

<b>Committee:</b>	<b>Date:</b>
Police Committee	5 July 2013
<b>Subject:</b> Annual Report on Professional Standards Activity – 2012/13	<b>Public</b>
<b>Report of:</b> Town Clerk and Commissioner of Police	<b>For Information</b>

### **Summary**

This report provides a comprehensive overview of activities relating to Police Professional Standards over the year 2012/13, giving an account of both the work of your Professional Standards and Integrity Sub-Committee and of the Force's Professional Standards Directorate (PSD) during this period.

Your Sub-Committee discharges an essential role of oversight and scrutiny of the Force's handling of complaint and conduct matters. It also provides invaluable support to the work of the OLF and is now leading on the work to develop the Force's Integrity Strategy.

This report also provides a summary of performance statistics which are submitted annually to the Independent Police Complaints Commission (IPCC). Generally, overall numbers of complaint cases recorded are stable, and are low relative to the number of interactions with the public and to the complaint figures for other Forces. Whilst there has been a small increase in the total number of complaints received relative to 2011/12 figures, this is attributable to additional complaints owing to the fact that the remit of Action Fraud, the fraud reporting authority run by the Force, has recently expanded.

Data is monitored and regularly analysed by PSD, and action is taken when repeated complaints against an officer start to raise concern about conduct. Where it appears that an officer may be subject to high numbers of allegations of a specific nature, measures are put in place to address the issue or follow more formal misconduct proceedings.

The City Police's PSD performs well in terms of recording complaint cases within the target of 10 days (89% against a national average of 81%). The time the Force takes to complete an investigation is also lower than the national average (111 days compared to the national average of 124 days).

The City Police also operates an Organisational Learning Forum (OLF) that monitors trends identified as potential concerns and where action such as changes to operational procedures or specific training might drive service improvements. In the past year, for example, the OLF proposed a number of changes to procedures, including those related to Use of Police Vehicles, Officers Note taking and Long Term Bail.

*NB: For the benefit of Members, a glossary of technical terms has been included as an Appendix.*

### **Recommendations**

That the report be received and its contents noted.

## **Main Report**

### **The Professional Standards and Integrity Sub-Committee**

1. The Professional Standards and Integrity Sub-Committee have responsibility for providing detailed oversight over professional standards in the City of London Police. During 2012/13, it received statistical updates on complaint cases and was able to identify trends relating to (a) the nature of allegations in complaints, (b) the means by which those allegations are resolved, and (c) the ethnic origin of complainants. In the last year, the Sub-Committee also continued to perform a highly detailed scrutiny function which was to examine the casework of every single complaint recorded by the Force – this is unique among all Offices of Policing and Crime Commissioners and local policing bodies.
2. In 2012/13 the Sub-Committee continued to look at matters of conduct; it received updates on all misconduct meetings and hearings which had been dealt with by the Force and Police Appeals Tribunals cases managed by the Town Clerk's Department (these are the proceedings to deal with appeals by officers who have been dismissed from the police service). The Sub-Committee also started receiving updates on Unsatisfactory Performance Procedures, which concern performance or attendance issues (as opposed to misconduct). Finally, it began receiving six-monthly updates by the Comptroller & City Solicitor on Employment Tribunal cases concerning ex-police officers and staff. These outlined the nature of claims and the outcome of cases.
3. Last year, the Sub-Committee continued to support the Force in ensuring that emerging themes identified in complaint or conduct cases are looked at as matters which may be better dealt with as issues of Organisational Learning. The Force's Organisational Learning Forum (OLF), chaired by the Assistant Commissioner, includes representation from all Force directorates and has a series of working groups focusing on specific areas of organisational learning, such as Custody or Public Order. The Chairman of the Sub-Committee attended several meetings of the OLF in 2012/13, and the Sub-Committee received a digest of highlighted areas/themes of learning at every meeting.

### **The Work on Police Integrity**

4. Police Integrity continued to feature prominently on the national policing agenda over 2012/13. HM Inspectorate of Constabulary (HMIC) conducted two nationwide reviews of police integrity - one in mid-2011 and again one in June 2012. HMIC included the City of London in the review programme and, as well as representatives from the Force, inspectors interviewed the Chairman of the Committee, the Chairman of the Sub-Committee, and officers from the Town Clerk's Department.
5. There were a few issues for the force arising from the HMIC inspections, (recording of declined hospitality, review of the number of corporate credit cards, introduction of drug testing and the need to enhance counter corruption capability); all of which are being addressed. In September 2012, the Police Committee considered a number of themes identified by HMIC in an initial 'Force Feedback' document issued immediately after the review, and the Committee took a decision that the Sub-Committee would start to receive updates of ACPO

Hospitality/Gifts Register, Business Interests of officers and staff, corporate credit card use, contacts with the media, and when it is introduced in the force, drug testing.

6. In subsequent discussions between ACPO officers and Police Committee leadership, it has been agreed that, in response to the increased public focus on integrity, there would be benefit for audit and public accountability for all issues that relate to the integrity of the force personnel to be drawn together into one overarching strategy and performance framework. This would allow Force managers as well as the Professional Standards & Integrity Sub-Committee to have a clear route into identifying where performance against stated values and standards of integrity were vulnerable, and where the force was most at risk.
7. This overarching strategy is currently being developed in consultation with the Professional Standards Sub-committee supported by the Town Clerks office. A suite of performance measures will support this strategy. It is intended that a quarterly progress report of these measures in the form of an 'integrity dashboard' will be regularly provided to the Sub-Committee in the future. To reflect this increased emphasis on integrity, the Professional Standards and Complaints Sub-Committee was re-named in April 2013 as Professional Standards and Integrity Sub-Committee.

### **Professional Standards in the City of London Police**

8. The City of London Police is the smallest territorial police force in the United Kingdom with a residential community of approximately 9,000 people and a daily working population in excess of 300,000. Many complainants to the City Police are transient which makes handling complaints and liaising with complainants somewhat more difficult than in other forces.
9. The City of London Police is the acknowledged lead force within the UK for economic crime investigation. Within the Economic Crime Directorate, there are two departments with a nation-wide remit; the Insurance Fraud Enforcement Department (IFED) and the National Fraud Intelligence Bureau (NFIB) where intelligence from Action Fraud (the reporting centre for all national cases of Fraud) is gathered. This has an impact in terms of users who may lodge complaints arising from their interaction with our officers working in Economic Crime. This risk should be highlighted, not least because of the development of the Intellectual Property Office and the Fraud Academy which might expand the nation-wide profile of the City Police.

### **The relationship with the Independent Police Complaint Commission (IPCC)**

10. The IPCC collects complaint data from all 43 Forces in England and Wales and produces a quarterly statistical bulletin. Each Force is provided an individual Bulletin containing complaint data, data compared to the "most similar force" (which the Force does not actually have given its unique size and remit) and national data. The IPCC also report on its own performance. It produces an Annual Report on Complaint statistics which allows Forces to see all national Force data together, and outlines any national trends on the reporting, investigation and appeals to the IPCC.

11. The Police Reform and Social Responsibility Act 2011 introduced a number of changes to complaint recording in November 2012. To coincide with these, the IPCC introduced an IT upgrade that would allow it to adapt to these changes. Because of this upgrade, the IPCC has not been able to provide a City of London Police Bulletin's for Q3 (Oct – Dec 2012) although they did provide an Interim Bulletin for Q4 (Jan – March 2013). It is the IPCC's intention to provide a full Bulletin for Q4 and an annual report for 2012-13 later this year.
12. In some specific cases, the IPCC takes the lead in conducting investigations, particularly if these relate to high profile cases. Currently, the City Police has one IPCC 'Independent' investigation (that is, fully administered by its officers) and one IPCC 'Managed' investigation (that is, one where the Force takes directions from the IPCC).

## **Analysis of data**

### Recorded Complaints

13. Generally, overall numbers of complaints cases received by the Force are stable, and are low relative to the number of interactions with the public and to the figures for other Forces. During the period of 2012/13, the Force recorded 121 complaint cases (within which there was a total of 196 separate allegations) from 120 complainants. During 2011/12 there were 108 complaint cases (containing 200 allegations) recorded by 110 complainants. The Force has seen a slight increase on both the number of complaints cases and number of complainants, although it has actually seen a decrease on the number of allegations within the cases recorded. Looking further back to 2010/11, these three figures are broadly similar.
14. Five cases recorded during the last year contained an allegation of Discriminatory Behaviour. Three of which, following a PSD investigation, were 'Not Upheld' - that is, the Force found that the officers involved had no case to answer. One was withdrawn by the complainant, and one is still ongoing as the case is Sub-Judice due to the complainant being criminally investigated.

### Allegations Recorded

15. A total of 196 allegations were recorded in 2012/13. In terms of nature of allegations, the highest categories were (1) Incivility – 28 (14%), (2) Other – 26 (13%) (3) Other irregularity in procedure - 24 (12%) and (4) Oppressive Conduct – 17 (9%).
16. Of the 28 allegations concerning 'Incivility', 11 (39%) were locally resolved, 10 (36%) were Not Upheld following a PSD investigation, and 2 (7%) were Upheld following a PSD investigation. The remaining numbers were either granted Dispensation by the IPCC, were withdrawn by the complainant or are still under investigation by PSD.
17. Nationally, the top five allegations recorded are (1) Incivility, (2) Oppressive Conduct, (3) Other Assault, (4) Unlawful/unnecessary arrest, and (5) Other neglect or failure in duty. One area to highlight is that, when compared to the

national average, Neglect of duty is much lower in the City of London Police. The Force recorded 7% versus the national 30%. Contributory factors could be less volume crime within the City, and the good customer service that is reported through the Victim of Crime surveys.

18. Compared to 2011/12 figures, 'Incivility' and 'Other irregularity in procedure' are at similar levels in the City Police. 'Other Assault' has seen an increase by 60% (it jumped from 6 to 15), but Oppressive Conduct, Unlawful arrest and Other neglect of duty have all seen a decrease in recorded allegations (30%, 50% and 43% respectively).

### Finalised Allegations

19. In the last year, the PSD finalised investigations on a total of 170 allegations. 120 of which were locally investigated within PSD (71%) as opposed to by the department from which the officer originates. Of the cases locally investigated by PSD only 10% were upheld (national average 2011/12 was 12%). This is a decrease from the last reporting period where 17% were upheld. A total of 30 allegations were finalised by means of Local Resolution taken by either PSD or by the various departments (18%). This is an increase of 3% on the previous year.
20. PSD are in the process of reviewing the use of Local Resolution and has appointed a 'Local Resolution Champion' in an attempt to increase Local Resolution as a means to finalise allegations. It should also be noted that allegations that were finalised because they were Withdrawn, Discontinued or Dispensed of are at similar levels to the previous year.

### **Complainant Ethnicity**

21. Within PSD there is a huge scope to record data relating to the ethnicity of complainant. However, meaningful data is difficult to collect as complainants would need to self-identify and are often reluctant to provide such information. Also, partial data is recorded if individuals do not have personal contact with the police and are, say, only communicating by email. If investigating officers conduct enquiries by phone, complainants are often unwilling to provide private information. PSD investigators do attempt to gather as much data as possible in the circumstances, and in all cases a survey is sent out with response letters, but most are not returned.
22. Of the total number of complainants in 2012/13, 118 were individual complainants and 2 were recorded as companies. Of the individuals 84 stated they were male, 24 female and in 10 cases this is unknown. Most complainants do not state age, but from what the Force has recorded, the highest category is 30-39 years of age. 74 out of the 118 complainants (63%) did not state their ethnicity. The highest category recorded is White British, 24 complainants have self-defined their ethnicity within this group (20%).
23. PSD complaint diversity data is published on the external City of London Police website and is monitored by the Quality of Service & Equality, Diversity & Human Rights Units within ACPO Strategic Development. PSD will continue to make efforts to gather more data in this area.

## Organisational Learning Forum

24. Learning issues are central to the work of PSD. Complainants often express that they want the officer/organisation to acknowledge what went wrong, and how the Force will ensure that issues will not happen again. An Organisational Learning Forum (OLF) has been operating for six years now and meets on a quarterly basis. .
25. The work of the OLF cuts across the organisation, and its activities are reported directly to the Force's Senior Management Board. The OLF has the responsibility of the strategic overview of learning across all directorates. Thanks to this, the OLF has been able to implement tactical groups focusing on Custody User Group, Public Order Working Group and Professional Standards Directorate Working Group to tackle learning on a local level.
26. The Professional Standards Directorate Working Group (PSDWG) is attended by the Chairman of the Professional Standards and Integrity Sub-Committee for independent oversight. Any identified PSD learning issues that need to be addressed at a more strategic level are elevated to the OLF. The Working Group also looks closely at useful 'Learning the Lessons' bulletins issued regularly by the IPCC and ensures that lessons contained within them are taken on board and disseminated across the Force.
27. The Working Group took a lead on a number of topics identified as areas for organisational learning, for example:-
- a) The Use of Police Vehicles.  
A number of complaints had been received about police vehicles being left parked in the marked police bays in Middlesex Street, but which should have been removed for the operation of the market at weekends. These issues have now been dealt with.
  - b) Officer's quality of Notes.  
Training and supervision were highlighted to the OLF as recurring trends from PSD investigators. A training package to address issues of poor quality of notes/evidence taken by officers is now available.
  - c) Long term Bail.  
Long term bail is an option often available for complex fraud cases. The Single Point of Contact (SPOC) within the Economic Crime Directorate reviewed bail cases and created an action plan to expedite any that were still awaiting decisions or actions. The outcome of this review will be reported to the OLF at the next meeting in July 2013.

## Misconduct

28. During the reporting period 2012/13, 24 misconduct cases were recorded with the PSD. A total of 19 misconduct cases were finalised during the reporting period (some of these cases had been carried over from 2011/12). Sixteen misconduct

cases remain live investigations. Of the nineteen cases finalised during the reporting period the outcomes<sup>1</sup> were as follows:-

- a) Misconduct Hearings  
There were three Misconduct Hearings held. One officer was dismissed without notice. Two officers received written warnings.
- b) Misconduct Meetings  
There were three Misconduct Meetings held. Two officers received written warnings and one officer had no further action taken.
- c) Management Action  
In nine cases the officers were given formal management action.
- d) No Action  
In four cases there was No Case to answer and no further action was taken against the officer.
- e) Resignation  
Two officers resigned prior to Formal Misconduct proceedings. One for Drink Drive & one for Honesty & Integrity matters.

### **Criminal Investigations**

- 29. In 2012/13, one officer was arrested under Operation Weeting (relating to payments & media disclosure). This is an IPCC Independent investigation and is ongoing. The officer is no longer on police bail or on restricted duties, but remains under investigation.
- 30. A PCSO received a Police Caution for Fraud on grounds of false representation for inappropriately signing a passport. The PCSO attended an HR Misconduct Hearing and the outcome was no further action.
- 31. One officer resigned after being accused of driving under the influence of alcohol. The officer resigned prior to the start of Misconduct Proceedings. The officer was found guilty at court and given a suspended jail sentence of 12, and was disqualified from driving for three years.

### **Employment Tribunals and Unsatisfactory Performance Procedures**

- 32. During the reporting period five Employment Tribunals took place. The Force lost one, settled one with no admission of liability and three were withdrawn.
- 33. Unsatisfactory Performance Procedures (UPP) were used on four occasions.

### **Conclusion**

- 34. The number of complaints against police officers remains relatively low<sup>3</sup> given the high numbers of interactions with members of the public, often in challenging

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<sup>1</sup> Some cases involve more than one officer & those involved may receive different disciplinary outcomes

<sup>3</sup> CoLP recorded 149 allegations per 1000 employees, National Average 213 allegations per 1000 employees 2011/12

circumstances. The increased emphasis on learning has led to some significant changes within the Force, both in terms of improved operational procedures and in positive changes in officer behaviour.

**Background Papers:**

*None*

**Ian Dyson**

Assistant Commissioner

T: 020 7332 1405

E: [Ian.Dyson@city-of-london.pnn.police.uk](mailto:Ian.Dyson@city-of-london.pnn.police.uk)

**Detective Superintendent Martin Kapp**

Head of Professional Standards Directorate

T: 020 7601 2203

E: [Martin.Kapp@city-of-london.pnn.police.uk](mailto:Martin.Kapp@city-of-london.pnn.police.uk)

**Iggi Falcon**

Policy Officer

T: 020 7332 1405

E: [ignacio.falcon@cityoflondon.gov.uk](mailto:ignacio.falcon@cityoflondon.gov.uk)



## **Appendix A**

### **Glossary of Terms**

**Allegation** An allegation may concern the conduct of a person serving with the police or the direction and control of a police force. An allegation may be made by one or more complainants about the conduct of one or more people serving with the police. There may be one or more allegations that are linked within one complaint case.

**Allegations Withdrawn** A complainant may decide to withdraw their complaint or allegation, or that they wish no further action to be taken in relation to their complaint or allegation. If written notification to that effect is received from a complainant or his or her representative, the force should record the withdrawal or the fact that the complainant does not wish further steps to be taken.

**Appeals** An appeal offers a final opportunity to consider whether the complaint could have been handled better at a local level and, where appropriate, to put things right. The responsibility for determining appeals is shared between the IPCC and chief officer.

**Cases** A complaint case may contain multiple allegations and complainants relating to a set of circumstances.

**Complainant** A member of the public who was either adversely affected, is a witness to an incident which leads to a complaint or is acting on someone's behalf.

**Disapplication (previously dispensation)** There are certain limited circumstances in which a recorded complaint does not have to be dealt with under the Police Reform Act 2002. This is called disapplication and means that an appropriate authority may disapply the complaint. The appropriate authority may instead handle a recorded complaint in whatever manner it thinks fit, including taking no action on it. Disapplication can only be used for recorded complaints that:

- Have been referred to the IPCC and it has referred the complaint back to the appropriate authority;
- Have been referred to the IPCC and it has determined the form of investigation; or
- Are not required to be referred to the IPCC

Grounds for disapplication are as follows:-

- More than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either that no good reason for the delay has been shown or that injustice would be likely to be caused by the delay.
- The matter is already the subject of a complaint made by or on behalf of the same complainant.
- The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.

- The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
- The complaint is repetitious.
- It is not reasonably practicable to complete the investigation of the complaint

There is a right of appeal against any decision by the appropriate authority to disapply (except where the complaint relates to a direction and control matter or where the IPCC gave permission for the disapplication).

**Discontinuance** An allegation which is discontinued ends an ongoing investigation into a complaint, conduct matter or death or serious injury (DSI) matter. It can take place only in certain limited circumstances set out in the Police (Complaints and Misconduct) Regulations 2012. Appropriate authorities must satisfy themselves that one of the grounds applies before discontinuing an investigation or applying to the IPCC for permission to discontinue. The complainant has a right of appeal against a decision to discontinue. Grounds for discontinuance are:-

- The complainant refuses to co-operate to the extent that it is not reasonably practicable to continue the investigation;
- Where the appropriate authority has determined the complaint is suitable for local resolution;
- The complaint or matter is vexatious, oppressive or otherwise an abuse of procedures for dealing with complaints, conduct matters or DSI matters;
- The complaint or conduct matter is repetitious;
- It is not reasonably practicable to proceed with the investigation

### **Investigation Type**

- Independent – IPCC investigation
- Managed – IPCC lead and Force PSD investigation
- Supervised – IPCC and Force PSD led investigation.
- Local – Force PSD investigation.

**Local Resolution** Local resolution is a flexible process that can be adapted to the needs of the complainant. This is a process which focuses on resolving the complaint in the most appropriate way, and which therefore allows the appropriate authority to work with a complainant and can be done in the first instance often with an Inspector or can be done by a PSD investigator.

**Sub Judice** Where the complainant is also subject of criminal proceedings and the facts of the complaint are similar to those of the criminal matter, the investigation of complaint will be suspended until after the conclusion of criminal proceedings and if the facts of the complaint are not similar, then the investigation will continue.

**Misconduct** A breach of the Standards of Professional Behaviour

**Gross Misconduct** A breach of the Standards of Professional Behaviour so serious that dismissal would be justified

**Management Action** A way to deal with issues of misconduct other than by formal action. They can include improvement plans agreed with officers involved.

**Misconduct Meeting** A type of formal misconduct proceeding for cases where there is a case to answer in respect of misconduct, and where the maximum outcome would be a final written warning.

**Misconduct Hearing** A type of formal misconduct proceeding for cases where there is a case to answer in respect of gross misconduct or where the police officer has a live final written warning and there is a case to answer in the case of a further act of misconduct. The maximum outcome at a Misconduct Hearing would be dismissal from the Police Service.

**Unsatisfactory Performance Procedures (UPP)**

Procedures which are available to deal with performance and attendance issues. They are not, as such, dealt with by Professional Standards, but by the Force's Human Resources Department,