



TRUST, INTEGRITY AND ETHICS COMMITTEE
Thursday 23 July 2015
The Study, Hindlip

Attendees:

Warwickshire OPCC:

Ron Ball (RB)	Police and Crime Commissioner, Warwickshire
Neil Hewison (NH)	Chief Executive
Debbie Mullis (DM)	Policy and Research Officer
Neal Vincent	Administrator (minutes)

West Mercia OPCC:

Barrie Sheldon (BS)	Deputy Police and Crime Commissioner, West Mercia
---------------------	---

Police:

CC David Shaw (DS)	Chief Constable, West Mercia Police (Items 12 & 13)
DS Gary Watson (GW)	Alliance Head of Professional Standards (Items 6 & 14)
Joy Preece (JP)	Alliance Crime and Incident Registrar (Items 3 & 4)

Independent Members:

Clive Parsons (CP)	Chair
Jane Spilsbury (JS)	
Susanna McFarlane (SM)	
Chris Cade (CC)	
Col. Tony Ward (TW)	

Guest Speakers:

Roger Laws (RL)	Chair of Warwickshire Out of Court Disposals Group (Item 3)
Graham Hollowell (GH)	Warwickshire Out of Court Disposals Group (Item 3)

Apologies:

Bill Longmore (BL)	Police and Crime Commissioner, West Mercia
Andy Champness (AC)	Chief Executive, West Mercia OPCC

1. Welcome and Declaration of Conflicts of Interest (Chair)

Clive Parsons opened the meeting and welcomed the Members. The proposed guidance to the Committee on Conflicts of Interest was read: *“Members should declare if they have any interests, either personal or professional, that could cause a conflict of interest with any items on the agenda. This should be raised at the beginning of the meeting or at the point that it becomes apparent.”*

This definition was agreed by members.

CC declared that he had been elected as a National Trustee of the Neighbourhood and Home Watch Network.

TW declared that he is a member of the West Mercia Police and Crime Panel.

From the next meeting, the Committee's Chair for the next year would be Col. Tony Ward, selected by a vote among the Independent Members at their pre-meet.

2. Minutes of the Meeting held on 30 April 2015 and Matters Arising

The public minutes of the committee meeting held on the 30 April 2015 were deemed to be a true and accurate record.

Of note from the actions:

NH advised that the Professional Standards Department was going through a phased restructure. HMIC had identified some shortcomings and actions were being taken to address these, but it would take some time. NH suggested that the panel received updates on complaint statistics from GW at every other meeting. This was agreed.

Action: GW to be invited to every other meeting to provide an update on complaint statistics.

Members asked that GW be reminded to provide DM with dates of public misconduct hearings so that they could be invited to attend. On this note, BS stated that "Plebgate" had raised its head again. The DCCs of each force had made public announcements and the matter was now back with the forces to proceed with misconduct hearings.

Action: DM to remind GW to provide dates of public misconduct hearings.

The review of rape cases that had been no crimed by the Force had not taken place. CP commented that this was due to the members not being able to find suitable dates. Work will take place to ensure that the additional days take place.

It was requested that AC provide an update on the types of force that the Committee could consider at the next meeting.

Action: AC to provide an overview of which types of force could be considered by members at the next meeting.

3. Warwickshire Out of Court Disposals Group

CP advised that the Chair of the West Mercia Out of Court Disposals Group had also been invited but had retired and there was not currently a Chair in place.

RL provided some background to the setting up of Out of Court Disposals Groups. The groups consider community resolutions, adult cautions, cannabis warnings, reprimands, cautions and penalty notices. Cautions would show up on a DBS (formerly CRB) check, but the other offences may or may not be disclosed, dependent on the position being applied for.

A decision had to be made on whether a crime is an indictable offence. Previously, Sergeants were making these decisions, with regular dip-checks by Detective Chief Inspectors. However, separation of the powers of judiciary and executive was enshrined in the UK constitution and the police were making decisions that should be left to the judiciary.

Group meetings would look at, for example, assault cases dealt with by caution. A number of cases would be randomly selected, e.g. 15 cases, 10 adult and 5 youth. 15 sets of papers, with previous convictions attached. Various factors would be examined, e.g. the outcome of the cases, the views of the victim and defendant, the rationale of the decision, alternative

options that were available, etc. RL noted that the police had been very helpful with this research; not defensive and absolutely on board with the project.

4 levels of conclusion:

Level 1) Appropriate, and consistent with T&Cs (60% of cases)

Level 2) Appropriate, with observations (14% of cases)

Level 3) Inappropriate, with observations (23% of cases)

Level 4) Failed to reach a conclusion (3% of cases; this had happened a couple of times)

RL outlined two example cases to the committee.

SM queried what happened when an outcome was deemed to have been inappropriate. RL/JP said there was feedback through the police structure, but not an appeal. The group's remit as an independent panel was to provide external scrutiny of out of court decision cases – to look at whether there had been a breach of policy, and report back to the DCI leading police business. No action, but feedback.

RL noted the statistics: the year to date had seen 5,680 cases dealt with out of court, 596 result in a charge, and 481 in out of court disposal. The ratio was 55% court, 45% out of court. 60% of these decisions were deemed to have been correct, but nevertheless a high percentage of cases had been dealt with out of court when they should not have been.

BS commented that 23% (109) of outcomes had been deemed not appropriate; were the figures the same in West Mercia? RL could only speak for Warwickshire, although he knew the rate in Coventry was similar, possibly higher.

CP questioned whether the police have any guidance on these decisions and, if so, what was their guidance? JP responded that the Ministry of Justice had issued guidance, but it was frontline police who were actually making the decisions. These decisions did not always meet the standards, but this was understandable.

TW asked if the group looked at both Restorative Justice and community resolution? JP explained that Community Resolution applied to cases characterised by low-level harm and/or risk, cases which could be dealt with by apology, while Restorative Justice had different layers; still low-level cases, but those with a higher risk to the community, e.g. repeat offences.

TW asked when the decision was made to resolve by Community Resolution or Restorative Justice? JP advised that the Sergeant or Chief Inspector would take this decision.

RB stated that the issue was important in terms of public confidence; what was the magistrate's view? RL responded that Magistrates sat on both difficult and spurious cases. The magistrate's view was that, ideally, all cases should go to court; let the police do their job and let the magistrates do theirs. RB was not sensing magistrate discomfort, but it was noted that there was some discomfort, due to factors like news stories about out of court. We can see 23% were inappropriate, and look at the reasons behind that. RB asked whether there was any second bite of the cherry on cases where the outcome was clearly wrong. RL said no, not on specific cases, but the feedback was education for the future. RB enquired whether there was there any incentive for officers to routinely deal with cases out of court, for ease. JP noted that all such decisions were monitored by senior decision-makers and they were not finding repeat offenders; all offenders went on the system.

CC noted that rising court costs were being suggested as a driver in this, but what was driving those costs? RL clarified that, with court costs and victim surcharge, it cost £150 to plead guilty, £525 if not, and fines were based on income. In short, it was cheaper to plead

guilty, and cheaper still to take a caution. Going to court was an expensive prospect – a minimum of £170 – and therefore the incentive was to plead guilty.

CP thanked RL and GH for their contribution.

4. HMIC Crime Data Integrity Review

JP provided some background to the HMIC Crime Data Integrity Review. The review had resulted from increased scrutiny over crime data, e.g. to what extent could police crime data be trusted? Focus groups, HMIC spot-checks, and data-sampling looked at calls on the command and control system, e.g. how many amounted to alleged crime, and how many became actual crime? There had been a culture of pressure upon forces to reduce crime by percentages; if a case was not going anywhere, or the victim was not cooperating, it had been tempting to “no-crime” it and “get it off the books.” Such crimes were not recorded.

Serious, high-profile crimes were handled well; it was low-level crimes that were the cause for concern. With referrals from other agencies (e.g. social services) there was debate about *when* to record the referral as a crime, particularly with ambiguous “crimes,” like “I think someone’s been in my house” but no specific evidence of trespass – how to record that?

The main concern was about police chasing targets. The police needed to be more victim-focussed, not chasing targets, and to believe the victim from the start. 74% of cases went from incident to crime, so potentially 26% of victims were let down. Why were the police not recording crimes? Not wanting an unsolved crime on the books, victim didn’t want to pursue, etc. The rule should be: If you’ve identified a victim, record the crime.

There were also issues over reporting crime; busy officers waiting to report the day’s crimes until the end of their shift, encountering a bottleneck, unable to get through, so it slipped to the next day.

Athena, the new crime-recording system, would see forces sharing information and would be a more efficient way for officers and supervisors to work together. A skeleton report would be generated at the point when an incident was first phoned in. Mobile IT systems would help avoid officers repeating questions – thereby eroding public confidence in the police, due to IT deficiencies – by ensuring they had the relevant information.

CP asked whether everything being said was in respect of the Alliance. JP confirmed that it was. JS queried why the go-live date was March 2016 for Athena. JP replied that this was due to background data-migration work. JS said there were questions about who had been contracted for this work, and why they couldn’t deliver in a more timely fashion. NH said it was a national system, and the Alliance was in the queue; even March 2016 was an extremely aggressive timescale. RB concurred; it was a massive £7.3M national programme. The new Operations and Communications Centre system would be implemented in 2017, the delay was linked to building work, with current systems close to collapse.

Regarding the accuracy of data recording, RB noted that, while HMIC were specific that there should be no pressure on targets, at the Association of Police and Crime Commissioners’ meeting the previous week a colleague had said targets were too deeply embedded in the culture despite this message. JP said they had to keep drip-feeding the message: *record the crime, record the victim, record what you’ve done; be transparent*. RB warned that the effect of this change would be recorded crime inevitably going up. TW mentioned the “league tables” – red / green / amber – but JP said they were all gone; there was now no evidence of that in police stations.

BS observed that in the West Mercia OPCC’s Annual Report, produced that week, recorded crime overall was up. The committee understood that the rise was due to the ethical

recording of crime, but the public impression would be that the rise in crime was linked to cuts in policing. How to communicate to the public that this was not the case? SM noted that the spike would not be there next year, although the media were responsible for forming the public impression as it made for a better headline to say "Crime up in West Mercia" rather than "West Mercia now ethically recording crime." RB suggested directing people to the National Crime Survey, as the spike would not be there.

NH reminded the committee that JP had attended today's meeting in order that the panel could decide whether this piece of work could be signed off as completed, or whether JP would return later. In short: the impact of the action plan was that crime was up, but it was a one-year hit that was the direct result of recording practices. TW noted that JP had used several phrases such as "on the road to" and "working toward" in her presentation, indicating the work was not yet completed, and therefore she must come back; the panel couldn't sign it off yet. CP agreed; JP was to come back next year.

Action: DM to invite JP to the January meeting of the Committee.

5. Complaint Dip Sampling Report / Lessons Learned

TW requested that thanks were recorded to Tracy Hudson, Policy Officer for the West Mercia PCC, and DCI Dave Goosen, from the Police Professional Standards Department for their assistance with the dip sampling process.

An action plan was in place to reduce the length of time it took to finalise complaints. This included the aim to reduce the time taken to make initial contact to 2-3 days and for the complainant to receive an update every 28 days. There was evidence of some complaints taking 3-5 months, with no contact, and that could have a big effect on the complainant. Referral to the IPCC added another 4-5 months, because they had a backlog. Lessons learned were implemented by DCI Dave Goosen.

JS commented that it was a really helpful summary, and requested that start and end dates be added to the table, in a separate column.

Action: DM to ask Tracy Hudson to add complaint start and end dates to the template.

CP noted that there was a time limit of 28 days to update, and JS added that it would assist in being able to tell if the process was speeding up if they had the number of months for cases to be completed.

NH asked whether any assurance had been received that cases were being tracked. Many cases went to local policing areas (LPAs) for action. Many complaints to the OPCC were along those lines, e.g. I haven't heard from the police. CC asked who these cases went to in LPAs. NH said it depended; there were no hard and fast rules. CC said management of that goes on their appraisal, surely? NH confirmed that it did. JS suggested that, if LPAs were expected to deal with cases in a particular way, a process flow-chart could be needed. SM asked who determined what level of officer these cases went to. NH confirmed that it was the Professional Standards Department. SM queried whether it had to be a police officer visit following a complaint, i.e. could a civilian officer who was good at mediation deal with it. NH said it depended on the complaint. DM noted that, at the Professional Standards Department Performance Board in May, the tracking and monitoring of complaints logged and follow-up by admin had been raised, and this was in progress.

RB asked whether, regarding SM's idea, if you have a complaint versus a police officer and someone who was not a police officer turned up, would you not feel short-changed? SM said that you wanted a named person to follow it up – an efficient, named, contactable person. JS

noted that the Trojan Horse investigation had raised the issue of complaints not being followed up.

DM advised that it is not always necessary for a complainant to receive a visit and often cases would be dealt with by telephone or letter. Complainants could also contact the Professional Standards Department to follow up on their complaint.

6. Complaint Statistics

GW reported that 90% of complaints were now being recorded in 10 days, and the aim was to be recording 80% in 3 days. Figures were based on cases as they were finalised, and they would get worse before they got better.

There was scope for improvement in local resolution. GW and his department were touring local teams to go through what they could do to locally resolve more complaints and in a quicker timescale. This would take a while to work through into the figures and consideration was being given to how local policing areas could be supported.

TW was delighted that the recommendations and 28-day timescale suggested by CP and himself had been adopted.

7. Ethical Policing Conference

CC and SM had attended the conference in June.

SM thought the conference had been an interesting and thought-provoking day, with some good speakers. The main impression was that there were many and varied kinds of ethics committees. Only 8 forces (of 43) had ethics committees, but these varied from audit committees to full ethics committees; some had academic ethicists while others were more audit-related. SM said it highlighted the issue that this committee does not do much in the way of ethics, or influencing; we are not advising the Alliance forces on ethics issues.

CC commented that you could have external and internal ethics committees. Chief Officers had to take the tough policy decisions.

SM commented that we do not inform policy, e.g. advise – that does not seem to be our remit. We are reactive. There should be a discussion between the Trust, Integrity and Ethics Committee and the Chiefs about what is really wanted from us: dip-sampling, policy issues, audits? We need clarity and focus; to be more strategic, less involved in the minutiae. There's no right answer with ethics, just "have you considered all the issues?" Discussion embeds ethics. There was potential for conflict between Professional Standards and Ethics.

CC agreed that the conference had been an interesting day, and that they had come away with more questions. Was there an appetite with the Chief Constables for the TIE Committee to become more involved? NH said not on operational issues. Formulation of policy was already looked at. The committee had come a long way, but it was not the finished article.

8. Meeting Format

Three issues arose from the Pre-Meeting:

- 1) Whether this was properly a public meeting. If yes, then it must be open to the public, with public minutes. If no, then the committee should report to the PCCs, and the PCCs would be accountable to the public. The committee were minded to go in the direction of "no," as this would enable them to speak more freely and frankly.
- 2) The Committee Chair. Changing chairperson for each meeting was not proving helpful. The solution would be to select a chair for a year at a time, elected by the 5 committee members.

- 3) Having been active for a year, and looking at our terms of reference – and those of others – the committee had to decide: were they being effective? We want to be positive.

CP expressed the desire for the committee to be able to move on, on common ground, as of the October meeting.

SM questioned whether the committee was getting it right; how could they be more effective? BS added that it was a trust, integrity and ethics group, not just ethics. There may be the need for a review of how this group and the audit committee worked together, as there was some crossover. BS saw the purpose of this group as working for the two Police and Crime Commissioners, and the Police and Crime Commissioners would hold the Chief Constables to account. BS agreed that a review was necessary to provide the necessary clarity of focus. SM believed the group should be carrot, not stick; there should be some input into policy, not just an audit committee. CC said that, arguably, dip-sampling was the group's function – in which case they were an audit committee.

RB welcomed the fact that the group had chosen a Chair, and thought the meetings should continue as they were currently: a public meeting, with some sections held in private. RB saw the group's purpose as more free than "what do we [the PCCs] want you to do" – he saw the role as more akin to an independent conscience; the members were the kind of people whose values the PCCs wanted to listen to. Dip-sampling was absolutely crucial, but RB did not want the group to be seen as "they do dip-sampling for us." RB thought the committee was evolving, and if more capacity was needed to deal with tasks like dip-sampling then he supported that.

TW asked whether TIE committee members could be issued with some manner of police ID badge or pass enabling fast-track access to police sites. RB agreed; anything that could be done to assist committee members should be done.

Action: DM to look into possibility of obtaining police ID / passes for members.

JS said that, before the October meeting, the group would get together to produce a "state of the nation" document, to be circulated ahead of the next meeting, allowing enough time for people to digest it and the PCCs to respond.

NH noted that the time was absolutely right to look at it again; the group should do their bit and the PCCs would do theirs. There was no appetite for a greater body.

SM thought that, as an independent body, the group needed to put forward their idea of where they saw themselves and the PCCs should respond.

It was noted that the Members of the Staffordshire Committee were paid allowances per day or half day and the Chair received an additional allowance.

BS stated that he and BL valued the work the Committee has done to date. He felt that the group should carry out checks and balances to the PCCs, who fed this into the Chief Constables. He did not feel there was a role for Members to work with the Chief Constables.

RB welcomed that the Members had chosen a chair for the year. RB reiterated that there was no pushback from him on what the Committee wanted to be. However, dip-sampling, etc, was a necessary function. BS said audit was a grey issue. CP and CC reminded the group that CC David Shaw had said there should be no crossover of roles, e.g. what they audited, and what they dip-sampled.

NH said the Audit Committee was focussed on finance and risk. The dip-sampling that the Trust Integrity and Ethics Committee carried out was really valuable and no-one else was doing it. The group members all had independent views, which were valuable, and their area was much wider, more diverse, and arguably more challenging. It would be helpful to have the group's feedback after the first 12 months of its existence, and it would be helpful to have the two Chiefs present to agree the way forward. JS was conscious that it would be CC Martin Jelley's first meeting with the group.

RB clarified that he saw the Audit Committee as doing a specific job for the PCCs, while this committee had a much broader scope.

9. Work Plan and Agenda Items for Next Meeting

CP noted that the agenda for today's meeting had been too long; there was more value to be had from discussion of fewer items. SM concurred; the agenda needed to allow time for proper, not rushed, discussion in order to be worthwhile.

NH identified 7 issues for the next agenda, which the committee were invited to consider and prioritise:

- 1) Brief on Change Programme for Code of Ethics
- 2) Complaints dip-sampling
- 3) Finalising the rape "no-crime" work
- 4) PCC overview of role, which members has previously cancelled.
- 5) IPCC study into police use of force
- 6) Stop and Search presentation
- 7) Presentation on terrorism

Members agreed to discuss this at their private meeting planned for 28 July 2015.

Action: Members to decide which items they wish to discuss at the next meeting and to inform DM.

10. Date of Next Meetings

1:30pm, Thursday 29 October 2015, Leek Wootton

1:30pm, Thursday 28 January 2016, Hindlip Hall

1:30pm, Thursday 28 April 2016, Leek Wootton

1:30pm, Thursday 14 July 2016, Hindlip Hall

CP would be unavailable for the meeting scheduled for 28 January 2016, and would therefore be grateful if the meeting date could be rescheduled.

Action: DM to move date of January meeting.

Closed Session

The following items were deemed restricted and members of the public were asked to leave the meeting.

11. Exempt Minutes of the Meeting held on 30 April 2015 and Matters Arising

Subject to corrections, the minutes of the closed session of the committee meeting held on 30 April 2015 were deemed to be a true and accurate record.

12. HMIC Police Integrity and Corruption Inspection

CC David Shaw provided an update on progress against the recommendations in the West Mercia HMIC Police Integrity and Corruption Inspection.

13. West Mercia Interpretation of Communication Inspection

CC David Shaw provided an overview of the inspection and progress against the recommendations.

14. Professional Standards Department Internal Review

GW provided an update on the Professional Standards Department internal review.

DRAFT