriate reduction in unnecessary demand for officers outside of the Command and Control Room (CCR), positively contributing to the resilience and operational capacity of the Constabulary and consequently ensuring that we serve our Communities by focussing on priority crimes.

When considering the right outcome for a crime, the discretionary framework is often a potential option for a proportionate resolution; it is important that two things are considered:

- The way a crime is dealt with and how the appropriate outcome is selected must be victim focused, and
 - The victim must always be asked what the impact has been on them and what they want and expect to be done about it.
- Home Office Counting Rules, in relation to the National Crime Recording Standards (NCRS) must always be complied with.
 - This paper will summarise the use of the Framework in the Constabulary.
 - It will also highlight some identified issues with the use of the Discretionary Framework.

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.

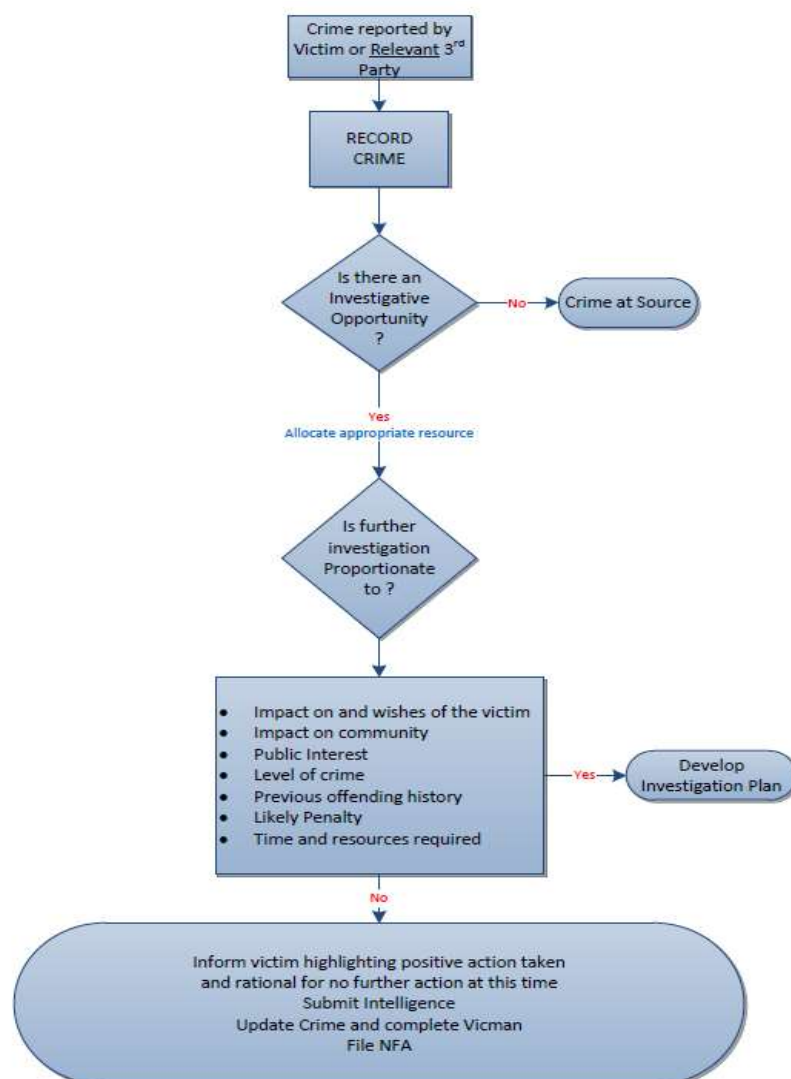
That the report be noted

MAIN SECTION

When Should the Discretionary Framework be Used?

Crimes for which it can be considered are low level such as thefts, public order, shoplifting and criminal damage. However this list is not exhaustive. In contrast, there are clear offences to which the discretionary framework should NOT be used:

- Offences related to Domestic Violence or abuse.
- Burglary in a dwelling, burglary other than in a dwelling or attempt burglary (subject to observations of value or security)
- Sexual Offences
- Assault occasioning grievous bodily harm (GBH)
- Where the victim is a Silver or Gold ASBRA (anti-social behaviour risk assessment victim) or is otherwise identified as vulnerable through the application of THRIVE.
- Where the suspect is a prolific offender.
- Where the suspect has a Restraining Order or Bail Conditions connected to the crime.
- Where the offence is identified as Hate Crime.



Why Should it be used?

When applying the Discretionary Framework officers are actively encouraged to consider the following options and impact factors;

- What is the scale of the crime and its impact on the victim and community?
- The wishes of the victim.
- What Time and Resources would be required to investigate or identify the suspect?
- The penalty or likely outcome should the case proceed to prosecution
- Is it in the General Public interest?

These options are considered when considering the use of the framework, the internal quality assurance systems managing compliance. This ensures transparency and clarity to all users that the level of investigations to any crime is not disproportionate. i.e. if a person has stolen an item of significantly small value (eg a Mars bar at 60 pence), how much time and effort would it take to investigate and the associated costs/ outcome?

The QA Process

There is a well established QA process in place for the Discretionary Framework. Within sergeants area of responsibility is the management and continual assessment of the Discretionary Framework process to ensure it is used appropriately and that officers are using it to reduce demand. They utilize the Caseman system to quality assure all investigations are appropriately using the framework and complying with National Crime Recording Standards (NCRS).

All TPA Inspectors have responsibility for its compliance (NCRS) and appropriate use, also reviewed in the Caseman system and which is also incorporated in the quality counts process.

NCRS

The framework does not make any changes to use of the National Crime Recorded Standards (NCRS), mandated by the Home Office. The following four outcomes are those that are applied when using the DF:

Outcome Type 14

EVIDENTIAL DIFFICULTIES VICTIM BASED – NAMED SUSPECT NOT IDENTIFIED – The crime is confirmed but the victim declines or is unable to support further police action to identify the offender.

Outcome Type 16

EVIDENTIAL DIFFICULTIES VICTIM BASED – NAMED SUSPECT IDENTIFIED – The victim does not support (or has withdrawn support) police action.

Outcome Type 18

INVESTIGATION COMPLETE – No suspect identified. Crime investigated as far as reasonably possible – case closed pending further investigative opportunities becoming available.

Outcome Type 21

Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the suspect is not in the public interest – police decision.

Key issues

- Data quality issues – The ability to audit use of the framework is dependent on officers using the term ‘discretionary framework’ within the free-text area on case finalization. If they use abbreviations or spelling errors it would fail to be auditable and lead to difficulties in search and audit. There will also be a significant number closed under the 4 Home Office outcomes above not linked to the framework but highly relevant. For this paper it has not been possible to review the numbers for all. A verbal update will be provided at the meeting.
- There is still a level of inconsistent application of the Framework due to the subjective nature of factors. This is apparent from the variation in use between the 3 NPTs (see below). In order to mitigate this fact further guidance on application, including relevant examples, has been issued to all officers by the Business Improvement Unit and is available on the Sharepoint page.
- There has been one instance of negative public feedback where a victim suggested that the Constabulary was failing to fulfil its core role. They have done so in the National Media. As a result the case was reviewed by a senior officer and found to be an entirely appropriate use of the framework.
- There is an element of risk to other outcomes such as community resolution. Use of the DF is likely to be seen by officers as the easier option and may reduce consideration of other options which could then have a preventative effect and assist with a longer term reduction in demand.
- The Constabulary has seen specific examples of identifying then ‘warning’ suspects. This has been with good intent – to prevent reoffending – but the police have no legal powers to do so and therefore this creates a level of risk to the Constabulary.

The framework was well used in South Cumbria to review and significantly reduce outstanding enquiries/crime on the Caseman system. The area looked backwards across the number of weekly crimes under active investigation and used the framework to reduce demand on officers and focus on more important crimes with better chances of identifying offenders. This was passed across the NPTs as best practice.

Current Usage

With the caveat that the data is not truly representative of the full use of the framework – see data recording above:

From 1st October 2015 to 5th February 2017 the discretionary framework has been used on **409** occasions.

This is split across the Constabulary as follows

North Cumbria 30

West Cumbria 170

South Cumbria 208

1 unspecified

Summary

The national time period used for measuring demand (as per the Police Allocation Manual) is **40 minutes per incident**. Recent “Understanding Demand” review initially indicated this may be as high as **178 minutes per incident for Cumbria**.

Police Discretionary Framework

Even using the lower value of 40 minutes per incident it would suggest that the DF has reduced officer time by 272hrs in a 16 month period.

This equates to a conservative (middle estimation) calculation of 743hrs.



Constabulary Report to OPCC

TITLE OF REPORT:	INTEGRITY – ANTI CORRUPTION
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DATE OF MEETING:	16th February 2017
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ORIGINATING OFFICER:	Superintendent Jackson – Professional Standards
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PART 1 or PART 2 PAPER:	PART 2 (CLOSED)
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Executive Summary:

No more than 100 words.

- N/A

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.

- Embedding the code of ethics, Code of Ethics input to be given by PSD to SMT's and AMTs and Directors requesting they deliver the input to their teams
- A Focus Group, headed by the Code of Ethics Head Superintendent Jackson, will be initiated.

MAIN SECTION

1. Introduction and Background

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

1.1 Intelligence Reports

Intelligence categorisation has been reviewed and amended in the period to give more accurate recording of issues especially corruption. Previous records have been amended to allow for a year on year comparison.

Intelligence Category	12 month rolling to Dec-15	12 month rolling to Dec-16	Change in number of intelligence reports
Abuse of Authority	12	14	2
Assault	0	9	9
Association reports	72	90	18
Business/Conflict of interests	3	9	6
Corruption	58	42	-16
Data security/Disclosure	11	25	14
Discreditable Conduct	70	39	-31
Discrimination	0	2	2
Domestic issues	24	31	7
Employment issues	34	37	3
Failure of Duty	11	14	3
Financial issues	4	14	10
Honesty & Integrity	10	20	10
Malicious/antagonistic allegations	11	25	14
Misuse of police property	21	15	-6
Misuse of Systems	17	11	-6
Neighbour/Associate issues	14	19	5
Other Offences	13	13	0
Physical security	1	17	16
Substance issues	3	2	-1
Grand Total	389	448	59

Most categories of Intelligence report in the current 12 months to the end of March 2016 have increased with the exception of Corruption, Misuse of Police Property and Systems, and most notably Discreditable Conduct. Association reports and Physical security intelligence show the greatest increase, physical security being reports regarding lost fobs, warrant cards or persons entering secure areas.

The Corruption category is then broken down into the ACPO Counter Corruption Advisory Group categories.

ACCAG Category Group	12 month rolling to Sep-15	12 month rolling to Sep-16	Change in number of intelligence reports
1 Infiltration	0	0	0
2 Disclosure of Information	19	12	-7
3 Perverting the Course of justice	0	1	1
4 Sexual misconduct	5	4	-1
5 Controlled drug use and supply	8	2	-6
6 Theft and fraud	0	1	1
7 Misuse of Force Systems	1	2	1
8 Abuse of Authority	0	3	3
9 Inappropriate Association	17	12	-5
10 Vulnerability	8	2	-6
11 Commit, incite, aid and abet, assist an offender in commission of crime	0	0	0
12 Other	0	3	3
Grand Total	58	42	-16

The greatest increase has been in Inappropriate Association but Disclosure remains an issue.

Of the 12 reports relating to category 9 Inappropriate Association

- 6 Association with Criminal.
- 3 Association with media.
- 1 Association with Police officers, sacked or resign whilst under investigation
- 4 Association with Other.

Of the 19 reports relating to category 2, Disclosure of Information

- 6 Criminals
- 3 Family and Friends.
- 3 Other.

Clearly these categories are linked, inappropriate associations increase the risk of disclosure, and pose a significant risk to the Constabulary; during the period 8 of these reports are in relation to unidentified employees.

1.2 ACU Report.

1.2.1 Cases finalised during period - 1st October to 31st December

CM/33/15 - a Police officer was being investigated for an alleged breach of professional standards, namely Discreditable Conduct following his involvement in a Police Vehicle Collision whilst on duty. The Collision Investigation Unit conducted a thorough examination of the forensic evidence. The officer received a driver re-assessment and in-house training. He has now returned to operational driving. When interviewed, he admitted driving without the appropriate level of due care whilst responding to an immediate response incident. - **The officer has since received Management Action from the PSD Inspector and the register endorsed.**

CM/05/16 - a Police officer was investigated for an alleged breach of professional standards namely Discreditable Conduct following his involvement in a Police Vehicle Collision whilst on duty. He was interviewed and Collision Investigation Unit conducted a thorough examination of the forensic evidence. - **The officer attended a Misconduct meeting where he was administered a written warning.**

CM/07/16 – a Police officer was investigated for alleged breaches of professional standards namely Authority, Respect and Courtesy and Discreditable Conduct whereby whilst off duty and challenged about her age by a member of staff in an off-licence, she use her warrant card to identify herself as a Police officer and then made guarded threats towards the staff. - **The officer has since received Management Action from the Area Commander and the register endorsed.**

CM/11/16 - a Police officer was investigated for an alleged breach of professional standards namely Honesty and Integrity and Orders and Instructions, whereby he had accessed personal information of a criminal for no apparent policing purpose. The officer was also believed to be in a music band with that same individual, though he had failed to adhere to the vulnerable association policy or submit a secondary business application. The officer was interviewed and then withdrew from the music band. He has since submitted the relevant secondary business application. - **The officer has since received Management Action from the Area Commander and the register endorsed.**

CM/14/16 – a Special Constable was investigated for an alleged breach of professional standards namely Confidentiality and Orders and Instructions, whereby she has viewed Police records for personal information of a relation without a policing purpose. Furthermore, she failed to adhere to the vulnerable association policy. – **The officer has since received Management Action from the Special Deputy Chief Constable and the register endorsed.**

CM/15/16 – a Police officer is being investigated for an alleged breach of professional standards namely Confidentiality whereby she has viewed Police records for personal information without a policing purpose. **The officer has since received Management Action from the Area Superintendent and the register endorsed.**

CM/19/16 – a police officer was investigated for an alleged breach of professional standards, namely discreditable conduct whereby they displayed inappropriate behaviour in front of serving officers. **The officer has since received management action from the PSD inspector and the register endorsed.**

CM/20/16 - a Police officer was investigated for alleged breaches of professional standards, namely Discreditable Conduct, Authority, Respect and Courtesy, and Duties and

Responsibilities whereby, while on uniform patrol late in the evening in Appleby and without good cause, he directed two young women in a motor vehicle to convey a male, who had previously been in the back of the Police van, to Penrith. The women did not know the male who was under the influence of alcohol. Due to her apprehension and fear of reprisal the female agreed to transport this male to Penrith. - **The officer has since been found to have no case to answer and been given only informal advice.**

CM/21/16 – Two Police officers are being investigated for alleged breaches of professional standards, namely Duties and Responsibilities and Discreditable Conduct whereby, on attending a report of a broken down vehicle on the motorway which contained one adult female and six children aged between 9yrs and 3 months old and had been reported as a 'Concern for Safety', they failed to identify and address a) that the vehicle was in a dangerous and un-roadworthy condition, b) the presence of potentially offensive weapons in the vehicle and c) serious concerns regarding the children's safety and general welfare. Other service agencies later identified and address those same issues in another force area. **One officer has been NFA'd for misconduct and a Dissemination Report has been sent to his BCU. The other Officer attended a meeting but there were no finding of Conduct matters.**

1.2.2. Current / Ongoing cases during period - 1st October – 31st December

CM/04/15 - a Police officer is being investigated for an alleged breach of professional standards, namely and Honesty and Integrity, whereby he fraudulently amended duty records for his own personal gain. He is currently on sick leave and CPS advice has been sought. The criminal and Misconduct investigations have been suspended pending his return to duty, with HR pursuing formal stage 1 of the Unsatisfactory Attendance Procedures.

CM/13/15 – a Police officer is being investigated for alleged breaches of professional standards, namely use of force, duties and responsibilities and discreditable conduct whereby, whilst carrying out the duties of Custody Sergeant, he used excessive force on a detainee by placing his hand around the detainee's throat and squeezing it to the point that the detainee passed out. He then made inaccurate entries on to the custody record with notable omissions. – Conduct investigation remains ongoing with a view to the officer attending a Misconduct Hearing; the paperwork is currently with the Legal department.

CM/2/16 – a Police officer is being investigated for an alleged breach of professional standards namely Discreditable Conduct following an allegation that he failed to control his dog whilst off duty. The officer appeared at court and pleaded not guilty to an offence under section 3(1) and (4) of the Dangerous Dogs Act 1991. A trial is now fixed to take place on 27th February 2017 at Preston Crown Court.

CM/17/16 – a Police officer is being investigated as a result of a criminal allegation and alleged breaches of professional standards, namely Discreditable Conduct X 3 whereby, whilst in a position of trust in a voluntary role outside of the workplace, he has sent messages via Facebook to a 14 year old female, thereby inciting her to engage in sexual activity. Also, whilst in that same role he has engaged in sexual activity with a female under the age of 18 years. Lastly, whilst in that same position of trust he has failed to record, investigate or refer a safeguarding matter brought to his attention by a 14 year old female. He has denied the alleged offences/breaches and the CPS have decided that this does not meet the evidential threshold for prosecution. The conduct investigation remains on-going

with a view to the officer attending a Misconduct Hearing. Paperwork is currently with Legal in respect of this.

CM/18/16 – a Special Constable is being investigated as a result of a criminal allegation and alleged breaches of professional standards, namely Discreditable Conduct whereby, whilst off duty, he contacted a number of females who you he knew to be under the age of 16 years, via Social Media Sites. He sent them sexually explicit messages and photographs, attempting to engage them in sexual activities with him, i.e. the criminal offences of Sexual Grooming and inciting a child to engage in sexual activity. This was also an abuse of his position of trust as he was employed by the School at which the females attended. He is currently on Police bail until 2nd March 2017. The PPU department is taking primacy on the criminal investigation and PSD are investigating the conduct matters.

CO/141/16 & CM/24/16 - a Police Officer is being investigated as a result of a public complaint and alleged breaches of professional standards, namely Use of Force, Duties and Responsibilities and Discreditable Conduct whereby, whilst on duty and speaking through the window of her vehicle with a stationary motorist, grabbed her by the index finger of her right hand and bent it back causing severe bruising and tissue damage. Regulation notices have been served; the officer has been interviewed and denies the allegation. He has since been summonsed to court for the offence of battery, and next appears on 21st March 2017 at Carlisle Magistrates Court.

Further Regulation notices have been served (CM/24/16) following alleged breaches of professional standards, namely Honesty and Integrity and Orders and Instructions whereby following his interview in relation to the above, the officer has given an 'untrue' account of entries regarding his Electronic Pocket Note Book and that he failed to complete a 'Use of Force Form'. The investigation remains on-going.

CM/23/16 – a Special Constable is being investigated for alleged breaches of professional standards, namely Honesty and Integrity and Orders and Instructions whereby, whilst on duty on 1st October 2016 he used the master airwave locker key to remove PAVA canister serial number 05722, a prohibited weapon by virtue of section 5 (1) (b) of the Firearms Act 1968 from Airwave Locker 234 which belonged to another officer. He retained this PAVA as his own and informed the duty Sergeant that he had been issued with his own personal PAVA. During his training as a Special Constable he was informed that he should sign out Pool PAVA from the Duty Sergeant at the start of each shift and return it at the end of each shift. The investigation remains ongoing with a view to him attending a Misconduct Hearing.

CM/25/16 - a Police Officer is being investigated as a result of a criminal allegation and alleged breaches of professional standards, namely Discreditable Conduct whereby, whilst off duty between 22nd November – 12th December 2016 he has communicated through an internet chatroom with another user who identified themselves as a 12 year old female child on 4 separate occasions. Unbeknown to the officer, the 12yr old females was a UC known as C1028. The officer used sexual connotations towards the female child and suggested meeting so he could 'teach her about sex'. He also suggested meeting to perform oral and vaginal sex on the female along with her masturbating him. He has been charged with 3 x offences of attempt incite in sexual activity penetration U13 (2 x penis penetrating vagina, 1 x penis penetrating mouth) and remanded in custody. He appeared at Carlisle Crown Court on 20th January 2017 and pleaded Guilty. The investigation remains ongoing and fast track hearing procedures have commenced with a view for dismissal from the force. Hearing date set for 9th February 2017.

1.2.2 Current suspended Police officers/staff during period - 1st October- 31st December

CM/13/15 - A Police officer since May 2015 for Use of Force & Discreditable Conduct.

CM/17/16 – A Police officer since July 2016 for Discreditable Conduct.

CM/18/16 – A Police Special since August 2016 for Discreditable Conduct.

CM/23/16 – A Police Special since October 2016 for Honesty and Integrity & Orders and Instructions

CM//25/16 – A Police Officer since December 2016 for Discreditable Conduct.

We currently have a total of 3 Police officers and 2 Special constables suspended and no Police Staff employees.

1.2.3 Suspension cases finalised during period - 1st October- 31st December

There were no cases finalised in the period.



Constabulary Report to OPCC

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 16th February 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 have reduced in the quarter. Cumbria remains lowest in MSF (most similar force) and also MSF/national averages:
 - Q2 Apr to Sep 16, Cumbria: 93, MSF average: 179 National average: 142
- 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 there has been a reduction of 33 cases (10%) and a reduction of 55 allegations (11%) in comparison to the last 12 months.
- A breakdown of allegations shows that all Areas have reduced their level of allegations except HQ and UOS.
- 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 34 allegations (77%) comparing the last period the current 12 months. The number of Local resolutions has reduced overall by 13 (6%)
- The work on improving accessibility to the complaints process is complete
- The number of Force appeals continue to reduce, IPCC appeals have increased.
- The number of upheld appeals for the IPCC has reduced compared to the last period by 4 to 5 (21% of results), upheld Force Appeals have proportionately increased (9% of results).

Recommendation:

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

- To continue to issue PASS Newsletters, Best Practice and Forcenet when trends are identified.
- To circulate trends regarding types of allegation and outcomes to the TPA's.

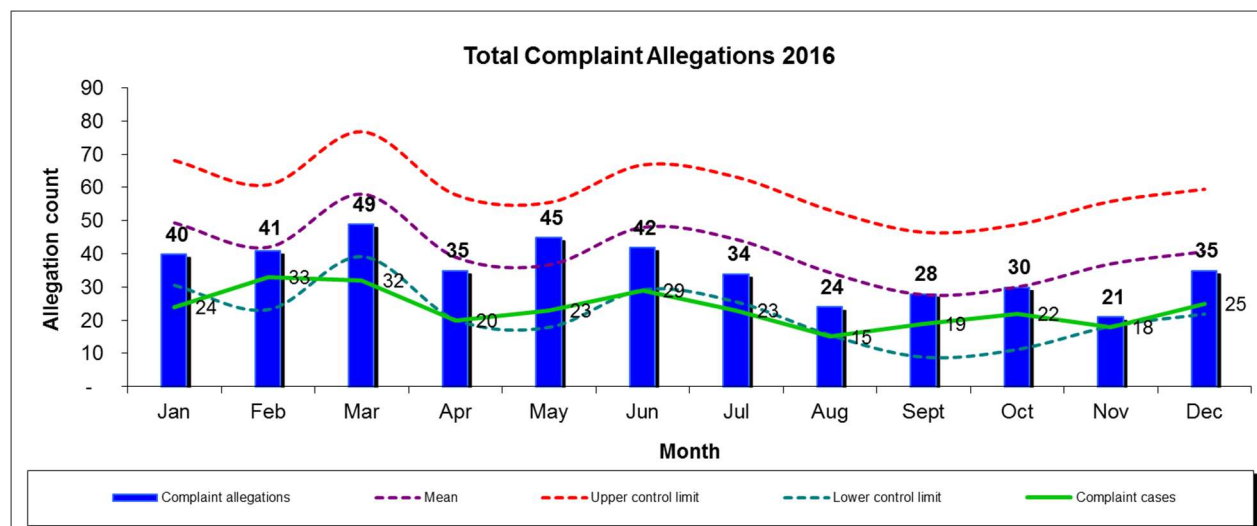
MAIN SECTION

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 January 2016 to December 2016: -



The chart shows fluctuating levels of complaint allegations and cases. Peaks in allegations were seen in March and May, although only May was over the three year average. No specific cause has been identified for these peak months. The most significant change was the increase in allegations and cases in September and October opposite to the three year trend of reductions in autumn. Over the 12 month period the total allegations at 424 and cases are 283, these are the lowest figures since 2012.

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 December 2015 and 2016. The figures show that the numbers of allegations and cases over the current 12 month period have reduced compared to the last 12 month period. This indicates that there are less people complaining and they are complaining about less issues.

	12 Month Rolling to Dec 2015	12 Month Rolling to Dec 2016	Percentage Change
Cases	316	283	-10.44%
Allegations	479	424	-11.48%

*Including Direction and Control cases/allegations.

Work to improve accessibility to the police complaints system has been completed. A review will be carried out by a PSD Complaints investigator 12 months after completion, planned for September 2017.

Allegations broken down into TPA/Area.

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

Area	Allegations			Cases		
	12 Month Rolling to Dec-15	12 Month Rolling to Dec-16	Change	12 Month Rolling to Dec-15	12 Month Rolling to Dec-16	Change
North	124	115	-9	83	81	-2
South	137	111	-26	87	76	-11
West	161	121	-40	89	69	-20
UOS	27	29	2	22	23	1
HQ	30	48	18	23	32	9
Total	479	424	-55	316	283	-33

*Including Direction and Control cases/allegations.

Complaint cases have reduced when comparing the current 12 month period with the previous 12 months with only HQ showing a notable increase.

The table shows a reduction in allegations with HQ and UOS showing increases 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 Dec-16	Breaches of PACE K,L,M,N,P,R	8	13	16	1	2	40
	D&C	15	9	8	10	16	58
	Discrimination F	4	-	3	-	-	7
	Incivility U	17	10	13	9	7	56
	Malpractice G,H,J	5	7	6	-	2	20
	Oppressive Behaviour A,B,C,D,E,Y	26	35	33	4	2	100
	Other W	3	2	4	1	2	12
	Unprofessional Conduct S,T,V,Q,X	37	35	38	4	17	131
12 Month Rolling to Sep-16 Total		115	111	121	29	48	424
12 Month Rolling to Dec-15	Breaches of PACE K,L,M,N,P,R	11	13	24	1	-	49
	D&C	12	10	12	7	12	53
	Discrimination F	3	4	3	-	-	10
	Incivility U	24	21	15	5	7	72
	Malpractice G,H,J	5	5	9	2	1	22
	Oppressive Behaviour A,B,C,D,E,Y	28	30	21	4	-	83
	Other W	1	5	1	-	2	9
	Unprofessional Conduct S,T,V,Q,X	40	49	76	8	8	181
12 Month Rolling to Sep-15 Total		124	137	161	27	30	479

*Including Direction and Control case/allegations.

The largest increases have been seen in the following:-

- West TPA - Oppressive Behaviour (12)
- HQ – Unprofessional Conduct (9)
- South TPA - Oppressive Behaviour (5)

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 unless the trend continues.

Oppressive Behaviour Is the significant increase in the period up 17 (20.48%). This is partly due to an increase in allegations of assault particularly reported in Custody, a matter investigated in a separate report for the last Ethics & Integrity Panel.

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

Other Assault (+11, 18.64%) and Unlawful/unnecessary arrest or detention (+11, 183.33%)

The largest reductions have been seen in the following: -

- West & South TPAs - Unprofessional Conduct (-38 & -14).
- South & North TPAs - Incivility (-11 & -7)

There have been 15 items of best practice that relate to Unprofessional conduct in the period. The reduction may be linked to the best practice documents, overall learning or the yearly refresher training.

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

- Unprofessional Conduct saw an overall reduction of -50 allegations (27.6%) with Other Neglect and failure of duty reducing by 37 (30%). The only area to increase was HQ which showed an increase across departments and situations, the types showing increases were Improper disclosure of information and Traffic Irregularities.
- Oppressive Behaviour showed an increase of 17 allegations (20.5%).
- Incivility reduced by 16 (22.2%).

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

- Dissemination to Control room staff, (Jan 2016). Control room training now including advice following complaint re attendance for a shop lifting in progress
- Dissemination to Department Manager, (Jan 2016). Inspector to review policy re mental health detainees
- Dissemination to Individual, (Feb 2016). Correct procedure for recording of complaints which can be taken by telephone contact.
- PSD Admin, (Feb 2016). CCTV viewing re subjudice cases
- Online News to all staff, (March 2016). Learning the Lessons Bulletin 25- February 2016. This bulletin in general in nature and covers a variety of issues
- Dissemination to Custody, (March 2016). Custody officers reminded of timeliness of cell checks; removal of option to input multiple entries to custody records simultaneously; guidance regarding surplus items of clothing in cells
- Online News to all staff, (March 2016). Reminder of standard of driving by on duty police officers in marked police vehicles
- Online News to all staff, (April 2016) Learning the Lessons Bulletin 26 - March 2016. This bulletin in general in nature and covers a variety of issues
- Dissemination to Custody, (April 2016) Reminder regarding good communication between officers when dealing with DPs in custody to avoid incidents resulting in injury to DP
- Online News to all staff, (May 2016) Reminder to renew Business Interests.
- Dissemination to Custody, (June 2016) Concerns raised regarding the detention of an individual - namely the lack of provision of clothing following a strip search. In addition the detainee care after returning from hospital.
- Dissemination to Department Manager, (June 2016) Review of PIN notice and procedure following an issue identified as part of a public complaint when a PIN was not authorised correctly. The process has now been reviewed and revised protocol and notice has been circulated force wide with reminders in two Chiefs briefings.
- PASS Newsletter, (June 2016) Check accuracy of information being forwarded to another department in reply to a member of the public to prevent any perception of falsification by them. (PASS 23/16 item 4)
- PASS Newsletter, (June 2016) Inadvertent distribution of indecent images by another force. Force notified and advice re storage and sharing of images for investigation purposes on a PASS Newsletter for Cumbria Constabulary. (PASS 23/16 item 3).
- PASS Newsletter, (June 2016) Ensure any details by a witness is recorded on the overnight package and/or entered separately as an exhibit. (PASS23/16 item 1). Also ensure any attempt to contact potential witnesses is logged to prevent a perception of failure to conduct a thorough investigation (PASS 23/16 item 2)

- PASS Newsletter, (June 2016) Special case hearing result (PASS 24)
- Dissemination to Chief Inspector, (July 2016). Incident occurred in Oct 2015, whereby a male said to be armed with a large knife, was missing/to be located. The IPCC highlighted that the decision not to utilise air support had not been documented on the incident log.
- Forcenet News to all employees. (July 2016) Reminder for OIC to ensure that both victim and suspect are updated in relation to NFA decisions by CPS.
- Forcenet News to all employees. (August 2016). Guidance for use of Dissatisfaction reports.
- Forcenet News to all employees. (September 2016). IPCC Learning the Lessons Bulletin 27-August 2016. This bulletin in general in nature and covers a variety of issues.
- Forcenet News to all employees. (September 2016). Reminder of the necessity to submit Use of Force forms - parameters etc. Circulated both via forcenet and to relevant TPA Commander
- To CI for Comms (Oct - 16). Organisational. 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 Diversity Manager regarding any training issues going forward
- DCI to West PPU Officers (Oct - 16). Organisational. 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)
- Civil Contingencies Dept (Nov - 16). Organisational. Inspector brought the matter to the attention of PC in Civil Contingencies Department for next year's briefings/officer's guide etc
- Allerdale Borough Sergeants (Nov - 16). Organisational. Inspector 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
- Inspector (Nov - 16). Organisational. 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.
- Forcewide (Dec - 16). Organisational. Link to IPCC Bulletin 28. This bulletin covers protecting vulnerable people issues
- Pass Newsletter Force wide (Dec - 16). Organisational. Pass Newsletter No 25 with Advice for Police officers for the festive period
- Forcewide (Dec - 16). Organisational. 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.

- Forcewide (Dec - 16). Organisational. Members of the public alleging that officers are using mobile phone/Kelvin device whilst driving marked police vehicles

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 25 officers who met the repeat officer strategy in the current period, which is an increase of 15 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.

1.4 Dissatisfaction Reports

There were 61 dissatisfaction reports recorded in the current 12 months which is a reduction of 12 when compared to the previous 12 month period. The main categories reported on in the lower level dissatisfaction reports over the 12 month are regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty, incivility and oppressive behaviour which combined form 67% of dissatisfaction reports in the period.

1.5 Diversity

There have been 7 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is a reduction of 3 when compared to the previous 12 months.

Complainant states they were racially abused by attending officers following a call to an incident, the complainant inferred their comments were because they are a Gypsy. Not Upheld by PSD.

Complainant states the officers contacting them were transphobic due to the way they reacted when the complainant answered the telephone. Withdrawn.

Complainant states that on the 12 May 2016 they were having to cope with an episode of PTSD (Post Traumatic Stress Disorder). They were lying in the road and after some time the police arrived on the scene. They state that as a trans-sexual they believe the officers behaved in a transphobic manner and the complainant believes they wanted to teach them a lesson. Withdrawn

Complainant states that they were arrested by officers and transported to another station. The complainant has made a separate complaint in respect of how they were transported to Manchester but believes that the officers' actions were based on their religion, racial background and culture. This is currently live.

Complainant states that an officer came to see them following an allegation of assault that they had made. The complainant is unhappy with the officers handling

of the allegation and their communication and believes this is because the officer had previously witnessed the complainant during a psychotic episode they had and this had meant the officer 'had an agenda' when the officer had gone to see the complainant. Not Upheld - by PSD.

The same complainant also complained about the call handler when they had called to report the assault. The complainant felt this was because their mental health had been subject of a call earlier in the evening by another individual and this knowledge had caused the call handler to treat him unfairly. Not Upheld - by PSD.

A complainant stated that he had been charged with a driving offence because they are male, when a female had previously had the same type of accident but not been charged. This is currently live.

1.6 Performance

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

Allegation Result Description	12 Month Rolling to Dec-15	12 Month Rolling to Dec-16	Change
De Recorded	4	5	1
Disapplication - by Force	58	58	0
Discontinued - by Force	2	-	-2
Local Resolution - by Division	146	114	-32
Local Resolution - by PSD	47	66	19
Not Upheld - by Division	1	4	3
Not Upheld - by PCC	-	-	-
Not Upheld - by PSD	205	166	-39
Special Requirements	1	8	7
Upheld - by PSD	44	10	-34
Withdrawn - by Force	13	18	5
Withdrawn - by IPCC	-	3	3
Grand Total	521	452	-69

The IPCC in the most recent report (Q2, Apr 2016 to Sep 2016) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 37, MSF average 58 and National average 65. Cumbria remains stable MSF and national both increased by 1 day.
- Average number of days to finalise cases – Cumbria 74, MSF average 103 and National average 101. Cumbria remains stable but both MSF and Nationals have reduced.
- Average number of allegations per 1000 employees cases – Cumbria 93, MSF average 179 and National average 142. Same Quarter last year Cumbria was at 92.
- Cumbria remains the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 452 allegations were finalised compared to 521 in the previous period. The greatest reduction (by 39, 19%) was in Not Upheld by PSD, Upheld by PSD has reduced (by 34, 77.3%). As a proportion Local resolution has increased from 37.0% in the last period to 39.8% in the current period.

1.7 Force and IPCC Appeals

Result	Force Appeals 12 months rolling to Dec- 15	Force Appeals 12 months rolling to Dec- 16	IPCC Appeals 12 months rolling to Dec- 15	IPCC Appeals 12 months rolling to Dec- 16
Upheld/Partially	1	3	9	5
Not Upheld	34	10	9	14
Withdrawn				
Not Valid			2	
Live		20		5
Total	35	33	20	24

The above data highlights that the number of IPCC appeals have increased by 20% and the number of force appeals has reduced by 6% (2). The percentage of upheld Force appeals has increased in this reporting period by 2 (200%) compared to the previous 12 months. IPCC Appeals upheld results have reduced by 4 (44%).

Upheld Force Appeals have increased from 3% to 9% (3 of 33 compared to 1 of 35).

Upheld IPCC Appeals have reduced from 45% to 21% (5 of 24 compared to 9 of 20).

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 increased by 5 (9%) when compared to the previous 12 month period, the largest increases being Operational management decisions and Organisational Decisions.

Allegation Result Description	12 Month Rolling to Dec - 15	12 Month Rolling to Dec -16	Change
General policing standards	10	8	-2
Operational management decisions	26	36	10
Operational policing policies	6	0	-6
Organisational decisions	11	14	3
Grand Total	53	58	5

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

APPENDIX

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



Ethics and Integrity Panel

Title: Ethics and Integrity Panel Annual Report

Date: 16 February 2017

Agenda Item No: 09

Originating Officer: Joanne Head

Executive Summary:

The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics in all aspects of policing and to challenge; encourage and support the Commissioner and the Chief Constable in their work in monitoring and dealing with issues of ethics and integrity in their organizations. The Panel's role is to identify issues and monitor change where required. The Panel considers questions of ethics and integrity within both organisations and provides strategic advice, challenge and support in relation to such issues.

The attached report provides an overview of the work that the panel has carried out during 2016. It will be presented to the Police and Crime Commissioner to provide assurance over the oversight carried out by the Panel.

Recommendation:

That, the

- (i) report be noted;
- (ii) Panel provide any further comments or information to be included within their Annual Report.

Stuart Edwards
OPCC Chief Executive
February 2016



Cumbria Office of the Police and Crime Commissioner

Public Accountability Conference

XXXXXX

Agenda Item No xxxx

Ethics and Integrity Panel Annual Report

Report of the Chair of the Ethics and Integrity Panel

1. Introduction and background

- 1.1 The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics in all aspects of policing and to challenge; encourage and support the Commissioner and the Chief Constable in their work in monitoring and dealing with issues of ethics and integrity in their organizations. The Panel's role is to identify issues and monitor change where required. They have no decision making powers, although it is able to make recommendations to the Commissioner and the Chief Constable. The Panel considers questions of ethics and integrity within both organisations and provides strategic advice, challenge and support in relation to such issues.
- 1.2 This report provides an overview of the work that the panel has carried out during 2016.
- 1.3 The Panel meets on a quarterly basis in private but its agenda and reports are published on the Commissioner's website following each meeting, with only sensitive or confidential information being excluded. Reports are provided by the Panel to the Commissioner's public meeting to provide information about the Constabulary's performance in areas which relate to ethics and integrity. The purpose is to promote public confidence.
- 1.4 An annual work programme has been agreed to enable it to fulfil its terms of reference and scrutiny role. The programme fixes the tasks to be undertaken by the Panel at each of its scheduled meetings and has been set to ensure whenever possible that meetings are balanced in terms of the volume of work. The work of the Panel has developed during 2016 and therefore the work programme was reviewed at the end of 2016 and revised for 2017. Notably there is an introduction of two thematic sessions to be held during the year. A copy of the Panel's current work programme can be found at [Appendix 1](#).
- 1.5 Following two members resigning from the Panel in late 2015 the Police and Crime Commissioner and the Chief Constable made two further appointments. The first being in May 2016 having revisited the list of candidates interviewed previously; the second in November 2016 following a recruitment process.

Membership of the Panel currently stands as:

- Ms Lesley Horton
- Mr Alan Rankin
- Mr Michael Duff
- Mr Alex Rocke

2. Public Complaints and Quality of Service

- 2.1 During 2016 the Panel noted that the standard of the Constabulary's public complaint files had substantially improved following recommendations made by the Panel. It was subsequently agreed that due to the improvements the Panel would review complaint files on a six monthly basis to ensure that standards were retained.
- 2.2 Over the reporting period the Panel reviewed 33 complaint files. At each dip sample any recommendations or comments are collated within an action sheet, some of which include:
- Pleased to see that letters now reflect an apology from the Constabulary.
 - More emphasis should have been given to the using of the correct Stop and Search procedure with a reminder being made to personnel.
 - Although a complaint was registered as 'direction and control' there was evidence which related to the conduct of an officer which should have been recorded.
 - Some concerns on the objectivity of the report as felt the loss of evidence was not properly addressed.
 - Investigation report does not seemed balanced, fails to properly engage with the complainant's concerns.

The action plans are monitored by the Panel at their next dip sample session to ensure that these are completed and where appropriate implemented in a timely manner.

- 2.3 The Panel has also been asked by the Police and Crime Commissioner to look at a number of specific complaint files following communication to him from members of the public. The Panel undertook reviews and concluded that on each occasion the complaint had been dealt with fairly, proportionately and in line with statutory guidance.
- 2.4 At their quarterly meetings the Panel receive performance data from the Constabulary on the number of complaints they have received and how these have been subsequently managed, including whether this was in line with required timescales. It has been noticed that the number of force appeals upheld has been consistently very low compared with the number upheld by the Independent Police Complaints Commission (IPCC). To this end the Panel at their May and November 2016 meetings specifically reviewed more appeal files in order to ascertain whether appeals are being processed in line with statutory guidance. The Panel did not identify any issues in relation to the appeal files dealt with by the Constabulary.

3. Police Officer and Police Staff Misconduct

- 3.1 As part of their work programme the Panel have reviewed police officer and police staff misconduct files prior to both their May and November 2016 meetings. Since their first dip sample sessions in 2015 the Panel have noted an improvement in the way the files have been dealt with and the information recorded therein.
- 3.2 The Panel reviewed a number of files, providing views and recommendations for any improvement in the way information was provided or public perception of the handling of such cases. These included:
- Any advice given to officers or staff should be fully documented within the file to enable it to be referred to in the future.

- Amendments to be made to the Management Action Form and senior officer should check they have been completed correctly when reviewing.

The action plans are monitored by the Panel at their next dip sample session to ensure that these are completed and where appropriate changes are implemented.

- 3.3 The Panel receive on a quarterly basis information relating to police officer misconduct from the Constabulary's Anti-Fraud and Corruption Unit report and information relating to police staff misconduct. This enables the Panel to monitor performance in relation to these areas of business and consider any patterns or trends.
- 3.4 Having reviewed such files, the Panel have gained assurance that the Constabulary are dealing with misconduct and complaints in a professional manner. At no time did the Panel disagree with the outcome of any of the files. Where they provided advice or recommendations, this was to improve the service provided or the process being undertaken.
- 3.5 The Panel also undertook a dip sample of the Constabulary's Secondary Business Interest process as part of the Panel's thematic remit. They looked at the current process and requirements for officers and staff to declare their business interests. They were guided through the process and identified the different types of businesses which should be declared. On the examples they viewed the Panel considered whether the secondary business interest may increase the number of hours an individual worked and whether this could have an adverse effect on their performance. They were assured that line managers when approving any applications ensured that they monitored future performance.
- 3.6 The Panel questioned why if an application was rejected in the initial stages that it should still have to be looked at by each of the relevant departments. They proposed that if the individual appealed the decision then it could be seen and commented upon by the different departments, therefore speeding up the initial decision process and providing staff with a decision sooner.

4. Code of Ethics and Code of Conduct

- 4.1 As part of the Panel's role it seeks to ensure that both the Constabulary and the Police and Crime Commissioner have embedded within their organisations the **Code of Ethics** and **Code of Conduct** respectively.
- 4.2 During their dip sample sessions the Panel saw first-hand that policies and procedures within the Constabulary had the ethos of the Code of Ethics embedded within them. When carrying out reviews of performance the Panel were provided with evidence of the methods used by the Constabulary to promote the Codes of Ethics since its inception. These included training courses which all officers and staff were required to undertake, information on noticeboards, newsletters and Chief Officer road shows.
- 4.3 Similarly the Commissioner upon taking office in May 2016 swore an oath to act with integrity and signed a Code of Conduct. A Code of Ethics developed by the Association of Police and Crime Commissioners (APCC) has also been adopted by the Commissioner. It sets out how The Commissioner has agreed to abide by the seven standards of conduct recognised as the Nolan Principles. This Ethical Framework allows transparency in all areas of work of the Police and Crime Commissioner. These principles encompass the Commissioner's work locally and whilst representing Cumbria in national forums. The Panel did not identify any complaints had been received from either members of staff or the Commissioner.

- 4.4 Notably no complaints had required investigation by the Police and Crime Panel regarding the Commissioner.
- 4.5 The Panel have been assured that both organisations take the ethos of the Code of Ethics and Code of Conduct extremely seriously and this has been evident in the reviews and dip samples they have undertaken in other areas of business.

5. Grievances and Civil Claims

- 5.1 On a six monthly basis the Panel have reviewed **Grievances** being processed by the Constabulary during agreed reporting periods. Although the numbers were very low, the Panel gained assurance that the Constabulary were proactively encouraging officers and staff to raise such matters. It was noted that many issues were raised and dealt with on an informal basis which those concerned felt was more beneficial.
- 5.2 The Panel were advised that the staff union, Unison, were pleased that issues were resolved at an early stage and saw this as a positive step by the Constabulary. Although this may be good for the individuals involved the Panel felt that it did not allow the matters to be recorded and enable the organisation to learn for the future or make appropriate changes.
- 5.3 On behalf of the Police and Crime Commissioner the Panel also monitor **Civil Claims** being processed by the Constabulary's Legal Department. They received information about the types of claims being made, the stage the proceedings had reached and about the claims that had been resolved. As part of this review the Panel seek assurance that any trends are being identified and how the organisation learnt from particular cases disseminating information throughout the organisation to avoid future risks and claims.
- 5.4 To date the Panel have not identified any issues or concerns in either area of business. On a national and local level the Constabulary, along with other forces, are in the process of dealing with employment tribunals in relation to police pensions. Currently there were 108 claims with more being added following the Constabulary implementation the national pension regulations. The claims were being co-ordinated nationally by Hertfordshire Constabulary.

6. Information Management

- 6.1 As public authorities, the Office of the Police and Crime Commissioner (OPCC) and Cumbria Constabulary are required to process information in an appropriate manner including complying with the Freedom of Information Act 2000 and the Data Protection Act 1998. Both of these Acts entitle an individual to request information from a public authority and as such public authorities must comply with requests under this legislation.
- 6.2 During 2016 the Panel reviewed both organisations compliance with these requirements. It was recognised that the Constabulary had taken steps and created a new post to support the business of the Data Control Unit enabling it to respond to more requests within the statutory timescales.

7. Thematic Inspections

- 7.1 The Panel were asked to specifically review and provide feedback on two areas of

Constabulary work. The first of these was the **Performance Discretion Framework** which was introduced as part of the new Command and Control system. The framework gives officers discretion not to investigate or attend incidents allowing the Constabulary to rationalise the work that they carried out with reducing resources.

- 7.2 Having sampled very few of the calls the Panel were not able to put into context whether or not the system was working effectively. In August the Panel were advised that there was to be a full review of the control room and they would be provided with an update on developments at their February 2017 meeting.
- 7.3 In 2015 HMIC had carried out a thematic inspection of the Constabulary's use of **Stop and Search Powers**, following which they made a number of recommendations to the Constabulary. In February 2016 the Panel undertook a dip sample of stop and search forms with a view to assessing whether the information contained within the form provided enough evidence to substantiate the grounds for the stop and search. The Panel found very few which they felt fully explained the reason for the stop and search and none had been checked by a supervising officer. The Constabulary undertook to provide a classroom based training programme for all officers.
- 7.4 The Panel reviewed this area of work prior to their August meeting. Having sampled a number of the forms they found assurance that the learning had been embedded and noted significant improvements to the completion of the forms.
- 7.5 Work has developed over the year following on from the successful work of the Panel. In November the Panel agreed to have two thematic sessions within their annual work programme in February and August. This would enable the Panel to look at topics in-depth and provide views and opinions to the Constabulary to assist them in informing future work.

8. Conclusion

- 8.1 The Panel continues to develop their role, expanding into other areas of business to assist not only the Constabulary but enable the Police and Crime Commissioner to have further and more detailed oversight of the work of the Constabulary.
- 8.2 Recommendations and guidance have been welcomed not only by the Constabulary but the OPCC resulting in a number of changes and developments to processes and procedures. The future work of the Panel will continue to be reviewed and developed to ensure that the Panel remain an independent body in their oversight of the Constabulary and OPCC.

9. Recommendations

The Commissioner is asked to:

- (i) receive and note the report on the work undertaken by the Ethics and Integrity Panel during the past year; and
- (ii) note the positive changes to processes and practices as a direct result of work and recommendations made by the Panel.



Ethics and Integrity Panel

Title: Policing & Crime Act 2017

Date: 16 February 2017

Agenda Item No: 10

Originating Officer: Joanne Head

Executive Summary:

In December 2014 the Home Secretary announced that she would be conducting a consultation on Police Integrity with a view to reforming the police complaints and disciplinary systems. The aim of the reform is to make the police complaints system more public focused and independent.

As part of the consultation process a number of organisations were asked for their views including police forces in England and Wales, Police and Crime Commissioners and the Independent Police Complaints Commission. The consultation period ended on 5 February 2015.

Recommendation:

That, the report be noted

1. The Policing and Crime Act 2017

- 1.1 The Policing and Crime Act received Royal Assent on 31 January 2017 having progressed through Parliament and the House of Lords. A copy of the Act can be found on the Government's website - <http://www.legislation.gov.uk/ukpga/2017/3/contents/enacted>
- 1.2 The Act will make the police complaints system more transparent and robust and strengthen the Police and Crime Commissioners (PCC) role by explicitly making oversight of the local complaints system a function of the PCC. The Act does not provide PCC's with a formal role in the resolution process for complaints this will remain with the Constabulary.
- 1.3 A broader definition of a complaint is to be introduced as *"an expression of dissatisfaction with a police force"*; resulting in all complaints received having to be recorded. This will negate the need for a recording decision to be made and any subsequent appeals to be dealt with.
- 1.4 All PCCs will have a statutory responsibility to be the relevant review body for those reviews (Appeals) which are currently heard by the Chief Constable.

- 1.5 There will be a requirement for extensive amendments to current guidance, including the Police (Complaints and Misconduct) Regulations 2012; new regulations covering delegation of functions and response to a review by the PCC. The OPCC is advised that the target date for implementation will be June 2018. It is hoped to be able to provide further information to the Panel at their May meeting.

Stuart Edwards
OPCC Chief Executive
February 2016