

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
held at Police Headquarters, Enderby at 2.00pm
on Friday, 4 December 2015

Present

Members:

Professor Cillian Ryan (Chair)
Dr Steven Cammiss
Ms Lois Dugmore
Dr Mark Peel
Ms Lynne Richards

Officers:

Mrs A Perry, Head of Governance and Assurance, OPCC
Mr R Bannister, Deputy Chief Constable
Mr M Tapp, Director of Strategic Communications and Engagement
Mr S Hurst, Detective Chief Inspector (DCI), Professional Standards Department
Mr J Holyoak, Service Improvement Manager
Ms S Cadwallader (minute taker)

14/15 Apologies

Apologies were received from Mr P Stock, Chief Executive, OPCC.

15/15 Urgent Business

There were no items of urgent business.

16/15 Declarations of Interest in Items on the Agenda

There were no declarations of interest.

17/15 Minutes of meeting held on 25 September 2015

It was noted that the Chair and Deputy Chair wished to be referred to as such (not as Chairman and Deputy Chairman) and the correct spelling of Steven.

09/15 - 4th bullet point - it should state that the Chair does NOT see the work of the Committee as being reactive.

The Committee welcomed the news that additional members were to be appointed, which would better reflect the makeup of the population of Leicester. Interviews would take place on 10 December 2015.

A glossary of acronyms had previously been requested by members and the Head of Governance and Assurance advised that this would be provided but that it was difficult to include every acronym. She added that the practice should be that each time an acronym was used in a report or briefing it should be in full the first time with the acronym used thereafter. This practice would be reinforced within the OPCC and the Force.

18/15 Training Plan for Members

The Head of Governance and Assurance presented a paper on the Forward Work Plan which incorporated the Training Schedule 2016/17. This was primarily based upon the five areas of priority for the coming year, but also included some new proposals. It was confirmed that if members requested additional training/information, or wished to come back to particular issues at different times, this would be built into the plan.

It was RESOLVED to approve:-

- (a) A forward work plan and training schedule for 2016/17 as set out in appendix A to the report, with the following amendments:
- Review of Communications Plan to be added to agenda on 23 September 2016.
 - Review of priorities for coming year to be brought forward to September from December 2016.
 - Election of Chair & Vice Chair to be included on agenda in September 2016.
- (b) dip sampling of complaint files would be undertaken between meetings of the Committee on dates to be arranged.
- (c) members would review the IPCC non-referral log at the time of dip sampling of complaint files.

19/15 Complaints and Misconduct

The DCI from Professional Standards presented a report summarising public complaints performance data for 2014/15. The Committee considered the increase in public complaints recorded by Leicestershire Police during this period, and discussed the process of organisational learning arising from complaints and misconduct.

In relation to data on complainants, the DCI from Professional Standards explained that the IPCC figures were used and this was monitored and reported through the Strategic Equality and Fairness Group (SEFB). It was suggested that anything identified at that group should be brought to this Committee. Performance data also went to the Strategic Assurance Board (SAB). In respect of the Service Recovery Scheme, the Committee agreed that this was a priority as complaints being resolved in a timely manner would reduce the statistics and media exposure, hence allaying public concerns.

A member of the Committee suggested that police officers may require additional training on resolving complaints, as it was a sophisticated and complex skill. The DCI from Professional Standards felt the training should be revisited to promote a more flexible approach and ensure that officers had confidence to resolve complaints.

In terms of organisational learning, it was acknowledged that the data did not reflect why complaints had arisen. The DCI from Professional Standards agreed to look into this. A meeting called 'Getting it Right First Time' was chaired by a Chief Superintendent and aimed to bring together issues from public complaints but also matters that came from operational debriefs and serious case reviews which were fed back to department heads to deliver the actions.

A discussion took place regarding compliments and the Committee enquired whether compliments had decreased during the same period that complaints had risen as this would be cause for concern. The Service Improvement Manager reassured members that the numbers of compliments were consistent until April 2015 and it was agreed that information would be provided to the Committee on figures since that date.

The Chair asked if there were any specific aspects around complaints and misconduct that the force wished them to look at in terms of complaints and misconduct. The DCI from Professional Standards indicated it would be useful for the Committee to look at elements of fairness in internal misconduct matters. The Service Improvement Manager added that it would be beneficial in future for the Committee to review ongoing enquires in addition to closed complaint files.

It was RESOLVED that:-

- (a) the complaints procedure would be reviewed and updated.
- (b) The DCI from Professional Standards would give feedback regarding consistent reporting of complaints and quality of reports.
- (c) Future reports to include data on compliments received as well as the number of complaints recorded.
- (d) The Committee would allocate a member to review the IPCC non-referral log to be undertaken at the time of dip sampling of files.

20/15 Facial Recognition

The Deputy Chief Constable presented a paper updating and informing the Committee of the current position with Facial Recognition Technology.

There was an Amendment to the recommendation:-

that members consider the use of facial recognition in Leicestershire Police and give a view of the ethical application of this technology.

The Chair acknowledged that the Neoface Facial Recognition system technology was impressive and it was clearly a good investment.

Concern was raised that the database contained photographs not only of known offenders but also a small subset of people who had been through the custody process and had subsequently been found not guilty of any offence or not been prosecuted. It was suggested that the force gave consideration to the implications of retaining these images.

In terms of the retention of photographs, concern was raised in relation to privacy and the Convention of Human Rights. The Deputy Chief Constable stated that the images were taken lawfully for policing purposes, however he acknowledged the concerns raised and recognised the need to have safeguards in place.

It was noted that the force was using the technology not as evidence, but to gather evidence, and therefore suspects were unable to challenge it. It was confirmed that whilst the police needed to ensure that suspects understood why they were under arrest the police do not need to tell the suspect or their legal representatives the grounds, being the evidence that has led to their decision, to arrest.

The Committee invited the force to consider the points raised, but recognised that this technology was a wonderful asset that was being used in many conventional ways to assist the police. The Committee also noted the innovative ways the technology could be used to reduce crime and tackle other issues, such as identifying casualties. The Deputy Chief Constable thanked the Committee for their feedback.

It was RESOLVED that consideration would be given to retention of images in cases where a suspect in custody was subsequently exonerated.

21/15 The Code of Ethics

The Service Improvement Manager tabled a paper outlining the introduction of the Code of Ethics and how it was being embedded and communicated within Leicestershire Police. It was recognised that this was a cultural change, which was now part of the Blueprint 2020 programme, and a number of engagement opportunities had been carried out. The Committee were asked for their comments and ideas to further embed the Code of Ethics and cultural change.

The Committee agreed that it was extremely difficult to bring about cultural change in any organisation. It took a considerable amount of time and required continued commitment from the most senior people in the organisation. It was also important to describe the changes in a clear way, showing what the organisation would look like in five years' time. Members acknowledged that Leicestershire Police were taking a comprehensive approach indicative of best practice.

It was agreed that it would be beneficial to refer any ethical issues discussed at strategic board meetings to this Committee. Further discussions were needed at senior management meetings and the way forward would be to link the work of this Committee to other work throughout the organisation.

The Committee emphasised the importance of utilising induction when changing ethical culture and also giving staff the opportunity to consider ethical issues on an ongoing basis and through Continuing Professional Development. The Deputy Chief Constable acknowledged this and stated that at present this was mainly the case in areas such as covert surveillance. The Service Improvement Manager advised that people did have the opportunity to express their views on the intranet. As part of the Blueprint 2020 programme the force had recruited 150 internal volunteers from the workforce to act as ambassadors and provide feedback about the issues affecting them. This served to act as the conscience of the force with respect to the service delivered and decisions collectively made. He added that the Code of Ethics applied to everyone and part of the cultural change programme is reminding people why they do the job and not imposing changes upon them.

It was RESOLVED that consideration be given to including 'Ethical Issues' on the agenda of all Strategic Board meetings.

22/15 Ethics Issues

A report was presented by the DCI from Professional Standards which included two ethical scenarios for the Committee to consider. The Chair noted that these appeared similar to the scenarios reviewed previously. It was explained that the scenarios did not include public complaints and were indicative of themes where there were no clear cut answers.

Scenario 1

An officer entered into an extramarital affair with another serving officer and when the relationship deteriorated he sent abusive and offensive messages to the partner of the other officer. He then forced his way into their house and assaulted her relatives. The police were called, the officer was arrested and admitted the offences. There was no criminal prosecution as the family did not wish to proceed but he was issued with a caution. The Committee was asked to consider whether or not the matter of a police caution in the above circumstances amounts to misconduct, Gross Misconduct or neither.

The Committee acknowledged that this was a difficult case. It was agreed it would certainly be misconduct. Although the officer was off duty there had been an assault and he would have been prosecuted had the family decided to take it further. The risks to the organisation were discussed and how other organisations would deal with a similar case.

The DCI from Professional Standards advised that the outcome was that it went to discreditable conduct proceedings under Gross Misconduct and the officer was on restricted duties during the investigation. The result was that he was given a final written warning.

Scenario 2

A police officer took part in a football match arranged by the police service with a view to furthering police community relations with specific groups and the local team comprised of members from the lesbian, gay, bisexual and transgender (LGBT) community. At the end of the match a member of the opposition team reported that a police officer made a homophobic comment. The Committee was asked to consider whether or not, if proved, the conduct would amount to Gross Misconduct, misconduct or neither.

The Committee discussed and agreed that in their opinion this would certainly amount to misconduct and that Gross Misconduct should be a possible outcome in the case, given that the officer was representing the police force and was aware that as such he was 'on duty'. It was noted that the initial assessing officer had to make a decision based upon limited information.

The DCI from Professional Standards advised that the outcome was that there was no case to answer as there was not enough evidence from the investigation to show that it had happened. It was brought to the meeting to specifically highlight the difficulties in making decision based upon limited information. It was initially assessed as possible Gross Misconduct and as such other factors came into play, such as referral to IPCC and removing the officer from duty. He added that the IPCC decided it was for the force to investigate.

A discussion took place around the ethical position in relation to availability of previous disciplinary or criminal history when making decisions in disciplinary/misconduct cases.

The Chair thanked the DCI from Professional Standards for providing the opportunity to review the scenarios.

Chairman

2.00 pm – 4.30 pm