

<b>Committee(s):</b> Police Authority Board- For information	<b>Date(s):</b> 11 <sup>th</sup> July 2019
<b>Subject:</b> Annual Report on Professional Standards Activity – 2018/19	<b>Public</b>
<b>Report of:</b> Commissioner of Police Pol 61-19	<b>For Information</b>
<b>Report author:</b> DCS Maria Woodall / PC Ann Roberts	

### **Summary**

This report provides a comprehensive overview of activities relating to Police Professional Standards over the year 2018/19, 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 the Force's Integrity Standards Board (ISB) incorporating the Police 'Code of Ethics'.

This report also provides a summary of performance statistics which are submitted annually to the Independent Office for Police Conduct (IOPC). Overall the recorded number of complaint cases has decreased in this period. This is partially attributable to a reduction in complaints relating to Action Fraud, the fraud reporting service hosted by the Force which has a national remit. Complaints relating to City of London Police personnel have seen a reduction against the previous year. 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 (85%). The time the Force takes to complete local investigations which is lower than the national average (101 days compared to the national average of 158 days). The levels of upheld appeals (both Force and IOPC appeals) reflect the excellent investigation standards of the Professional Standards Department, with only one appeal (non- recording) being upheld in the reporting period.

PSD continues to improve the visibility of the department through improved internal communication and PSD training inputs across the Force.

The Organisational Learning Forum (OLF) monitors trends identified as potential concerns and identifies where action such as changes to operational procedures or specific training might drive service improvements. During 2018/19 examples of action taken following OLF include a number of changes to procedures, including but not exhaustively, use of body worn cameras and stop and search training.

*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 has responsibility for providing detailed oversight of professional standards in the City of London Police. During 2018/19, it received statistical updates on complaint cases and trends relating to (a) the nature of allegations in complaints, and (b) the means by which those allegations are resolved. The Sub-Committee continues 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. The Sub-Committee has worked with the Director of the Professional Standards Department (PSD) to ensure that the papers reviewed by Members contain sufficient information to be able to assess whether an appropriate outcome was reached, while not unnecessarily revealing personal details of individuals involved or creating extra workload.
3. In 2018/19 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. The Sub-Committee receives updates on Unsatisfactory Performance Procedures (UPP), which concern performance or attendance issues (as opposed to misconduct). It continues to receive updates on Employment Tribunal cases concerning police officers and police staff. These outlined the nature of claims and the outcome of cases. A report from the Integrity Standards Board (ISB) and integrity dashboard are also scrutinised. This includes the gifts & hospitality received by the Chief Officer team.
4. The Sub-Committee continues 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 (PSDWG). 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 is represented by Oliver Bolton, from the Town Clerk's Department, who attended meetings of the PSDWG in 2018/19, and the Sub-Committee received a digest of highlighted areas/themes of learning at every meeting.

### **The Work on Police Integrity & Code of Ethics**

5. Integrity is now driven within CoLP by three distinct units. Strategic Development holds the Force lead for overseeing how integrity is embedded in the organisation, principally through initiatives delivering the objectives of the National Police Code of Ethics. PSD educates, monitors and investigates issues that impact on integrity while Organisational Development Department is responsible for ensuring that integrity informs and enhances workforce development.
6. During 2018/19 the Force has continued to deliver initiatives supporting workforce and organisational integrity. The Chairman of the Professional Standards and

Integrity Committee continues to support these activities as a critical friend, which has helped to drive the improvements forward. These include:

- i. A quarterly Integrity Standards Board (ISB) that is chaired by the Assistant Commissioner and attended by the Chairman of the Professional Standards and Integrity Committee together with a representative from the Police Authority. The Board considers information against a range of indicators that highlight where individual or organisational integrity might be called into question. The Board also receives regular updates on activities to promote and embed the Police Code of Ethics into business as usual.
- ii. An annual Integrity and Code of Ethics development plan, which is considered at your Professional Standards and Integrity Committee.
- iii. An internal group of Ethics Associates, who meet to consider ethical dilemmas and situations as part of the Regional London Police Challenge Forum, of which the City of London Police was a founding member. The Force shares hosting the meetings, alternating with the British Transport Police and Metropolitan Police Service. The Commander Operations and the Head of Strategic Development are both members of the Regional Police Ethics Network and the national UK Police Ethics Guidance Group.

## **HMICFRS<sup>1</sup> Legitimacy Inspection**

7. Part of HMICFRS's annual inspection programme examines forces' legitimacy. The inspection looks specifically at the extent to which forces:
  - i. Treat people with fairness and respect;
  - ii. Ensure their workforce act ethically and lawfully; and
  - iii. Ensure the workforce themselves have been treated with fairness and respect.
8. The latest report relating to the City of London Police was published in May 2019 and graded the Force as **REQUIRES IMPROVEMENT** overall for legitimacy. 7(i) and 7(ii) above were both assessed as requiring improvement, whilst 7(iii) was graded as **GOOD**.
9. HMICFRS notes the Force continues to uphold an ethical culture and promote standards of professional behaviour well, but there is more to do to assure itself that it has the capacity and capability to root out corruption. Also, the Force should make sure it has the necessary systems in place to reassure the public that it carries out stop and searches legitimately.

Despite the overall grading of 'Requires Improvement' HMICFRS did not find any underlying causes for concern and did not make any formal recommendations. Their report identified 5 'areas for improvement' (AFIs), all of which have been reported to your Police Performance and Resources Committee and Professional Standards and Integrity Committee.

---

<sup>1</sup> Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services

## Independent Office for Police Conduct (IOPC)

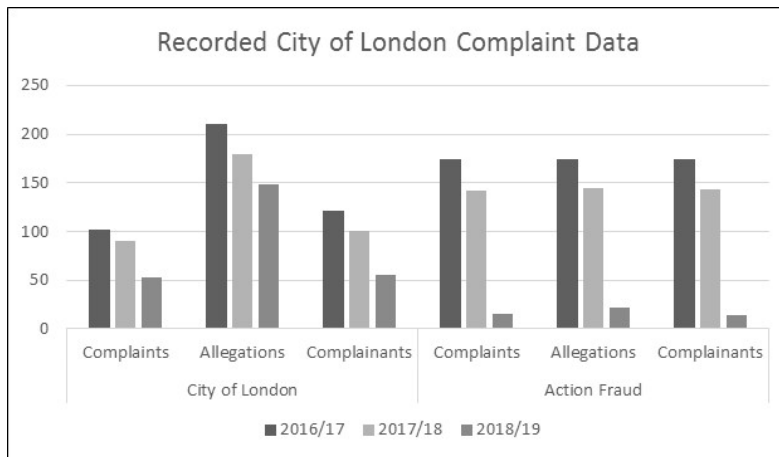
10. The IOPC collects complaint data from all 43 Forces in England and Wales and produces a quarterly statistical bulletin. Each Force is provided an individual Bulletin containing complaint data, data compared to the “most similar force” (which the CoLP does not have given its unique size and remit) and national data. The IOPC also reports 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 IOPC. The full annual report for all Forces for the previous year’s data 2018/19 is published later into this year period. The IOPC acknowledge the complaints generated from Action Fraud which is a national service.
11. CoLP PSD referred 10 cases to the IOPC during 2018-19<sup>2</sup>. During the same period the total number of method of investigation (MOI) decisions by the IOPC (including some cases referred during the previous year) were for 5 to be locally investigated by CoLP, 4 to be independently investigated by the IOPC and 0 to be supervised by the IOPC. 2 were returned to CoLP for the Force to deal with locally, not necessarily by means of an investigation. Currently the IOPC is conducting a total of 9 independent investigations. The volume of independent investigations reflects an increase in staff, span and scope of the IOPC involvement and the case referral criteria.
12. According to IOPC data, the City of London Police’s PSD performs well in terms of the time the Force takes to complete local investigations which is lower than the national average (101 days compared to the national average of 158 days). The levels of upheld appeals (both Force and IOPC appeals) reflect the excellent investigation standards of the Professional Standards Department, with only one appeal (non-recording) being upheld in the reporting period.

## Complaints

### Recorded Complaints

	City of London			Action Fraud		
	Complaints	Allegations	Complainants	Complaints	Allegations	Complainants
<b>2016/17</b>	<b>102</b>	<b>210</b>	<b>121</b>	<b>174</b>	<b>174</b>	<b>174</b>
<b>2017/18</b>	<b>90</b>	<b>180</b>	<b>100</b>	<b>142</b>	<b>145</b>	<b>143</b>
<b>2018/19</b>	<b>53</b>	<b>148</b>	<b>56</b>	<b>15</b>	<b>22</b>	<b>14</b>

<sup>2</sup> Rolling year – some matters recorded during the previous quarter or year



13. 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. Complaints regarding the delivery of the Action Fraud service are recorded under the Appropriate Authority of the City of London Police. The IOPC has acknowledged the complaints generated from Action Fraud as a national service, but the figures are included with the City of London data (due to falling within the remit of the City of London Police Appropriate Authority).
14. Generally, the expressions of dissatisfaction with Action Fraud are substantially increasing to the extent that they would overwhelm the police complaints system. Much of this is to do with the embedding of the new fraud reporting and assessments system, changes that were made to the Action Fraud enquiry/complainant process, and an overall increasing in fraud reporting under the new online system.
15. Action Fraud are dealing with these complaints themselves, initially under their Complaints Policy, which provides a means of service recovery/informal resolution. The few that get escalated through to PSD for consideration are either, where the complainant remains unhappy with the lack of update, or the decision has been made not to refer a fraud report for investigation. Action Fraud complaints that are recorded are usually those in the former category where the complainant is being particularly difficult and/or persistent, and where recording it under PRA provides a means to provide a final explanation and any resolution and to bring it to a close. Unfortunately, we are seeing an increase in complainants in this category and it is likely that in the next financial year there will be an increase in the number of Action Fraud reports that we will need to formally record under PRA.
16. Those complainants not happy about the decision not to investigate a reported fraud are not recorded under PRA but are given the right to appeal to the IOPC. The IOPC consider that using the complaints system to influence a force to record or investigate crime, is an abuse of the process. There have been a number of appeals against non-recording in this category, none of which have been upheld by the IOPC.
17. There were 15 allegations of "discriminatory behaviour" recorded during 2018/19; these sub categorise into 12 Race, 1 Religious, and 2 Other. Of this allegation type 16

were finalised<sup>3</sup> following a PSD investigation, with outcomes as follows: 10 allegations were 'not upheld', 4 were Locally Resolved. One allegation was withdrawn by the force. At the close of the period, five are ongoing live investigations.

### Allegations Recorded

18. A total of 170 allegations were recorded in 2018/2019. In terms of nature of allegations, the *highest* categories were:

<b>Type:</b>	<b>Number allegations:</b>	<b>Overall percentage</b>
Other neglect or failure in duty	29	17%
Other Assault	19	11%
Other irregularity in procedure	17	10%
Incivility, impoliteness and intolerance	15	9%
Discriminatory behaviour	15	9%
General Policing Standards	12	7%
Operational management decisions	9	5%
Oppressive Conduct or Harassment	9	5%

19. 2018/19 City of London Police complaint data accounts for 78% of the total cases recorded. This is a variation from 2017/18 where Action Fraud cases formed the majority at 61%. This is due to the adjustment in recording standards of complaints relating to Action Fraud.

20. General Policing Standards and Operational management decisions and allegation types are almost all relating to Action Fraud.

21. The allegation type Neglect of Duty remains the highest allegation category recorded in this reporting period. This is the same as the previous three year's data, and reflects the national picture. Other Assault is higher this reporting period than previously and can be attributed to complaints surrounding Handcuffing and Police dog bites. Learning has been disseminated in these areas. The effective use of Body Worn Cameras have been instrumental in the investigation of such recorded complaints and the outcomes.

### Finalised Allegations

22. In the last year a total of 159 allegations were finalised. 139 of which were investigated by PSD. A total of 8 (5%) were upheld. *Table shows highest Allegation categories.*

<b>Type:</b>	<b>Number allegations: Upheld</b>	<b>Number of Allegations: Locally Resolved</b>	<b>Total Allegations (Finalised by all means)</b>
Other neglect or failure in duty	2	9	23
Incivility, impoliteness and intolerance	1	12	20

<sup>3</sup> The finalised allegations are from a rolling period therefore may not be cases recorded in the same year.

Other Assault	1	1	17
Discriminatory behaviour	0	4	16
Other irregularity in procedure	0	2	15
General Policing standards	0	12	14

23. There has been a decrease in Local Resolution as a means to finalise allegations. During 2018/19 Including Action Fraud data, 36% allegations were finalised by means of Local Resolution. Figures for the previous year was 61%. National average data for end of Q4 2018/19 is reported as 48%. The adjustment in Action Fraud complaint recording have had a dramatic impact upon Local Resolution data as previously the service recovery was recorded as a complaint and virtually all were finalised in this manner. Local resolution figures have returned to the same levels prior to the Action Fraud data recording.

## **Complainant Characteristics**

### *Ethnicity*

24. 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. 45 out of the 70 complainants (64%) did not state their ethnicity. The highest category recorded is White British, 13 complainants have self-defined their ethnicity within this group (19%). These are similar statistics to previous years.

### *Gender and age*

25. A total of 70 complainants were recorded in 2018/19. Of these 52 stated they were male, 17 female and in 1 case gender is unknown. Most complainants do not state age, but from what the Force has recorded, the highest category is 40-49 years of age. This is the same age group as the previous year. Of the groups aged 20-49 a total of 29 complainants disclosed their age (41%). 31 complainants provided no data (44%).

## **Organisational Learning Forum and other internal groups**

26. Learning issues are central to the work of PSD. Complainants often express that they want the officer/organisation to acknowledge what went wrong, and understand how the Force will ensure that similar issues will not happen again. The Organisational Learning Forum (OLF) chaired by AC Sutherland, is well established, has been operating for several years and meets on a quarterly basis.

27. 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.

28. The Professional Standards Department Working Group (PSDWG) is attended by Oliver Bolton from the Town Clerk's Department, representing the Sub-Committee. The Chairman of the Professional Standards and Integrity Sub-Committee attends the Integrity Standards Board for independent oversight. 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 IOPC and ensures that lessons contained within them are addressed and disseminated across the Force.
29. During 2018-19, the PSDWG took the lead on a number of topics identified as areas for organisational learning, case study example:-

#### Body Worn Cameras and the correct use of Grounds for Stop/Search

A complaint was made following a Section 1 search (prohibited articles) process whereby the detaining Officer detained and handcuffed the suspect but did not execute a search. The arrest statement justified the handcuffing of the complainant (Sec 1 PACE search for prohibited articles). However, the rationale for the decision not to carry out the search was not. The complainant alleged that if the officer dealing with him had listened, the arrest would not have been necessary - further alleging that the officer was, unprofessional - in that he was intimidating, aggressive and refused to listen. Body worn video could have been utilised in a more effective manner i.e. switched to record on arrival at the incident and to remain on until the conclusion. The BWV in this matter was not switch on until a few minutes into the incident and then turned off before the conclusion. Learning identified:-

BWV to be turned on to record on arrival at incidents and off after concluded.  
Officer notes/statement to fully reflect the grounds for stop/search/arrest and/or course of action within the National Decision Model process.  
Officers to maintaining standards even when faced with frustrating situations.  
Officers to ensure that during searches GOWISELY (acronym for officers to recall the relevant powers/procedures) is used. With BWC footage/mobile phone footage being used imperative that Officers explain and justify their searches in accordance with the legislation.

Learning and development have amended their training packages to incorporate this learning.

#### **Criminal Investigations**

30. On Wednesday 18th April 2018 a Police Officer was found guilty at Guildford Magistrates Court for the offence of Assault by Beating contrary to Section 39 of the Criminal Justice Act 1988. The Officer appealed his conviction. The appeal hearing took place at Guildford Crown Court on 20 & 21 December 2018. His appeal was dismissed. The offence occurred whilst the PC was off duty at his home address in an ongoing dispute between neighbours next door to each other in June 2017. Surrey Police conducted an investigation culminating in a postal summons being issued in November 2017.



Following the failed appeal at Court, the case was Fast Tracked to a Misconduct Hearing. The Officer was found to have breached the Standards of Professional Behaviour of Discreditable Conduct and was dismissed without Notice.

31. On 13 June 2018 a Police Officer was arrested at his home address by Metropolitan Police officers on suspicion of common assault on his partner. He was interviewed and released under investigation. The Officer was served with a Regulation 15 Notice in relation to Discreditable Conduct. The Metropolitan Police investigated the allegation however found no evidence to suggest an assault had taken place, therefore closed the case with no action taken against the Officer. The matter was reassessed by the Appropriate Authority and the Regulation 15 Notice was withdrawn. There was therefore No Case to Answer.
32. A criminal investigation was conducted into an allegation of fraud by a member of CoLP staff. A criminal caution was administered. Following an HR Gross Misconduct investigation the member of staff was dismissed.

## **Misconduct**

33. Misconduct can be categorised as being either 'misconduct' or 'gross misconduct', the latter being the more serious. Where it is determined that an officer has a case to answer, misconduct matters are heard at a misconduct meeting and gross misconduct is dealt with by means of a hearing. During the reporting period 2018/19, 13 misconduct cases were recorded within PSD. A total of 12 misconduct cases were finalised during the reporting period (some of these cases had been carried over from previous years). Currently 8 misconduct cases remain live investigations. Of the misconduct cases finalised during the reporting period the outcomes<sup>4</sup> were as follows:-
  - a) Misconduct Hearings  
Three Misconduct Hearings have been held:  
In the first hearing - the proceedings were stayed and the charges dismissed.  
In the second hearing - the officer was dismissed without Notice.  
In the third hearing (IOPC directed), the panel found against the officer and imposed a final written warning. The officer lodged an appeal and at the subsequent appeal tribunal, the appeal was upheld. The findings were quashed and the written warning cancelled.
  - b) Misconduct Meetings  
There have been no meetings held in the reporting period.
  - c) Management Action  
In three cases there was a Case to Answer and the officer(s) were given formal management action. In two cases there was No Case to Answer with no misconduct identified where the officers received management action.
  - d) No Action

---

<sup>4</sup> Some cases involve more than one officer & those involved may receive different disciplinary outcomes

In six cases there was No Case to Answer and no further action was taken against the officers.

e) Members of Police Staff

One member of police staff was subject of misconduct proceedings and dismissed.

### **Unsatisfactory Performance Procedures (UPP)**

34. During the reporting period there were no UPP matters recorded.

### **Staffing**

35. During 2018/19 Assistant Commissioner Alistair Sutherland, continues to oversee the work of the Professional Standards Department within Business Support Directorate. The current Director of Professional Standards is D/Chief Supt Maria Woodall. D/Supt Angie Rogers is due to take over this role in July 2019. In April 2019 DCI Claire Cresswell returned as Deputy Director after a long period of maternity leave and continues to complete the Designated Appropriate Authority role, making decisions for all complaint and conduct cases.

36. The Team have recently moved to new offices within the New Street building. The site has PSD dedicated accommodation suitable for holding misconduct meetings and hearings. This will provide a potential for future income generation through renting the space out to other forces to hold their own misconduct hearings. A business case and costings are currently being developed and several forces have come to tour the facilities.

37. CoLP PSD is continuing to look at new ways of increasing capabilities especially within proactive counter corruption. CoLP and British Transport Police CCU PSD are now co-located in New Street offices. In addition a Memorandum of Understanding has been drafted to allow the teams to begin to work collaboratively and to share resources. This is currently with the City of London legal team and it is expected that the collaboration could start by the end of summer 2019.

### **Future Governance and Regulatory Change**

38. The Chapman Review, public consultation and stakeholder led cross sector working has resulted in staged reforms to the Police Disciplinary and Complaints System. In 2015 Public Misconduct hearings were introduced to increase transparency alongside the introduction of legally qualified 'chairs'. Change has also resulted from the transition from the IPCC to the IOPC which have already resulted in more cases being closed, a reduction in average case lengths and a concerted effort to finalise some of the long-standing legacy cases the IOPC inherited.

39. The Policing and Crime Act 2017 established the basis for further longer-term systemic reform which, amongst other things, saw the introduction of a barred and advisory list to ensure former officers cannot avoid accountability for 'Gross misconduct' together with a further iteration of reforms attendant to the Independent Office for Police Conduct.

40. The final and most far reaching phase of these reforms has now unfortunately been delayed from the original deadline of April 2019. Once Parliamentary time is secured to introduce the new regulations, there will be a six month lead-in period to help forces and PCCs prepare for implementation. The reforms seek to deliver the following cultural and organisational transformation in order to improve the system for all:
- 1) The complaints system is more customer focused. (for complainants and those accused/investigated).
  - 2) The system is less bureaucratic providing Police forces, PCC's, the IOPC and respective decision makers with greater discretion.
  - 3) The system is more expedient, transparent and independent with local oversight by PCC's.
  - 4) That the system is less adversarial, and learning is placed at its heart. So lower level misconduct can be dealt with professionally outside of the disciplinary proceedings. This is being achieved through the introduction of 'Practice Requiring Improvement' that emphasises 'putting things right' through clear actions and constructive outcomes with an increased focus on reflection, learning and development, not blame, punishment and sanction.
41. The ethos of the changes, particularly the shift to a learning focused approach for lower level misconduct has already been adopted within PSD when completing Appropriate Authority decisions, it has proved successful and is supported by directorate management. This early adoption is supported at national level by Chief Constable Jelley as head of Professional Standards and Ethics, and by the IOPC.

## **Conclusion**

42. The number of complaints against police officers remains relatively low<sup>5</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 has increased. There are also more investigations which have IOPC involvement, (this may reflect their increase in staff levels to accept a higher case load). This IOPC involvement has an impact of the PSD investigation team. 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.
43. Following the success of internal communication and PSD training inputs, PSD now hold regular 'drop in' sessions across the Force. PSD has seen an increase in internally referred conduct matters and requests for advice. There has been an increase in the quantity and quality of confidential anonymous reports of wrong doing to the two way reporting system 'Bad Apple', and the use of Safecall.

---

<sup>5</sup> CoLP recorded 119 allegations per 1000 employees, National Average 264 allegations per 1000 employees IOPC 2018/19 – *Police Workforce, England and Wales, 31<sup>st</sup> March 2018 (National Statistics)*

44. PSD are using the 10 day scoping period prior to recording a complaint in an aim to increase an early resolution. This has seen a significant impact upon the complaints recorded against Action Fraud where complainants are often only seeking an update. This early resolution will not only increase confidence in the City of London Police but assist in lowering further the number of complaints recorded against the Force. However the intervention of Members of Parliament writing into the CoLP on behalf of constituents has increased dramatically over the last year and PSD are now recording these in an attempt to show the workload that they are generating.
45. Whilst the number of complaints against City of London officers is relatively low compared to the national statistics, due to budget constraints across all police departments, PSD continue to look for smarter working practices to assist in dealing with complaints and conduct matters concisely, impartially and ensuring that the City of London continues to deliver an exceptional policing service.

### **Appendices**

Appendix 1- Glossary of terms

#### **Contacts:**

##### ***Alistair Sutherland***

*Assistant Commissioner*

*T: 020 7601 2005*

*E: [Alistair.Sutherland@city-of-london.pnn.police.uk](mailto:Alistair.Sutherland@city-of-london.pnn.police.uk)*

##### ***Detective Chief Superintendent Maria Woodall***

*Head of Professional Standards*

*T: 020 7601 6945*

*E: [Maria.Woodall@city-of-london.pnn.police.uk](mailto:Maria.Woodall@city-of-london.pnn.police.uk)*