



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 Rocke

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 Rocke 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 Sellafield.

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 of 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

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|-------------------------|---------------------------------------|
| TITLE OF REPORT: | POLICE DISCRETIONARY FRAMEWORK |
|-------------------------|---------------------------------------|

| | |
|-------------------------|--------------------------------------|
| DATE OF MEETING: | 16th February 2017 |
|-------------------------|--------------------------------------|

| | |
|-----------------------------|----------------------------|
| ORIGINATING OFFICER: | Supt Matt Kennerley |
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| | |
|--------------------------------|----------------------|
| PART 1 or PART 2 PAPER: | PART 1 (OPEN) |
|--------------------------------|----------------------|

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.

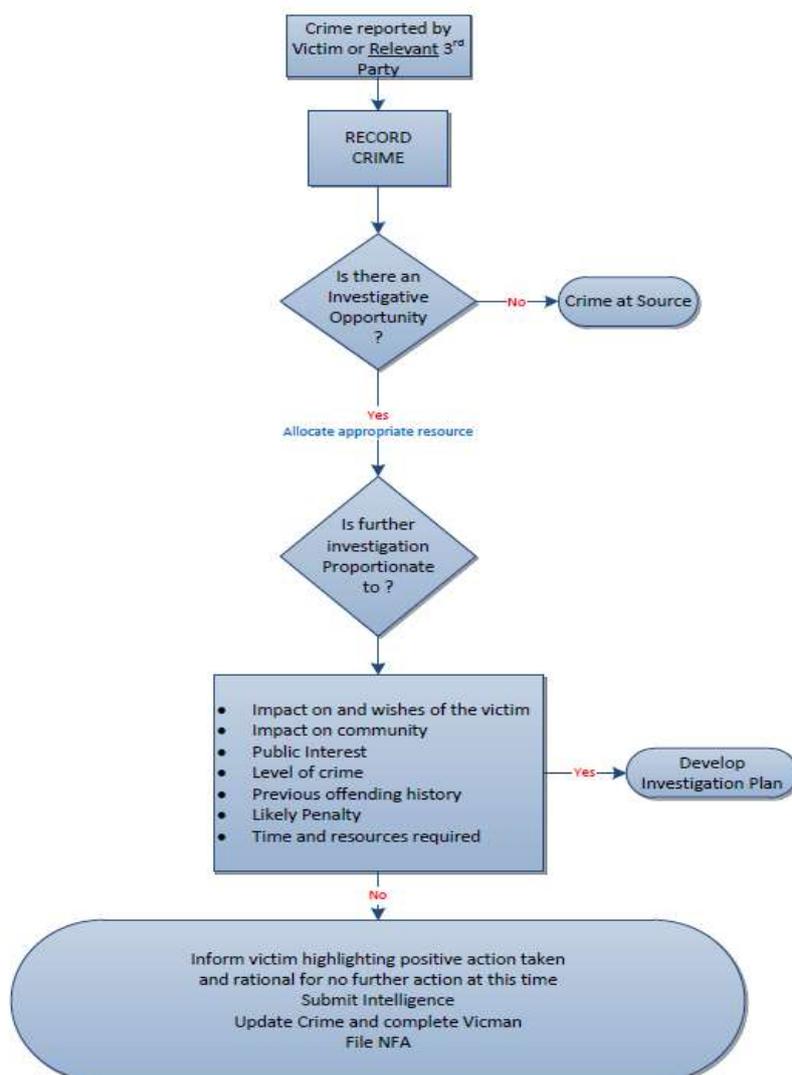
That the report be noted

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

DATE OF MEETING: 16th February 2017

ORIGINATING OFFICER: Superintendent Jackson – Professional Standards

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

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.

RESTRICTED

Item 07 - Report to OPCC Integrity Part 2 ACU

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 stationery 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 charges 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.

RESTRICTED

Item 07 - Report to OPCC Integrity Part 2 ACU

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.

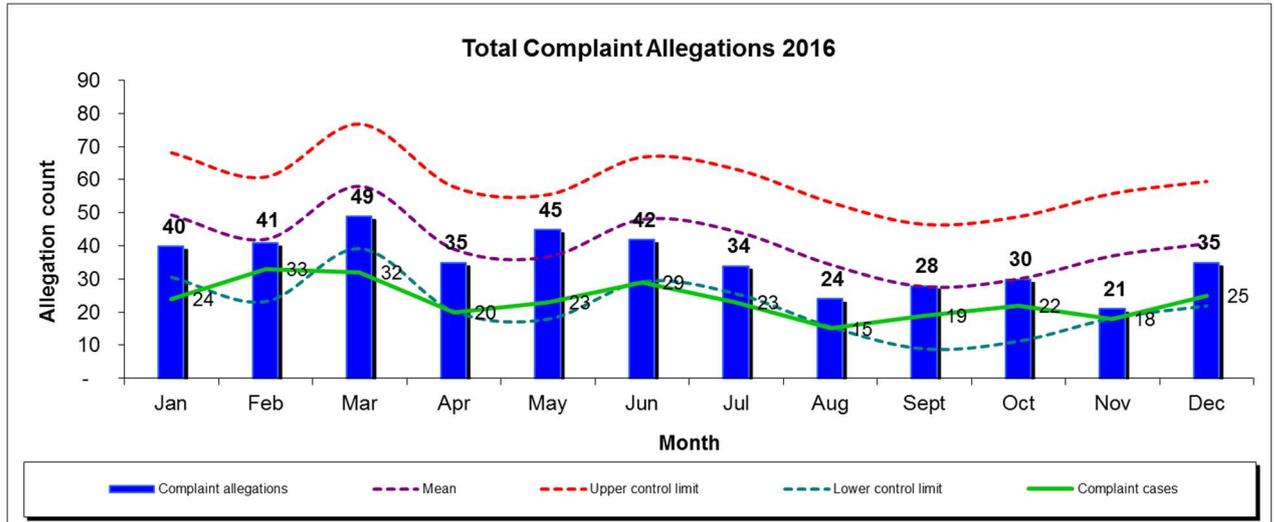
MAIN SECTION

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

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

Our reference: jh/EIP

Date: April 2017

AGENDA

TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL

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

A Meeting of the Ethics and Integrity Panel will take place on **Friday 5 May 2017** in **Conference Room 3**, Police Headquarters, Carleton Hall, Penrith, at **2.00 pm**.

**S Edwards
Chief Executive**

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

The Panel members will meet at 09.00 am to carry out a dip sample of Constabulary complaint and appeal files.

PANEL MEMBERSHIP

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

AGENDA

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

1. APOLOGIES FOR ABSENCE

2. DISCLOSURE OF PERSONAL INTERESTS

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

3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

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

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

4. NOTES OF THE PREVIOUS MEETING

To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 16 February 2017 (copy enclosed).

5. CIVIL CLAIMS

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

6. GRIEVANCES

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

7. MISCONDUCT

(a) To receive and note a report by Cumbria Constabulary on police staff misconduct (copy enclosed) - *To be presented by Deputy Chief Constable Skeer.*

(b) To raise any overall issues identified during the dip sample session and discuss progress of allocated actions.

8. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

9. INTEGRITY – COMPLAINTS BY THE PUBLIC

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

10. STOP AND SEARCH UPDATE

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

11. SPECIAL CONSTABULARY RECRUITMENT UPDATE

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

12. CONSTABULARY DELIVERY PLANS

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

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

13. OPCC COMPLAINTS AND QSPI

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



Agenda Item No 04

ETHICS AND INTEGRITY PANEL

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

PRESENT

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

Also present:

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

51. APOLOGIES FOR ABSENCE

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

The Panel Chair thanked everyone for their attendance at the meeting and took the opportunity to welcome Superintendent Jackson to her first meeting. Everyone at the meeting introduced themselves.

52. DISCLOSURE OF PERSONAL INTERESTS

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

53. URGENT BUSINESS

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

54. NOTES OF THE PREVIOUS MEETING

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

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

55. POLICE DISCRETIONARY FRAMEWORK



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

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

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

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

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

Agreed; that, the Panel note the report.

Superintendent Kennerley left the meeting at this point.

56. SPECIAL CONSTABULARY RECRUITMENT

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



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

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

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

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

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

57. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

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



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

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

Agreed; that,

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

58. INTEGRITY - COMPLAINTS BY THE PUBLIC

DCC Skeer presented a report which detailed public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period. It was noted that there had been an average decrease by 10% for both the number of allegations and cases received.

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

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

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

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



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

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

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

Agreed; that, the Panel

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

59. ANNUAL REPORT

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

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

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



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

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

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

60. POLICING AND CRIME ACT 2017

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

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

Agreed; that, the Panel note the report.

61. POLICE INFORMANTS

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

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

Agreed; that, the Panel note the verbal report.

Meeting ended at 3.00 pm

Signed: _____

Date: _____



Panel Chair

DRAFT



Constabulary Report to OPCC

Agenda Item No 06

| | |
|---|--|
| TITLE OF REPORT: | Constabulary Grievances |
| DATE OF MEETING: | 5th May 2017 |
| ORIGINATING OFFICER: | Sarah Dimmock Diversity Manner |
| PART 1 or PART 2 PAPER: | PART 1 (OPEN) / PART 2 (CLOSED) |
| Executive Summary: <i>No more than 100 words.</i> | |
| <ul style="list-style-type: none">The Constabulary have a grievance Policy and Procedure which affords the opportunity to resolve grievances quickly and effectively at the lowest possible management level, without the need to apportion blame or to provide punishment. | |
| Recommendation: <i>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.</i> | |
| <ul style="list-style-type: none">That the Ethics and Integrity Panel note the report | |

MAIN SECTION

1. Introduction and Background

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

2. Issues for Consideration

2.1 Drivers for Change

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

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

3. Financial Implications and Comments

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

- 3.1 Please see Equality Implications

4. Legal Implications and Comments

Including advice received.

- 4.1 Please see Equality Implication

5. Risk Implications

Including any mitigating actions that can be taken.

- 5.1 Please see Equality Implications

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

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

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

7. Supplementary Information

- 7.1 List any relevant documents and attach to report

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

-

GRIEVANCE STATISTICS RESTRICTED

Agenda Item No 06(i)

| | 2013/2014 | 2014/2015 | 2015/2016 |
|---|-----------|-----------|-----------|
| Total number of Grievances | 10 | 3 | 4 |
| Of which: | | | |
| Resolved Stage 1 | 5 | 2 | 2 |
| Resolved Stage 2 | 2 | 0 | |
| Resolved Stage 3 | 0 | 0 | |
| Withdrawn | 0 | 0 | |
| Awaiting Resolution | 0 | 0 | 1 |
| Not Resolved to Satisfaction | 1 | 1 | 1 |
| On Hold (completed but not signed off/other issues) | 2 | | |
| TOTAL | 10 | 3 | 4 |

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

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

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

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

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

RESTRICTED Grievances

Agenda Item No 06(ii)

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

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

Gender and Ethnicity Breakdown

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

BCU Areas

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

Types of Grievance

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

RESTRICTED

Ethics and Integrity Panel



Title: Police Staff Discipline and Misconduct

Date: 07

Agenda Item No:

Originating Officer: Diane Johnson, HR Manager

CC:

Executive Summary:

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

Recommendation:

That, the Ethics and Integrity Panel note the Report.

1. Introduction & Background

1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period 1 November 2016 and 30 April 2017.

2. Issues for Consideration

2.1 Nineteen members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. Nine staff members were female, ten were male. None were of a minority ethnic origin.

2.2 Of the nineteen cases; three were subject of a public complaint and jointly investigated with PSD with was NFA, one case was subject to gross misconduct and was scheduled to a Disciplinary Hearing and the person resigned prior to the hearing date, two cases were subject to a criminal investigation which was NFA and no further staff disciplinary required, seven cases were no further action, six received words of advice in relation to conduct.

2.3 There are currently six investigations of the nineteen, which are ongoing and not subject to review by the panel at this time.

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

3. Implications

3.1 Financial

1.1 Please see Equality Implications

3.2 Legal

1.2 Please see Equality Implications

3.3 Risk

1.3 Please see Equality Implications

3.4 HR / Equality

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

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



Constabulary Report to OPCC

Agenda Item No 09

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 2017

ORIGINATING OFFICER: Superintendent Jackson– Professional Standards

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

Executive Summary:

No more than 100 words.

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

Recommendation:

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

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

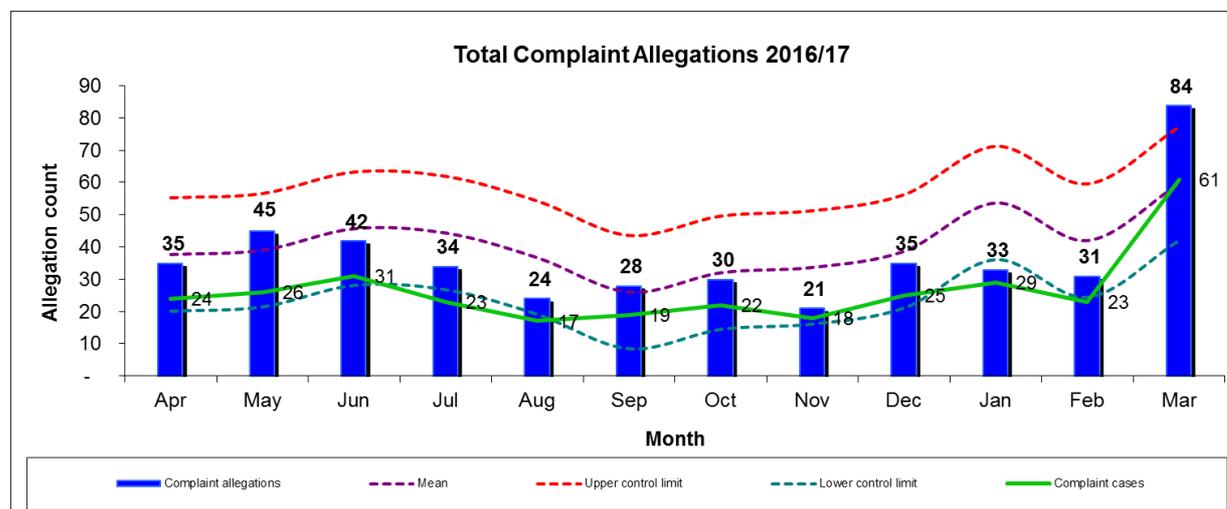
MAIN SECTION

1. Introduction and Background

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

1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from April 2016 to March 2017: -



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

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

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

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

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of March 2016 and 2017. The figures show that the numbers of allegations over the current 12 month period have reduced compared to the last 12 month period and cases have remained stable. This indicates that people are complaining about less issues.

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

*Including Direction and Control cases/allegations.

Allegations broken down into TPA/Area.

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

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

*Including Direction and Control cases/allegations.

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

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

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

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

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

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

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

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

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

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

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

The largest reductions have been seen in the following: -

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

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

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

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

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

Best Practice circulated within the quarter.

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

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

1.3 Repeat Officer Strategy

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

There were 16 officers who met the repeat officer strategy in the current period, which is a reduction of 9 on the previous period. The Complaints manager is liaising with the TPA Commanders regarding issues around these identified officers highlighting opportunities for learning, development, force training and bodycam use. In addition, we are reviewing whether some officers receive more complaints due to them being easily identifiable, via ethnicity or accent, and where appropriate can be supported.

1.4 Dissatisfaction Reports

There were 60 dissatisfaction reports recorded in the current 12 months which is a reduction of 1 when compared to the previous 12 month period. The main categories reported on in the lower level dissatisfaction reports over the 12 month are regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty and incivility which combined form 55% of dissatisfaction reports in the period.

1.5 Diversity

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

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

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

1.6 Performance

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

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

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

The IPCC in the most recent report (Q3, Apr 2016 to Dec 2016) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

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

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

1.7 Force and IPCC Appeals

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

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

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

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

1.8 Direction and Control Complaints

Direction and control complaints are from members of the public complaining about how the constabulary is run rather than individuals. Over the current 12 month period direction and control complaints have reduced by 9 (15%) when compared to the previous 12 month period, the only increase being Operational management decisions.

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

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

APPENDIX 1 – Complaint Allegations and the Groups

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

APPENDIX 2 - Best Practice previously reported.

| | |
|-----------------------------------|--|
| 2016 to 17 Q1 | |
| Individual | |
| Procedure | Review of PIN notice and procedure following an issue identified as part of a public complaint when a PIN was not authorised correctly. The process has now been reviewed and revised protocol and notice are to be circulated force wide |
| Custody | |
| Custody | Reminder regarding good communication between officers when dealing with DPs in custody to avoid incidents resulting in injury to DP |
| Custody | Concerns raised regarding the detention of an individual - namely the lack of provision of clothing following a strip search. In addition detainee is taken to hospital and is returned to his original cell which has not been cleaned. During the initial part of his detention the detainee is seen to urinate on the mattress whilst apparently asleep, he also has blood on his face which would transfer to the mattress |
| Online News to all staff | |
| IPCC - LLB | Learning the Lessons Bulletin 26 - March 2016 |
| Pass Newsletter Force wide | |
| Procedure | Check accuracy of information being forwarded to another department in reply to a member of the public to prevent any perception of falsification by them. (PASS 23/16 item 4) Inadvertent distribution of indecent images, advice re storage and sharing of images for investigation purposes. (PASS 23/16 item 3) |
| Procedure | Ensure any details by a witness is recorded on the overnight package and/or entered separately as an exhibit. (PASS23/16 item 1). Also ensure any attempt to contact potential witnesses is logged to prevent a perception of failure to conduct a thorough investigation (PASS 23/16 item 2) |
| Results | Special case hearing result ND |
| Policy | Reminder to renew Business Interests. |
| 2016 to 17 Q2 | |
| Individual | |
| Procedure | Incident occurred in Oct 2015, whereby a male said to be armed with a large knife, was missing/to be located. The IPCC highlighted that the decision not to utilised air support had not been documented on the incident log. This matter has been brought to the attention of CI Wilkinson to address as he deems appropriate |
| Civil Contingencies Dept | |
| Communications | Following a complaint by a driver whose vehicle was uplifted during Appleby because it was in contravention of the RTO for Appleby although there were no signs re this, Inspector Sowerby brought the matter to the attention of PC Earl in Civil Contingencies Department for next year's briefings/officer's guide etc |
| Force | |
| IPCC - LLB | Learning the Lessons Bulletin 27-August 2016 |
| Procedure | Guidance for use of Dissatisfaction reports |
| Procedure | Reminder for OIC to ensure that both victim and suspect are updated in relation to NFA decisions by CPS |

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

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

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

Ethics and Integrity Panel



Title: Stop Search Update May 2017

Date: 5th May 2017

Agenda Item No: 10

Originating Officer: T/Chief Superintendent Mark Pannone

CC:

Executive Summary:

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

Recommendation:

For the Panel to note the contents of this report

1. Introduction & Background

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

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

2. Issues for Consideration

Other key developments in stop search usage are:

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

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

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

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

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

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

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

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

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

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

Age Data:

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

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

Ethnicity

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

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

Repeat Stop & Searches

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

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

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

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

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

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

3. Implications

3.1 Financial - Nil

3.2 Legal - Nil

3.3 Risk - None currently identified

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



Constabulary Report to OPCC

TITLE OF REPORT: INTEGRITY – Special Constabulary Update

DATE OF MEETING:

ORIGINATING OFFICER: D Supt Jackson – Professional Standards

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

Executive Summary:

No more than 100 words.

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

Recommendation:

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

- For the panel to note the contents of the report

MAIN SECTION

1. Introduction and Background

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

1.1 Recruitment & Training

Change to recruitment process

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

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

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

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

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

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

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

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

Recruitment Campaigns

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

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

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

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

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

Establishment

The current Special Constabulary establishment is detailed below:

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

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

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

Training

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

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

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

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

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

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

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

University Special Constables

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

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

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

Mapping across of training.

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

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

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

Operational Deployment.

Duties

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

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

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

Operational Commitment

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

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

1.3 Wellbeing

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

There is no indication that attitude differs within each TPA.

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

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

Supervision

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

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

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

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

Welfare and Support

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

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

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

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

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

Contact with Employers

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

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

Future Development

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

1.2 Citizens In Policing- overview

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

History

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

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

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

Current Position

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

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

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

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

Volunteer Police Cadets- this is currently being considered.

1.3 Professional Standards

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

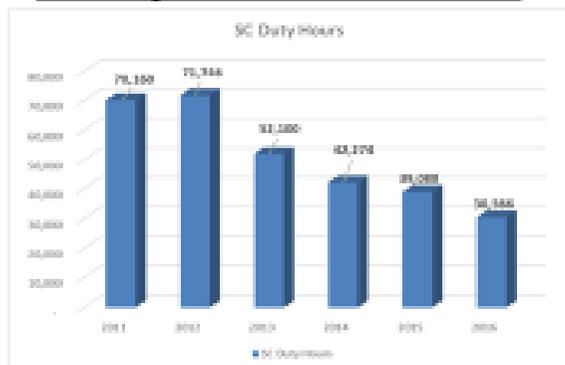
Having examined all these factors there were no particular trends or issues identified and there were no statistically significant results of analysis that would enable preventative measures to be implemented.

1.4 Performance Dashboard



Performance Dashboard – Special Constabulary

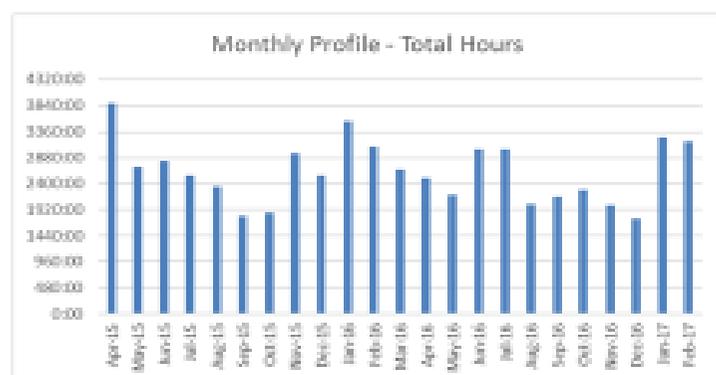
SC Duty Hours – Annual View



Deployment & Establishment Statistics

| Active Officers | | Deployment | | Establishment | |
|---------------------------|----|-----------------|----|---------------|----|
| Active Officers | 28 | North TTA | | 38 | |
| Senior Officers | 28 | South TTA | | 15 | |
| Reserial Transfer to Regs | 13 | Barnet Borough | 7 | West TTA | 17 |
| University | 0 | Barnet | 0 | Headquarters | 0 |
| Not Active | | Carlin | 11 | | 72 |
| New Operational | 20 | Capital | 0 | | |
| Training | 20 | Headquarters | 0 | | |
| Leaves of Absence | 1 | Kenil | 0 | Other | |
| Indicated Resign | 4 | Reserial & Bate | 4 | Reserial | 0 |
| | | NDDU | 0 | Basic | 15 |
| Locations | | SPU | 0 | | |
| To Regulars | 20 | WPSU | 0 | | 22 |
| To other force | 5 | | | | 22 |
| Resign | 20 | | | | 72 |

SC Duty Hours – Monthly Profile



Recruitment Profile – Target 100 by 31 March 2018



Ethics and Integrity Panel



Title: OPCC Quality of Service & Policing Issues

Date: March 2017

Originating Officer: Joanne Head

1. Introduction & Background

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

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

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

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

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

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

2. Making A Difference

2.1 In each instance the OPCC helps to facilitate the individual to be provided with a response or explanation to the issues that they have raised. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then enables the Constabulary to find out more about the issue and look to implement a suitable solution or resolution for not only them but on occasions the wider community.

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

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

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

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

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

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

3. Organisational Learning

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

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

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

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

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

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

3.4 Police Response / Service

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

- Dissatisfied with a police investigation into an assault of their son, the information presented at court and the lack of the victim's injuries being fully detailed at court.
- Dissatisfied with the way in which their original issues were dealt with and subsequently their complaint and appeal.
- Due to noisy neighbours asked the police to attend to ask neighbours to turn loud music down. A police car drove into the street but did not ask the residents to turn

down the music. When they rang 101 to complaint they stated that the call handler became nasty with them.

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

3.5 Driving Issues

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

3.6 101

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

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

3.7 Anti-Social Behaviour

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

Some of the instances reported to the OPCC are:

- A gang of youths throwing soil and hurling abuse at local residents.

- Residents experiencing ASB due to their property backing onto the local primary school. Gangs of youth throwing items at their house and verbally abusing them and other residents.
- In a children's play area, evidence of substance abuse, anti-social behaviour and vandalism. The individual felt that these actions appear to go unchecked because it would appear residents have little regard or respect for the local constabulary.
- ASB being experienced by local elderly residents

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

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

3.8 Car Parking

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

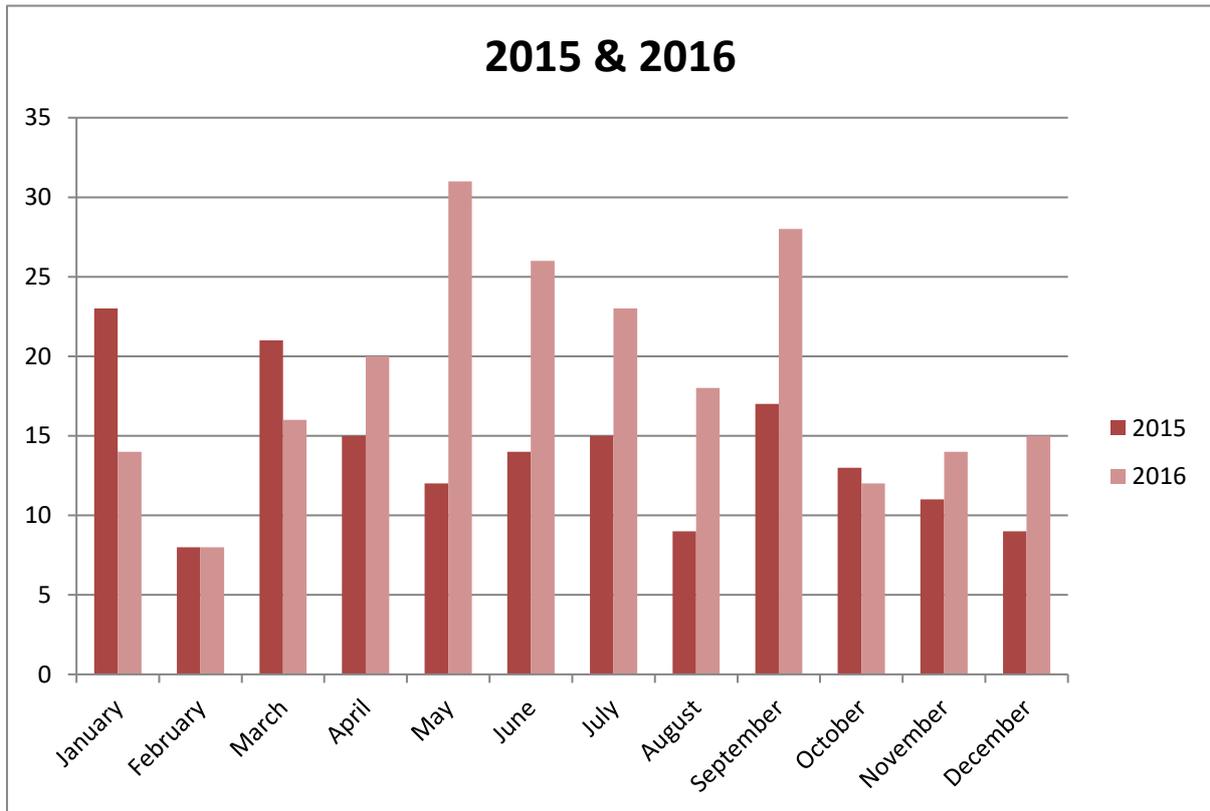
4. **Implications**

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

5. **Supplementary information**

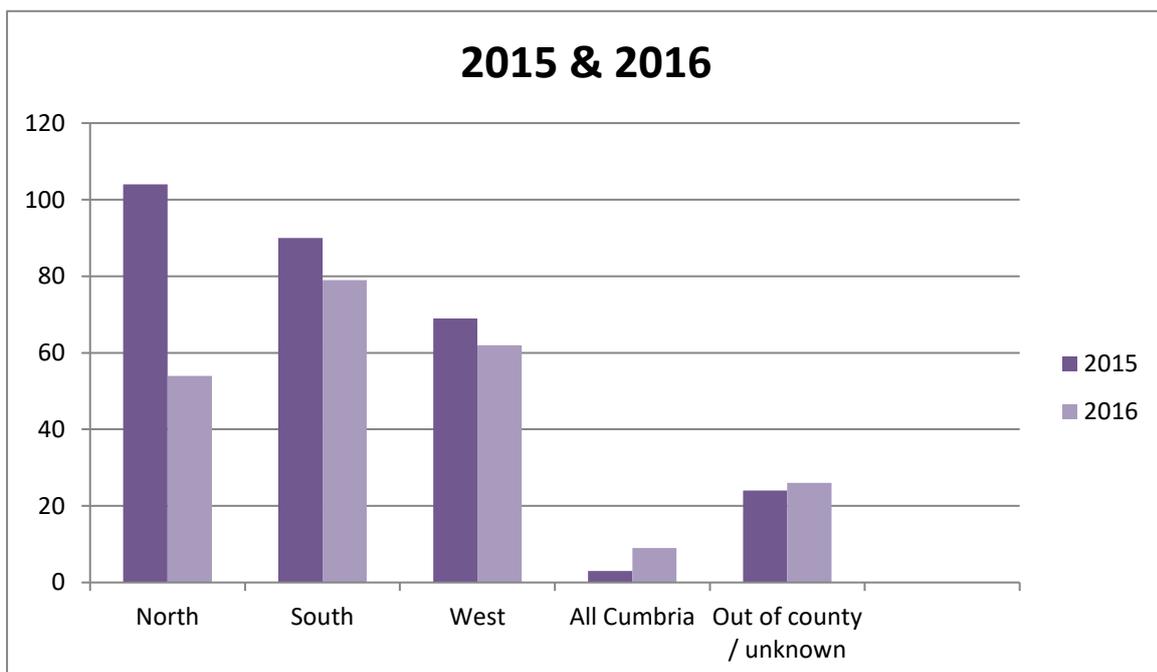
Appendix 1 – Quality of Service issues received by the OPCC

QSPI'S PER MONTH

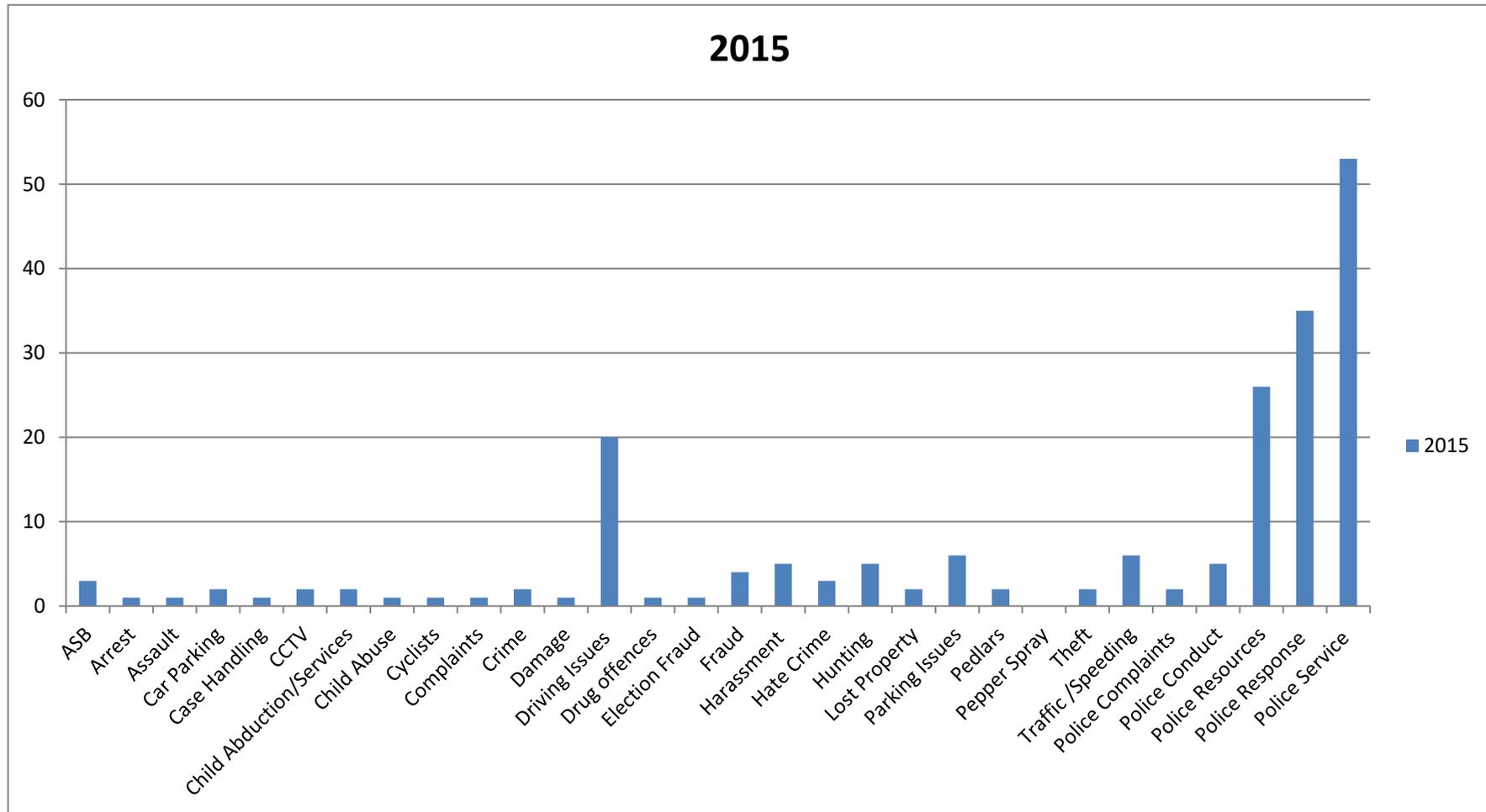


In February 2015 the OPCC received 124 emails regarding Hunting within Cumbria and in October 173 letters regarding CCTV cameras. In February 2016 the OPCC received 83 emails regarding Fox Hunting within the County. These have all been illustrated above as one case each.

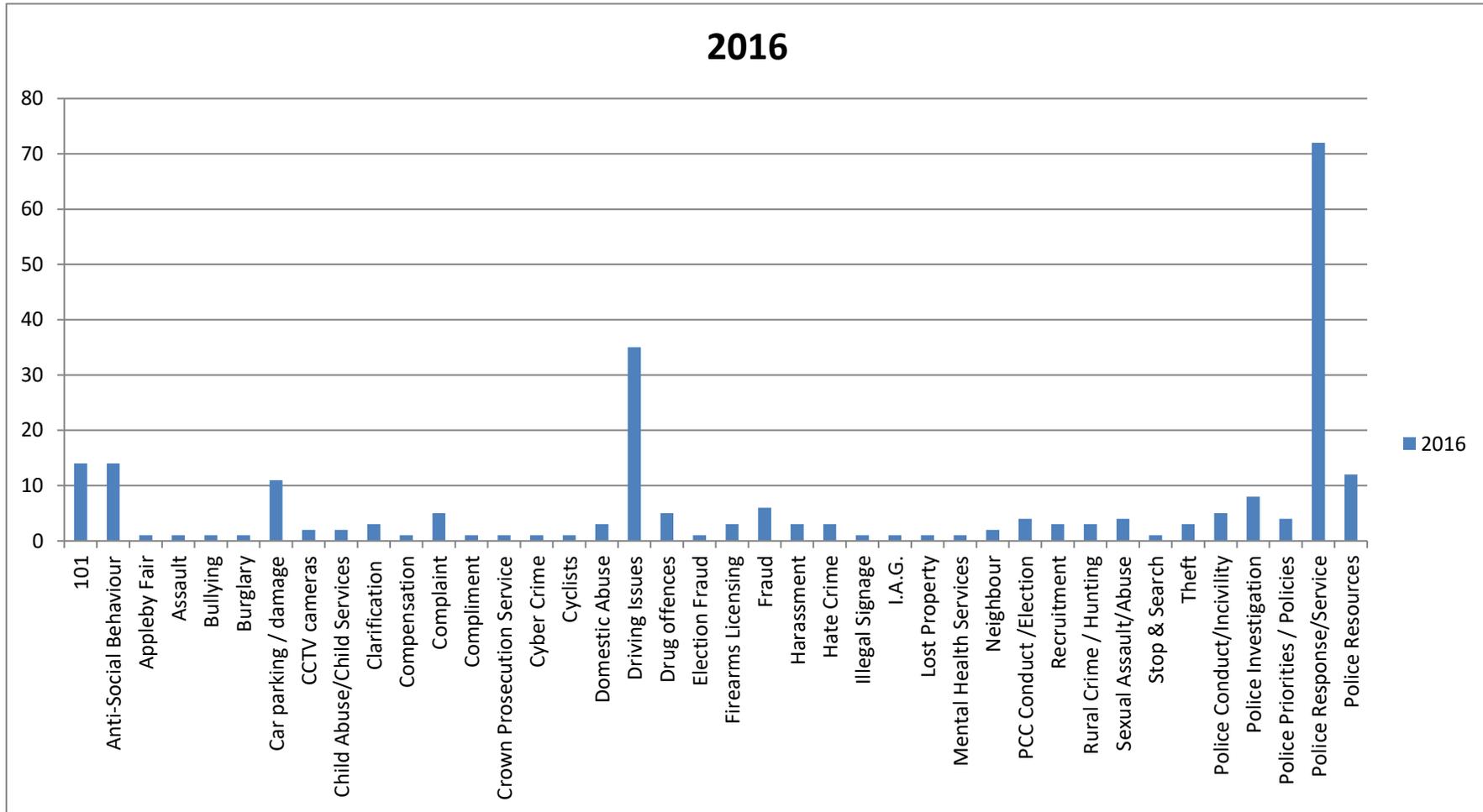
QSPI's per Area



QSPI Categories

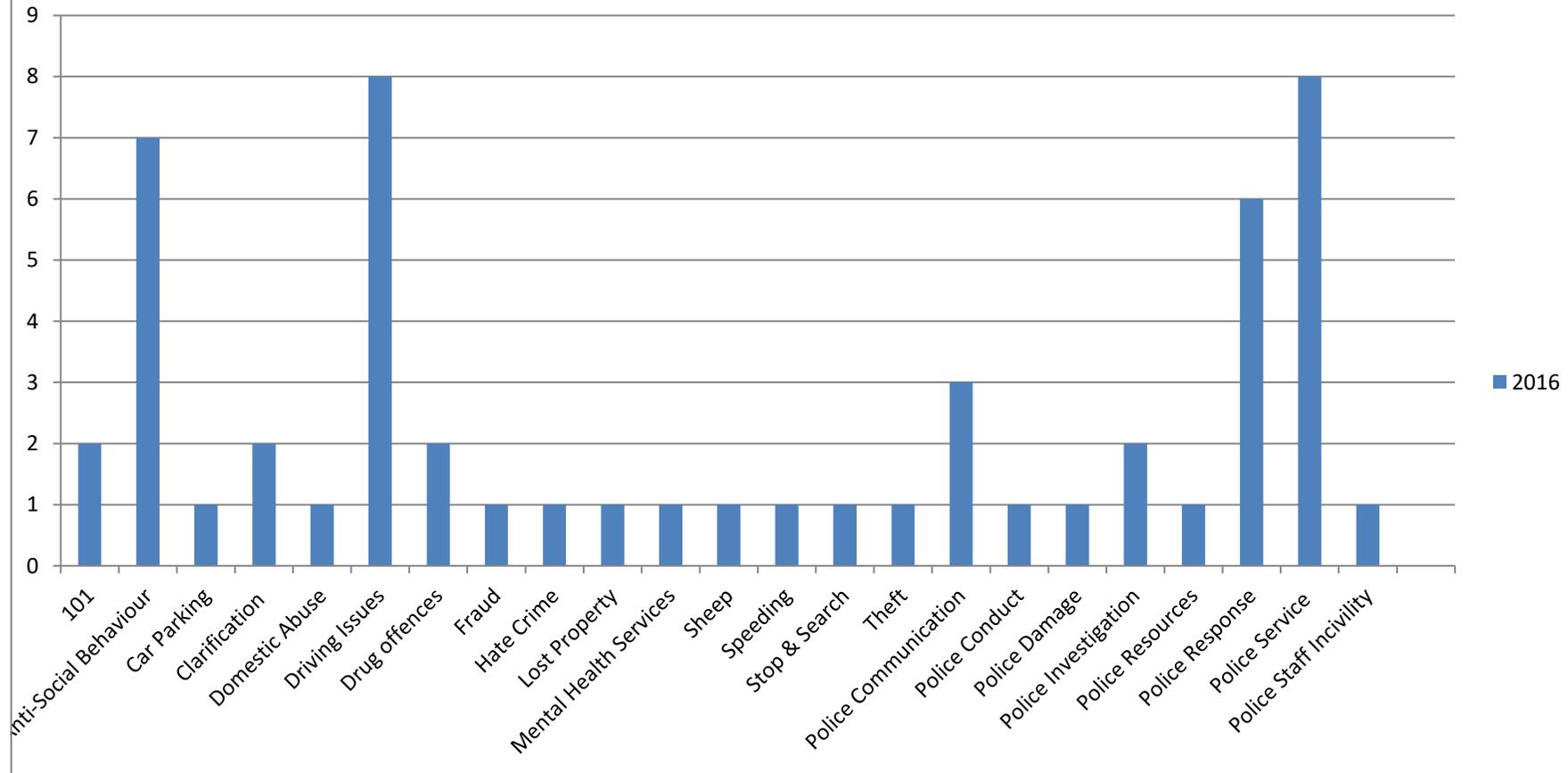


During 2015 the OPCC received 124 letters regarding Hunting and 175 letters regarding CCTV provision within the county. In the above table these have been counted as 1 case each.

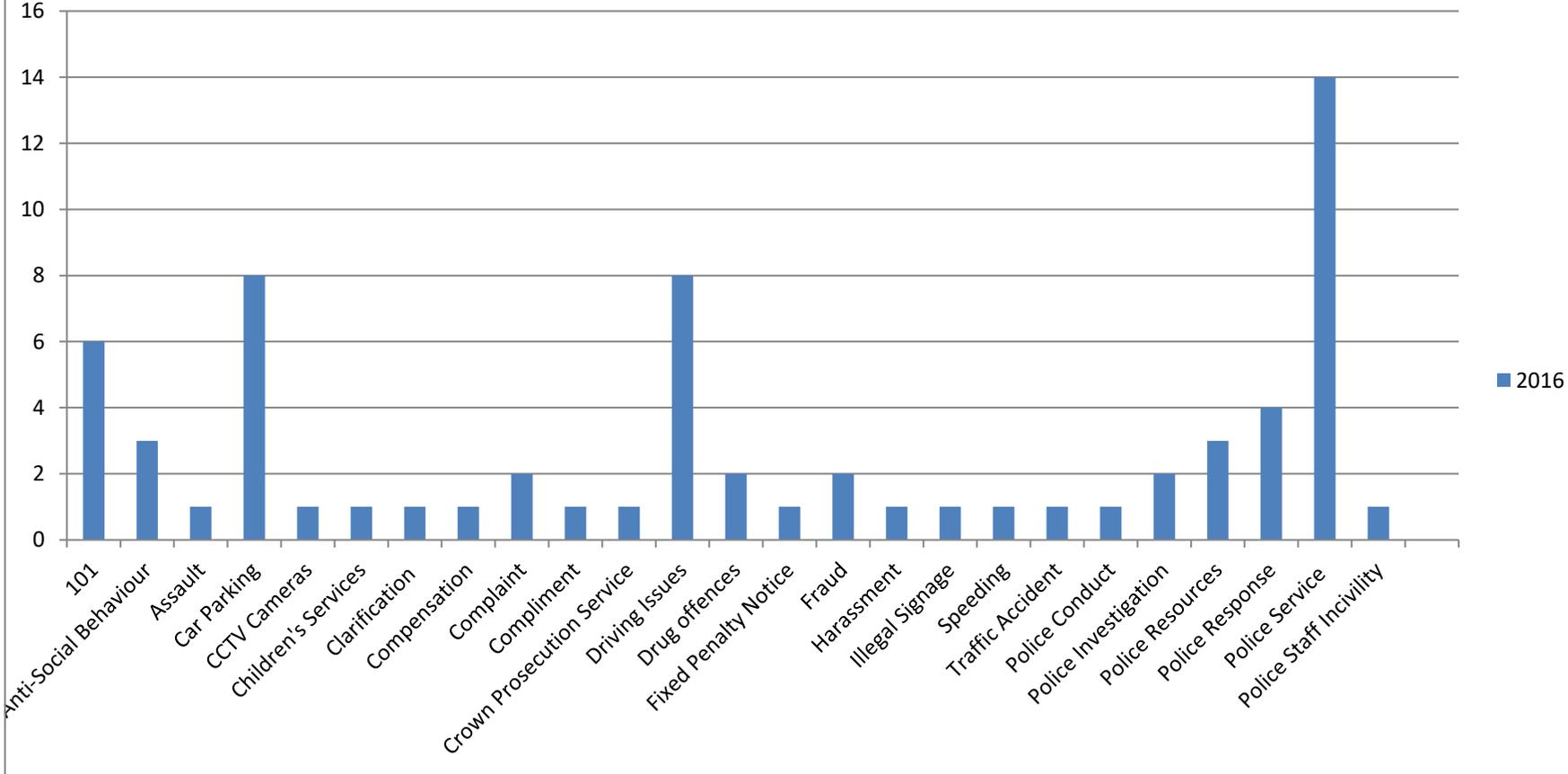


The above figures are for the period 1 January 2016 to 31 December 2016.

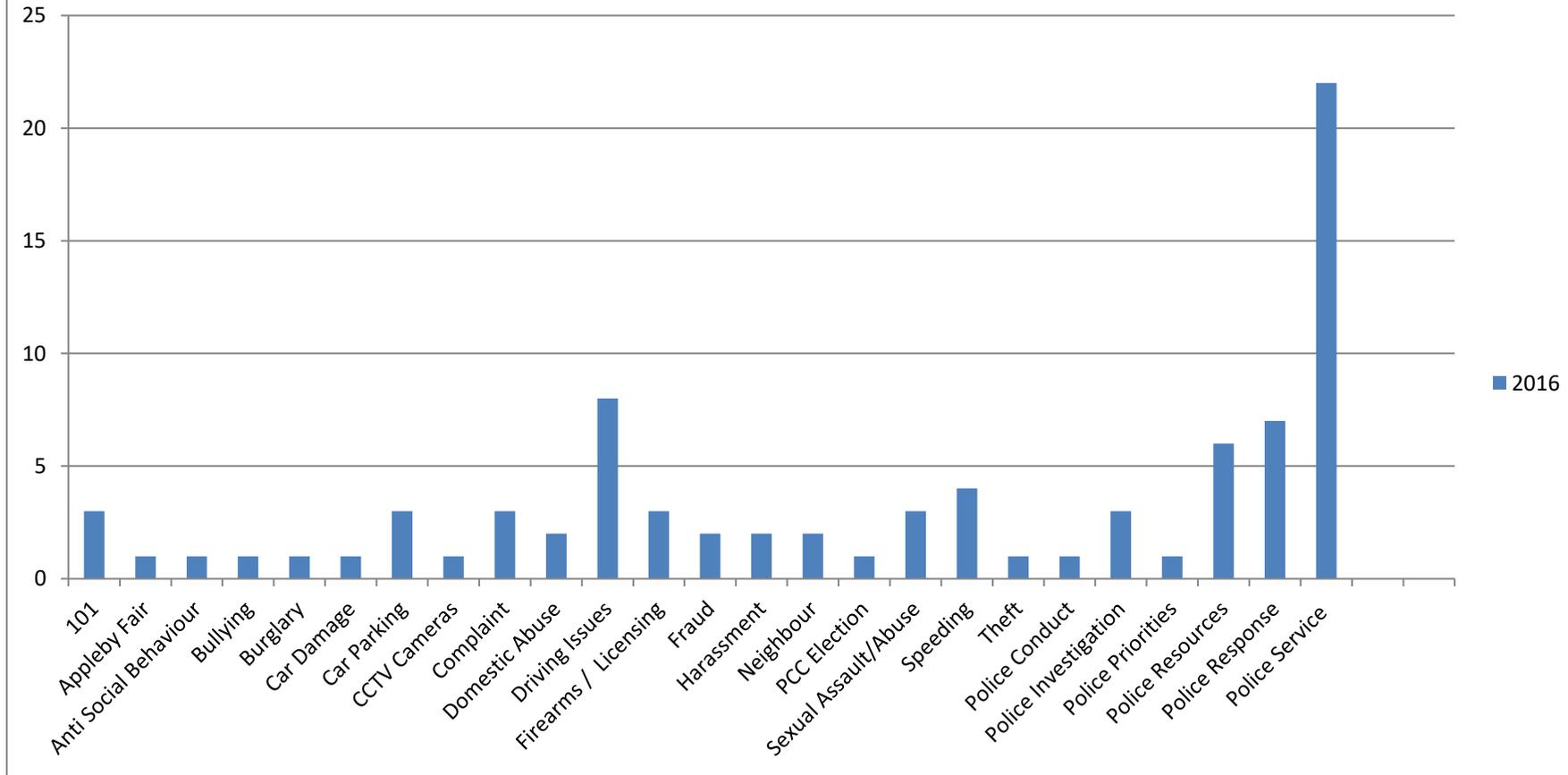
North Area & Categories



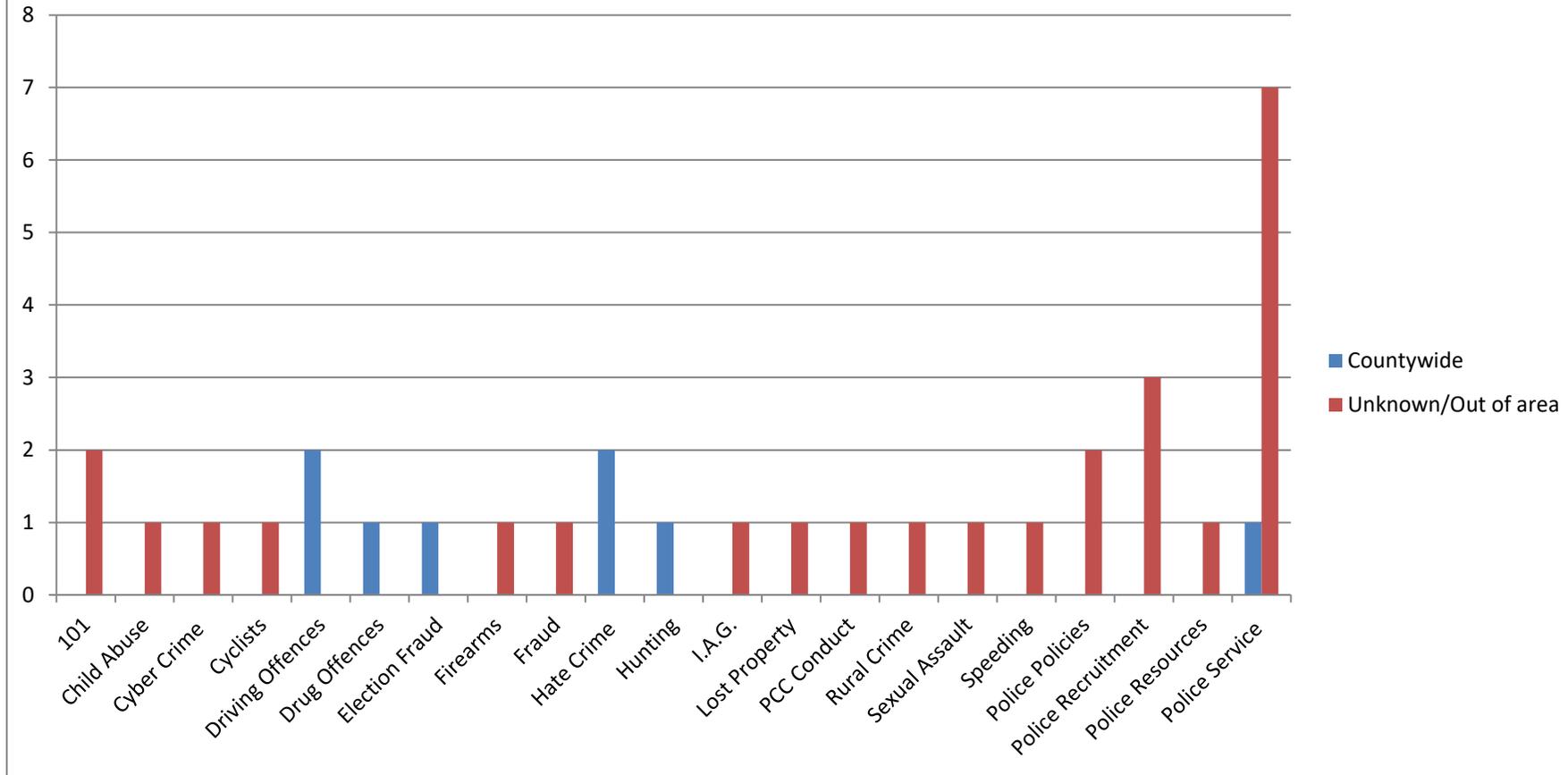
West Area & Categories



South Area & Categories

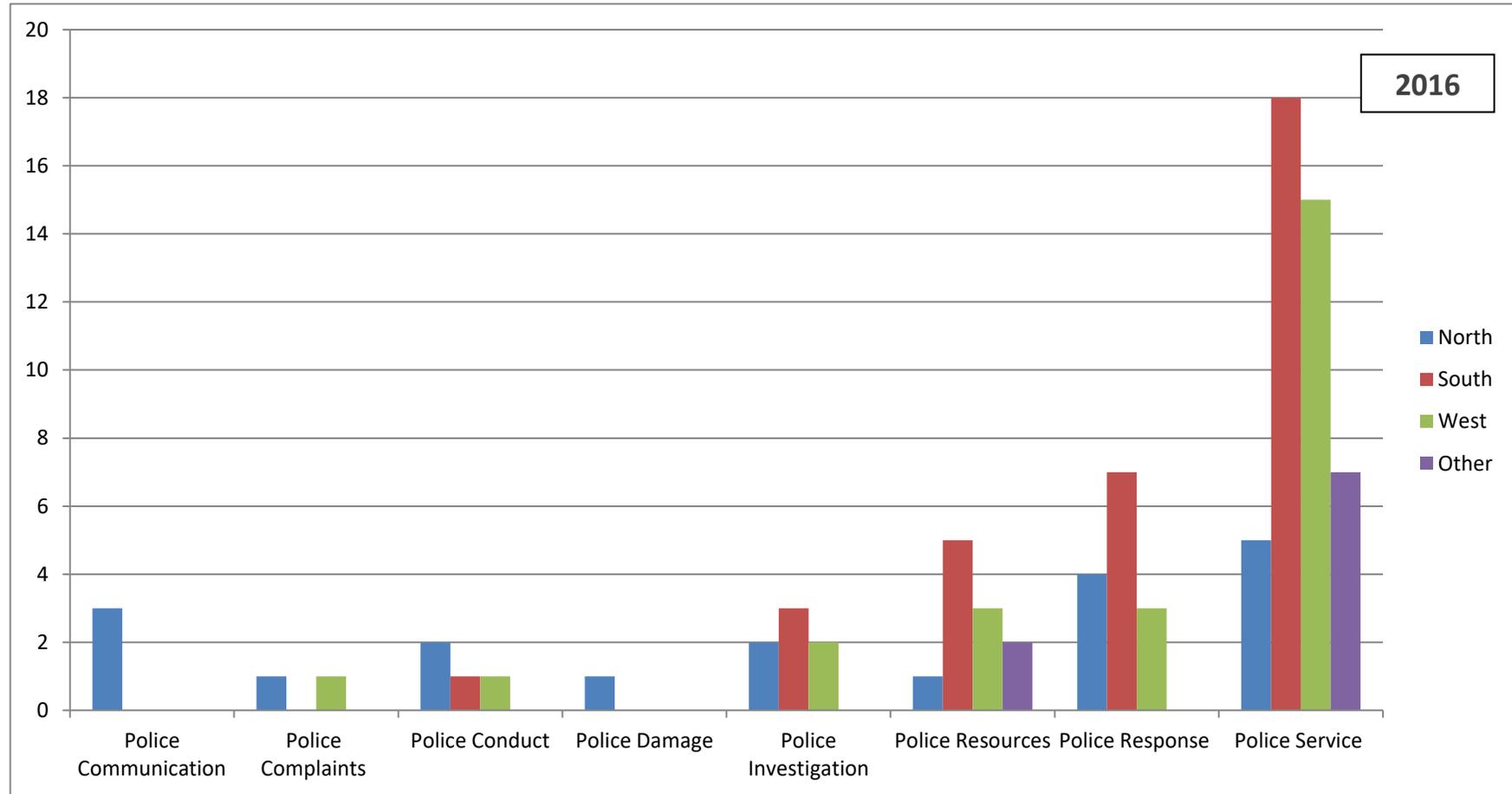


Other Area & Categories



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

QSPI Categories – Police Service



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

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

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

Police Investigation - handling of a case

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

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

Ethics and Integrity Panel



Title: OPCC Complaints

Date: 25 April 2017

Agenda Item No: 13a

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

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

1. Introduction & Background

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

2. Issues for Consideration

Complaints received by the OPCC

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

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

- 2.2 The reduction in the number of complaints received by the OPCC indicates that the public are more aware of the Police and Crime Commissioner, the roles and responsibilities he has and the procedures to be followed regarding making complaints about police officers and staff or the Constabulary. Appended to the report is a breakdown of the complaints received up to 31 March 2017 (Appendix 1).

Commissioner Complaints

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

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

| YEAR | N° of Complaints Received | Complaint not about the PCC | Dealt with by informal resolution | Police & Crime Panel investigation |
|------|---------------------------|-----------------------------|-----------------------------------|------------------------------------|
| 2016 | 2 | 0 | 2 | 0 |
| 2017 | 0 | 0 | 0 | 0 |

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

2.9 Chief Constable Complaints

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

- 2.10 The table below illustrates the number of complaints which were received from 1 January 2016 to 31 March 2017. During that period there have been two Chief Constables in charge of the Constabulary. In February 2016 a complaint was received regarding T/CC Mrs Skeer who returned to her substantive post as Deputy Chief Constable in March 2016 and therefore authority to deal with the complaint has transferred to the Chief Constable. There remains three complaints outstanding.

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

- 2.11 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation.

2.12 OPCC Staff Complaints

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

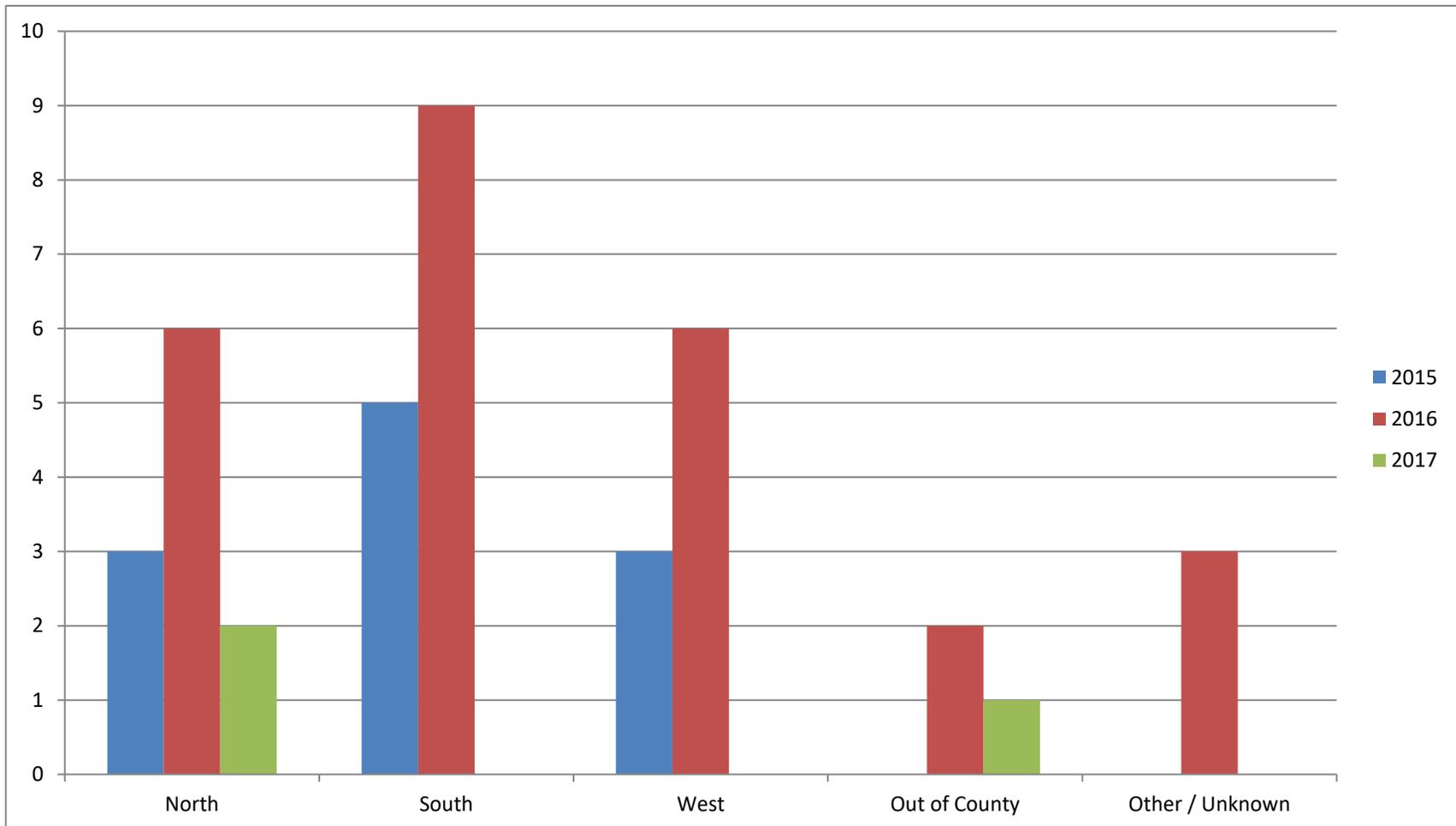
3. Implications

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

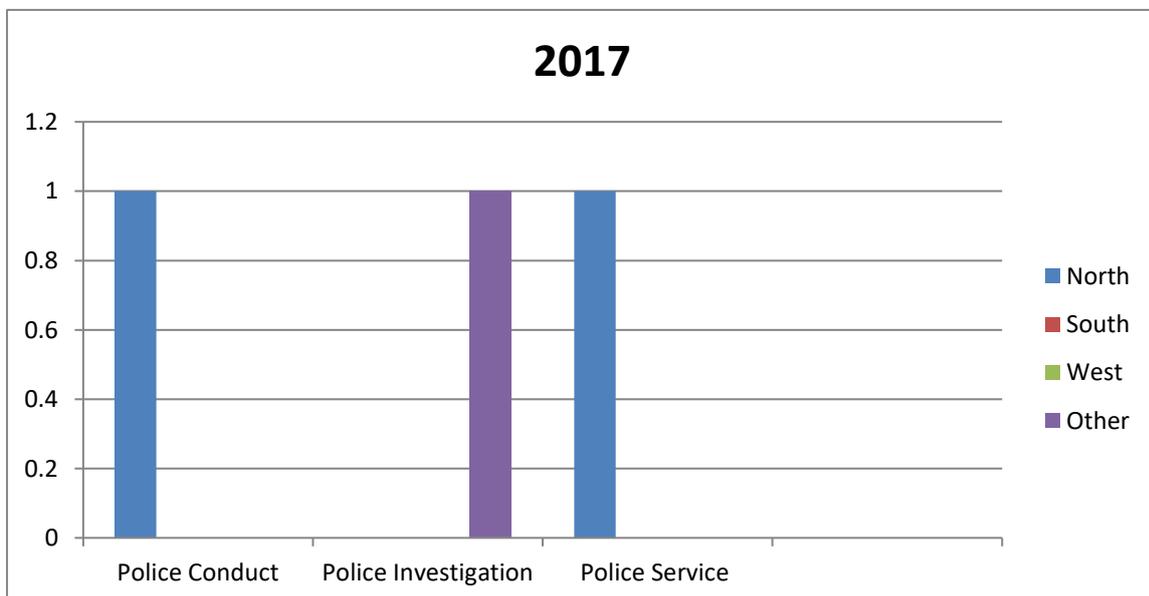
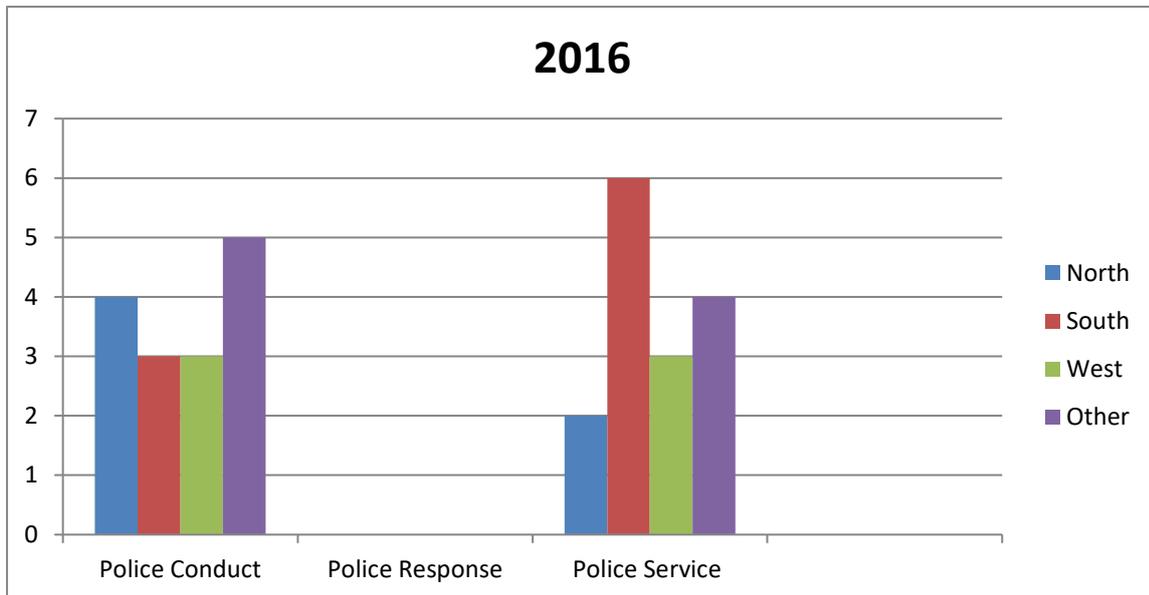
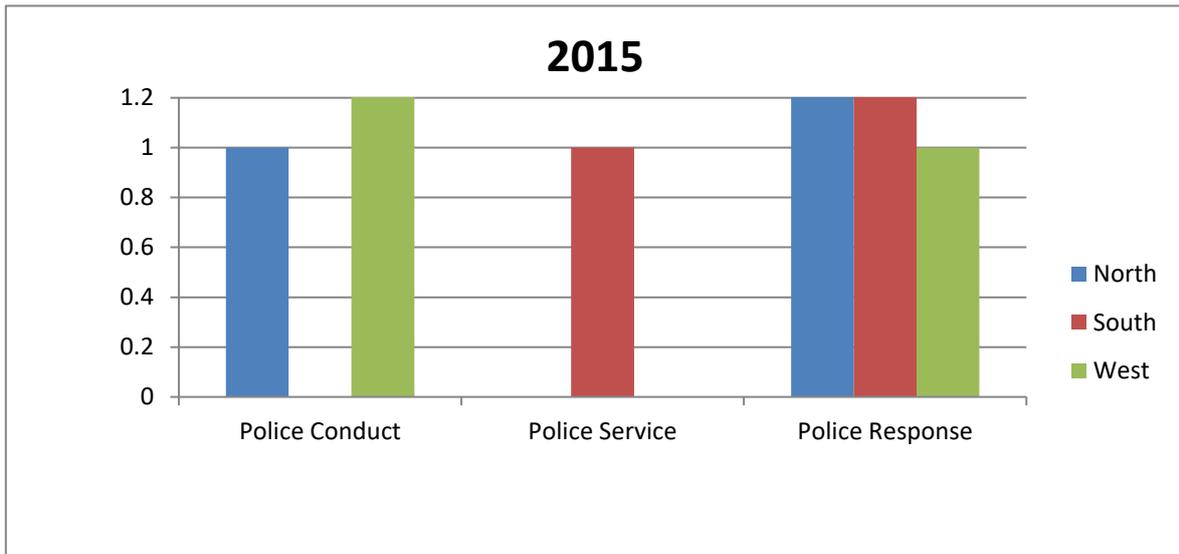
4. Supplementary information

Appendix 1 – Complaints received by the OPCC

OPCC Received Complaints - Areas



OPCC Received Complaints – Types



Enquiries to: Mrs P Coulter
Telephone: 01768 217734

Our reference: pc/EIP

Date: September 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 21st September 2017** in the **OPCC Meeting Room**, Police Headquarters, Carleton Hall, Penrith, at **1.00pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel at **12.00 noon**.

V Stafford
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.

Please note that there will be no Dip Sampling taking place on 21st September (due to the meeting being re-arranged from August).

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 05 May 2017 (copy enclosed).

5. GRIEVANCES

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

6. 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 Skeer*

7. 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 Skeer.*

8. BODY WORN VIDEO DEMONSTRATION

To receive and note a presentation by Cumbria Constabulary on the current body worn provision, the gaps and issues from an ethics perspective. The presentation will also detail the proposal for how the Constabulary plans to move forward in relation to body worn video and digital evidence – *To be presented by Superintendent Matt Kennerley*

ETHICS AND INTEGRITY PANEL

Notes of a meeting of the Ethics and Integrity Panel held on
Friday 5 May 2017 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 Rocke

Also present:

Deputy Chief Constable Michelle Skeer
Head of PSD (Superintendent Sarah Jackson)
Director of Legal Services (Andrew Dobson)
Constabulary HR Officer (Diane Johnson)
OPCC Governance Manager (Joanne Head)

Her Majesty's Inspector of Constabulary Force Liaison - Mr Micheal Lawrenson (observing)

1. 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 Mr Lawrenson to meeting following which everyone at the meeting introduced themselves. He gave a brief overview of the work undertaken by the panel such as the dip sample sessions on complaints and misconduct files; and the thematic inspections in relation to Stop and Search and the Discretionary Framework utilised by the Comms Centre.

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 16 February 2017 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 16 February 2017 be approved.

5. 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.

He advised that 17 public liability claims had been completed with the amount relating to settled claims during the last 6 months being low and under the reserve figure identified for each case. Twenty five new public liability claims and two new employment liability claims had been opened during the reporting period but none were of significant note at this stage.

The Panel were briefed on a court case of Allard v Chief Constable of Devon and Cornwall Constabulary. A test case was to be heard later in the year the outcome of which was awaited meanwhile a health check on the submitted calculations was being carried out.

A discussion took place with regard to one particular case which involved two other organisations and how costs would be shared. The Panel were advised that the Constabulary were near to a conclusion of this matter and that there would be a co-ordinated approach to this.

A member asked what if any organisational learning had been identified and how this had been disseminated throughout the Constabulary. The Head of Legal Services stated that no specific trends had been identified and any issues were unique to each individual case.

Another member raised a question in relation to modern day slavery and how the Constabulary had changed the way in which it dealt with individuals who were arrested but were later found to be victims. Superintendent Jackson advised that the Constabulary had provided a variety of training methods to ensure that officers and staff were kept up to date with any changes. These included 7 minute briefings, training sessions including the use of previous cases to raise awareness. More work was being undertaken with partners to improve awareness and the raising of vulnerability.

Agreed; that the Panel note the report.

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

6. GRIEVANCES

The Panel received a report which outlined the number of grievances currently being dealt with by the Constabulary in comparison to the previous 12 months and 3 year periods. Up to 31 March 2017 there had been 5 grievance cases recorded.

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

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

The Deputy Chief Constable advised that work was carried out with support groups and staff associations to ascertain whether any issues were being raised with them. A number of the grievances related to selection processes and the Panel were keen to know what proactive measures the Constabulary were taking to reduce these. Briefing sessions were held prior to the promotion process to advise officers or staff what they could expect and representatives from staff associations sat in to observe.

AGREED; that the report be noted.

7. 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 1 November 2016 to 30 April 2017. Over this period nineteen members of staff had been subject to disciplinary proceedings. Seven cases resulted in no further action being required and six received words of advice in relation to their conduct. One person had resigned prior to a disciplinary hearing and two cases were subject to criminal investigations. Both of these had resulted in no further action and subsequently no further staff disciplinary action was required.

There were currently six investigations which were ongoing. Any trends were being identified and address within the Constabulary. Each case was looked at individually and assessed as to whether a formal hearing was required to deal with the matter.

The Panel had had the opportunity on Thursday 27 April 2017 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 were pleased to report that they had not identified any significant issues and that more detail was being provided and recorded within the files on the management action or words of advice. The Panel were pleased to note that a template had been created to assist managers in recording their findings and detail what actions have taken place or training to be completed as this had been a previous area of concern.

Agreed; that, the Panel note the report.

(Note: The Constabulary HR Officer left the meeting at this point).

8. INTEGRITY – ANTI-FRAUD & CORRUPTION

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

Superintendent Jackson advised that she was setting up a small group of officers on how the Constabulary could develop relevant and interesting marketing materials regarding the Code of Ethics to be used and kept relevant force-wide.

A discussion took place regarding a particular case which the Panel had reviewed as part of their dip sample session on Thursday 29 April 2017. The Panel felt that other matters should also have been considered as part of the investigation. Superintendent Jackson advised that the officers concerned had been seconded to other departments within the Constabulary to improve their knowledge and understanding of the issues relating to the case. Additional learning had been disseminated throughout the Constabulary with further partnership work being developed.

Agreed; that, the Panel note the report

9. 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 the number of cases remained stable with a reduction of 15 allegations in comparison to the previous 12 months.

Both South and West Territorial Policing Areas (TPA's) had seen a reduction in the number of allegations made, with North TPA, Headquarters and Uniform Operational Support remaining the same or with a slight increase. The main types of allegations were oppressive behaviour, other assault and unlawful/unnecessary detention or arrest. The number of allegations upheld by the Professional Standards Department (PSD) had reduced by 28% (49 allegations) with the number of local resolutions reducing by 20% (39). Following feedback from HMIC the Constabulary would consider using local resolutions rather than dealing with matters 'there and then'. By recording the local resolution would record details of staff that are subject to the complaint.

Again the number of Constabulary appeals upheld had reduced compared with those upheld by the IPCC. The members of the Panel as part of their dip sample process regularly reviewed appeal files and had raised no issues or concerns regarding the outcome of the Force's reviews.

Members were pleased to note that the system the Constabulary used to record complaints provided the option to record referrals to partner agencies. This was to assist people who required further support outside of the complaints system. It was agreed that this would be reported upon at future meetings.

The Panel reported upon the complaint and appeal files they had dip sampled during their morning session. They had been pleased to note the continued improvement in the final response letter which went out to the complainant. The language was now appropriate with genuine apologies being made. There had also been good examples of identified learning being disseminated throughout the Constabulary following the completion of the cases. Although the Panel had identified a couple of cases which they felt the Constabulary would have benefited from dissemination of the identified learning.

Within two of the cases reviewed the use of body cameras had provided useful evidence of where malicious complaints had been made, providing the evidence to refute them. Other cases would have benefited from the use of such cameras. The Deputy Chief Constable advised that all officers now had access to bodycam equipment. Issues with the downloading of images was being resolved which would make the process quicker and easier. It was agreed that the Panel would review body worn cameras at their thematic session on 10 August 2017. They looked forward to a broad discussion about the availability and use of bodycams; and the advice and guidance given to officers about their use.

Agreed; that, the Panel

- (i) note the report;
- (ii) referrals to partner agencies be included within the data provided to the Panel; and
- (iii) review body worn cameras at their thematic session on 10 August 2017

10. STOP AND SEARCH UPDATE

The Deputy Chief Constable presented a report which outlined the Constabulary's performance in relation to the completion of Stop and Search forms. It was noted that although the number of stop and searches had decreased the number of positive outcomes from the searches had increased. The Constabulary regularly sampled the stop and search forms and currently were 98% compliant in their completion.

Of the stop and searches which were carried out during 2016/17 there were no issues in relation to ethnicity or age. In addition only 17 individuals had been stopped three or more times but no trends were identified.

In August 2016 the Panel had again dip sampled stop and search forms when they found that their completion had improved from those sampled previously. During the afternoon of Thursday 29 April 2017 the Panel had undertaken a dip sample of completed Stop and Search forms to assess whether standards of completion had been retained. Of the 42 forms reviewed only 3 were felt to be non-compliant and 7 which required some improvement. The Panel noted a significant improvement in the forms, and noted that although the number of overall searches was reducing the percentage of positive outcomes was increasing.

It was agreed that the Panel would carry out a review of forms on an annual basis in May. As trend reports were produced by the Constabulary it was agreed that these would be provided

to the Panel. If completion of the stop and search forms fell below 90% the Panel would carry out a review.

The Panel felt that if officers were to use body cameras to record the stop and search process then any allegations of improper searches could easily be disproved. The Panel will include discussion of this aspect in their thematic review of body cameras in August 2017.

Agreed; that, the Panel

- (i) note the report;
- (ii) trend reports produced by the Constabulary would be provided to the Panel. If completion of the stop and search forms fell below 90% the Panel would carry out a review.

11. SPECIAL CONSTABULARY RECRUITMENT UPDATE

Superintendent Jackson guided the members through a report which outlined the work the Constabulary had undertaken in relation to the recruitment and retention of Special Constables. A number of changes had been made to the recruitment process in an attempt to streamline the process which had resulted in more people progressing through the process. However issues had been subsequently encountered at the vetting stages which the Constabulary were currently look at.

A member raised concerns about the removal of competence based questions at the initial stages but was assured that these were robustly tested at interview stage. They questioned the merits of this as by having an initially vigorous process at the beginning would streamline the process and be potentially less costly in the longer term.

The Deputy Chief Constable advised that the Constabulary were looking to increase volunteers across the force, looking at a wide variety of opportunities. The Constabulary were keen to move away from continual recruitment and wanted to attract volunteers who would remain within the Constabulary for a number of years with a broader range of skills and diversity. Superintendent Jackson briefed the Panel on initiatives which other police forces had trialled in an attempt to recruit different volunteer skills and retain them for longer.

A discussion took place on the wider welfare issues and training of special constables and how their performance was evaluated. The Constabulary were in the process of evaluating and developing this. It was agreed that an update would be presented to the Panel at their November meeting as this was an area of on-going interest for the Panel.

Agreed; that,

- (i) the Panel note the report; and
- (ii) an update be provided to the November meeting.

12. CONSTABULARY DELIVERY PLANS

Superintendent Jackson presented delivery plans for three areas of business – Abuse of Authority for Sexual Gain, Code of Ethics and Vetting. Each of the plans provided an overview of the Constabulary’s current position and an action plan on work which either had been or was due to be carried out. The plans provided a gap analysis for the Constabulary and identified areas for improvement.

The Deputy Chief Constable confirmed that the three plans were embedded within the Constabulary’s strategic objectives and would continually be monitored.

The Panel strongly welcomed these Delivery Plans and noted that they indicated a positive intent to address difficult but important issues.

Agreed; that, the Panel note the report

13. OPCC COMPLAINTS AND QSPI

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

During the first quarter of 2017 the OPCC had received no complaints regarding the Police and Crime Commissioner and three complaints regarding the Chief Constable. Two of these were in their initial stages and the third was being progressed. No complaints had been received regarding any member of OPCC staff.

During 2016 the OPCC had received 318 notifications of dissatisfaction with the policing service they had received. The issues raised were very broad ranging with the top six being:

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

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.

(Note: The Police and Crime Commissioner joined the meeting at this point)

In response to a member’s question the Deputy Chief Constable provided the Panel with an explanation as to what constituted an ‘abandoned call’ as there appeared to be general dissatisfaction with the Constabulary’s ‘101’ system.

The Commissioner advised that victim satisfaction for the Constabulary was extremely high and they would also be required to use the 101 system. Almost all of the 101 complaints were not about the service once their call was answered or they got through the initial call filtering process. He advised that he and the Constabulary would be reviewing the Command and Control Centre and promoting other methods of contact where appropriate such as the 101 email system for non-emergency matters or general enquiries.

Agreed; that the report be noted.

Meeting ended at 4.15 pm

Signed: _____
Panel Chair

Date: _____

DRAFT



Constabulary Report to OPCC

TITLE OF REPORT: Constabulary Grievances

DATE OF MEETING: 24th August 2017

ORIGINATING OFFICER: Sarah Dimmock Diversity Manner

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

Executive Summary:

No more than 100 words.

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

Recommendation:

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

- That the Ethics and Integrity Panel note the report

MAIN SECTION

1. Introduction and Background

- 1.1 The attached Grievance Statistics Report shows the number of grievances lodged up to 24th August 2017 and a summary of the last 3 financial years. There have been 2 grievances lodged in this financial year, 2017/2018
- 1.2 Included in the report is a break of those lodging grievances. The report identifies the gender and race of those submitting grievances as well as an overview as to the subject of the grievance. In addition there are statistics relating to whether the aggrieved is a police officer or member of staff and whether the grievance relates to unlawful discrimination.
- 1.3 The report provides data from the last 3 years to enable a comparison to be taken

2. Issues for Consideration

2.1 Drivers for Change

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

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

3. Financial Implications and Comments

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

- 3.1 Please see Equality Implications

4. Legal Implications and Comments

Including advice received.

- 4.1 Please see Equality Implication

5. Risk Implications

Including any mitigating actions that can be taken.

- 5.1 Please see Equality Implications

6. HR / Equality Implications and Comments

Including any actions arising from Equality Assessment.

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

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

7. Supplementary Information

7.1 List any relevant documents and attach to report

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

- Grievance Data from 2014 to 2017



Grievance stats from
2014 to 2017.doc

- Grievance Data for the period 2017/2018



Grievance stats to
24th Aug 2017.doc



Constabulary Report to OPCC

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 10th August 2017

ORIGINATING OFFICER: Superintendent Jackson – Head of People Department

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

Executive Summary:

No more than 100 words.

- IPCC data continues to show that Cumbria complaints per 1000 employees remains lowest in MSF (most similar forces Lincolnshire 512, Norfolk 319, North Wales 290) and also MSF/national averages:
 - Q4 Apr 16 to Mar 17, Cumbria: 207, MSF average: 332 National average: 279
- The IPCC data also shows that Cumbria remains the 5th best in the country for average number of days to locally resolve allegations.
- The current 12 month rolling figures show that cases increased by 15.35% and there has been an increase in allegations by 4.60% in comparison to the last 12 months.
- A breakdown of allegations shows that West and South TPA's have reduced their level of allegations But North TPA, HQ and UOS.
- The main group showing an increase is incivility by 22 (40.7%).
- Allegations upheld by PSD have reduced by 9 allegations (50%) comparing the last period the current 12 months. The number of Local resolutions has increased overall by 19 (9.69%)
- The number of Force appeals continue to reduce, IPCC appeals have increased.
- The number of upheld appeals for the IPCC has reduced proportionately compared to the last period (from 30% to 24% of results), upheld Force Appeals have remained stable at 9%.

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 publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- To circulate trends regarding types of allegation and outcomes to the TPA's.
- To continue to raise awareness and implement delivery plans linked to the People department, some examples being Code of ethics and Vetting

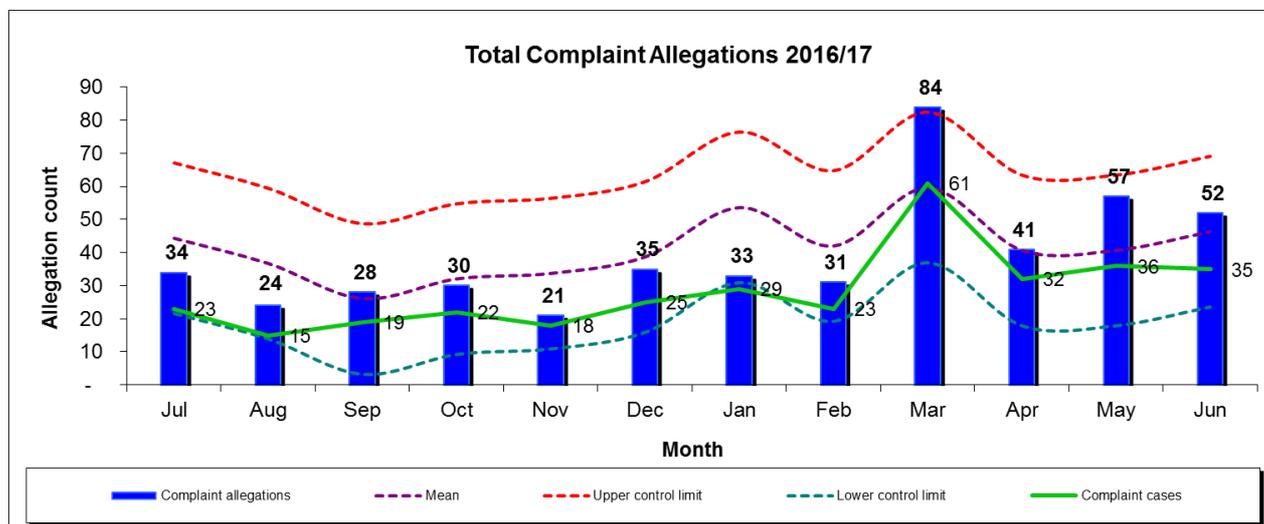
MAIN SECTION

1. Introduction and Background

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

1.1 Complaint Allegations

The below chart shows levels of complaint cases and allegations in the last 12 months from April 2016 to March 2017: -



The chart shows fluctuating levels of complaint allegations and cases. Over the 12 month period the total allegations at 470 and cases are 338.

The significant peak in cases and allegations in March is not without historic precedence and one of increases had been identified as a potential risk in the last strategic assessment and is formed by a combination of:

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

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of June 2016 and 2017. The figures show that the numbers of allegations and cases over the current 12 month period have increased compared to the last 12 month, however, proportionately the number of allegations per case have reduced from 1.53 to 1.39. The peak in March has significantly contributed to the increase although figures for the quarter are increased on the three year average.

| | 12 Month Rolling to Jun 2016 | 12 Month Rolling to Jun 2017 | Percentage Change |
|-------------|------------------------------|------------------------------|-------------------|
| Cases | 293 | 338 | 15.35% |
| Allegations | 449 | 470 | 4.68% |

*Including Direction and Control cases/allegations.

Allegations broken down into TPA/Area.

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

| Area | Allegations | | | Cases | | |
|--------------|------------------------------|------------------------------|-----------|------------------------------|------------------------------|-----------|
| | 12 Month Rolling to Jun 2016 | 12 Month Rolling to Jun 2017 | Change | 12 Month Rolling to Jun 2016 | 12 Month Rolling to Jun 2017 | Change |
| North | 113 | 122 | 9 | 30 | 48 | 18 |
| South | 128 | 125 | -3 | 85 | 97 | 12 |
| West | 132 | 121 | -11 | 81 | 86 | 5 |
| UOS | 26 | 33 | 7 | 21 | 25 | 4 |
| HQ | 50 | 69 | 19 | 76 | 82 | 6 |
| Total | 449 | 470 | 21 | 293 | 338 | 45 |

*Including Direction and Control cases/allegations.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with a significant increase in North TPA and South TPA in the period.

Allegations have increased the largest increase being at HQ followed by UOS however, there has been reductions in West and South TPAs.

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 Jun 2016 | Breaches of PACE K,L,M,N,P,R | 12 | 17 | 18 | 1 | 2 | 50 |
| | D&C | 10 | 13 | 8 | 11 | 18 | 60 |
| | Discrimination F | 4 | 2 | 2 | | | 8 |
| | Incivility U | 15 | 14 | 12 | 6 | 7 | 54 |
| | Malpractice G,H,J | 5 | 4 | 8 | | 3 | 20 |
| | Oppressive Behaviour A,B,C,D,E,Y | 32 | 38 | 31 | 5 | | 106 |
| | Other W | | 2 | 1 | | 3 | 6 |
| | Unprofessional Conduct S,T,V,Q,X | 35 | 38 | 52 | 3 | 17 | 145 |
| 12 Month Rolling to Jun 2016 Total | | 113 | 128 | 132 | 26 | 50 | 449 |
| 12 Month Rolling to Jun 2017 | Breaches of PACE K,L,M,N,P,R | 8 | 16 | 16 | | | 40 |
| | D&C | 13 | 7 | 11 | 8 | 29 | 68 |
| | Discrimination F | 4 | | 3 | | 1 | 8 |
| | Incivility U | 24 | 18 | 17 | 9 | 8 | 76 |
| | Malpractice G,H,J | 5 | 6 | 3 | 1 | 5 | 20 |
| | Oppressive Behaviour A,B,C,D,E,Y | 18 | 30 | 26 | 6 | 3 | 83 |
| | Other W | 2 | 6 | 4 | 2 | 5 | 19 |
| | Unprofessional Conduct S,T,V,Q,X | 48 | 42 | 41 | 7 | 18 | 156 |
| 12 Month Rolling to Jun 2017 Total | | 122 | 125 | 121 | 33 | 69 | 470 |

*Including Direction and Control case/allegations.

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The largest increases have been seen in the following: -

- HQ – Direction & Control (11)
- North TPA - Incivility (9)

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.

The largest reductions have been seen in the following: -

- North, West & South TPAs - Oppressive Behaviour (-14, -8 & -5).
- West – Unprofessional Conduct (-11)

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

- Incivility increased by 22 (40.74%). As highlighted above the largest increase was in North TPA increased by 9 on the previous period to 24, however Incivility has increased in all areas with West and South TPAs increasing by 5 and 4 respectively, UOS by 3 and even HQ increasing by 1.
- Unprofessional Conduct saw an overall increase of 11 allegations (7.59%) with Other Neglect or Failure in duty increasing by 9 (942.42%). North TPA had the highest increase and the only area to show a reduction in this area was West TPA. The types of Unprofessional Conduct allegations that had increases were: Improper disclosure of information, Other Neglect or Failure in duty and Traffic Irregularity. The types that had recutions were Lack of fairness and impartiality.
- Oppressive Behaviour showed a reduction of 23 allegations (21.7%). All of the TPA's showed reductions, the largest reduction being in North TPA. North TPA reduced by 14 to 18, 12 of these reductions being under the category of Other assault. South TPA had a reduction of 8 in the same category (Other assault). Both UOS and HQ saw increases in allegations, HQ being 0 to 3 and UOS 1 to 6.

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

| LESSON LEARNED CATEGORY | DISSEMINATION By / To | BRIEF DESCRIPTION |
|-------------------------|---------------------------|--|
| July 2016 | | |
| Organisational | CI UOS | Incident occurred in Oct 2015, whereby a male said to be armed with a large knife, was missing/to be located. The IPCC highlighted that the decision not to utilise air support had not been documented on the incident log. This matter was addressed via the CI on UOS |
| Organisational | Insp South | Following a complaint investigation the Investigating Officer sent an email to supervisors in South reminding them to complete the electronic Learning package relating to their hand held devices (Kelvin connect) and the importance of recording all searches conducted on to the handheld device. |
| Organisational | ForceNet | Reminder for Officer In Case to ensure that both victim and suspect are updated in relation to No Further Action decisions by CPS |
| August 2016 | | |
| Organisational | ForceNet | Guidance for use of Dissatisfaction reports |
| Organisational | Civil Contingencies Dept. | Following a complaint by a driver whose vehicle was uplifted during Appleby because it was in contravention of the Road Traffic Operation ongoing in the Appleby area. Civil Contingencies Department updated in order to assist them with next year's briefings/officer's guide etc. |
| September 2016 | | |
| Organisational | ForceNet | Learning the Lessons Bulletin 27-August 2016 |
| Organisational | ForceNet | Reminder of the necessity to submit Use of Force forms - parameters etc. Circulated both via ForceNet and to relevant TPA Commander |
| October 2016 | | |
| Organisational | CI UOS | Issues regarding recording of gender of transgender female on incident log - referred to as "He". Contact with CI Comms to update call card - also discussed with Sarah Dimmock (Diversity Officer) regarding any training. |
| Organisational | DCI in West | 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) |

| November 2016 | | |
|----------------------|-----------------------------------|--|
| Organisational | Allerdale Borough Sergeants | 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 |
| December 2016 | | |
| Organisational | Force wide | Link to IPCC Bulletin 28 |
| Organisational | Pass Newsletter Force wide | Pass Newsletter No 25 with Advice for Police officers during the festive period |
| Organisational | Force email | National/International Anti Corruption campaign over the Christmas period, the campaign looked at various areas. Day 1 - Making sure our officers & Staff maintain the highest standards this festive season. (Covered areas on Passwords, access to systems and Disclosure.) |
| Organisational | Force email | Day 2 - Police Officers and staff reminded to consider the Code of Ethics and always comply with policy and procedure. |
| Organisational | Force email | Day 3 - Police Officers and staff reminded about using Social networking sites. |
| Organisational | Force email | Days 3 to 8 - Police Officers and staff were made aware of a case study that was linked to Abuse of Authority for Sexual gain. Reporting lines were circulated and they were encouraged to report any concerns they had. |
| Organisational | Force Orders | Considerations when offering a Simple Caution. When considering whether to offer a Simple Caution an offender's antecedents must be taken into account. Before deciding whether to offer a Simple Caution the views of the victim must be established and taken into account alongside wider public interest factors |
| Organisational | Force email | National/International Anti Corruption campaign (cont'd) Day 9 - Officers and staff reminded about the number of complaints that related to incivility. |
| Organisational | Force email | Day 10 - Officers and staff reminded about maintaining the highest standards possible and fitness for duty over the festive period. |

Item 07 Q1 Report to OPCC Integrity Part 1

| | | |
|-------------------------------|-------------------------------|---|
| Organisational | ForceNet | Following a complaint that there had been a Breach of Code C of PACE, whilst an individual had been detained in custody. The Investigating officer found that their 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. |
| Organisational | Force email | National/International Anti Corruption campaign (cont'd) Day 11 - Police Officers and staff were reminded to wear their ID and check visitors ID, whilst on Police premises. |
| January 2017 | | |
| Organisational | ForceNet | Reminder to Police Officers and staff regarding the use of mobile phone/Kelvin device whilst driving marked police vehicles |
| February 2017 | | |
| Organisational | Personal Safety Instructors | Trainers to remind staff during Personal Safety Training sessions that they should check Force orders/Forcenet to ensure they are aware of current guidance regarding completion of use of force forms and the consideration of use of PAVA in custody suites |
| Organisational | PNC entry | Following complaint investigation it was identified that Officers should be made aware that early assistance of an Appropriate Adult for those in custody may assist in managing their mental health and wellbeing |
| March 2017 | | |
| Learning Point | Email to PSD officers & staff | Email sent to wrong email address. PSD reminded to check email address before sending emails. |
| Custody | Custody | Guidance to all custody staff regarding breast feeding mothers in custody. |
| April 2017 | | |
| Learning the Lessons Bulletin | ForceNet | IPCC Bulletin 29 (Custody) |
| Organisational | South TPA Inspectors | To record summary offences on police systems in a way that time constraints for prosecution are highlighted more clearly. |
| Organisational | ForceNet | Remind all staff of the need to respond to e-mails from members of the public in a timely manner and to switch on their automatic reply in Outlook when out of office. In addition, make sure that any automatic reply does not reflect badly on themselves or the constabulary. |
| Organisational | ForceNet | Reminder to all Police Officers and staff regarding correct handling procedures of seized property. |

| | | |
|------------------|----------------------------------|--|
| Organisational | ForceNet | Provide owners with checklists when their property is seized so they can identify what has been returned. |
| May 2017 | | |
| Organisational | Pass Newsletter Force wide | Recent Misconduct Hearing outcome |
| Organisational | ForceNet | Reminder to all staff of the parameters for submission of use of force form - including for compliant escort |
| June 2017 | | |
| Organisational | ForceNet | Using bodycam - pictures speak louder than words and footage often helps to provide a balanced and undeniable version of events. Plus a reminder to complete use of force forms and to record details of searches. |
| Organisational | Pass Newsletter Force wide | Recent Misconduct Hearing outcome |
| Organisational | ForceNet | Reminder to officers regarding the necessity to charge Body Cams following use and upon conclusion of shift |

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 28 officers who met the repeat officer strategy in the current period, this is an increase of 14 on the previous period. The Complaints and Misconduct manager continues to liaise with the TPA Commanders regarding the identified officers highlighting opportunities for learning, development, force training and bodycam use. TPA Commanders were told that some Officers may be the subject of repeated complaints due to them being easily identifiable ie their ethnicity, their accent, the unit they work on, Commanders are aware of various ways they can support Officers that are subject of repeated complaints.

Fourteen of the identified repeat officers are in West TPA and 9 in South TPA. Three of those subject to the strategy in the period are easily identifiable through ethnicity or accent. Of the rest there were no clear issues or trends identified.

1.4 Dissatisfaction Reports

There were 48 dissatisfaction reports recorded in the current 12 months which is a reduction of 13 when compared to the previous 12 month period. The main categories reported on in the lower level dissatisfaction reports over the 12 month are regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty and incivility which combined form 54% of dissatisfaction reports in the period.

1.5 Diversity

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

July 2016 - 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 transsexual they believe the officers behaved in a transphobic manner and the complainant believes they wanted to teach them a lesson. Withdrawn

September 2016 - 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. Result - No Case to answer. Learning was identified this has been shared.

October 2016 - 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. This led to the complainants perception being 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. Not Upheld - by PSD.

November 2016 - 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. Not Upheld - by PSD.

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

April 2017 - Complainant states the information provided by the police to Children's Services was incorrect. They have had information released to them by Children's Services and no mention is made of the fact that they had been subject of domestic abuse by their ex-partner however the reverse is clearly recorded. They consider this is discriminatory. Currently live.

May 2017 - Complainant states they were arrested, handcuffed and sworn at by the arresting officer and alleges that the arresting officer did this because they are Scottish. Currently live.

1.6 Performance

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

| Allegation Result Description | 12 Month Rolling to Jun 2016 | 12 Month Rolling to Jun 2017 | Change |
|-------------------------------|------------------------------|------------------------------|--------|
| Case to Answer | 37 | 28 | -9 |
| De Recorded | 8 | 11 | 3 |

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| | | | |
|--------------------------------|------------|------------|------------|
| Disapplication - by Force | 49 | 37 | -12 |
| Local Resolution - by Division | 138 | 156 | 18 |
| Local Resolution - by PSD | 58 | 59 | 1 |
| No Case to Answer | 29 | 20 | -9 |
| Not Upheld - by Division | | 4 | 4 |
| Not Upheld - by PSD | 198 | 123 | -75 |
| Upheld - by PSD | 18 | 9 | -9 |
| Withdrawn - by Force | 7 | 21 | 14 |
| Withdrawn - by IPCC | 3 | | -3 |
| Grand Total | 545 | 468 | -77 |

The IPCC in the most recent report (Q4, Apr 2016 to Mar 2017) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 34, MSF average 59 and National average 67. Cumbria has reduced by 2 days and the MSF and national have both increased by on 1.
- Average number of days to finalise cases – Cumbria 75, MSF average 99 and National average 102. Cumbria has reduced compared to the same period last year which had 80 days.
- Average number of allegations per 1000 employees cases – Cumbria 207, MSF average 332 and National average 279 Same Quarter last year Cumbria was at 201.
- Cumbria remains the 5th best in the country for average number of days to locally resolve allegations.

In the current 12 month period, 468 allegations were finalised compared to 545 in the previous period. The greatest increase (by 19, 9.69%) was local Resolutions, Upheld by PSD has reduced (by 9, 60.0%). As a proportion Local resolution has increased from 43.8% in the last period to 50.4% in the current period. This is mainly down to the following main issues:

1. A greater emphasis on dealing with complaints that are better suited to Local Resolution rather than undergoing an extensive investigation and having a third party (Complaints Investigators) deliver a decision. By directly participating in the solution to the dispute, the majority of complainants come away from the process with a more meaningful level of understanding.
2. The Complaints Manager's remit is therefore to deal directly in resolving the dissatisfaction rather than get embroiled in an investigation that can be time consuming.
3. The average time to deal with a Local Resolution is 35 days as opposed to 110 days in respect of a Local Investigation, thus the complaint is resolved in a more timely manner.
4. The time frame for dealing with Local Resolutions (LR) is 40 days. Reminders are sent out to Inspectors/Sergeants after 25 days, as a result more LR's hence more are been completed within the required timeframe, hence the quicker turnaround.

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1.7 Force and IPCC Appeals

| Result | Force Appeals 12 months rolling to Jun 2016 | Force Appeals 12 months rolling to Jun 2017 | IPCC Appeals 12 months rolling to Jun 2016 | IPCC Appeals 12 months rolling to Jun 2017 |
|------------------|--|--|---|---|
| Upheld/Partially | 3 | 2 | 4 | 6 |
| Not Upheld | 28 | 13 | 9 | 15 |
| Withdrawn | | | | |
| Not Valid | | | | 1 |
| Live | 0 | 7 | | 3 |
| Total | 31 | 22 | 13 | 25 |

The above data highlights that the number of IPCC appeals have increased by 92% and the number of force appeals has reduced by 29% (9). The percentage of upheld Force appeals has reduced in this reporting period by 1 (33%) compared to the previous 12 months. IPCC Appeals upheld results have increased by 2 (50%).

Upheld Force Appeals have remained stable at 9% (2 of 22 compared to 3 of 31).

Upheld IPCC Appeals have reduced from 30% to 24% (6 of 25 compared to 4 of 13).

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 9 (13%) when compared to the previous 12 month period, with increases in Organisational decisions and Operational management decisions.

| Allegation Result Description | 12 Month Rolling to Jun 2016 | 12 Month Rolling to Jun 2017 | Change |
|-------------------------------------|------------------------------------|------------------------------------|----------|
| General policing standards | 11 | 5 | -6 |
| Operational management decisions | 29 | 35 | 6 |
| Operational policing policies | 3 | 2 | -1 |
| Organisational decisions | 17 | 26 | 9 |
| Grand Total | 60 | 68 | 8 |

Issues raised in the last quarter include complaints about decisions made allegations relating to the telephone service. Trends, learning and feedback has been shared with the relevant departments.

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 |

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

Our reference: jh/EIP

Date: 1 November 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 9 November 2017** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith, at **2.00pm**. Please note that a buffet lunch will be served for Members of the Ethics and Integrity Panel.

V Stafford
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.

Please note that there will be a dip sample session of Misconduct Files on the morning of Thursday 2 November. Dip Sampling of public complaint files will take place on the morning of Thursday 9 November.

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 21 September 2017 (copy enclosed).

5. CIVIL CLAIMS

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

6. MISCONDUCT

(a) To receive and note a report by Cumbria Constabulary on police staff misconduct (copy enclosed) - *To be presented by Deputy Chief Constable Skeer.*

(b) To raise any overall issues identified during the dip sample session and discuss progress of allocated actions.

- 7. CITIZEN'S IN POLICING**
To receive and note an update on the Constabulary's Recruitment Process for Special Constables – *To be presented by Superintendent Jackson*
- 8. 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 Skeer*
- 9. 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 Skeer.*
- 10. OPCC COMPLAINTS AND QSPI**
To receive and note a report by the Office of the Police and Crime Commissioner regarding complaints and quality of service issues received (copy enclosed) – *To be presented by the OPCC Chief Executive .*
- 11. ANNUAL WORK PROGRAMME**
 - (a) To receive a proposed work programme for 2018
 - (b) Consider thematic areas of work to be considered by the Panel in 2018.
- 12. 2018 MEETING DATES**
To receive a consider proposed meeting dates for the Panel in 2018 (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 21st September 2017 in the OPCC Meeting Room, Police Headquarters,
Carleton Hall, Penrith, at 1.00 pm

PRESENT

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

Also present:

Deputy Chief Constable Michelle Skeer (via telephone)
Detective Chief Inspector Furzana Nazir
Superintendent Matthew Kennerley
OPCC Chief Executive Vivian Stafford
OPCC Executive Support Officer Paula Coulter

1. APOLOGIES FOR ABSENCE

Apologies were received from the Head of PSD, Superintendent Sarah Jackson.

The Panel Chair thanked everyone for their attendance at the meeting following which everyone at the meeting introduced themselves

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 05 May 2017 had been circulated with the agenda.

Agreed; that, the notes of the meeting held on 05 May 2017 be approved.

5. BODY WORN VIDEO

Superintendent Kennerley gave a comprehensive presentation on body worn video.

Body Worn Video (BWV) was successfully introduced in Cumbria for front-line officers in 2010. Cumbria has purchased 238 devices of which around 160 are operationally deployed currently. Cumbria utilise a pool of devices at each deployment base, and until recently, Cumbria have had no 'back-office' functionality which would allow any option other than all footage being burned to disk. Cumbria currently use Pinnacle PR5 camera – 4hrs recording, HD footage, clickfast clip, date and time stamped footage. Cumbria mandate recording at incidents of Domestic Violence.

The College of Policing key principles were discussed, and it was noted that guidance states continuous non-specific recording is not permitted. It is acknowledged that the footage recorded by body worn video only captures a limited perspective, and is used in support of conventional forms of evidence.

A Member asked a question relating to Data Protection, and it was noted that a piece of work has been undertaken around GDPR and the new regulations. Statutory guidance mandates what recording is permitted, and a paper on this is due in May 2018.

A Member asked for clarification as to why continuous recording was not permitted – it was noted that there has to be a rationale for recording people proportionately, taking images indirectly of individuals not involved in the incident, and retention of the footage for a period of time also had to be taken into account.

Standard Operating Procedures (SOP's) for Body Worn Video have not really changed since BWV was first introduced. A piece of work is going to be undertaken to update the SOP's, and it was agreed that the Ethics & Integrity Panel would be included in the consultation process.

An example of a current BWV camera was shown to Members in the meeting. It was noted that every officer on shift can have access to a camera, and when used it is classed as personal issue, mandated as part of the uniform. When attending certain incidents such as Domestic Violence cases, Officers will be instructed to use the BWV by the FIM in the Control Room.

Currently there is no back office support and Officers have to download the footage at the end of the shift and burn it to a DVD, which in turn needs to go into an evidence store (30 day retention).

Training is mandated via an e-learning package, and includes legal ramifications around the use of the device, IPCC guidelines etc. There is a restriction of use around victims of sexual violence, and body cams are turned off in that instance.

There is an issue around the flexibility of the current system, for example firearms officers require a device that can be mounted on the head. Also around footage management, there is very little ability to audit and there is no current ability to tell if any footage has been deleted.

Ethical Considerations

- Impact on police-public relationships?
- Impact on prosecution/court hearings?
- Impact on victims?
- Storage and Deletion of Recordings

The BWV key operational business requirements are the need to:-

- Provide officers will reliable, robust, high quality and straightforward to use camera devices with multiple, flexible adaptations.
- Provide an easy to use, intuitive software interface that minimises manual effort in uploading footage, simplifies and standardises the addition of relevant case information and the secure management of footage.
- Enable officers to access and work with BWV footage or other digital evidence from any Force ICT asset, irrespective of location.
- Improve the Forces' ability to receive and manage digital evidence from the public.
- Improve the Forces' ability to manage other forms of video and digital evidence.
- Provide full auditability regarding any activity or action taken regarding BWV footage or other digital evidence stored in the same repository whilst within the Force.

The digital evidence repository needs to be able to handle Constabulary footage as well as evidence that members of the public may also send in and may include drone footage, dash-cam footage, I-phone footage etc. Footage would be checked for potential viruses, and would also be able to share with other agencies (e.g. CPS). The project team is looking at a cloud bases system that can manage all of the requirements and also be totally auditable.

It was noted that the College of Policing mandated use of bodycam for armed officers was going to be a piece of work done regionally, but this is no longer the case. The work is now going to be carried out by each Force which has resulted in a 12 month delay.

The Chair thanked Superintendent Kennerley for his report.

- Agreed;** that, the
- (i) Panel note the report;
 - (ii) Panel will be included in the consultation process of updating the Body Worn Video (BWV) Standard Operating Procedures (SOP's)
 - (iii) Panel would look again at Body Worn Video in 2018 to see how things have changed.

(Note: Superintendent Kennerley left the meeting at this point).

6. GRIEVANCES

The Panel received a report which outlined the number of number of grievances lodged up to 24th August 2017 and a summary of the last 3 financial years. There have been 2 grievances lodged in this financial year, 2017/2018

Culturally in Cumbria officers and staff voiced their concerns and generally matters were dealt with informally. Although this may be good for the individuals involved it did not allow the matters to be recorded and to enable the organisation to learn for the future or make appropriate changes.

The Deputy Chief Constable advised that work was carried out with support groups and staff associations to ascertain whether any issues were being raised with them. It was also noted that reality testing had been carried out by HMIC.

Bullying was discussed, and it was noted that bullying investigations are not classed as a grievance. It was agreed that the Bullying Procedure would be shared with the Panel, and that bullying would form part of the Grievance Report going forward.

AGREED; that,

- (i) the report be noted;
- (ii) the Bullying Procedure would be shared with the Ethics & Integrity Panel, and that bullying would form part of the Grievance Report going forward.
- (iii) Detective Chief Inspector Nazir will bring high level figures relating to use of the confidential reporting line to the next meeting.

7. INTEGRITY

DCC Skeer presented a report which detailed the 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. She also presented a report which outlined public complaints that the Constabulary had received during the reporting period along with comparison figures for the previous 12 months rolling period.

- IPCC data continues to show that Cumbria complaints per 1000 employees remains lowest in MSF (most similar forces Lincolnshire 512, Norfolk 319, North Wales 290) and also MSF/national averages:
 - Q4 Apr 16 to Mar 17, Cumbria: 207, MSF average: 332 National average: 279
- The IPCC data also shows that Cumbria remains the 5th best in the country for average number of days to locally resolve allegations.
- The current 12 month rolling figures show that cases increased by 15.35% and there has been an increase in allegations by 4.60% in comparison to the last 12 months.
- A breakdown of allegations shows that West and South TPA's have reduced their level of allegations But North TPA, HQ and UOS.
- The main group showing an increase is incivility by 22 (40.7%).

Peter McCall

- Allegations upheld by PSD have reduced by 9 allegations (50%) comparing the last period the current 12 months. The number of Local resolutions has increased overall by 19 (9.69%)
- The number of Force appeals continue to reduce, IPCC appeals have increased.
- The number of upheld appeals for the IPCC has reduced proportionately compared to the last period (from 30% to 24% of results), upheld Force Appeals have remained stable at 9%.

Key events within the county were discussed (Kendal calling; Appleby Horse Fair etc.) and it was agreed that going forward the Report would include Key Events & if this had caused a rise in incivility.

Page 9 of the Report detailed that in September 2016 a complainant stated 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. The result was No case to answer however, learning was identified and shared. It was agreed that this case would be looked at specifically when dip sampling.

- Agreed;** that,
- (i) the Panel note the report;
 - (ii) future reports include Key Events and whether this had caused a rise in incivility complaints; and
 - (iii) Detective Chief Inspector Nazir provide the identified case to the next dip sample session.

Meeting ended at 3.45 pm

Signed: _____
Panel Chair

Date: _____

Ethics and Integrity Panel



Title: Police Staff Discipline and Misconduct

Date:

Agenda Item No: 06

Originating Officer: Kerry Rogerson, HR Manager

CC:

Executive Summary:

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

Recommendation:

That, the Ethics and Integrity Panel note the Report.

1. Introduction & Background

1.1 This report details the number of police staff discipline and misconduct cases dealt with during the period 1 May 2017 and 31 October 2017.

2. Issues for Consideration

2.1 Twelve members of Police Staff were the subject of disciplinary proceedings in accordance with the Constabulary Policy on Police Staff Discipline. Six staff members were female, six were male. None were of a minority ethnic origin.

2.2 Of the twelve cases;

- two were subject of a public complaint and jointly investigated with PSD with one case NFA and one receiving words of advice,
- one case was subject to potential gross misconduct and Disciplinary Hearing the result being not proven,
- one case was subject to misconduct and Disciplinary Hearing resulting in a Written Warning
- two cases were subject to a criminal investigation, one case was NFA and one case required further staff disciplinary investigation with management words of advice provided.

- Overall five cases were no further action and five received words of advice in relation to conduct.

2.3 There are currently four further cases which are ongoing and not subject to review by the panel at this time.

2.4 No appeals were heard during this time period.

3. Implications

(List and include views of all those consulted, whether they agree or disagree and why)

3.1 Financial

Please see Equality Implications

3.2 Legal

Please see Equality Implications

3.3 Risk

Please see Equality Implications

3.4 HR / Equality

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

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

Ethics and Integrity Panel



Title: Citizens in Policing Report

Date: 27 September 2017

Agenda Item No: 07

Originating Officer: Martin Loebell, Chief Inspector (HR)

CC:

Executive Summary:

The Constabulary has brought together the Special Constabulary, Police volunteers and cadet scheme under a single Citizens in Policing team. This report provides an update on the current work and position in relation to recruitment of special constables.

Recommendation:

That, the Ethics and Integrity Panel note the Report.

1. Introduction & Background

1.1 This report details the position as 13th October 2017. The citizens in policing team is a newly formed team and is reviewing our current strategy in this area.

2. Issues for Consideration

- 2.1 The Citizens in Policing agenda covers the areas of special constables, volunteers in all their aspects and volunteer police cadets (VPCs).
- 2.2 Cumbria has a strong record with regard to the Special Constabulary and the use of police volunteers. Recruitment for volunteers is done through our Website and through positive engagement within our communities through our PCSOs and neighbourhood teams who actively seek out people who could assist the Constabulary. Recruitment to the Special Constabulary is currently done through two distinct methods – recruitment events where we advertise for people to join the specials and recruitment of specials through the policing qualification through the University of Cumbria. This is mostly done through our website and social media (Facebook, Twitter, Snap Chat and Instagram)
- 2.3 The newly formed citizens in policing team is led by CI Loebell and supported by a dedicated sergeant and 2 police constables. The 2 constables are the tactical leads for each of the strands (Special Constables, Volunteers and Cadets). These should be dedicated officers and to ensure organisational support, it may be worth considering that they are aligned to the resource function in The People Department rather than Community Safety due to the biggest challenges being

recruitment and wider issues within Corporate Support. CI Loebell, who works within People department, provided a cross over from People to the operational arena.

PC Murray who previously ran citizens in policing has remained on the CiP team and she will lead on the new Police Cadet scheme. PC Mossop was previous in learning and development and delivered many of the specials courses. He will take the lead on specials and volunteers with Sergeant Tatton providing day to day leadership.

Governance is being reviewed but will most likely take for the form of a strategic Citizens in Policing board chaired by a senior police leader, and then supporting work stream working groups delivering the force strategy. The Citizens in Policing board would answer to Ops Board or Business Board, dependent on organisational desire (TBC).

- 2.4 At present we have 82 active Special Constables who regularly turn out for the Constabulary. This is made up of 65 operational specials and a number in training etc. We also have 50 Police volunteers working in specific role areas.
- 2.5 The introduction of the Citizens in Policing team in October 2017 shows an investment in this area with an aim to grow the number of police volunteers and to ensure we have the right workforce mix.
- 2.6 The Constabulary has plans for four Specials intakes each year each with a maximum of 18 people per intake. The recent amendment to the recruitment process improved our success rate from 50% to 80% in the last few intakes. This amendment simplified the recruitment process and has seen more people be successful in becoming specials. We continue to lose Special Constables to the regular's service and this trend is likely to continue as the force actively recruits during 2018-2020. The force is looking into ways to recruit specials and retain them in post. Many of the applicants for the special constabulary join with the aim of becoming regular officers and see this route as a good way of gaining knowledge and experience.
We will still continue to have an intake of University Specials each January.
- 2.7 We are reviewing the training programme for Specials to ensure any "blockers" (e.g. when we run the training, where, format – face to face vs distance learning etc.) and reviewing the relevance of course content to ensure we can maximise the time spent volunteering.
- 2.8 Further meetings are planned with ACC Webster to refresh and renew our Citizens in Policing vision, mission and strategy.

3. Implications

3.1 Financial

Under review pending any change in strategy

3.2 Legal

None

3.3 Risk

None identified

3.4 HR / Equality

None identified



Constabulary Report to OPCC

Agenda Item 9

TITLE OF REPORT: INTEGRITY – COMPLAINTS BY THE PUBLIC

DATE OF MEETING: 9th November 2017

ORIGINATING OFFICER: Superintendent Jackson – Head of People Department

PART 1 or PART 2 PAPER: PART 1

Executive Summary:

No more than 100 words.

- IPCC data continues to show that Cumbria complaints per 1000 employees remains lowest in the MSF (most similar forces Lincolnshire 103, Norfolk 75, North Wales 64) and also against MSF/national averages:
 - Q1 Apr 17 to Jun 17, Cumbria: 63, MSF average: 76 National average: 68
- The IPCC data also shows that Cumbria is the 6th best in the country for average number of days to locally resolve allegations.
- The current 12 month rolling figures show that cases increased by 20.28% and there has been an increase in allegations by 17.24% in comparison to the last 12 months.
- A breakdown of allegations shows that West and South TPAs have reduced their level of allegations. All other areas show an increase of between 9 (31.03%) and 62 (57.94%).
- The main group showing an increase is Unprofessional conduct by 49 (34.51%).
- Allegations upheld by PSD have reduced by 11 allegations (57.89%) comparing the last period with the current 12 months. The number of Local resolutions has reduced overall by 15 (4.89%)
- The number of Force appeals continue to reduce, IPCC appeals have increased.
- The number of upheld appeals for the IPCC has reduced proportionately compared to the last period (from 31.3% to 20.8% of results), upheld Force Appeals have reduced by 50%.

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 and publicise expected standards of ethical behaviour, good practice, learning and signpost staff to help/reporting lines via PASS Newsletters, Best Practice and Forcenet.
- To circulate trends regarding types of allegation and outcomes to the TPA's.
- To continue to raise awareness and implement delivery plans linked to the People department, some examples being Code of ethics, Abuse of Authority for Sexual Gain (AASG) and Vetting

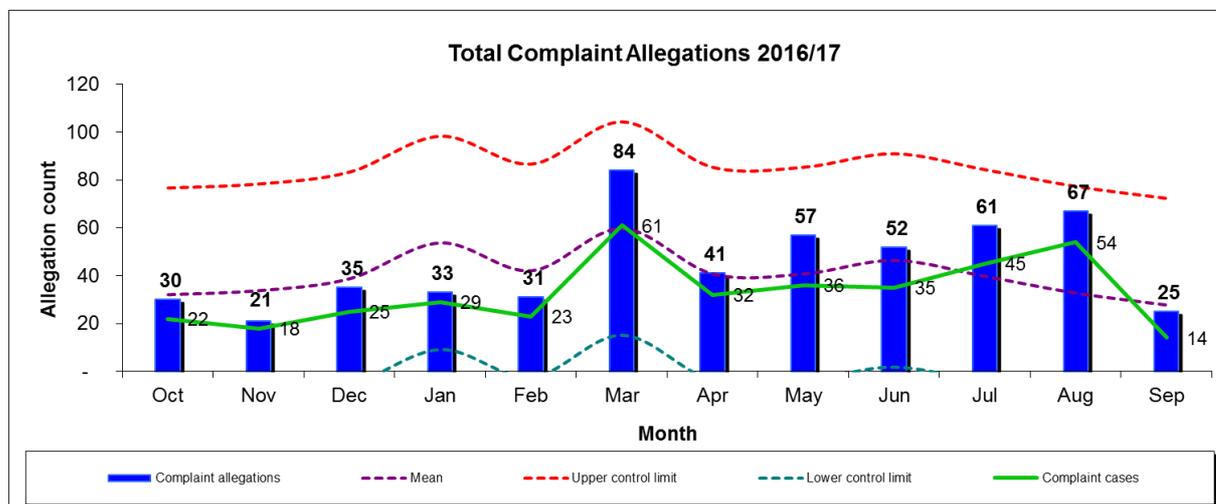
MAIN SECTION

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 October 2016 to September 2017: -



The chart shows fluctuating levels of complaint allegations and cases. Over the 12 month period the total allegations are 537 and cases are 394.

The significant peak in cases and allegations in March is not without historic precedence and had been identified as a potential risk in the last strategic assessment.

The increase in cases and allegations in the period May to August is due to the following:

- Feedback from a recent HMI inspection led to the Force considering and recording more Local Resolutions (LR) where appropriate, rather than using "There and then".
- The complaint is now recorded as a miscellaneous matter when it is a "There and then", by recording it as a LR the details of the staff that are subject of the complaint is captured and recorded against them.

The table below shows the total number of cases and allegations including direction and control for 12 months to the end of September 2016 and 2017. The figures show that the numbers of allegations and cases over the current 12 month period have increased compared to the last 12 months, however, proportionately the number of allegations per case have reduced from 1.46 to 1.36. The peak in March has significantly contributed to the increase although figures for the quarter are increased on the three year average as explained above.

| | 12 Month Rolling to Sept 2016 | 12 Month Rolling to Sept 2017 | Percentage Change |
|-------------|-------------------------------|-------------------------------|-------------------|
| Cases | 312 | 394 | 26.28% |
| Allegations | 458 | 537 | 17.24% |

*Including Direction and Control cases/allegations.

Allegations broken down into TPA/Area.

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

| Area | Allegations | | | Cases | | |
|--------------|-------------------------------|-------------------------------|-----------|-------------------------------|-------------------------------|-----------|
| | 12 Month Rolling to Sept 2016 | 12 Month Rolling to Sept 2017 | Change | 12 Month Rolling to Sept 2016 | 12 Month Rolling to Sept 2017 | Change |
| North | 107 | 169 | 62 | 76 | 130 | 54 |
| South | 135 | 127 | -8 | 87 | 88 | 1 |
| West | 142 | 130 | -12 | 79 | 91 | 12 |
| UOS | 29 | 38 | 9 | 24 | 28 | 4 |
| HQ/Other | 45 | 73 | 28 | 32 | 57 | 25 |
| Total | 458 | 537 | 79 | 298 | 394 | 96 |

*Including Direction and Control cases/allegations.

Complaint cases have increased when comparing the current 12 month period with the previous 12 months with a significant increase in North TPA and HQ/Other in the period.

The table shows an increase in allegations with the largest increase in North TPA followed by HQ, only South shows a reduction over the 12 month 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 Sept 2016 | Breaches of PACE K,L,M,N,P,R | 9 | 16 | 23 | 1 | 2 | 51 |
| | D&C | 15 | 15 | 7 | 14 | 17 | 68 |
| | Discrimination F | 3 | 2 | 3 | 0 | 0 | 8 |
| | Incivility U | 11 | 12 | 15 | 6 | 7 | 51 |
| | Malpractice G,H,J | 5 | 6 | 9 | 0 | 2 | 22 |
| | Oppressive Behaviour A,B,C,D,E,Y | 31 | 39 | 34 | 4 | 1 | 109 |
| | Other W | 1 | 3 | 1 | 1 | 1 | 7 |
| | Unprofessional Conduct S,T,V,Q,X | 32 | 42 | 50 | 3 | 15 | 142 |
| 12 Month Rolling to Sept 2016 Total | | 107 | 135 | 142 | 29 | 45 | 458 |
| 12 Month Rolling to Sept 2017 | Breaches of PACE K,L,M,N,P,R | 12 | 13 | 13 | 0 | 1 | 39 |
| | D&C | 22 | 13 | 21 | 7 | 30 | 93 |
| | Discrimination F | 3 | 1 | 2 | 0 | 1 | 7 |
| | Incivility U | 32 | 18 | 18 | 12 | 10 | 90 |
| | Malpractice G,H,J | 9 | 5 | 4 | 1 | 6 | 25 |
| | Oppressive Behaviour A,B,C,D,E,Y | 20 | 29 | 18 | 4 | 4 | 75 |
| | Other W | 4 | 5 | 4 | 1 | 3 | 17 |
| | Unprofessional Conduct S,T,V,Q,X | 67 | 43 | 50 | 13 | 18 | 191 |
| 12 Month Rolling to Sept 2017 Total | | 169 | 127 | 130 | 38 | 73 | 537 |

*Including Direction and Control case/allegations.

The largest increases have been seen in the following: -

- North TPA - Unprofessional Conduct (35)
- North TPA - Incivility (21)
- West TPA – Direction & Control (14)
- HQ – Direction & Control (13)

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.

Unprofessional Conduct has the greatest increase up 49 (34.51%) to 191 for the period.

Incivility has a significant increase in the period up 39 (76.47%).

The largest reductions have been seen in the following: -

- North, South & West TPAs - Oppressive Behaviour (-11, -10 & -16).
- West – Breaches of PACE (-10)

The four main groups are Unprofessional Conduct, Oppressive Behaviour and incivility, the data has been interrogated and where trends have been identified this has been highlighted below:

- Unprofessional Conduct saw an overall increase of 79 allegations (34.51%) to 191 allegations with Other Neglect or Failure in duty increasing by 29 (125.0%) and Lack of Fairness Impartiality by 9 (34.62%). North TPA showed the highest increase of 35, 21 of which were Other Neglect or Failure in duty, but only South showed a reduction in this group, there have been no trends identified in relation to the increase or the decrease. This information will be disseminated to the the relevant Commanders via Area reports.
- Direction & Control (D&C) saw an overall increase of 25 allegations (36.76%) to 93 allegations with Organisational Decisions increasing by 34 (170%) and Operational policing policies which increased by 7 (233.33%) there have been no trends identified in relation to the increase or the decrease. Areas showing particular increases were West TPA, UOS and North TPA.
- Incivility increased by 39 (76.47%) to 90 allegations. As highlighted above the largest increase was in North TPA increased by 21 on the previous period to 32, however Incivility has increased in all areas.
- Oppressive Behaviour showed a reduction of 33 allegations (43.42%). West TPA showed the greatest reduction, reduced by 16 to 19, of which Other Assault reduced by 11, both North & South TPA also reduced and Other assault reduced by 9 and 8 respectively.
- There were 2 Sexual Assaults in the 12 month period with no allegations in the previous period. The allegations being: **Allegation 1.** An adult female stated that she was stopped in her car by male officers whose behaviour was inappropriate and she made an allegation of a sexual assault. **This was investigated and not upheld, the complainant did not appeal.** **Allegation 2.** An adult male stated that following his arrest he was strip searched and he alleged that there was a sexual motive behind the strip search. **This is currently live and being investigated.**

Item 9 - Q2 Report to OPCC Integrity Part 2 Complaints

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

| LESSON LEARNED CATEGORY | DISSEMINATION By / To | BRIEF DESCRIPTION |
|-------------------------|-----------------------------|--|
| October 2016 | | |
| Organisational | CI UOS | Issues regarding recording of gender of transgender female on incident log - referred to as "He". Contact with CI Comms to update call card - also discussed with Sarah Dimmock regarding any training issues going forward |
| Organisational | DCI to West | 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) |
| November 2016 | | |
| Organisational | Allerdale Borough Sergeants | 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 |
| December 2016 | | |
| Organisational | Force wide | Link to IPCC Bulletin 28 |
| Organisational | Pass Newsletter Force wide | Pass Newsletter No 25 with Advice for Police officers for the festive period |
| Organisational | Force email | National/International Anti Corruption campaign over the Christmas period, the campaign looked at various areas. Day 1 - Making sure our officers & Staff maintain the highest standards this festive season. (Covered areas on Passwords, access to systems and Disclosure.) |
| Organisational | Force email | Day 2 - Police Officers and staff reminded to consider the Code of Ethics and always comply with policy and procedure. |
| Organisational | Force email | Day 3 - Police Officers and staff reminded about using Social networking sites. |

Item 9 - Q2 Report to OPCC Integrity Part 2 Complaints

| | | |
|---------------------|--------------|---|
| Organisational | Force Orders | Considerations when offering a Simple Caution. When considering whether to offer a Simple Caution an offender's antecedents must be taken into account. Before deciding whether to offer a Simple Caution the views of the victim must be established and taken into account alongside wider public interest factors |
| Organisational | Force email | Days 3 to 8 - Police Officers and staff were made aware of a case study that was linked to Abuse of Authority for Sexual gain. Reporting lines were circulated and they were encouraged to report any concerns they had. |
| Organisational | Force email | National/International Anti Corruption campaign (cont'd) Day 9 - Officers and staff reminded about the number of complaints that related to incivility. |
| Organisational | ForceNet | Allegation 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. |
| Organisational | Force email | Day 10 - Officers and staff reminded about maintaining the highest standards possible and fitness for duty over the festive period. |
| Organisational | Force email | Day 11 - Police Officers and staff were reminded to wear their ID and check visitors ID, whilst on Police premises. |
| Organisational | Force net | Following a complaint that there had been a Breach of Code C of PACE, whilst an individual had been detained in custody. The Investigating officer found that their 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. |
| | | |
| January 2017 | | |
| Organisational | ForceNet | Members of the public alleging that officers are using mobile phone/Kelvin device whilst driving marked police vehicles |

| February 2017 | | |
|-------------------------------|-------------------------------|--|
| Organisational | Personal Safety Instructors | Trainers to remind staff during PST to check Force orders and keep up to date regarding completion of use of force forms and consideration of use of PAVA in custody suites |
| Organisational | PNC entry | Following complaint investigation it was identified that custody officers should be aware that early assistance of an Appropriate Adult for complainant may assist in managing his mental health and wellbeing during future detention in custody |
| March 2017 | | |
| Learning Point | Email to PSD officers & staff | Email sent to wrong email address. Officer & Staff in PSD reminded to check email address before sending emails. |
| Custody | Custody | Guidance to all custody staff regarding breast feeding mothers in custody. |
| April 2017 | | |
| Learning the Lessons Bulletin | ForceNet | IPCC Bulletin 29 (Custody) |
| Organisational | South TPA Inspectors | To record summary offences on police systems in a way that time constraints for prosecution are highlighted more clearly. |
| Organisational | ForceNet | Remind all staff of the need to respond to e-mails from members of the public in a timely manner and to switch on their automatic reply in Outlook when out of office. In addition, make sure that any automatic reply does not reflect badly on themselves or the constabulary. |
| Organisational | ForceNet | Regarding return of property when many items. Staff awareness that when taking property out of exhibit bags and placing in a box it could get mixed up and could result in challenge to the Constabulary |
| Organisational | ForceNet | Provide owners with checklists when their property is seized so they can identify what has been returned. |
| May 2017 | | |
| Organisational | Pass Newsletter Force wide | Recent Misconduct Hearing outcome |
| Organisational | ForceNet | Reminder to all staff of the parameters for submission of use of force form - including for compliant escort |
| June 2017 | | |
| Organisational | ForceNet | Using bodycam - pictures speak louder than words and footage often helps to provide a balanced and undeniable version of events. Completion of Use of Force Form - documenting why techniques were used. Completion of electronic PNB at earliest opportunity to provide a record of events and enable credibility on accuracy |

| | | |
|-----------------------|------------------------------------|---|
| Organisational | Pass Newsletter Force wide | Recent Misconduct Hearing outcome |
| Organisational | ForceNet | Reminder to officers regarding the necessity to charge Body Cams following use and upon conclusion of shift |
| July 2017 | | |
| Organisational | PSD | Circulate reminder to staff within PSD to bring any potential conduct matter not part of their investigation to the appropriate authority for assessment. |
| Organisational | Constabulary website | Website now includes: "Calling From An Area Where 101 Is Not Available: If you wish to speak to Cumbria Police and are calling from an area where 101 is not available you can contact us on (+44) 0300 124 0111" |
| Individual | Individual | PC to attend Advanced driver Course. Out of area |
| August 2017 | | |
| Organisational | Email to custody officers in South | Regarding provision of leaflet to DPs, victims and witnesses in relation to 'release under investigation' information |
| September 2017 | | |
| Organisational | PASS Newsletter Force wide | Recent Misconduct Hearing Outcome (Rogers) |
| Organisational | PASS Newsletter Force wide | Recent Special Case Hearing outcome (Lister) |

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 31 officers who met the repeat officer strategy in the current period, 7 of these officers had more than one entry under the strategy in the 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. Also how officers that receive more complaints due to being easily identifiable, via ethnicity or accent, can be supported.

Twelve of the identified officers are in West TPA, accounting for 18 entries and 14 in South TPA with 17 entries. North TPA and UOS have 3 and 2 officers and entries respectively. One of those subject to the strategy in the period is easily identifiable through ethnicity, this officer has welfare and support in place. Of the rest 19 officers showed no clear issue or trend identifiable. Those where concerns were identified related to communication and poor handling of specific situations.

1.4 Dissatisfaction Reports

There were 49 dissatisfaction reports recorded in the current 12 months which is a reduction of 9 when compared to the previous 12 month period. The main categories reported on in the lower level dissatisfaction reports over the 12 month are regarding similar issues to those reported on in the complaint cases, these being neglect/fail duty and incivility which combined form 45% of dissatisfaction reports in the period.

The Complaints Manager has introduced a new system where PSD will attempt to resolve minor discrepancies through service recovery, "There and then", and not record them as complaints. All this information will be transferred onto Centurion. Going forward there will be no Dissatisfaction forms only "There and Then" service recovery which will capture all relevant information to ensure no patterns of behaviour are missed, linking to officer details so enabling better examination of issues for individuals and general trends. The complaints team have recently attended respective AMT'S with a clear steer that supervisors are required to manage the performance of their staff rather than simply record a complaint. These cases will continue to be reported on in this document under the title There & Then.

1.5 Diversity

There have been 5 allegations of discriminatory behaviour by the police recorded during the current 12 month period which is stable compared to the previous 12 months.

November 2016 - 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. Not Upheld - by PSD.

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

April 2017 - Complainant states the information provided by the police to Children's Services was incorrect. They have had information released to them by Children's Services and no mention is made of the fact that they had been subject of domestic abuse by their ex-partner however the reverse is clearly recorded. They consider this is discriminatory. In addition there is no mention of loss of/damage to property which they believe was undertaken by the ex-partner. Currently live.

May 2017 - Complainant states that they were arrested, handcuffed and sworn at by the arresting officer and alleges that the arresting officer did this because they is Scottish. Currently live.

September 2017 - The complainant states that they were in a vehicle that had broken down due to a burst tyre. When police finally attended the complainant states the officer made comments to them which shocked and insulted them and felt were unprofessional making reference to sensitive incidents which had nothing to do with them. They further state that they are concerned that this type of behaviour is victimising behaviour aimed towards their family who come from a travelling background. Currently live.

1.6 Performance

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

| Allegation Result Description | 12 Month Rolling to Sept 2016 | 12 Month Rolling to Sept 2017 | Change |
|--------------------------------|-------------------------------|-------------------------------|-------------|
| De Recorded | 12 | 12 | 0 |
| Disapplication - by Force | 87 | 18 | -69 |
| Local Resolution - by Division | 197 | 241 | 44 |
| Local Resolution - by PSD | 110 | 51 | -59 |
| Not Upheld - by Division | | 4 | 4 |
| Not Upheld - by PSD | 283 | 120 | -163 |
| SR Case to answer | 5 | 2 | -3 |
| SR No case to answer | 2 | 3 | 1 |
| Upheld - by PSD | 19 | 8 | -11 |
| Withdrawn - by Force | 23 | 15 | -8 |
| Withdrawn - by IPCC | 6 | | -6 |
| De Recorded | 12 | 12 | 0 |
| Grand Total | 756 | 486 | -270 |

The IPCC in the most recent report (Q1, Apr 2017 to Jun 2017) assess Cumbria's performance for average number of days to finalise Local Resolution and Investigations:

- Average number of days to locally resolve allegations – Cumbria 40, MSF average 77 and National average 67. Cumbria has increased by 6 days and the MSF by 18 and national figures have remained stable.
- Average number of days to finalise cases – Cumbria 65, MSF average 98 and National average 97. Cumbria has reduced compared to the same period last year which had 73 days.
- Average number of allegations per 1000 employees cases – Cumbria 63, MSF average 76 and National average 68. Same Quarter last year Cumbria was at 55.
- Cumbria is the 6th best in the country for the average number of days to locally resolve allegations.

In the current 12 month period, 486 allegations were finalised compared to 756 in the previous period.

The greatest increase (by 44, 22.34%) was Local Resolutions by TPA, Not Upheld by PSD has reduced (by 163, 57.60%). As a proportion Local Resolution has increased from 41.26% in the last period to 61.60% in the current period. This is mainly down to the following main issues:

1. A greater emphasis on dealing with complaints that are better suited to Local Resolution rather than undergoing an extensive investigation and having a third

Item 9 - Q2 Report to OPCC Integrity Part 2 Complaints

party (Complaints Investigators) deliver a decision. By directly participating in the solution to the dispute the majority of complainants come away from the process with a more meaningful level of understanding.

2. The Complaints Manager's remit is therefore to deal directly in resolving the dissatisfaction rather than get embroiled in an investigation that can be time consuming and bears no resemblance to restoring public confidence.
3. The average time to deal with a Local Resolution is 35 days as opposed to 110 days in respect of a Local Investigation.
4. The time frame for dealing with Local Resolutions is 40 days. Reminders are sent out to Inspectors/Sergeants after 25 days, hence more are been completed within the required timeframe, hence the quicker turnaround.

1.7 Force and IPCC Appeals

| Result | Force Appeals 12 months rolling to Sept 2016 | Force Appeals 12 months rolling to Sept 2017 | IPCC Appeals 12 months rolling to Sept 2016 | IPCC Appeals 12 months rolling to Sept 2017 |
|------------------|---|---|--|--|
| Upheld/Partially | 3 | 2 | 5 | 5 |
| Not Upheld | 24 | 5 | 10 | 14 |
| Withdrawn | | | | |
| Not Valid | | | 1 | |
| Live | 2 | 7 | | 5 |
| Total | 29 | 14 | 16 | 24 |

The above data highlights that the number of IPCC appeals have increased by 50% (8) and the number of force appeals has reduced by 51.72% (-15). The percentage of upheld Force appeals has reduced in this reporting period by -33% (1) compared to the previous 12 months. IPCC Appeals upheld results have remained stable.

Upheld Force Appeals have reduced from 10.3% to 14.3% (3 of 29 compared to 2 of 14).

Upheld IPCC Appeals have reduced from 31.3 to 20.8% (5 of 16 compared to 5 of 24).

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 actions of individuals. Over the current 12 month period direction and control complaints have increased by 25 (37%) when compared to the previous 12 month period particularly in Organisational decisions although to a lesser extent in Operational policing policies.

| Allegation Result Description | 12 Month Rolling to Sept 2016 | 12 Month Rolling to Sept 2017 | Change |
|--------------------------------------|--------------------------------------|--------------------------------------|---------------|
| General policing standards | 11 | 3 | -8 |
| Operational management decisions | 34 | 26 | -8 |
| Operational policing policies | 3 | 10 | 7 |
| Organisational decisions | 20 | 54 | 34 |
| Grand Total | 68 | 93 | 25 |

Issues raised in the last quarter include complaints about method decisions for specific cases, custody, property and timeliness.

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: OPCC Complaints

Date: October 2017

Agenda Item No: 10a

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

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

1. Introduction & Background

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

2. Issues for Consideration

Complaints received by the OPCC

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

| 2013 | 2014 | 2015 | 2016 | 2017 |
|---------|--------|-------|---------|-------|
| 29 (19) | 13 (8) | 2 (2) | 22 (22) | 5 (5) |

- 2.2 The reduction in the number of complaints received by the OPCC indicates that the public are more aware of the Police and Crime Commissioner, the roles and responsibilities he has and the procedures to be followed regarding making complaints about police officers and staff or the Constabulary. Appended to the report is a breakdown of the complaints received up to 31 October 2017 (Appendix 1).

Commissioner Complaints

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

- 2.7 The Panel will be aware that Police and Crime Commissioner elections were held on 5 May 2016. Following the election the Commissioner, Mr Peter McCall, was elected. Detailed in the table below is the number of complaints received regarding the previous Commissioner, Mr Richard Rhodes, (RR) and the current Commissioner, Mr Peter McCall (PM). The table illustrates by what method they were dealt with.

| YEAR | N° of Complaints Received | Complaint not about the PCC | Dealt with by informal resolution | Police & Crime Panel investigation |
|---------|---------------------------|-----------------------------|-----------------------------------|------------------------------------|
| 2016 RR | 2 | 0 | 2 | 0 |
| PM | 0 | 0 | 0 | 0 |
| 2017 | 2 | 0 | | |

- 2.8 The majority of the complaints received relate to the way in which the Commissioner has carried out his duties or work he has undertaken rather than his personal conduct. The two complaints against the current Commissioner remain outstanding and are being considered by the Police and Crime Panel.

2.9 Chief Constable Complaints

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

- 2.10 The table below illustrates the number of complaints which were received from 1 January 2016 to 31 October 2017. There are no complaints outstanding.

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

- 2.11 A complainant has the right of appeal to the IPCC if they feel that a complaint should be recorded or is unhappy with the outcome of the resolution process or investigation.

2.12 OPCC Staff Complaints

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

3. Implications

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

4. Supplementary information

Appendix 1 – Complaints received by the OPCC

Ethics and Integrity Panel



Title: OPCC Quality of Service & Policing Issues

Date: October 2017

Agenda Item No: 10b

Originating Officer: Joanne Head

1. Introduction & Background

1.1 The Office of the Police & Crime Commissioner (OPCC) receives a number of telephone calls and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced. These are regarded as quality of service and policing issues.

1.2 Our service standard is that:

- An acknowledgement will be sent out on the day of receipt of the correspondence advising them that they will receive a full response from the OPCC within 28 days. Should the matter take longer to conclude updates will be provided on a 28 days basis until the matter is finalised.
- Where possible a response will be provided at the earliest opportunity and is often well before 28 days.

1.3 A system has been developed within the OPCC to acknowledge, log and monitor the resolution of the issues raised. Once a QSPI is logged within the OPCC it is then allocated appropriately. Predominantly the majority of issues are passed through to the Chief Constable's Office who then allocate it to the appropriate Territorial Policing Area (TPA) or department to deal with. Regular contact between OPCC staff and the Chief Constable's Office takes place to ensure that matters are progressed in a timely manner. The staff officers have access to the same information and QSPI spreadsheet as the OPCC and will update it accordingly.

1.4 Where an urgent matter is received then the OPCC will directly contact the Chief Constable's office to ensure that the matter is progressed immediately.

1.5 Since its inception the number of QSPI's received and dealt with by the OPCC has increased as can be seen from the figures below:

- 2013 - 98
- 2014 - 198
- 2015 - 167
- 2016 - 235

- 2017 - 219 (up to 31 October 2017)

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

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

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

- 2013 - 98
- 2014 - 198
- 2015 - 167 + 297 = 464
- 2016 - 235 + 83 = 318
- 2017 - 219 (up to 31 October 2017)

1.7 As can be seen from the appendices the issues raised by members of the public are very broad ranging but it is primarily the Constabulary who provide the response either at a personal level or provide the information to the OPCC to write to the individual. Of the 219 QSPI's processed up to 31 October 2017 the OPCC itself provided the response to 40 (18%) with the Constabulary either via direct contact or providing information for the OPCC to respond with provided information for 179 (82%).

2. Making A Difference

2.1 In each instance the OPCC helps to facilitate the individual to be provided with a response or explanation to the issues that they have raised. On many occasions the matter is dealt with at a local level, with police officers and staff making contact or visiting the individual. This then enables the Constabulary to find out more about the issue and look to implement a suitable solution or resolution for not only them but on occasions the wider community.

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

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

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

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

- 2.6 A number of people also write to the Commissioner regarding complaints they wish to make about Cumbria Constabulary. As the Police and Crime Commissioner does not have any statutory authority to deal with complaints between the rank of Chief Constable, these are logged and the individual advised that their complaint will be forwarded to the Professional Standards Department to deal with it.

3. Organisational Learning

- 3.1 On a six monthly basis the OPCC will analyse the information it has received via the QSPI process. This enables us to look at any trends or patterns regarding issues which are concerning the public, see how the OPCC has facilitated an outcome or service recovery for the Constabulary and whether there is any organisational learning.
- 3.2 Detailed below illustrates the amount of shared learning between the OPCC, the Constabulary and the Professional Standards Department relating to the total number of QSPI's dealt with during 2017 (up to 31 October 2017):

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

In 100% of the QSPI's received during 2017 the OPCC provided advice or information; or was the conduit through which the Constabulary contacted and resolved the issue with the individual.

- 3.3 As can be seen from Appendix 1 the nature of the top five issues raised within 2016 and 2017 are:

| Issues Raised | 2016 | 2017 |
|-----------------------------------|------|------|
| Police Resources / Police Service | 91 | 38 |
| 101 | 14 | 21 |
| Anti-Social Behaviour | 14 | 18 |
| Car Parking / Driving Issues | 11 | 34 |
| Fraud | 6 | 6 |
| | | |
| | | |

- 3.4 Where an issue is repeatedly being reported or raised by members of the public the commissioner will be advised and he may seek to look into the cause of these issues himself. An example of this would be in relation to 101. In 2016 a number of members of the public telephoned the OPCC to complain about their ability to get through on the 101 service. The Commissioner took this matter up with the Chief Constable and now receives weekly reports on the performance of the 101 service.

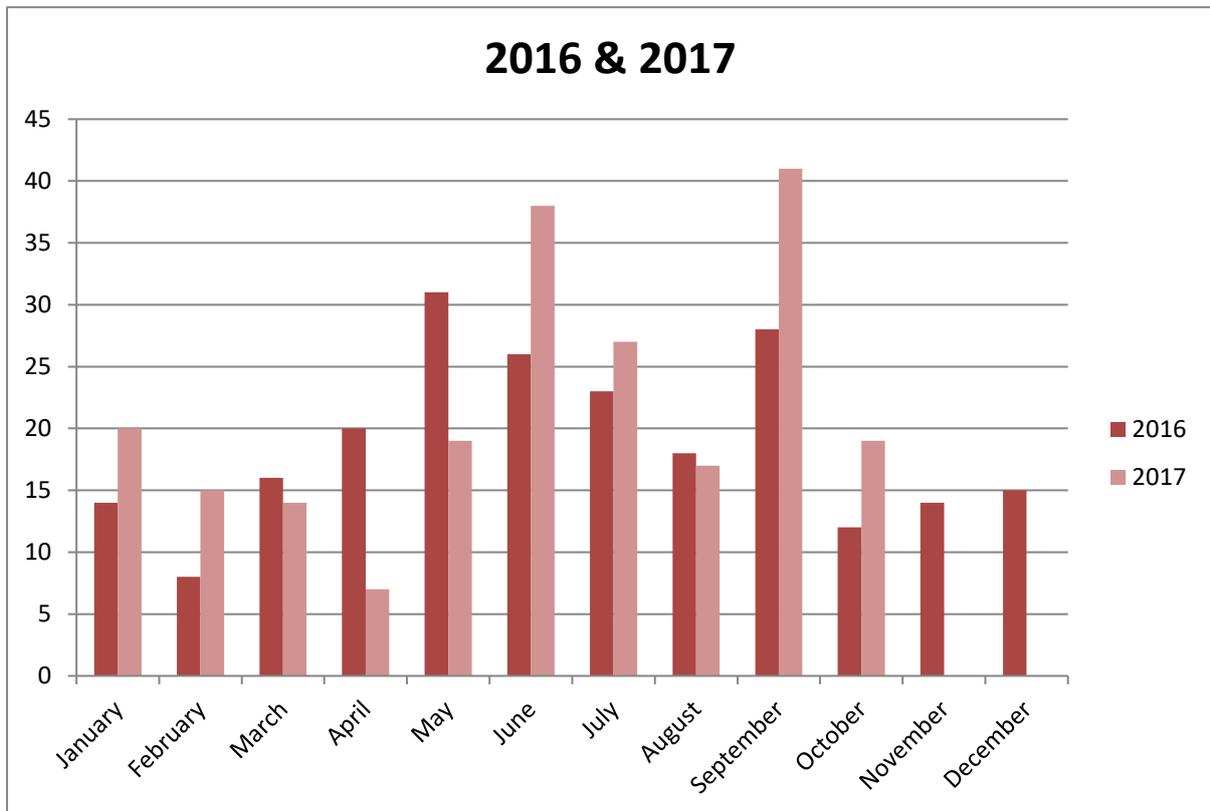
4. Implications

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

5. Supplementary information

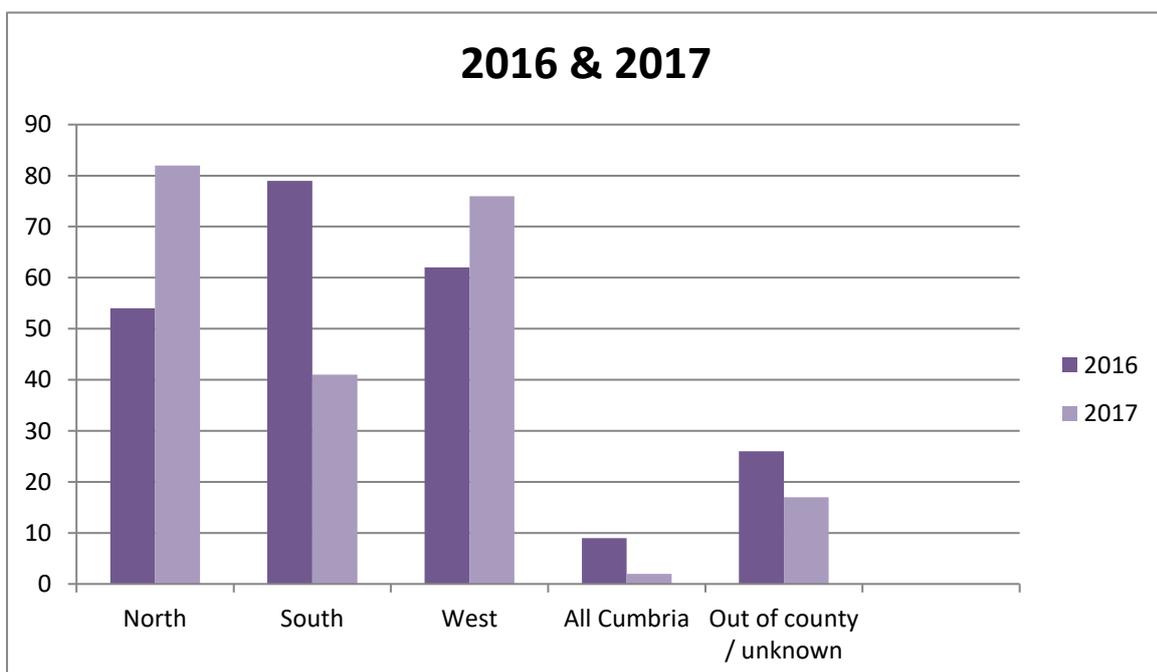
Appendix 1 – Quality of Service issues received by the OPCC

QSPI'S PER MONTH



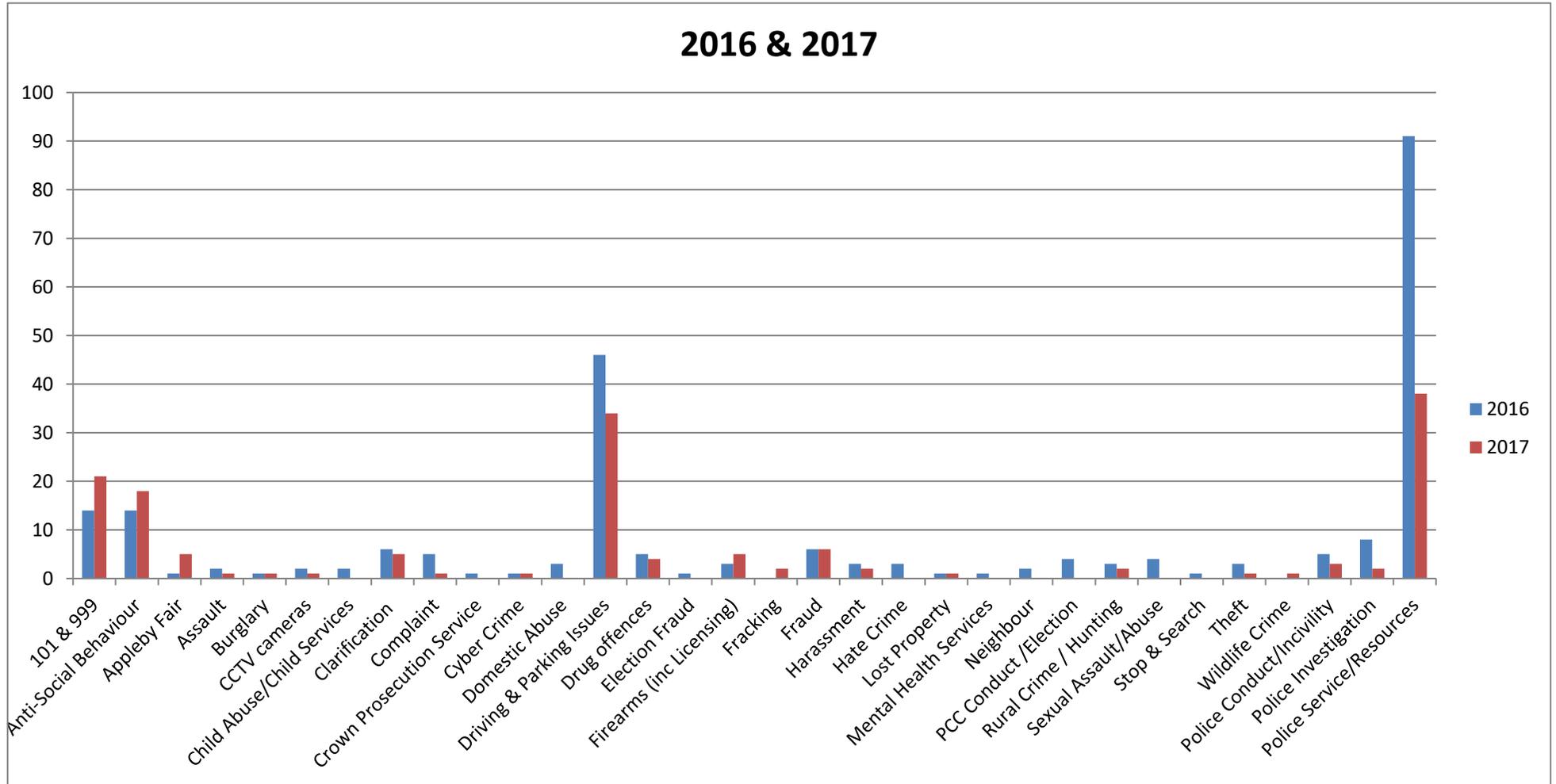
It can be seen from the above chart that in June, July and September 2017 there was an increase in the number of QSPI's received. This can be attributed to the Commissioner holding surgeries throughout the county and members of the public attending to raise issues and concerns.

QSPI's per Area



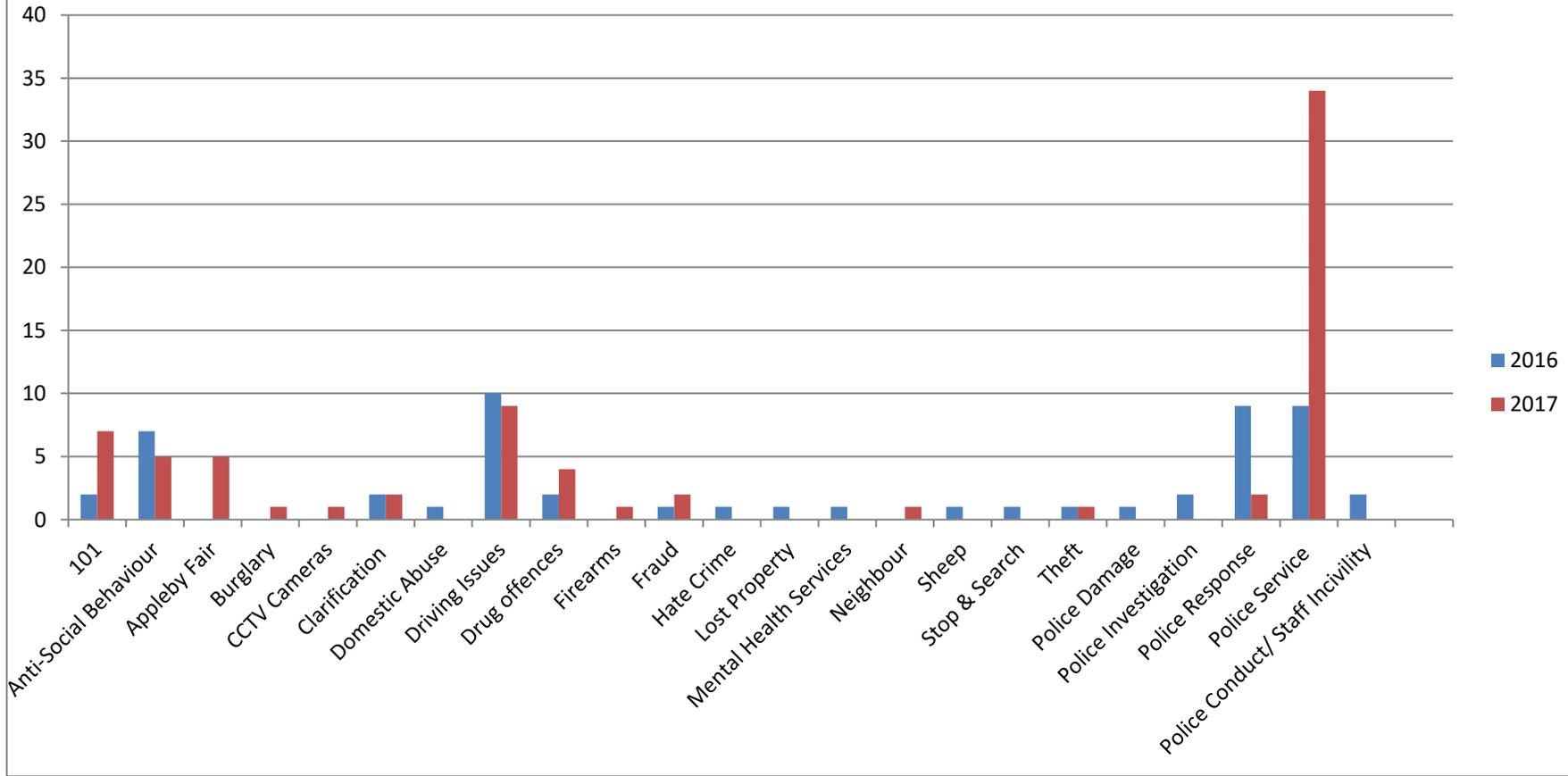
QSPI Categories

2016 & 2017

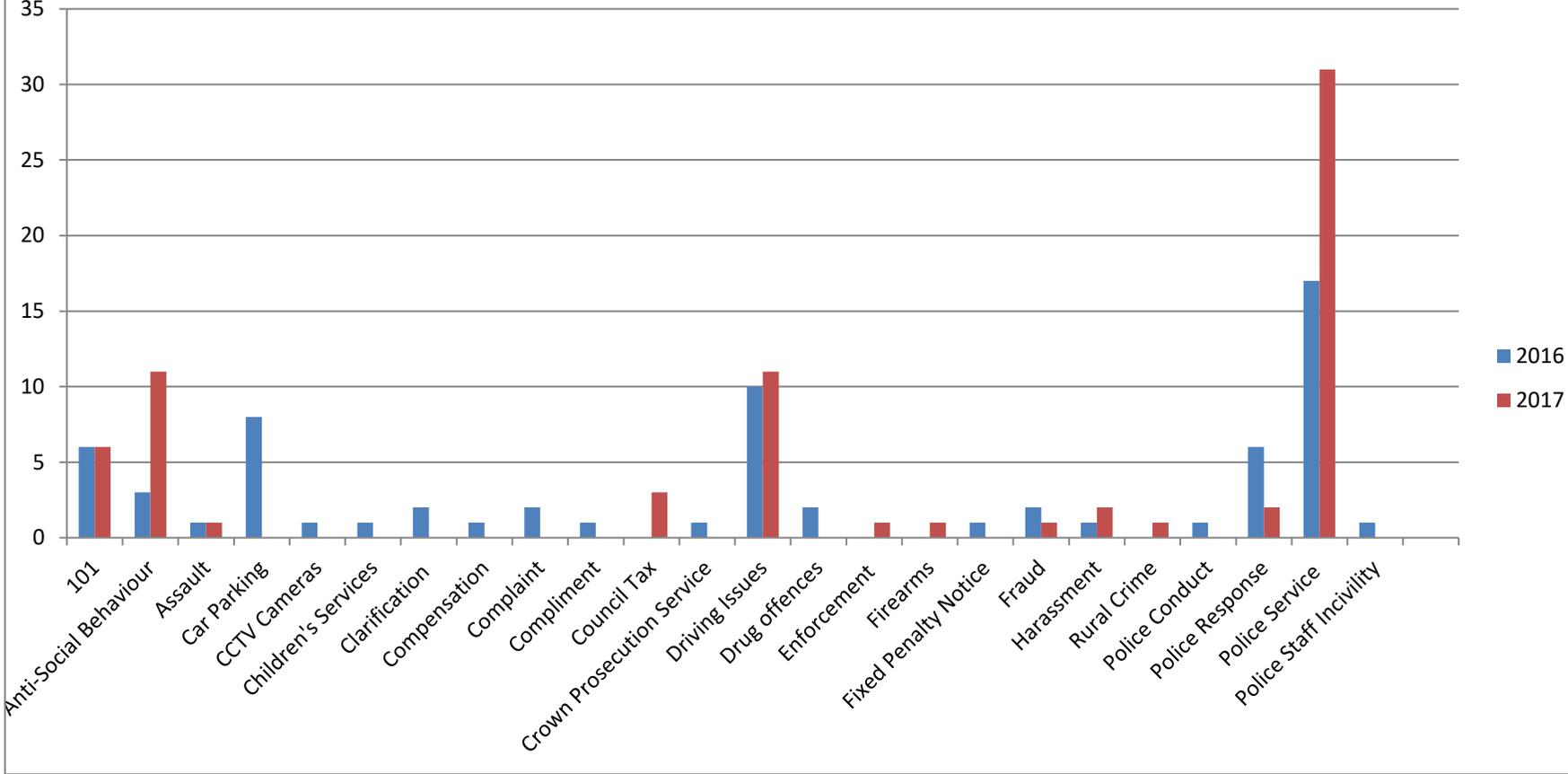


The above figures are for the period 1 January 2016 to 31 December 2016 AND 1 January to 31 October 2017

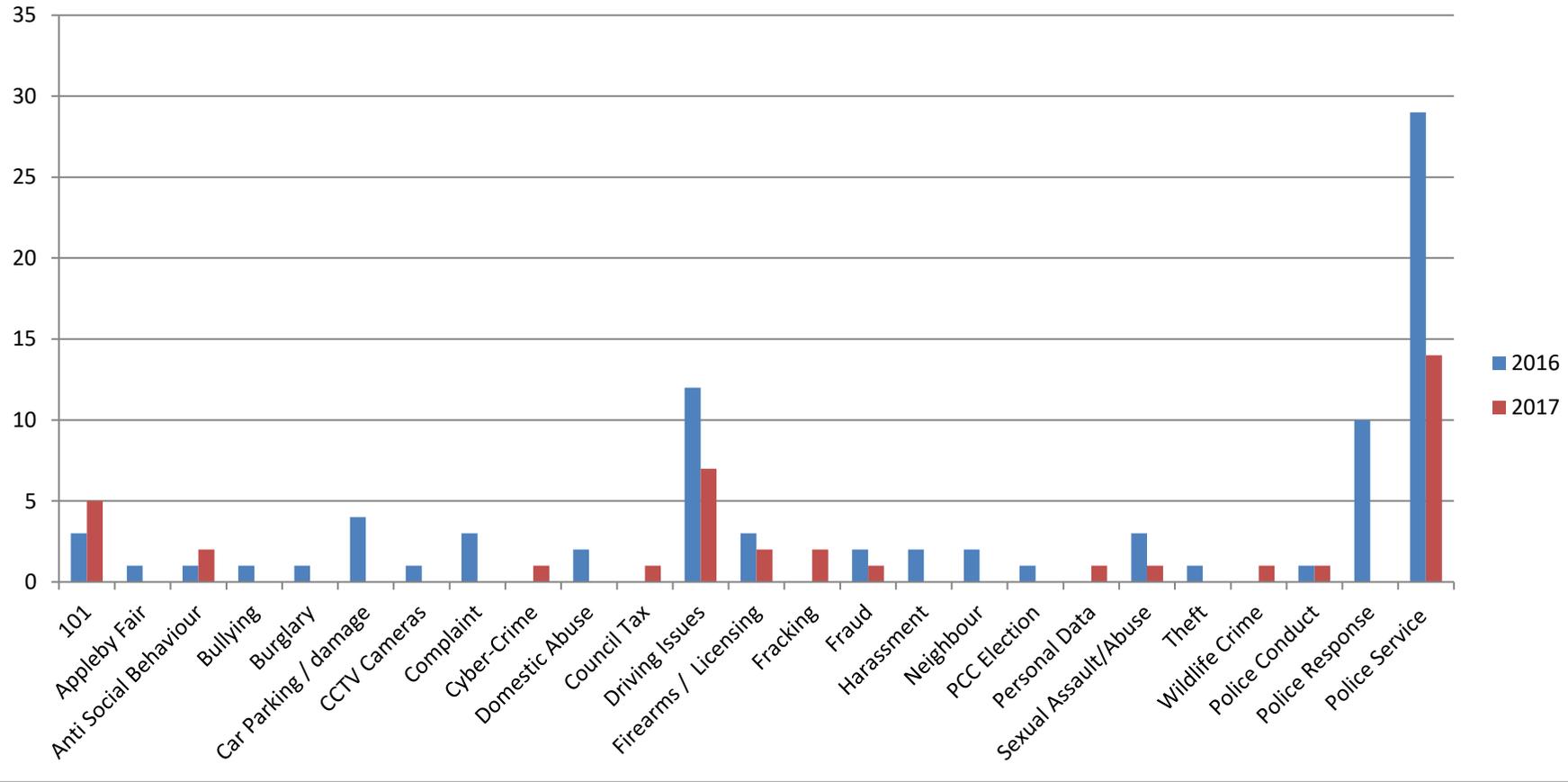
North Area & Categories



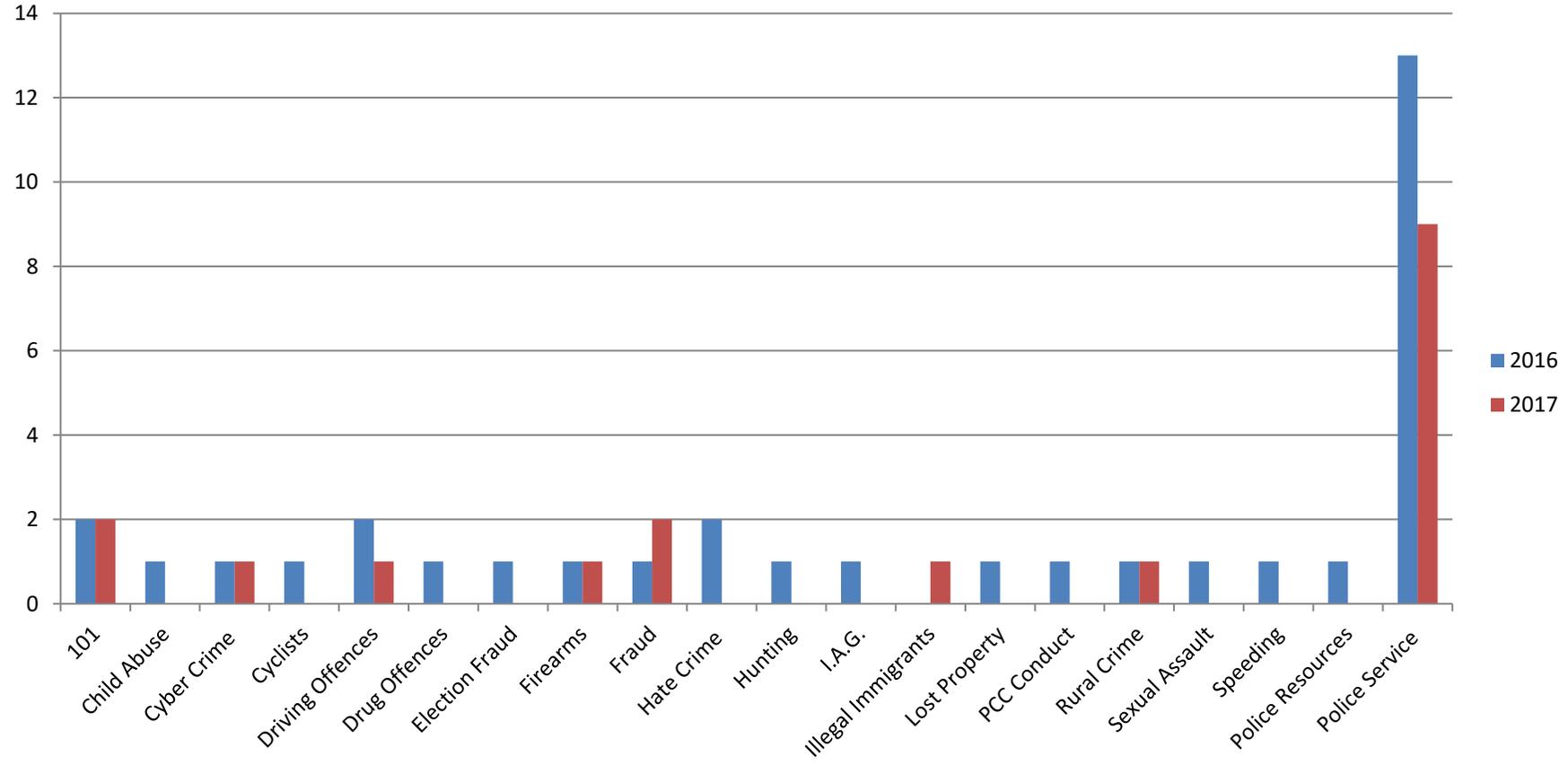
West Area & Categories



South Area & Categories



Other Areas



Ethics & Integrity Panel Annual Work Programme

1 Purpose of the Annual Work Programme

An annual work programme has been developed to enable the panel to fulfil its terms of reference and scrutiny role.

The annual work programme aligns the work to be undertaken by the panel at each of their scheduled meetings. The alignment is managed to ensure wherever possible meetings are balanced in terms of volume of work and annual reviews are incorporated at the correct time of year.

In addition to the cyclical information to be reviewed and considered, the panel could be asked to review additional areas of work. These would include:

- Critical Incidents
- HMIC Inspections
- Serious Case Reviews
- Thematic areas of Performance
- Public Concerns

How such reviews were undertaken would need to be agreed, ensuring that the panels work did not interfere with any ongoing or appeal processes. The findings of the panel would be reported to the Police and Crime Commissioner and the Chief Constable.

The panel will be required to provide an annual report to the Police and Crime Commissioner and the Chief Constable on the work they have carried out during the year and what issues and learning have been identified.

Ethics & Integrity Panel Annual Work Programme 2018

| February 2018 | May 2018 | August 2018 | November 2018 |
|---|---|---|---|
| <p>THEMATIC DIP SAMPLE : Dip sample an agreed area of business within the Constabulary or OPCC.</p> | <p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary.</p> <p>MISCONDUCT – OFFICER & STAFF DISCIPLINE: To dip sample officer and staff discipline cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> | <p>THEMATIC DIP SAMPLE: Dip sample an agreed area of business within the Constabulary or OPCC.</p> <p>(Topic to be confirmed – potential topics: Body Worn camera – follow-up from 2017</p> | <p>PUBLIC COMPLAINT FILES: Dip sample finalised public complaint files held by the Constabulary.</p> <p>MISCONDUCT – OFFICER & STAFF DISCIPLINE: To dip sample officer and staff discipline cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> |
| <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with by the Anti-Fraud & Corruption Unit.</p> | <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with by the Anti-Fraud & Corruption Unit.</p> | <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with by the Anti-Fraud & Corruption Unit.</p> | <p>PUBLIC COMPLAINTS PERFORMANCE DATA: To receive reports containing data on how the Constabulary have met their statutory requirements.</p> <p>ANTI-FRAUD & CORRUPTION UNIT REPORT: To receive a report on the cases being dealt with by the Anti-Fraud & Corruption Unit.</p> |
| <p>ANNUAL REPORT: To consider the annual report to be provided to the Commissioner on the work carried out by the Panel.</p> <p>THEMATIC SESSION: Report back to the meeting on the outcome/findings of the morning session. (Topic to be confirmed)</p> | <p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p> <p>MISCONDUCT – OFFICER & STAFF DISCIPLINE: To receive reports on officer and staff discipline cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> <p>STOP AND SEARCH FORMS: Annual dip sample of the Constabulary's stop and search forms.</p> | <p>THEMATIC SESSION: Report back to the meeting on the outcome/findings of the morning session.</p> <p>(Topic to be confirmed – potential topics: Body Worn Camera – follow up from 2017</p> | <p>CIVIL CLAIMS: To receive a report on Civil Claims to monitor any trends/issues and how learning/training has been implemented.</p> <p>GRIEVANCES: To receive a report on Grievances against the Constabulary identifying any trends or issues.</p> <p>OPCC COMPLAINTS & QSPI: To receive a report on complaints and quality of service issues received by the OPCC.</p> <p>MISCONDUCT – OFFICER & STAFF DISCIPLINE: To receive reports on officer and staff discipline cases reviewing the initial assessment and outcome to confirm consistency/fairness in approach to misconduct cases.</p> |

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In addition the following will be considered when required:

- **Critical incidents** a referral could be made to the committee from COG, PCC, Gold Group or the panel could ask for the information. The panel could hold the CC / PCC for non-referral of cases. Terms of reference for each review would need to be agreed by the PCC. Learning points for the force would then be made from the panel.
- **Thematic areas of performance** - concerns re areas of performance could be referred by the CC/PCC following identification at performance meetings (eg crime recording).
- **HMIC Inspections / Internal Audit Reports** - where the inspection or audit was in relation to Ethics the whole report and monitoring of actions could be undertaken by the committee. Agreement with the Chair of the Joint Audit & Standards Committee would need to be formulated with regard to the monitoring of audit reports. For other inspections information could be provided if relevant.
- **Serious Case Reviews** - incidents/cases where it is apparent that the Constabulary will be subject to a serious case review. A review could be undertaken when the case is finalized or as part of the process
- **Public Concerns** – where issues or concerns are raised by the public to the Police & Crime Commissioner or the Chief Constable regarding a particular incident or area of work the panel can be asked to undertake a review. Following which they would present their findings to the Commissioner/Chief Constable and where necessary the outcome of their findings could be published to provide public assurance.
- **Review of Policies and Procedures** - Where appropriate be consulted on new/developing policies and procedures regarding integrity and ethics following any annual review. To give assurance that up to date policies and procedures are in place.

Ethics and Integrity Panel



Title: 2018 Meeting Dates

Date: 31 October 2017

Agenda Item No: 12

Originating Officer: Joanne Head

CC:

Executive Summary:

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

Recommendation:

That, the Panel considers and agrees the proposed meeting dates for 2018

1. Introduction & Background

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

2. Issues for Consideration

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

2.2 The proposed meeting dates for 2018 are:

- ❖ Thursday 8th February
- ❖ Thursday 3rd May
- ❖ Thursday 9th August
- ❖ Thursday 8th November

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