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| Committee(s): Police Committee- For Information | Date: 24 th May 2018 |
| Subject: Disclosure- Update on Force response to national issues | Public |
| Report of: Commissioner of Police Pol 44-18 | For Information |
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Summary

The matter of improving the approach to disclosure has become a priority for the Criminal Justice Sector. Although already identified as a general area for improvement since July 2017 as a result of the Mouncher¹ report and the joint inspection entitled 'Making it Fair' by Her Majesties Inspectorate of Constabulary and Fire and Rescue Services with Her Majesties Crown Prosecution Service Inspectorate (HMICFRS/ HMCPSI). Media coverage of two rape trials in December 2017 and the potential for non-disclosure of digital evidence, focused on the matter and highlighted the need for significant and immediate action across the Sector.

In January 2018, a Joint National Disclosure Improvement Plan was published, badged by the National Police Chiefs Council (NPCC), the Crown Prosecution Service (CPS) and the College of Policing (CoP). As result, in February 2018 a Joint London Disclosure Improvement Plan was developed by the Metropolitan Police Service (MPS) CPS London and the City of London Police (CoLP).

Implementation of this plan is being managed in CoLP by a Gold Group chaired by the Commander Operations and Security, and comprises membership from Learning & Development, Forensic Services, Volume Crime, Administration of Justice, Public Protection Unit and Economic Crime. Work is progressing on the strands of Capability, Capacity, Leadership, Governance and Partnerships, including review of investigations, refreshed training and the identification of Disclosure Champions.

There are also a number of key developments at a national level being overseen by an NPCC Lead Group which has all Force membership including CoLP. The most recent event was on the 8th May and was attended by Detective Supt. Stokes, Head of Fraud & NLF Operations, ECD. Key work includes a national standards document, development of potential Key Performance Indicators, reviewing national forms, new learning standards and planned Disclosure Champion events.

The Force Gold Group will continue to monitor delivery of the improvement plan until it is delivered. The next Gold Group is on the 19th June 2018. The Commissioner is confident that the Force is doing all it can to mitigate risk in this area.

Recommendation

Members are asked to note the report.

¹ <https://www.gov.uk/government/publications/mouncher-investigation-report>

Main Report

Background

1. Members will be aware from significant media coverage in December 2017 that there have been learning outcomes from a number of high profile cases which failed as a result of lack of appropriate disclosure (mainly the cases of Liam Allen and Isaac Itiary² who were both accused of rape were covered extensively by the press). The main focus of the media coverage has been regarding the non-disclosure of potential digital evidence.
2. A Report published in July 2017 by Richard Horwell QC, known as the Mouncher report which was the result of an independent investigation concluded that a trial collapsed because of human errors by the police and Crown Prosecution Service (CPS) rather than because of a deliberate attempt to cover up any crime. This report made 17 recommendations for the police and the CPS to improve the disclosure process.
3. Additionally, recommendations were made by HMICFRS from their joint inspection with HMCPSI which reported in July 2017 entitled 'Making it Fair' – A joint inspection of the disclosure of unused material in volume crown court cases- in relation to this area of business and the Police Service and partners were already considering improvements in this area when the two Metropolitan Police Service (MPS) trials were covered in the media. (The recommendations from this Inspection are reported as part of the HMICFRS update to the Performance and Resource Management Sub Committee).
4. In January 2018 the Director of Public Prosecutions (DPP) led a seminar with Chief Officers and the Judiciary to discuss the matter and what actions were necessary across the criminal justice system to lead to improvements. Also, Chief Constable Nick Ephgrave QPM, who is the national police lead for Criminal Justice, presented a national action plan agreed with the DPP at Chief Constables' Council in January 2018 and this plan was subsequently published on 26th January 2018.
5. Issued by National Police Chiefs Council (NPCC), the College of Policing (CoP) and Crown Prosecution Service (CPS), the Joint National Disclosure Improvement Plan (JNDIP) seeks to address both practical issues that will result in improved disclosure and effect a change in the mind-set and experience of those engaged in this work. However, it was assessed that improvements were dependent on senior leaders in all the relevant criminal justice organisations adopting the plan and supporting implementation.
6. City of London Police has been committed to adopting the improvement plan since its publication in January 2018. With regard to the media coverage which

² <http://www.bbc.co.uk/news/uk-42417553>

related to the aforementioned rape trials, the MPS declared the issue of disclosure a critical incident and began a review of all their rape investigations.

7. In February 2018 the MPS, City of London Police and CPS London developed the Joint London Disclosure Improvement Plan (JLDIP) which builds on the Joint National Disclosure Improvement Plan (JNDIP). The joint plan represents a shared commitment to make sustainable change to the way we exercise our duties of disclosure and fully supports the aims of the national plan. It covers improvements in the areas of capacity, capability, leadership, partnership and governance, which mirrors the national plan.

Current Position

8. The Force formed a Gold Group chaired by Commander Operations and Security to oversee the delivery of the improvement plan and developed a Gold Group Strategy. The Gold Group comprises membership from Learning & Development, Forensic Services, Volume Crime, Administration of Justice, Public Protection Unit and Economic Crime. The Strategies key points are:
 - To improve public confidence in the City of London Police in our ability to investigate crime and prosecute offenders.
 - To deliver improvements in disclosure in line with the disclosure improvement plan.
 - To provide accurate and fair communications which inspires confidence both externally and internally.
 - To influence stakeholders in the application of the rules of disclosure and assist in the shaping of national policy
9. The Gold Group has been meeting regularly and actions are issued and delivery of the actions are monitored.

Work to date

10. Work to date has included:
 - Capacity and capability- The full review of all outstanding CoLP Sex Offence prosecutions and dip sampling of other types of cases e.g Economic Crime, to check for any issues. No issues have been identified to date.
 - Capability- Training on Disclosure is being refreshed and made mandatory with an NCALT³ package, with 'Disclosure Champions' being identified across all of the operational Directorates to promote awareness. The Champions are receiving enhanced training. Infographics and other products issued by the College of Policing are also being used to raise awareness and ensure learning amongst officers.

³ National Centre for Applied Learning Technology

- Capability- The scoping of the E-discovery system which will enable greater/easier interrogation of digital media. This is currently going to tender and is also subject to funding being identified. Implementation is estimated to be in 6 months minimum.
- Leadership and governance- Commander Operations and Security is leading on this area for the Force, chairing the Gold Group, and has issued a number of Force wide communications giving direction regarding disclosure and reasonable lines of enquiry. Additionally, the issue of disclosure was discussed and given oversight at the Organisational Learning Forum on the 3rd May 2018, which is chaired by the Assistant Commissioner and attended by the Town Clerk's Policy and Projects officer for Police.
- Governance- the national recommendations from the joint HMICFRS/ HMCPSI from July 2017 have been monitored through the HMICFRS update to the Performance and Resource Management Sub Committee.
- Governance/ Partnerships- As aforementioned in terms of partnership, CoLP, the MPS and CPS London have a joint improvement plan that all are working towards. Also an NPCC lead group (Assistant Chief Constable level) has been established and the Force is fully linked in to this. Details of the latest event are below.

NPCC Lead Group for Disclosure Event- latest developments

11. Detective Superintendent Perry Stokes, ECD attended the most recent NPCC lead group event hosted by the NPCC lead for disclosure ACC Stuart Prior on the 8th May 2018. Highlights and developments of note from the event include:
 - The role of the NPCC lead group is to deliver implementation of the National Disclosure Improvement Plan, to set standards, to set a performance framework and work as a network for delivery of best practice.
 - A new National Disclosure Standards document has been produced by CC Nick Ephgrave as NPCC lead for Criminal Justice and the DPP to ensure consistency can be delivered and performance can be measured. The document refers to standards required for the completion of relevant disclosure schedules and compliance with standards is considered key.
 - Work is being conducted to design and introduce appropriate KPIs against National Disclosure Standards, however this is proving challenging as much of the work in this area is qualitative. Estimated delivery of final framework of KPIs is Summer 2018.
 - The CoP has introduced two new learning standards for disclosure, Core Disclosure (for uniformed frontline officers) and Intermediate

disclosure which builds on the core module and is aimed more at investigative practitioners and force disclosure champions.

- The role of Disclosure Champion in forces has been introduced to develop a Cadre of specialists and is not rank specific. These are viewed as 'trusted colleagues' who represent the frontline and are fundamental change agents who will identify where things are going wrong.
- 5 National events for Force Disclosure Champions are planned with the first event on the 22nd May and CoLP are confirmed attendees.
- New forms are being developed for investigative file preparation to aid an improved approach to disclosure.
- An update on the National Manual of Guidance for disclosure will be produced by Autumn 2018.

Corporate & Strategic Implications

12. The Force is acutely aware of the corporate implications and level of risk associated with the issue of disclosure and the impact this could have on the reputation of the Force, City of London Corporation and the Police Service as a whole. The Commissioner is confident that the Force is doing everything it can to ensure that any potential risk is mitigated.

Conclusion

13. The Force is committed to ensuring that it is delivering on all aspects of the National Improvement Plan through delivery of the joint London Improvement Plan. The Gold Group, chaired by the Commander Operations and Security will continue until the Force is satisfied that the Improvement Plan is delivered. The next Gold Group is on the 19th June 2018.

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