
Enquiries to: Mrs J Head
Telephone: 01768 217734

Our reference: jh/EIP

Date: 4 January 2019

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 **Monday 11 February 2019** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

G Shearer
Deputy 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 10.00 am to carry out a 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 8 November 2018 (copy enclosed).

5. SPIT HOODS

To receive a verbal update on Cumbria Constabulary's implementation of Spit Hoods – *To be presented by Inspector Ben Swinson*

6. BODY WORN VIDEO REVIEW

To receive an update on the findings of the Constabulary's Body Worn Video Review – *To be presented by Inspector Richard Quinn*

7. INTEGRITY – ANTI-FRAUD & CORRUPTION

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 Webster*

8. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

9. 2019 DRAFT ANNUAL REPORT

To receive and approve the Ethics and Integrity Panel Annual Report (copy enclosed) – *To be presented by the OPCC Deputy Chief Executive.*

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Thursday 8 November 2018 in Conference Room 3, Police Headquarters,
Carleton Hall, Penrith, at 2.00 pm

PRESENT

Mr Alan Rankin
Mr Michael Duff
Mr Alex Rocke
Mrs Lesley Horton

Also present:

Deputy Chief Constable Mark Webster
T/Detective Chief Inspector Jenny Beattie
Complaints and Misconduct Manager – Barry Bell
Director of Legal Services – Andrew Dobson
HR Manager – Kerry Rogerson
Inspector Dave Barr
OPCC Deputy Chief Executive - Gill Shearer
OPCC Governance Manager - Joanne Head

1. APOLOGIES FOR ABSENCE

There were no apologies for absence as all members were present.

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS

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

4. NOTES OF THE PREVIOUS MEETING

The notes of the meeting held on 9 August 2018 had previously been circulated with the agenda.

The Complaints and Misconduct Manager updated the Panel as to the current position of the Constabulary's Vexatious Complaints Policy. The draft policy was currently being reviewed by the Director of Legal Services and DCC Webster. A copy of the policy was provided to the Panel members to afford them an opportunity to provide feedback via email to the Governance Manager.

With regards to Police Office Misconduct, HMICFRS were currently carrying out an inspection of the force. An interim Audit had been carried out in August, which had gone well, highlighting areas of progression within the force. Formal feedback would be provided later in the year, whereby any identified issues would be advised, with a formal written report expected in Spring of 2019.

DCC Webster updated the Panel on a matter raised in May 2018 regarding the procurement of police uniforms. Having looked into the matter it had been identified that by transferring to the national contract the Constabulary could potentially gain £20k savings on the procurement of police uniform. Members were advised there may be occasions when the Constabulary would procure outside the agreement if they felt that the quality being purchased was not of a suitable standard for officers, for example polo shirts. It was recognised that due to the geography of Cumbria, the cost of inclement weather clothing was more expensive for the Constabulary due to the types required.

Agreed; that, the action updates be noted and minutes agreed.

5. SPIT GUARDS

The use of Spit Guard protection is approved by the National Police Chiefs' Council and recognised by the Home Office as affording officers protection from detainees spitting and to reduce the effects of biting. The recommendation to provide officers with Spit Guards was supported by the Police Federation who had lobbied for the provision at a national level. The Constabulary's Chief Officer Group (COG) had considered a report regarding the introduction of Spit Guards within Cumbria and felt it was important that the matter be discussed by the Ethics and Integrity Panel.

Members questioned whether there were any drivers for the change or an increase in the number of spitting/biting incidents within the Constabulary. Inspector Barr advised that there was not a huge increase in overall numbers but that there were a substantial number of occurrences within a year. Under Health and Safety legislation it was important the Constabulary provided officers with a suite of protective equipment to support them in their role.

If Spit Guards were not introduced then officers who were spat upon or bitten would need to use other methods of physical restraint on a detainee in order to protect themselves and prevent further incidents occurring. The use of Spit Guards would allow a handcuffed detainee to be able to see and communicate with officers but prevent them from spitting. Should an officer be bitten or spat upon they then ran the risk of infection from any infected saliva or blood from the detainee. Officers would need to go to hospital to have tests carried out to verify or rule out infection, which in itself would cause immense emotional stress to the officer.

Inspector Barr detailed to the Panel members instances where a Spit Guard would like be used taking into account any intelligence, a detainees behaviour or actions. The Constabulary felt it would be more likely that Spit Guards would be used within custody rather than in the street. Officers would receive training before they were issued with a single Spit Guard and this would include how to apply the hood and in what circumstances it should not be used, even if the detainee was spitting or biting in line with the national decision making model. Any use of a Spit Guard would need to be recorded by the officer as with any use of force.

The Panel asked whether data from other police forces who were using Spit Guards had been reviewed to assist the Constabulary in their proposal. Inspector Barr advised that use within other forces was monitored and the findings were available for the Constabulary to use to assist them in their planning and training. The Panel members raised concerns regarding the proposed implementation timeframe of January 2019 and how officers would all be trained and competent to use spit guards. Inspector Barr stated that officers must have attended one of the training or re-fresher training events that would include the use of Spit Guards and go through the key points. Only then would officers be issued with a single Spit Guard. Used Spit Guards will be disposed as biological waste and the officer provided with a replacement from the custody suite; it could not be obtained by other means.

To alleviate the Panel's concerns it was agreed that the Constabulary would provide the necessary information and assurance via email on the following points:

- What other information or intelligence was considered in making the decision – (Home Office/National Police Chief Council/Police Federation)
- What were the drivers for change?
- Was an Equality Impact Assessment carried out?
- What mental health issues were considered, given that a growing number of detainees have some form of mental health issues which may not always be obvious?
- What data is available and has been used to assess the risk of biting and non-protection against the use of Spit Guards
- How will the implementation of the training be rolled out and will this be in time for the proposed commencement date of January 2019?
- Assurance of how officers will be trained and guided on when to use spit hoods

DCC Webster agreed that the above information would be provided within a month to the Panel, however this would not delay the Constabulary's implementation programme. The Panel would receive an update at their May meeting on the roll out of the use of Spit Guards, any issues identified or complaints made.

Agreed; that, the

- (i) Panel note the report;
- (ii) Constabulary provide a written response via email to the Panel in relation to the points raised; and
- (iii) Panel receive an update report at the May meeting.

(Note: Insp Barr - left the meeting at this point)

6. CIVIL CLAIMS UPDATE

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

The Panel were updated on current claims in relation to police officer pensions and overtime payments. These issues were ongoing at a national level and unlikely to be concluded until 2019. Members asked whether the claims were causing any internal issues or anxiety and were advised that the Director of Legal Services was working closely with the Police Federation and those officers involved to try and resolve the claims.

Previously some civil claims had been resolved by the Constabulary's Central Services Department, however these were now all dealt with by the Legal Department, thus allowing any issues, trends or organisational learning to be identified more easily.

Agreed; that the report be noted.

(Note: The Director of Legal Services left the meeting at this point.)

7. CONSTABULARY GRIEVANCES

The HR Manager advised the Panel that since May 2018 the HR Department were now responsible for dealing with grievances. During the current financial year there had been 2 new grievance claims made and altogether 4 remained outstanding. Some cases were at stage 3 of the process with one being recently resolved at stage 3. Generally the grievances were regarding policies and procedures or regarding action taken against an individual.

The Panel had been provided with a copy of the revised Grievance Procedure with the meeting papers. This had been revised to include HMIC feedback and identified best practice. The ethos of the procedure was to provide welfare support to the individual and other parties during the process. It was the intention to convey positive communication to all officers and staff about the grievance procedure illustrating the positive changes that have occurred following the submission of a grievance.

The Panel raised the issue of low numbers and the dangers of informal resolution as any organisational learning would not necessarily be captured or developed. Training of internal mediators to also capture this information would assist the organisation. The Members felt that the new procedure and grievance form was easy to use and would not deter officers or staff from instigating the process. They were particularly pleased to see that the form asked what the individual would wish the outcome to be to gain an understanding of the issues that they raised.

Agreed; that the report be noted.

8. MISCONDUCT

The Constabulary HR Manager presented a report detailing the number of police staff discipline and misconduct cases dealt with during the period 1 May 2018 to 31 October 2018. Over this period four members of staff had been subject to disciplinary proceedings, with 1 final written warning, 1 resignation and 2 received words of advice.

There followed a discussion on the cases which were currently live and some of the issues being highlighted. The HR Manager advised that as HR and PSD now came under the same People Department this afforded more opportunity for both teams to work jointly on cases where necessary.

Agreed; that, the report be noted.

9. INTEGRITY – ANTI-FRAUD & CORRUPTION

Deputy Chief Constable Webster presented the quarterly report on work undertaken by the Constabulary's Anti-Corruption Unit.

It was noted that during the year the Constabulary had renewed its focus on officers or staff who abused their position. As well as training sessions, there had been regular internal communications and posters.

The Panel discussed the cases they had reviewed as part of the dip sample session during the morning. Overall, the files were very good with only minor points raised. The members were pleased to see that any management action or advice given was fully recorded on every file. They also noted work being carried out with regard to personal relationships both internally with the Constabulary and externally.

Agreed; that, the report be noted.

10. INTEGRITY - COMPLAINTS BY THE PUBLIC

Deputy Chief Constable Webster presented the quarterly report detailing the Constabulary's performance in dealing with public complaints. It was noted that the Constabulary continued to have the lowest number of complaints within its Most Similar Force (MSF). Unprofessional Conduct complaints were the main group showing a decrease within the last 12 months with a decrease by 42 (-21.99%).

DCC Webster advised that the There and Then process was starting to have an impact on the workload of the department. As complaints were resolved at the earliest opportunity this was now affording staff the ability to concentrate on the more complex complaints and their investigation. The widespread usage of body worn video provided independent evidence to be used when dealing with complaints, either proving or dis-proving allegations made.

It was noted that the Independent Office of Police Conduct (IOPC) had now changed their emphasis in learning realised from complaints. This was then disseminated using positive messages to officers and staff via the PASS newsletter.

DCI Beattie discussed with members the proposal to update the Constabulary's external website in an effort to make it easier for members of the public to contact the Constabulary and make a complaint. It would advise on how to access other services, such as the returning of property, rather than simply direct them to making a complaint.

The members noted that the number of complaints being upheld by PSD had increased by 17 from 8 to 25 and asked what had caused this increase. The Complaints and Misconduct Manager advised that the threshold was low when considering the balance of probabilities of the incident occurring as alleged. Without the use of body worn video or notes being made on an officers Kelvin device to provide independent evidence there would need to be strong evidence to argue against it.

The members reported upon their dip sample of public complaint files session held the previous week. They had noted some elements of vulnerability in relation to some of the complainants and asked what training was provided to officers to enable them to identify vulnerabilities. DCC Webster advised that officers would apply the definition from the College of Policing and utilise the training provided by the Constabulary.

Agreed; that, the report be noted.

11. OPCC COMPLAINTS AND QSPI

The Governance Manager presented two reports, the first outlined complaints dealt with by the OPCC and the other regarding areas of dissatisfaction which members of the public had contacted the Commissioner about.

During 2018, the OPCC had received four complaints regarding the Police and Crime Commissioner. The Police and Crime Panel were currently considering them, the outcomes of which were awaited. There had been three complaints regarding the Chief Constable, noting that two had been against the previous Chief Constable, Jerry Graham, and one against Mrs Michelle Skeer. All had been dealt with via an 'on the spot' resolution open to the Police and Crime Commissioner and had taken the format of an explanation. Two had subsequently appealed to the IOPC, neither of which were upheld. No complaints had been received regarding any member of OPCC staff.

Up to 31 September 2018, the OPCC had received 248 notifications of dissatisfaction from members of the public regarding the policing service they had received. The issues raised were very broad ranging with the top six being:

- Appleby Horse Fair (131)
- Police Resources/Police Service (124)

- Car Parking / Driving Issues (36)
- Anti-Social Behaviour (19)
- Cyber Crime / Fraud (5)
- Drug Offences (5)

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.

Agreed; that, the report be noted.

12. 2019 ANNUAL WORK PROGRAMME AND MEETING DATES

Consideration was given to the proposed work programme for 2019. The Governance Manager advised that again there had been provision made for the Panel to consider two thematic areas of business during the year. The August session had provisionally been identified for the Panel to review the use of Spit Guards. This would then allow sufficient time for the Constabulary to roll out and monitor usage within the force, providing quality data back to the Panel.

A discussion took place regarding the areas of business which could be reviewed for the February session, with a number of areas being considered. The OPCC Deputy Chief Executive proposed that the Panel review the OPCC Engagement Strategy, which was in the process of being reviewed and updated.

Following discussion by the Panel with the Deputy Chief Constable, it was agreed that the following areas would be considered during the February session:

1. Use of Force -
 - A member of the panel attend the Constabulary meeting to gain an understanding of what work is carried out and where the Panel could carry out thematic work
 - How the force manage the reviews and what organisation learning is disseminated/changes to policy
2. 101
 - Dip sample the recorded calls with regard to the use of the Discretion Framework

It was proposed and agreed that in 2019 the Panel would meet on:

- Thursday 7th February @ 2.00 pm
- Thursday 2nd May @ 2.00 pm
- Thursday 8th August @ 2.00 pm
- Thursday 7th November @ 2.00 pm

Agreed; that, the Panel

- (i) consider the proposed thematic sessions in February and August as outlined within the meeting; and
- (ii) meet on the dates outlined above.

Meeting ended at 4.15 pm

Signed: *Alan Rankin*
(Panel Chair)

Date: 11 February 2019

Body Worn Video Evaluation

1st June 2018 – 1st December 2018



101

www.cumbria.police.uk

[f](#) [t](#) [cumbriapolice](#)



Benefits

1. Improving Public Confidence
2. Increasing Officer Safety and Transparency
3. Bringing Offenders to Justice
4. Reducing Bureaucracy



General data

- 710 units issued

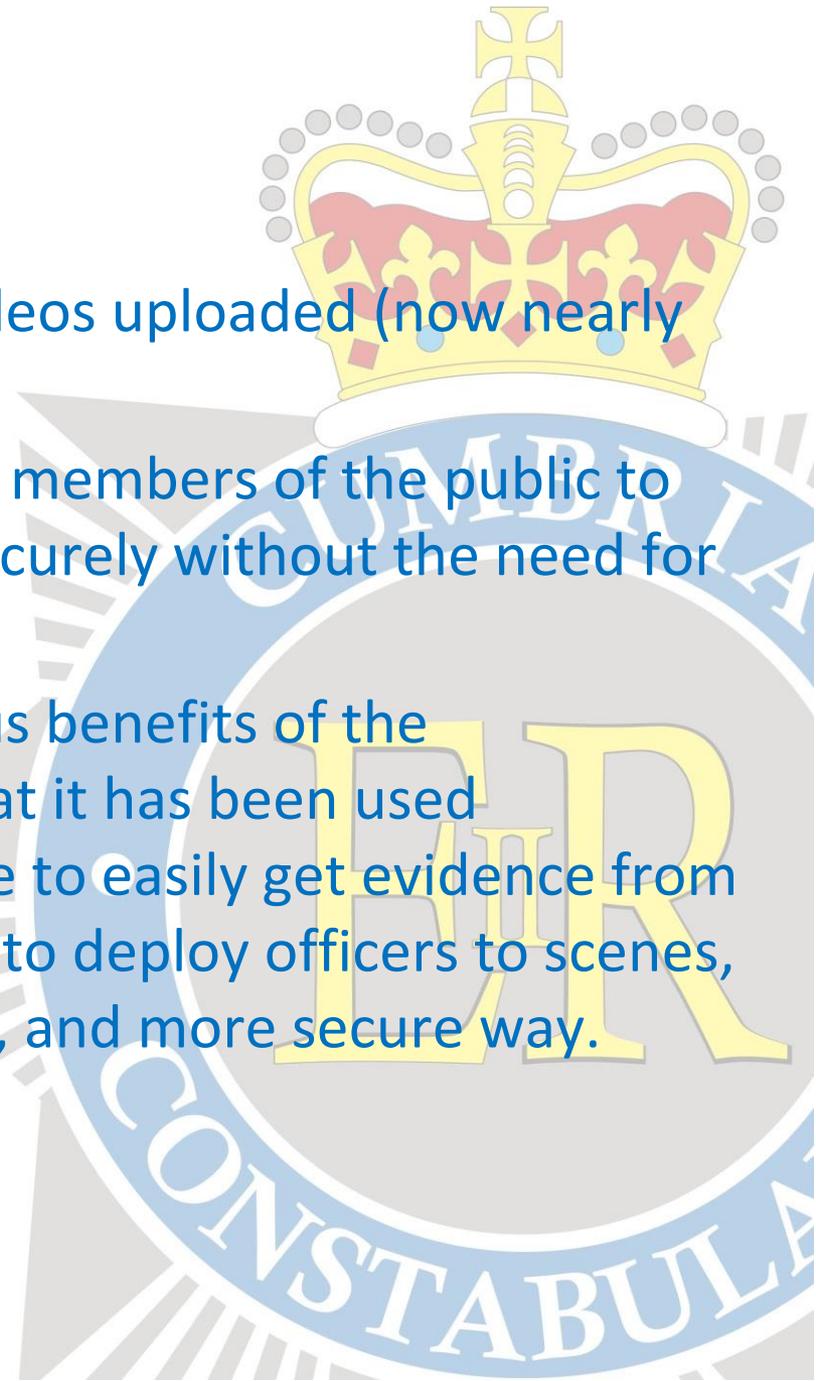
In the Evaluation period:

- 29,414 Videos taken
- 11,496 Evidential videos (Now over 17,000)
- 4,996 total hours of footage
- 1,233 videos shared with CPS (Now nearly 4,000)



Axon Citizen

- There were a total of 3,400 Citizen videos uploaded (now nearly 6,000)
- Axon Citizen is a product that enables members of the public to submit digital evidence quickly and securely without the need for their devices to be handed in.
- It is impossible to measure the obvious benefits of the introduction of Citizen but the fact that it has been used thousands of times means we are able to easily get evidence from public and partners without the need to deploy officers to scenes, seize devices, and to do so in a faster, and more secure way.
- <https://vimeo.com/288317318>



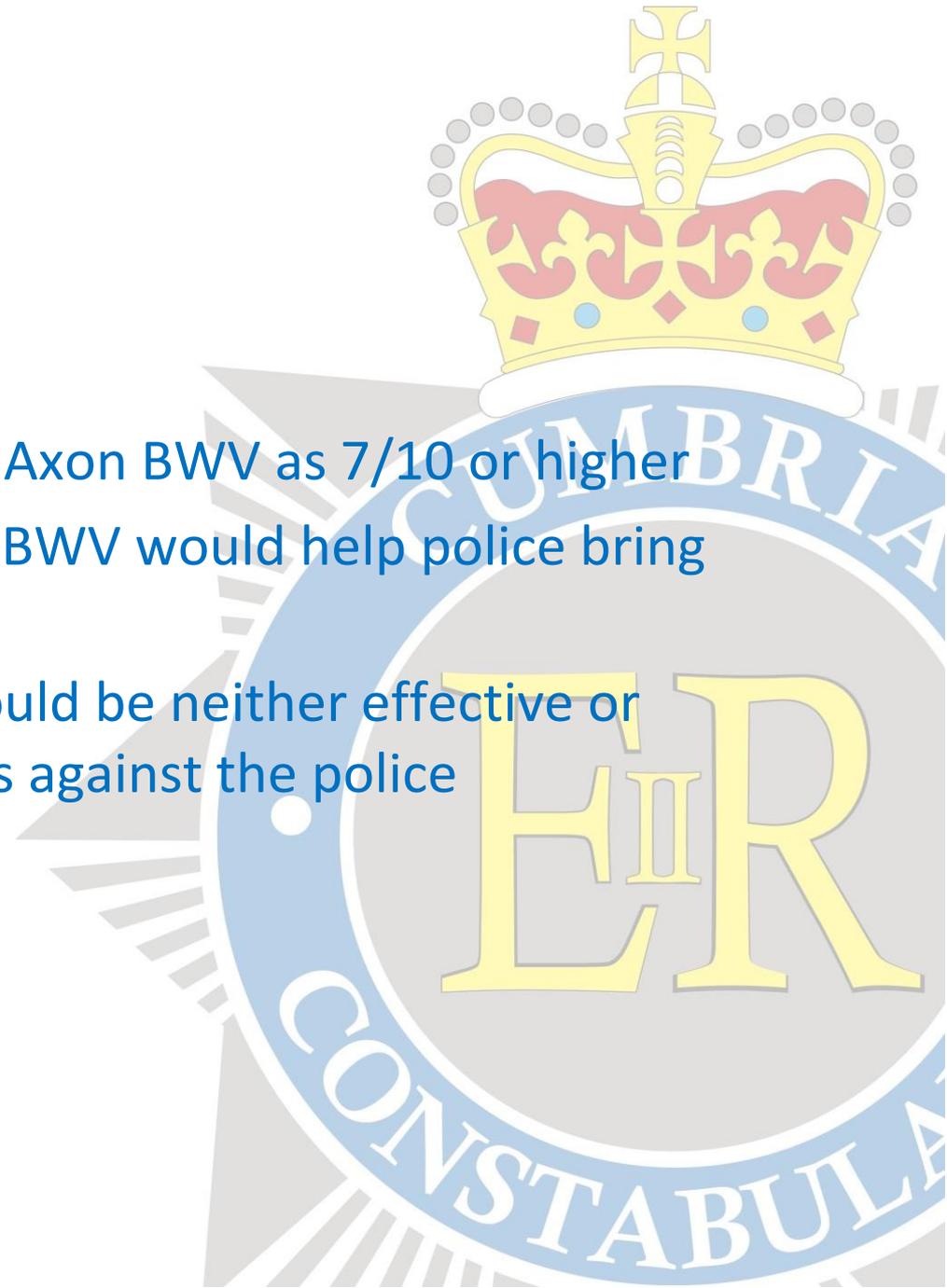
Public Survey

- 1,138 respondents
- Only 51% were aware that all uniformed officers now wear BWV
- However, 97% support the use of BWV
- 93% think will help the police bring offenders to justice
- 91% believe will make the police more accountable for their actions



Police Officer Survey

- 115 respondents
- 93% scored the ease of use of Axon BWV as 7/10 or higher
- 92% scored that they thought BWV would help police bring offenders to justice.
- The majority felt that BWV would be neither effective or ineffective in reducing assaults against the police



Police Officer Survey

- **How easy are the Axon BWV to use?**

“A decent bit of kit ordered for the Police....A first?”

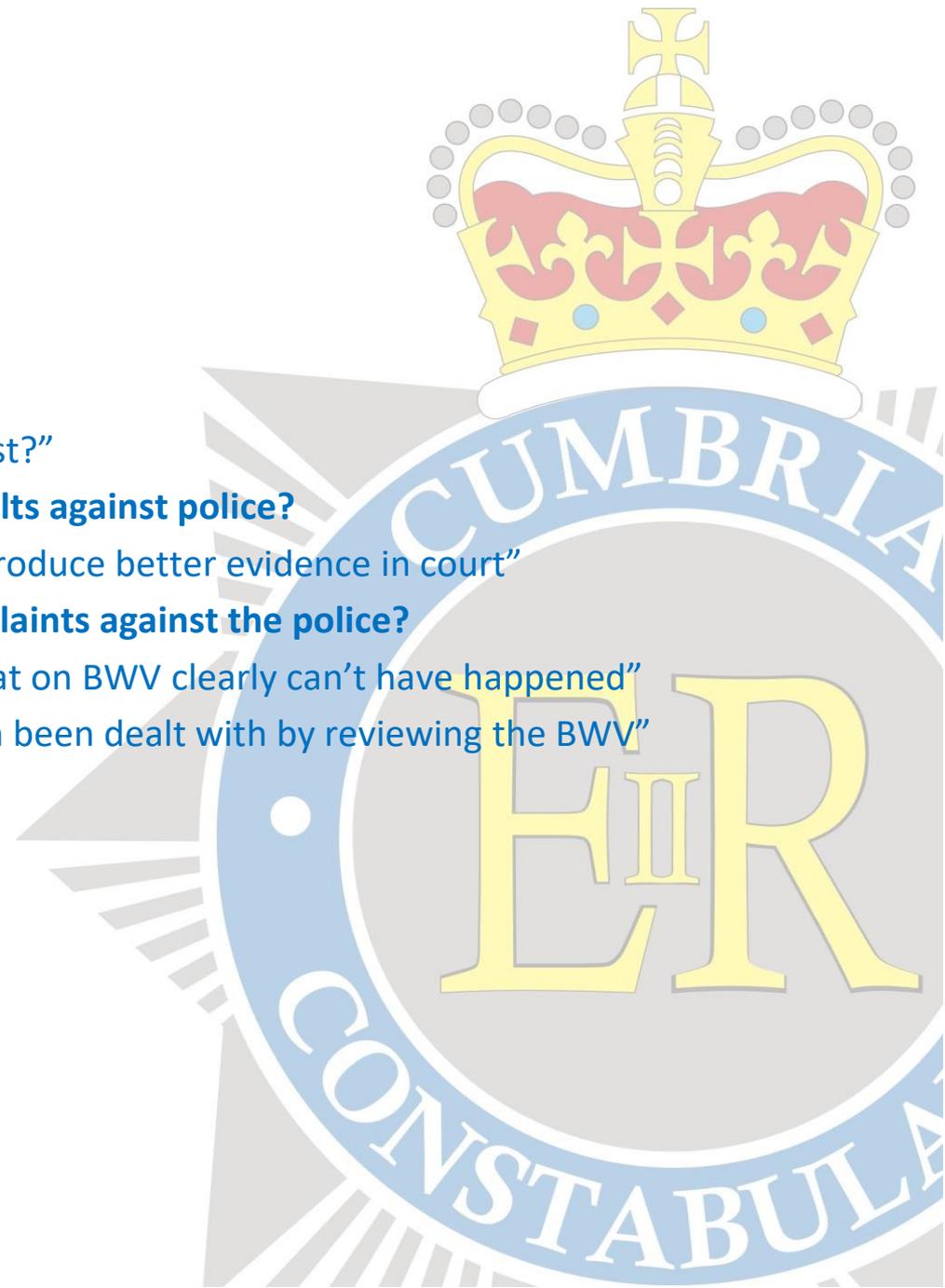
- **How effective will BWV be in reducing assaults against police?**

“I don't think they will reduce assaults but will produce better evidence in court”

- **How effective will BWV be in reducing complaints against the police?**

“I have already seen people make allegations that on BWV clearly can't have happened”

“I have had 2 complaints recently that have both been dealt with by reviewing the BWV”



Police Officer Survey

- **How effective will BWV be in helping police bring offenders to justice?**

“Excellent at obtaining best evidence at the time”

“If it’s on video, that’s all the courts are interested in, and we have already seen an increase in charges and convictions here in West”

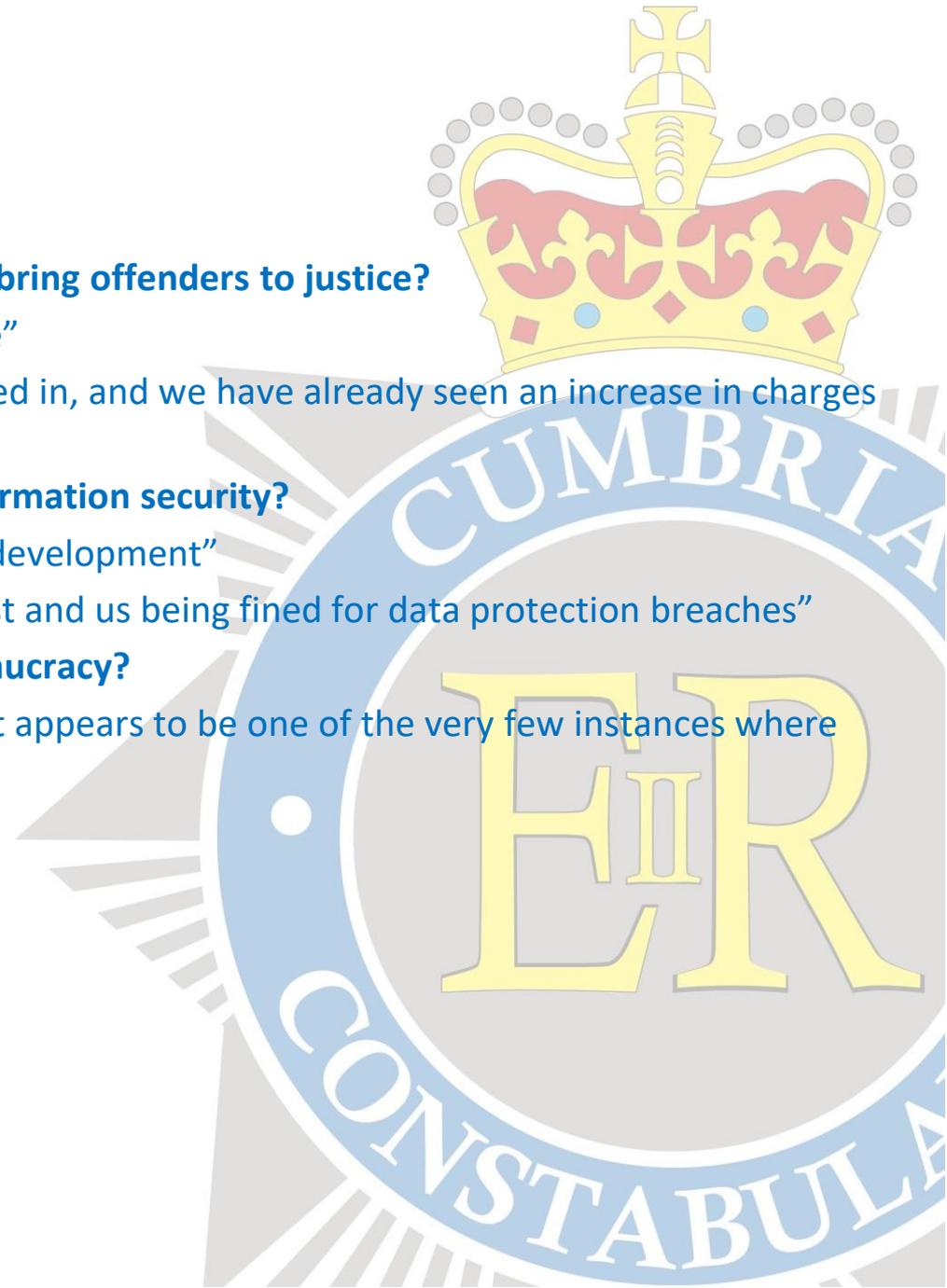
- **How effective will BWV be in improving information security?**

“Very secure system and have confidence in its development”

“There is no risk of discs going missing in the post and us being fined for data protection breaches”

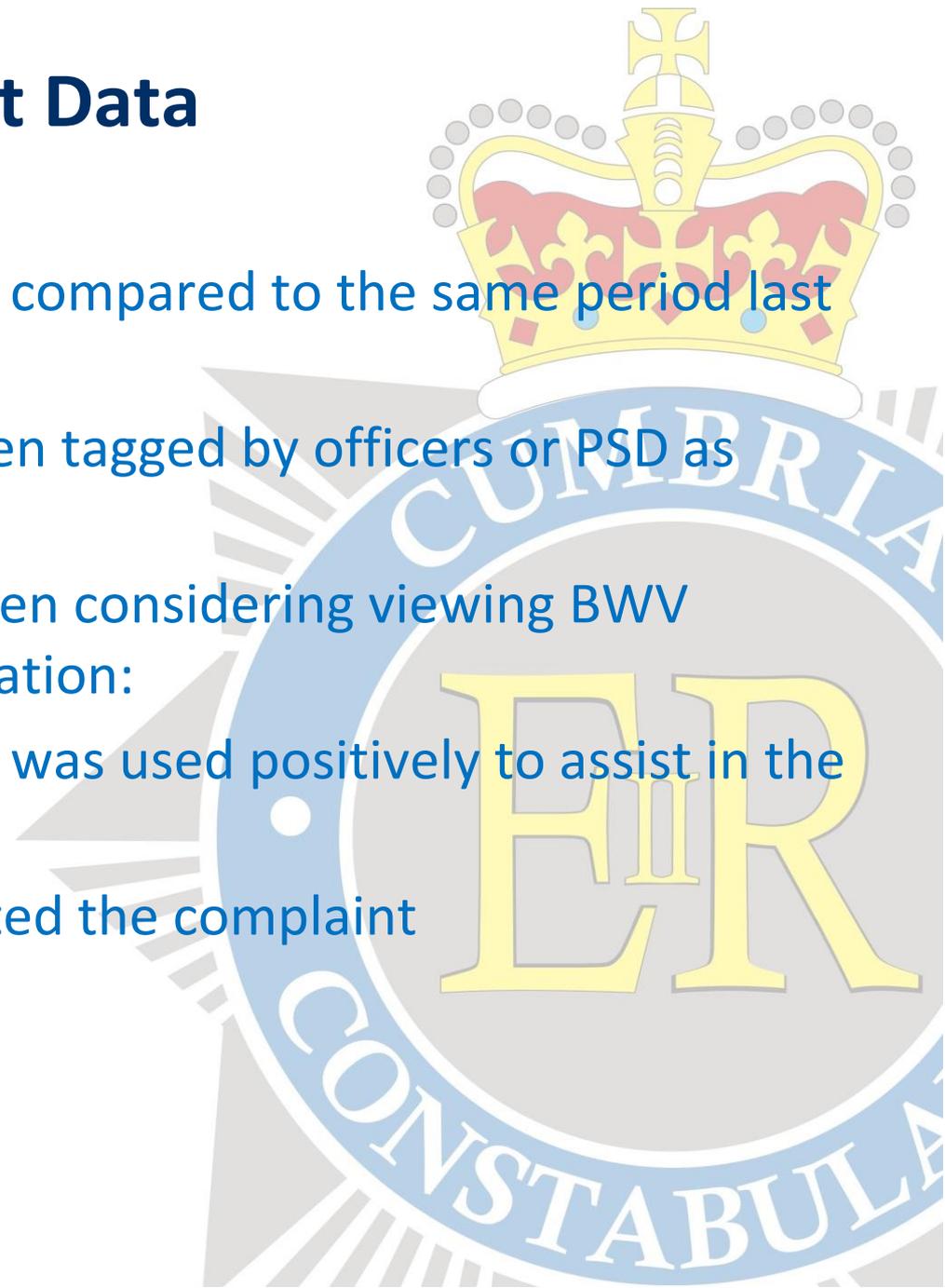
- **How effective will BWV be in reducing bureaucracy?**

“Unfortunately, it has increased bureaucracy but appears to be one of the very few instances where the extra paperwork is worth the effort”



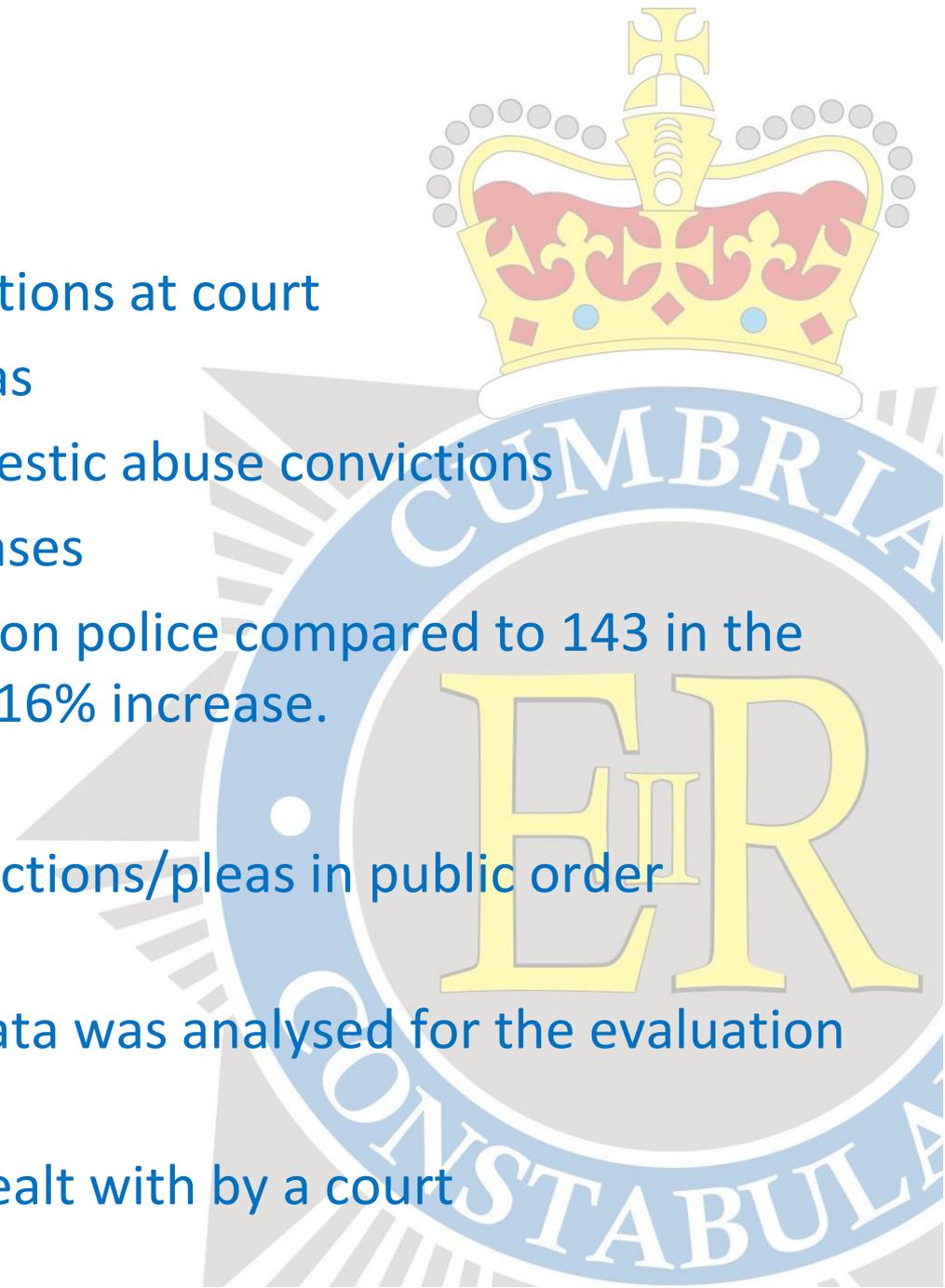
Complaints and Conduct Data

- 36 fewer recorded complaints compared to the same period last year (20% reduction)
- 308 evidential videos have been tagged by officers or PSD as 'Potential Complaint'
- Of all the total complaints, when considering viewing BWV footage as part of the investigation:
 1. 19 cases (13%) BWV footage was used positively to assist in the investigation
 2. 7 cases (5%) it actually negated the complaint



Criminal Justice Data

- No reduction of overall convictions at court
- No increase in early guilty pleas
- No increase in successful domestic abuse convictions
- No increase in discontinued cases
- There have been 173 assaults on police compared to 143 in the same period in 2017. This is a 16% increase.
- However:
- BWV should be useful in convictions/pleas in public order incidents
- Penalty notices for disorder data was analysed for the evaluation period
- A reduction of 61% in those dealt with by a court



Further developments

- Sending of 999/101 audio via evidence.com
- Consideration of a business intelligence dashboard for more accurate reporting





Constabulary Report to OPCC

Agenda Item No 8

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 11th February 2019

ORIGINATING OFFICER: Superintendent Jackson – Head of People Dept

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

Executive Summary:

- IOPC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF at 118 (most similar forces - Norfolk 142, Lincolnshire 229, North Wales 185) however the national average for the period is less:
 - Apr 18 to Sep 2018, Cumbria: 118, MSF average: 169 National average: 130
- The current quarters figures show that cases increased by 78.26% and allegations by 41.54% in comparison to the same quarter last year
- Cases and There & Then (T&T) combined have increased from 79 to 91, with T&T increasing proportionately from 10.71% to 14.29% in the current quarter.
- A breakdown of allegations shows that all areas have increased their level of allegations in the quarter.
- The main group showing a decrease when comparing the rolling 12 months is Direction & Control (D&C) by 13 (76.92%).
- Allegations finalised as Upheld by PSD increased by 3 allegations (25.0%) comparing with last similar quarter.
- The number of Force appeals has reduced from 13 to 9 (-30.77%) , IOPC appeals have also reduced by 16 (-84.21%).
- The number of Upheld appeals for the IOPC and the force have reduced with no Upheld appeals in the quarter, both categories still have live appeals.

MAIN SECTION

1. Introduction and Background

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

The latest data periods available & reported on in this document are as follows:

IOPC Q2: April to September 2018

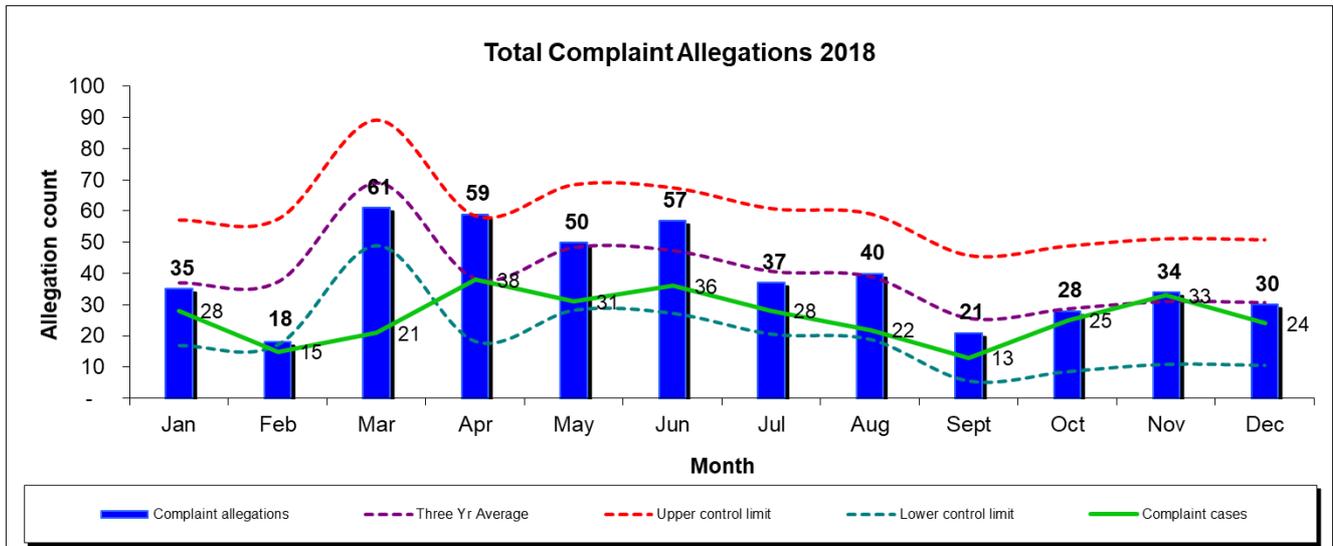
Cumbria Q3: October to December 2018

1.1 Public Complaints

Reporting is on cases

1. Cases; each individual occasion of complaint by a member of the public
2. Allegations; the number of issues they are complaining about within that case.

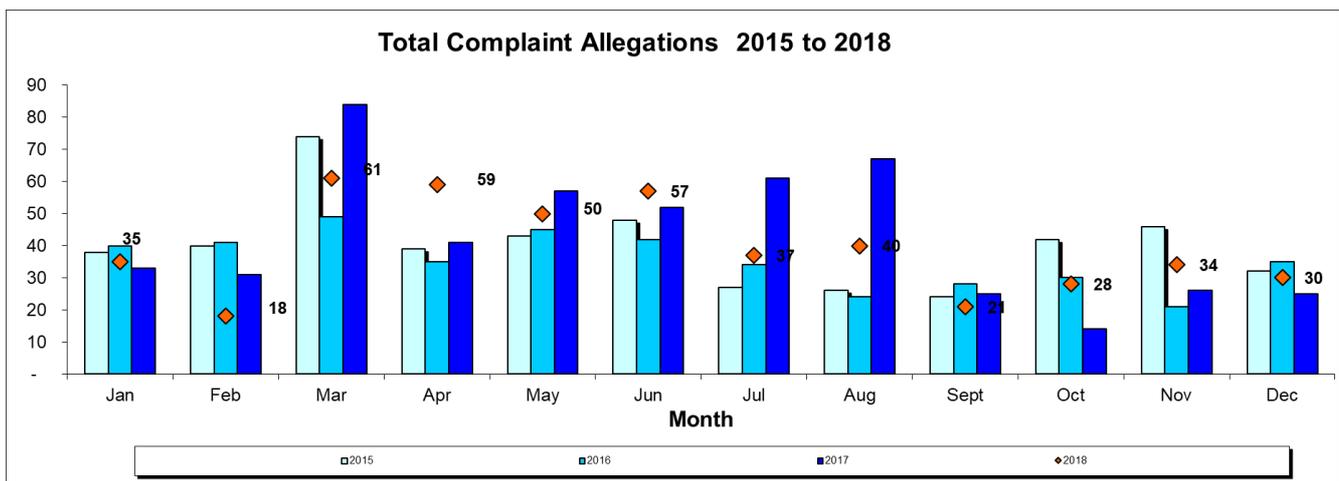
The below chart shows levels of complaint cases and allegations in the last 12 months ending 31st December 2018:



The chart shows following the reduction in January/February 2018, figures rose for both complaint allegations and cases over summer months and are now on the decline heading towards winter months again. Over the 12 month period the total allegations are 470 and cases are 314. Cases have been slightly above their 3 year average in general over the the last 12 months. Allegations have been on or below their 3 year average over the last 12 months apart from in April and June.

Looking at the current quarter allegations have remained on or below the 3 year average. Cases have been just above their 3 year average but not over the Upper Control Limit.

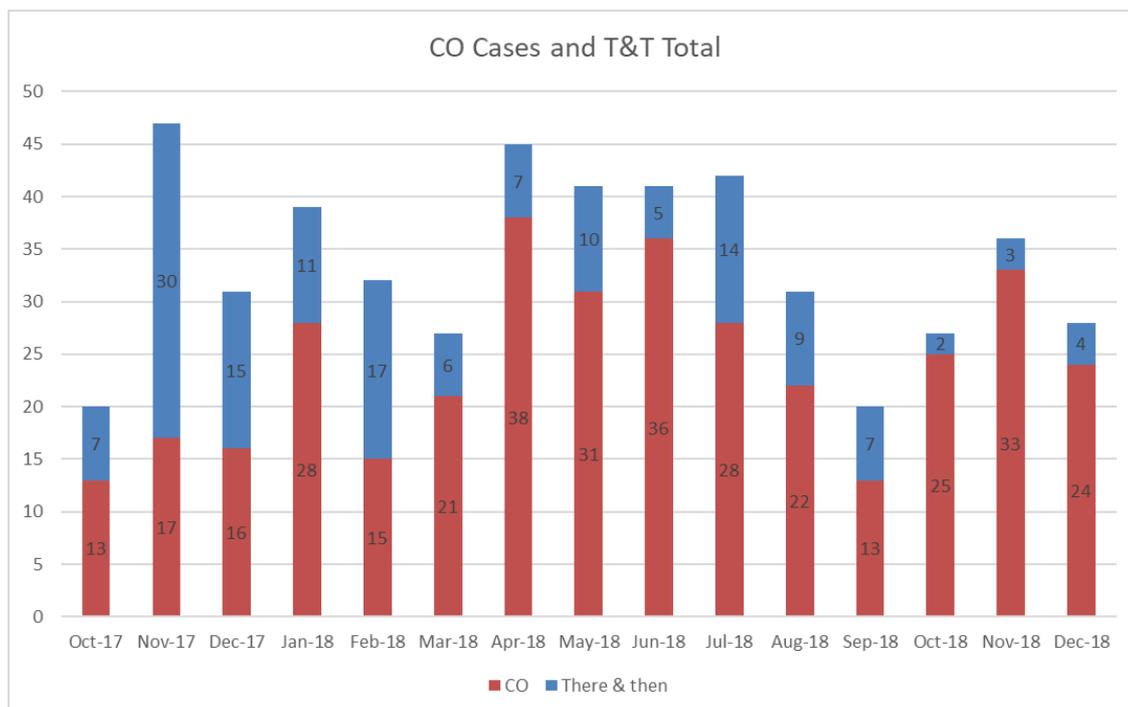
The chart below compares the allegations by month for the current year (red diamond) against the last three, and highlights November as being higher than the last two years, despite it remaining on the 3 year average, this is due to the higher 2015 figure.



The table below shows the total number of cases and allegations for the current quarter, last quarter and the same quarter last year. The figures show that the numbers of allegations and cases compared to the same quarter last year have increased, however cases have increased by more than allegations. These figures would suggest more people are complaining about the service they are receiving. Whilst the increase may look significant, overall this is within the the normal range for the total 12 month period.

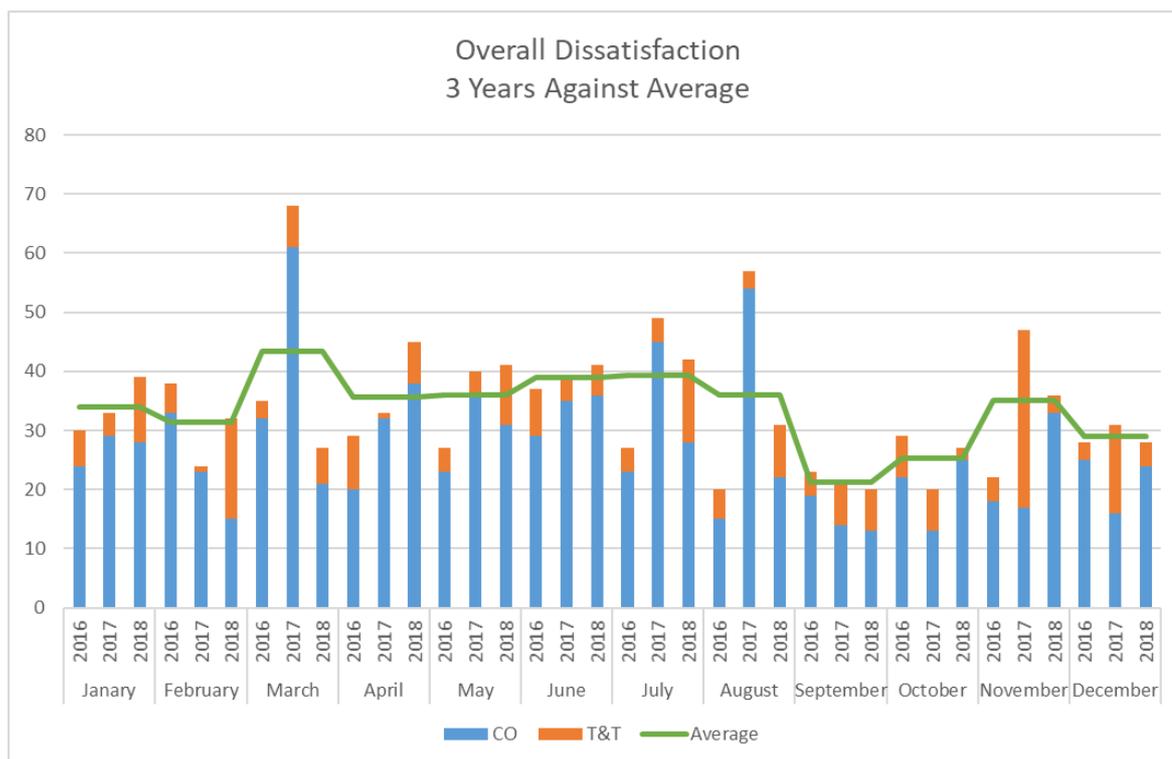
	Q3 2017 / 2018	Q2 2018 / 2019	Q3 2018 / 2019	% Change to Q3 2017 / 2018
Allegations	65	98	92	41.54%
Cases	46	63	82	78.26%

The other method of recording dissatisfaction is There & Then (T&T) which records matters of service confidence. Combining the figures for Complaints and T&T show the overall levels of dissatisfaction.



Complaint cases and T&T show that overall public dissatisfaction with the service has reduced in the current quarter compared to the same quarter last year, from 98 in 2017/8 to 84 in 2018/9.

The chart over the page shows that the current years overall dissatisfaction is in line with the average.



A full break down of T&T categories is at Section 1.5.

1.2 Results by TPA/Area.

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

Area	Allegations			Cases		
	Q3 2017 / 2018	Q3 2018 / 2019	Change	Q3 2017 / 2018	Q3 2018 / 2019	Change
North	19	26	36.84%	14	26	85.71%
South	22	25	13.63%	14	16	14.29%
West	21	27	28.57%	15	21	40.00%
UOS	1	4	300%	1	7	600%
HQ/Other	2	10	400%	2	12	500%
Total	65	92	41.54%	46	82	78.26%

The table shows an increase in allegations and cases with the largest increase in UOS followed by HQ & Other in this period, however with such low figures percentages increases are deceptive.

No areas are of concern at present.

1.3 Results by Allegation Type

Each Allegation is identified by the complaints manager based on the national Allegations types and groups. Reporting on the below graph is by exception.

Group	Allegation type Description	17 to 18	18 to 19	Change
		Q3	Q3	
Breaches of PACE K,L,M,N,P,R	Breach of Code A PACE on stop and search	1		-1
	Breach of Code B PACE on searching of premises and seizure of property	1	1	0
	Breach of Code C PACE on detention, treatment and questioning	6	3	-3
	Multiple or unspecified breaches of PACE which cannot be allocated to a specific code		1	1
Breaches of PACE K,L,M,N,P,R Total		8	5	-3
D&C	Operational management decisions	1	2	1
	Operational policing policies	2	6	4
	Organisational decisions	7	15	8
D&C Total		10	23	13
Discrimination F	Discriminatory behaviour	1	1	0
Discrimination F Total		1	1	0
Incivility U	Incivility, impoliteness and intolerance	8	13	5
Incivility U Total		8	13	5
Malpractice G,H,J	Irregularity in relation to evidence/perjury		1	1
	Mishandling of Property	2	2	0
Malpractice G,H,J Total		2	3	1
Oppressive Behaviour A,B,C,D,E,Y	Oppressive conduct or harassment		1	1
	Other Assault	7	8	1
	Serious Non-Sexual Assault		1	1
	Sexual Assault		1	1
	Unlawful/unnecessary arrest or detention	1		-1
Oppressive Behaviour A,B,C,D,E,Y Total		8	11	3
Other W	Other		2	2
Other W Total			2	2
Unprofessional Conduct S,T,V,Q,X	Improper disclosure of information	2	3	1
	Lack of fairness and impartiality	6	5	-1
	Other Irregularity in Procedure	5	7	2
	Other Neglect or Failure in duty	13	18	5
	Traffic Irregularity	2	1	-1
Unprofessional Conduct S,T,V,Q,X Total		28	34	6
Grand Total		65	92	27

- Direction & Control (D&C) overall shows an increase, this is due to increases in Organisation Decisions (114%) and Operational Policing policies (200%). D&C are easily affected by public opinion and the public's expectations and thus are liable to fluctuation. This has been investigated and there are no trends of note.
- Incivility has increased by 62%. However, this relates to just n=5 over a three month period. No trends have been identified.
- In Unprofessional Conduct, Other Neglect or Failure of Duty has increased by 38% but equates to n=6 and there are no trends of note.

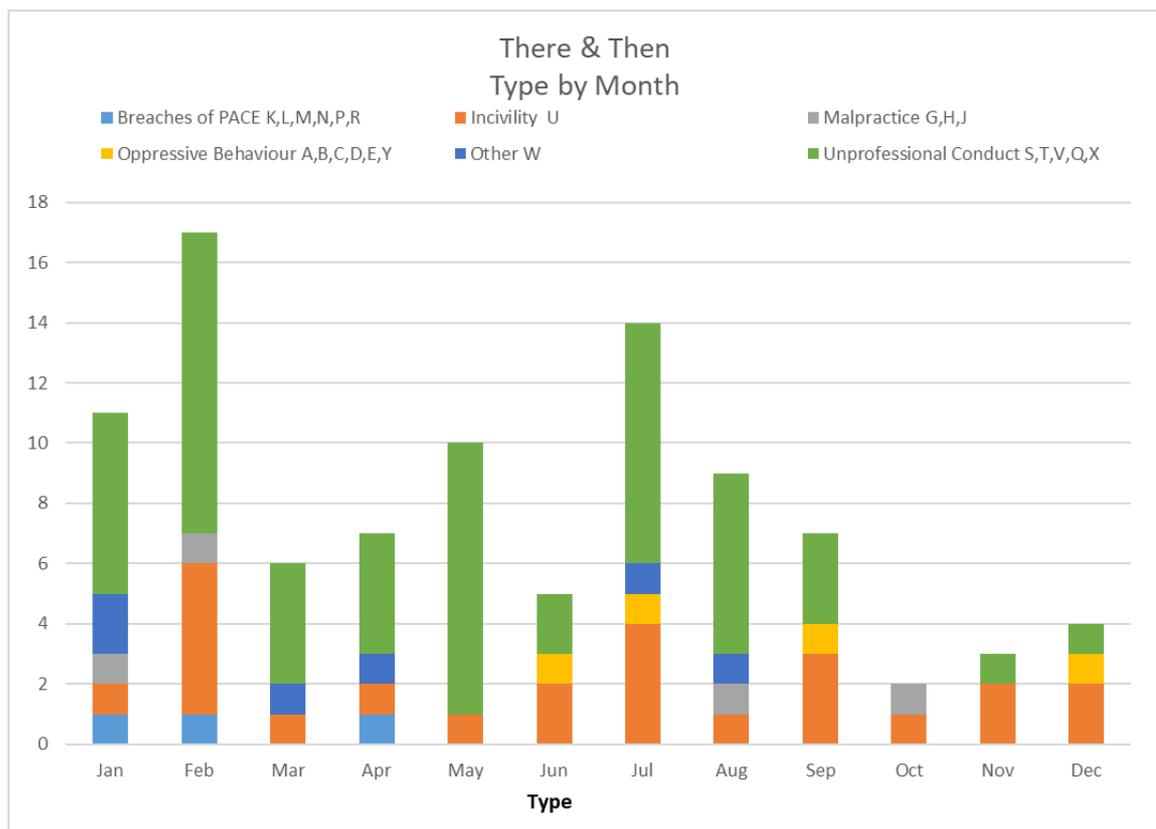
1.4 Issues Identified

The two main issues across the allegations identified in this period are:

- Poor communication – officers swearing, being uncaring or having a poor manner and failing to give information especially updates.
- Lack of or inappropriate Investigation - mainly when the aggrieved feels that they were ignored or investigated more than the other party. Also when the complainant feels that insufficient resources were used for their case (e.g. no CSI etc).

The PSD is reviewing its approach to how we learn from complaints regarding public contact, which is timely given the Practice requires Improvement (PRI) approach contained within the new police regulations for public complaints and police misconduct. It is designed to develop the skills and professionalism of the workforce and deal with low level breaches in terms of Standards of Professional behaviour. Cumbria Constabulary is now preparing to migrate towards the new approach in readiness for the changes brought about by the new regulations. PRI recognises the changing and wide range of challenges faced by staff. We will share further information with the Ethics Panel as the strategy evolves.

1.5 There & Then



T&T reports recorded in the current quarter reduced. The main category reported was Incivility but this equated to n=2 and is not significant.

TPA Inspectors are taking more and more responsibility for dealing with T&Ts hence the reduction in reports in the last quarter, this also impacts on the numbers that would be classified as Unprofessional conduct.

Unprofessional Conduct covers a plethora of categories; Neglect of duty, other irregularity in procedure, traffic irregularity, lack of fairness and impartiality, improper access/disclosure of information. For example where a complainant fails to receive an update in respect of a criminal

allegation, instead of recording this as a neglect of duty our approach has moved towards service recovery, and where possible we will simply provide the update (and/or arrange for the OIC to update them as appropriate). This is about correcting issues at source and not undertaking a bureaucratic process of recording a complaint.

Any issues brought to the attention of PSD that can be actioned are recorded under the "Miscellaneous" process rather than the complaint process. The regulations encourage this approach as it is customer focussed. This allows us to still scan for themes and repeat officers where necessary.

1.6 Diversity

There has been 1 allegation of discriminatory behaviour by the police recorded during the current quarter which is stable compared to the same quarter last year.

Allegation for Q3 October - December 2018:

December 2018 -

Complaint of an person being stopped in their own car for no other reason than they are of an ethnic minority. This allegation is currently live.

1.7 Best Practice

In Quarter 3, best practice circulated included the outcomes of two misconduct cases and associated advice and two regarding the use of Body Worn Video (BWV). The advice circulated from the IOPC has changed in emphasis to a focus on organisational and individual learning wherever appropriate.

A full list is included at the end of the document in Appendix 2

1.8 Performance

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

Allegation Result Description	Q3 2017 / 2018	Q3 2018 / 2019	Change
De-recorded	1	2	1
Disapplication - by Force	3	1	-2
Discontinued - by Force	0	4	4
Dispensation - by Force	0	0	0
Local Resolution - by TPA	68	28	-40
Local Resolution - by PSD	5	5	0
Not Upheld - by TPA	0	0	0
Not Upheld - by IOPC	0	0	0
Not Upheld - by PSD	79	42	-37
Special Requirements - No Case	1	0	-1
Special Requirements - Case	2	0	-2
Upheld - by PSD	12	15	3
Withdrawn - by Force	4	0	-4
Withdrawn - by IOPC	0	0	0
Grand Total	175	97	-78

The IOPC in the most recent report (end of Q2, April to September 2018) assess Cumbria's performance:

- Average number of days to locally resolve allegations – Cumbria 44, MSF average 78 and National average 71. Cumbria's figure has increased by 5, the MSF increased by 5 and national figures have reduced by 1 when comparing the same period the previous year.
- Average number of days to finalise cases – Cumbria 69, MSF average 94 and National average 103. Cumbria has increased compared to the same period last year which had 67 days.

- Average number of allegations per 1000 employees cases – Cumbria 118, MSF average 169 and National average 130. Same Quarter last year Cumbria was at 122.

We are recording less complaints – in quarter 3 of 2017/2018 we had not introduced the “There and Then” process whereas now the process of T&T is embedded force wide.

In the current quarter, 97 allegations were finalised compared to 175 in the previous period There have been some office admin pressures will will have comributed to the delays. This is now being rectified by recruitment of staff into the department).

The greatest increase was discontinued by Force (by 4 to 4) and the other increase was Upheld by PSD (by 3, 25%).

Local Resolutions by TPA has the greatest reduction, -40 (-58.82%) when comparing with the same quarter last year, with Not Upheld also reducing considerably by -37 (-46.84%). As these two categories form a significant proportion of the total outcomes which have reduced by 44.57% their reductions are not out of the expected levels.

1.9 Force and IOPC Appeals

Result	Force Appeals Q3 2017 / 2018	Force Appeals Q3 2018 / 2019	IOPC Appeals Q3 2017 / 2018	IOPC Appeals Q3 2018 / 2019
Upheld/Partially	4	0	7	0
Not Upheld	6	4	11	1
Withdrawn	1	0		0
Not Valid	1	1		0
Live	1	4	1	2
Total	13	9	19	3

The above data highlights that the number of IOPC appeals have reduced by 84.21% (16) and the number of force appeals has increased by 30.77% (4). The percentage of Upheld IOPC appeals has reduced in this quarter to 0. Force Appeals also reflect this reduction in upheld appeals currently although the live cases for both authorities may change this when finalised.

APPENDICES

Appendix 1

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 1

LESSON LEARNED CATEGORY	DISSEMINATION By / To	BRIEF DESCRIPTION
October 2018		
Organisational	Sent to all officers involved from CI Wardle	On attendance at a potential suicide (recovered after medical input), the investigating officer has identified that Standard Operating procedures (SOP) do not appear to have been highlighted when the officer first attended. However the officers to their credit have complied with the SOP despite this not being highlighted at the time of the officers attending.
Organisational	PASS Newsletter Force wide	Officer receives a Final Written Warning following an incident of Domestic Abuse. The circumstances around the Misconduct were that the Officer was involved in a domestic argument, during which he assaulted the victim, resulting in the Officer accepting a caution for Common Assault. The evidence was heard by an Independent Panel consisting of a Legally Qualified Chair, an Independent Panel Member and a Senior Police Officer. It is also acknowledged that a member of staff may be suspected of being a perpetrator of Domestic Abuse. We are committed to developing a workplace culture in which there is 'positive action' towards Domestic Abuse, and which recognises that the responsibility for Domestic Abuse lies with the perpetrator.
Custody	Custody trained staff	Following a complaint about being denied medication, advice was given about the application of the 'nothing for 6 hours' rule. This rule is to prevent risk of harm to the detainee when previous substance / medication use is unknown. The advice is that FMEs would take account of the length of time that a detainee had been in custody. If there is an appearance of intoxication or the medication and the indication for it might lead to suspect that other substances may have been consumed, the decision to give or withhold medication would always be made in the detainee's best interests and would depend on the given situation. If a detainee requests medication then they should be assessed by HCP.
Organisational	IOPC to PSD	For info only - the IOPC are satisfied that the new personal issue Bodycam and the improved system in place for downloading that Bodycam would be switched on in the future
Individual	IOPC to IO	Recommendations from IOPC on investigation actions in relation to a DSI, including further evidential opportunities including other witness statements.

November 2018		
Organisational	Force wide	A reminder to all colleagues was given with specific reference to the festive period and the need to be mindful of how their actions may discredit themselves and the Constabulary, in particular inappropriate warrant or ID Card use when socialising
December 2018		
Organisational	Force wide	Pass newsletter No 35 – A member of the public who made a false allegation was investigated for wasting police time following a complaint investigation. Whilst this had not resulted in prosecution, colleagues were reassured that when false allegations were made by members of the public the circumstances would be reviewed and where appropriate action taken.
Organisational	Force wide	Advice provided to officers that the wearing of their issue jacket over body armour would obscure the BWV.
Organisational	Force wide	Pass Newsletter Issues 33- Following a misconduct case against an officer, all officers and staff were reminded that viewing pornography, even legal/adult pornography on any device, including personal devices, whilst they are on duty, would be considered as Discreditable Conduct which would be subject of a Misconduct investigation.

Ethics and Integrity Panel



Title: Ethics and Integrity Panel Annual Report

Date: 4 February 2019

Agenda Item No: 09

Originating Officer: Joanne Head

CC:

Executive Summary:

The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics, to challenge; encourage and support the Commissioner and the Chief Constable in their work by monitoring and dealing with issues of ethics and integrity in their organisations.

Recommendation:

That the Panel;

1. Consider the draft 2018 Annual Report; and
2. Provide feedback to inform the final version to be presented to the Police and Crime Commissioner as his Public Accountability Conference.

1. Introduction & Background

- 1.1 The Panel's role is to identify issues and monitor change where required. It has no decision-making powers, although it is able to make recommendations to the Commissioner and the Chief Constable. It considers questions of ethics and integrity within both organisations and provides strategic advice, challenge and support in relation to such issues.

2. Issues for Consideration

- 2.1 A draft Annual Report has been prepared highlighting the work of the Ethics and Integrity Panel during 2018. The report illustrates the areas of business reviewed by the Panel; their findings and where the Panel have made proposals or suggestions to improve business practices and procedures.

3. Supplementary information

Appendix 1 – 2018 Ethics and Integrity Panel Annual Report



Peter McCall



Forward of the Panel Chair

Welcome to the 2018/19 Annual Report of the Ethics and Integrity Panel.

The Panel is an independent body, and its purpose is to promote and influence high standards of ethical performance in all aspects of policing in Cumbria and the work carried out by the Police and Crime Commissioner's office (OPCC).

The Panel seeks to achieve this by holding the mirror up to the Constabulary and the OPCC, by investigating, dip sampling, challenging and reviewing a broad range of aspects of policy, process and performance, through the lens of ethics and integrity.

We have an annual work programme that includes both routine and thematic activities through which we seek to always promote the improvement and value adding aspects of ethical responsibility.

The work of the Panel is published on the Commissioner's website and whilst the Panel membership is drawn from a diverse range of backgrounds and experience, we have two things in common. We and our families all live in the county and are committed to seeing the area thrive. We all share a strong desire to help ensure that Cumbria Constabulary continues to deliver high quality services to the public, maintaining our county as the safe and secure place to live that it currently is.

The Chief Constable and the Commissioner fully support us in our work and are always open to challenge, feedback and suggestions for improvement. This, in itself, is an indicator of a strong ethical culture.

We hope that you find the report useful and informative. The information in this, and our other quarterly reports, helps to promote a wider understanding and awareness of the Constabulary's performance and ethical approach.

Alan Rankin

Ethics and Integrity Panel Chair

The PCC for Cumbria, Peter McCall said:

"Ensuring that the constabulary and indeed the office of PCC act with the highest levels of integrity and ethical values must be one of our highest priorities. In the extremely busy day-to-day business of policing it can be easy for our ethical standards to slip without constant attention. This is why it is so important to maintain an independent board to scrutinise, challenge and support our adherence to the highest standards. Importantly the ability of the panel to undertake in-depth scrutiny of specific areas provides not only myself but also the communities of Cumbria with additional assurance.

The Chief Constable, Michelle Skeer said:

The Police Code of Ethics underpins the principles and standards expected of us all within Cumbria Constabulary. It is important that our compliance with the code is independently monitored. I am reassured by the scrutiny of the panel that we are transparent and they support our desire to uphold the highest standards in delivering an excellent policing service to keep Cumbria safe.

1. Introduction & Background

The purpose of the Ethics and Integrity Panel is to promote and influence high standards of professional ethics, to challenge; encourage and support the Commissioner and the Chief Constable in their work by monitoring and dealing with issues of ethics and integrity in their organisations. The Panel’s role is to identify issues and monitor change where required. It has no decision-making powers, although it is able to make recommendations to the Commissioner and the Chief Constable. It considers questions of ethics and integrity within both organisations and provides strategic advice, challenge and support in relation to such issues.

This report provides an overview of the work that the panel has carried out during 2018.

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 that relate to ethics and integrity. The purpose of this is to promote public confidence.

An annual work programme is 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 continued to develop during 2018 and the 2019 work programme revised to reflect such changes. Again there are to be two thematic sessions held during the year.

Further information regarding the Panel, it’s membership and the work it carries out can be found on the Commissioner’s website:

<https://cumbria-pcc.gov.uk/what-we-do/ethics-integrity-panel/>

Membership of the Panel currently stands as:

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

5. Grievances and Civil Claims

Grievances

On a six monthly basis the Panel have reviewed **Grievances** being processed by the Constabulary during agreed reporting periods.

Since May 2018 the HR Department were now responsible for dealing with grievances providing a broader overview of staffing issues. Generally, the grievances were regarding policies and procedures or regarding action taken against an individual. The Panel raised the issue of low numbers and the dangers of informal resolution as any organisational learning would not necessarily be captured or progressed. A new Grievance Procedure had been developed with the intention of conveying the positive changes which could occur by using the grievance process. The new form to be completed asked what the individual would wish the outcome to be to gain an understanding of the issues that they raised at an early stage in the process.



Civil Claims

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 oversight 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.

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 over 114 claims following the Constabulary implementation of the national pension regulations being co-ordinated nationally by Hertfordshire Constabulary. This matter was unlikely to be concluded until 2019.

The Panel raised concerns as to whether the claims were causing any internal issues or anxiety due the length of time for the matter to be concluded. Assurance was provided that the Legal Department and the Police Federation were working closing with the affected officers to try and resolve the claims.

In 2018 all civil claims were dealt with by the Legal Department thus allow any issues, trends or organisational learning to be identified more easily. The Panel undertook to monitor these improvements on a six monthly basis.



6. Thematic Inspections

The Panel have reviewed three areas of thematic work during February and August 2018. In February the Panel visited the Constabulary's Communications Centre to ascertain how the **Professional Discretionary Framework** had been implemented and was being utilised by officers and staff. The members spent over an hour listening in to telephone calls received and how they were handled by officers and staff. There was a mixture of the types of calls received but it was noted that there was a recurring theme of mental health issues and vulnerability. Officers were very good at handling them, polite and firm with the non-999 calls, identifying any vulnerability for future records.

17% of the calls received related to crimes, with the rest being mostly public safety issues. It has been a step-change for the Constabulary to put officers into the Comms Centre, however early identification of vulnerability had been commented upon by HMIC. The officers provided instant problem solving for the caller with 30% less deployment for front line officers; leaving them free to deal with more complex jobs.

The Panel dip sampled cases dealt with under the discretionary framework to ensure it had been applied correctly. They identified that in one instance the framework could have legitimately been applied. This had been in relation to a theft from a shop in a very rural location. The officers involved judged that an officer speaking with the owner was of a greater benefit to the community. The Panel welcomed that as an indication that the framework is applied in a proportionate and pragmatic way. Generally they found that the recording of the use of the framework was detailed, appropriate, at the right level and volume.

Some of the matters reviewed related to safeguarding of vulnerable people. Utilising safeguarding resources now within the Comms Centre, enabled matters to be dealt with quickly, taking pressure off the hubs and assisting officers at ground level. During the previous year demand relating to mental health matters had increased by 177%. It was important multi-agency solutions were sought. Hubs across the county have partners co-located which look at how issues can be problem solved.

The Panel felt able to reiterate their assurance that the professional discretion framework was working

well within the Comms Centre and was being appropriately applied.

In August the Panel undertook a dip sample of **Stop and Search** forms to ensure that their completion had been maintained. There was a theme of cannabis being found within the 50 forms reviewed. Some of the forms were not illustrating the exact nature of suspicion to warrant the stop and the Panel asked how assurance was gained that officers were providing legitimate reasons. This was raised as a training issue to ensure that legitimate reasons were provided and they fully understood any repercussions or consequences if not. With increased usage of Body Worn Video across police officers this supported or negated any subsequent complaints following the stop and search process which is viewed as a positive step.

Also in August the Panel received a demonstration on the new **Body Worn Video** equipment being rolled out across the Constabulary. The equipment was easy for officers to use and robust to withstand policing incidents. All front line officers were receiving the new BWV, which must be worn at all times for operational policing purposes. All recorded footage was date and time stamped and stored for 31 days unless it was marked for evidential purposes. The members were pleased with the integrity of the system and the audit processes in place to enable supervision to review footage and access to it. There were also safeguards in place when footage related to a complaint or investigation.

The Panel dip sampled footage captured during the first few weeks of the roll out. They reviewed seven items of footage covering a diverse range of incidents. These included dealing with a fight in Carlisle, a vulnerable youth, people with mental health issues and a safeguarding issue. In each instance, the officers conducted themselves appropriately to the situation they were dealing with. They displayed good levels of civility and respectfulness, dealing with situations in a sensitive and caring manner when required. The attitude of each officer in every crime, showed sensitivity and civility in some very challenging and upsetting incidents. This reinforces the strong and positive link between the use of Body Worn Video to collate evidence and the ability to quickly resolve issues.

A review of the system was to be carried out in December 2018 with the Panel being provided with the outcomes at their February 2019 meeting.

