

<b>Committee:</b>	<b>Date:</b>
Police Committee	4th July 2014
<b>Subject:</b> Annual Report on Professional Standards Activity – 2013/14	<b>Public</b>
<b>Report of:</b> Commissioner of Police Pol 49/14	<b>For Information</b>

### Summary

This report provides a comprehensive overview of activities relating to Police Professional Standards over the year 2013/14, giving an account of both the work of your Professional Standards and Integrity Sub-Committee and of the Force's Professional Standards Department (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 Organisational Learning Forum (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). Overall the recorded number of complaint cases increased in this period. This is attributable to additional complaints relating to Action Fraud, the fraud reporting authority run by the Force which has a National remit. Complaints relating to City of London Police personnel have reduced. Figures are low relative to the number of interactions with the public and to the complaint figures for other Forces.

The City of London Police's PSD performs well in terms of recording complaint cases within the target of 10 days (95% against a national average of 78%). The time the Force takes to complete an investigation is also lower than the national average (44 days compared to the national average of 99 days).

The Organisation Learning Forum (OLF) monitors trends identified as potential concerns and where action such as changes to operational procedures or specific training might drive service improvements. During 2013/14 examples of action taken following OLF include a number of changes to procedures, such as those related to Use of Police Vehicles, Disclosure of information, lockers, and sexual related offences.

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

### Recommendations

That the report is 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 of professional standards in the City of London Police. During 2013/14, it received statistical updates on complaint cases and 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. The Sub-Committee continue to perform a highly detailed scrutiny function to examine the casework of every complaint recorded by the Force – this is unique among all Offices of Policing and Crime Commissioners and local policing bodies.
2. In 2013/14 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 receives updates on Unsatisfactory Performance Procedures (UPP), which concern performance or attendance issues (as opposed to misconduct). It continues to receive six-monthly updates by the Comptroller & City Solicitor on Employment Tribunal cases concerning police officers and staff. These outlined the nature of claims and the outcome of cases.
3. The Sub-Committee continue to support the Force in ensuring themes identified in complaint or conduct cases are progressed as issues of Organisational Learning. This is done through the PSD Working Group. 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, including PSD, Custody and Public Order. The Sub-Committee was represented by the Town Clerk, James Goodsell, who attended meetings of the PSDWG in 2013/14, and the Sub-Committee received a digest of highlighted areas/themes of learning at every meeting.

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

4. Police Integrity continues to feature prominently on the national policing agenda, and to reflect this, the Professional Standards and Complaints Sub-Committee has been re-named in as the Professional Standards and Integrity Sub-Committee.
5. The Assistant Commissioner is the force strategic lead for the City of London Police Integrity Plan, and as such informs the Sub Committee with an executive summary and dashboard of Integrity monitoring across the Force, which includes reports from the Hospitality/Gifts Register, Business Interests of officers and staff, corporate credit card use, and contacts with the media. In 2013, the Force established the Integrity Standards Board (ISB), which the Chairman of the Sub Committee attends, to deliver the activities within the Integrity Action Plan and to proactively monitor areas highlighted for further enquiry in the Integrity dashboard.

6. PSD has delivered workshops for first level management (Sgt/Insp) delivered by PSD staff highlighting integrity issues that are the highest risk areas for staff. Further workshops are planned during 2014/15 aimed at Police officers and staff to be delivered during training days.
7. HM Inspectorate of Constabulary (HMIC) will be visiting the City of London police to conduct a review of police integrity in July 2014. HMIC will interview the Chairman of the Sub-Committee, and officers from the Town Clerk's Department as part of their inspection.

### **The Independent Police Complaint Commission (IPCC)**

8. 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. Because of an IT upgrade, the IPCC were unable to provide us with their quarterly updates until early 2014 which covered the period Oct- Dec 2013. This delay has made timely comparison with other data difficult, although this should be addressed for 2014-15.
9. In 2013-14, the IPCC conducted one independent and one managed investigation (that is, one where the Force takes directions from the IPCC) and no supervised investigations (where the IPCC agree the terms of reference and investigation plan). Currently, they are involved in one independent, one managed and four supervised investigations, an increase that reflects government ambition to increase the span and scope of the IPCC involvement, rather than an increase in more serious cases in CoLP.
10. According to IPCC data, the City of London Police's PSD performs well in terms of recording complaint cases within the target of 10 days (95% against a national average of 78%). The time the Force takes to complete an investigation is also lower than the national average (44 days compared to the national average of 99 days).

## Complaints

### Recorded Complaints

	Complaints	Allegations	Complainants
<b>2013/14 Number (Excl Action Fraud)</b>	95	131	99
<b>Action Fraud</b>	139	139	140
<b>Total</b>	<b>234</b>	<b>270</b>	<b>239</b>
<b>2012/13 Number with No Action Fraud</b>	121	196	120

11. The City of London Police is the national Lead Force within the UK for Economic Crime investigation and since April 2013, receives all reports of fraud reported across England and Wales through the 'Action Fraud' reporting process. Complainants who previously would have directed their complaints to their local force are now directing them to the City of London Police. The Force is working with the IPCC on how this data can best be reported on statistical returns.
12. Seven cases 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. Three were locally resolved (See appendix for definition), and one is an ongoing investigation.

### Allegations Recorded

13. A total of 270 allegations were recorded in 2013/14. In terms of nature of allegations, the *highest* categories were:

Type:	Number allegations:	Overall percentage
Organisational decisions	139	51%
Other irregularity in Procedure	17	6%
Other neglect or failure in duty	17	6%
Incivility, impoliteness and intolerance	16	6%
Unlawful/unnecessary arrest or detention	12	4%

14. Organisational decisions are almost all relating to Action Fraud.
15. By comparison, 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.
16. Compared to 2012/13 figures, 'Incivility', 'Other Irregularity in Procedure' Other Assault' and 'Oppressive Conduct', have all seen a significant decrease.

'Unlawful Arrest' and 'Other Neglect of Duty' have seen an increase in recorded allegations (13 to 17 and 4 to 12 respectively).

### Finalised Allegations

17. In the last year, the PSD finalised investigations on a total of 264 allegations. 11% were upheld (national average 2012/13 was 12%). This is an increase from the last reporting period where 10% were upheld.
18. Following the appointment of a PSD 'Local Resolution Champion' there has been an increase in Local Resolution as a means to finalise allegations. A total of 173 allegations were finalised by means of Local Resolution taken. This is an increase of 48% on the previous year.

### **Complainant Ethnicity**

19. PSD does record data relating to the ethnicity of the complainant. However, meaningful data is difficult to collect as complainants are often reluctant to self-identify. 189 out of the 239 complainants (79%) did not state their ethnicity. The highest category recorded is White British, 27 complainants have self-defined their ethnicity within this group (15%).
20. Of the total number of complainants in 2013/14, 239 were individual complainants. Of the individuals 157 stated they were male, 43 female and in 39 cases this is unknown. Most complainants do not state age, but from what the Force has recorded, the highest category is 40-49 years of age.
21. PSD complaint diversity data is published on the City of London Police website and is monitored by the Quality of Service & Equality, Diversity & Human Rights Units within ACPO Strategic Development.

### **Organisational Learning Forum**

22. 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. The Organisational Learning Forum (OLF) has been operating for seven years and meets on a quarterly basis.
23. The work of the OLF cuts across the organisation, it is a decision making forum and if necessary issues are escalated to the Force's Strategic Management Board (SMB). The OLF has the responsibility for the strategic overview of learning across all Directorates. It is supported by tactical groups focusing on Custody, Public Order, Stop and Search and Professional Standards, to tackle learning on a local level.
24. The Professional Standards Department Working Group (PSDWG) is attended by the Chairman of the Professional Standards and Integrity Sub-Committee for independent oversight (or by a representative for that individual). Any identified PSD learning issues that need to be addressed at a more strategic level are elevated to the OLF. The PSDWG also reviews the 'Learning the Lessons' bulletins issued regularly by the IPCC and ensures that lessons contained within them are addressed and disseminated across the Force.

25. During 2013-14, the PSDWG took a lead on a number of topics identified as areas for organisational learning, for example:-

#### Disclosure of Information

- Facebook inappropriate use – two officers were identified to be openly discussing Police business, and received formal management advice. A revised Force Policy was issued.

#### Use of Police Vehicles

- Need to improve policy in relation to use of police vehicle fleet – both covert/overt and out of Force area
- Improved management and recording of rental vehicle use
- Tightening up of procedure to report damage

#### Sexual Related Offences

- A jointly written document by ACPO and the IPCC highlighting the issues identified within the Police Service nationally.
- In response, a number of PSD training inputs were provided to supervisors during 2013/14 and a revised version for all staff is due for roll out across the Force over the next year. The inputs include PSD advice around social media, and the standards of professional behaviour and Integrity expected of our staff. The Chairman of the Sub-Committee and the Town Clerk's officers have attended this input.

### **Criminal Investigations**

26. In 2013/14, one officer was arrested by Hertfordshire Constabulary for possession of indecent images of children. The officer was, at the time of arrest, on a five year career break, and consequently resigned. He pleaded guilty at court and has received a suspended sentence and been placed on the sex offenders register.

27. One officer was arrested following a domestic dispute with his partner (also a police officer). Both made allegations against each other. One officer was bound over to keep the peace by Kent Police for 6 months. The officer attended a misconduct meeting and was given a written warning. The other officer involved received formal management action.

28. One officer was arrested for breaching the Data Protection Act (DPA) following an unauthorised PNC check on a personal friend. The Officer received a criminal caution and resigned.

29. One officer was arrested and charged by Essex police for possession of images of a child. The CPS subsequently offered no evidence at pre-trial hearings. The gross misconduct investigation continues.

30. One officer was arrested by Bedfordshire police in connection to an allegation of affray, assault, criminal damage and false imprisonment. No criminal prosecution ensued but a misconduct hearing is due to take place in July.

## **Misconduct**

31. During the reporting period 2013/14, 15 misconduct cases were recorded within PSD. A total of 15 misconduct cases were finalised during the reporting period (some of these cases had been carried over from 2012/13). Fourteen misconduct cases remain live investigations. Of the fifteen cases finalised during the reporting period the outcomes<sup>1</sup> were as follows:-

a) Misconduct Hearings

There were no Misconduct Hearings held.

b) Misconduct Meetings

There were three Misconduct Meetings held. One officer received a final written warning. Two officers received written warnings.

c) Management Action

In eight 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 breaching DPA (Data Protection Act) and one for Discreditable conduct matters. In one case, the resignation was after receipt of a caution for a criminal offence and the other related to a Special Constable, the nature of the offence being such that the Appropriate Authority deemed pursuit of gross misconduct to be disproportionate.

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

32. During the reporting period four Employment Tribunals were lodged. Two were withdrawn and two are still ongoing with hearing states scheduled for the autumn.

## **Conclusion**

33. The number of complaints against police officers remains relatively low<sup>2</sup> given the high numbers of interactions with members of the public, often in challenging circumstances. However the number of complex and multiple complaints and conduct matters have increased, there are also more investigations which have IPCC involvement. The increased emphasis on learning has led to some

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

<sup>2</sup> CoLP recorded 69 allegations per 1000 employees, National Average 177 allegations per 1000 employees Q3 2013/14

significant changes within the Force, both in terms of improved operational procedures and in positive changes in officer behaviour.

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## **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,