

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

PAPER MARKED

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Report of	CHIEF CONSTABLE
Subject	ETHICAL SCENARIOS
Date	FRIDAY 22 SEPTEMBER 2017 – 2:00 p.m.
Author	DCC BANNISTER

Purpose of Report

1. The purpose of this report is to seek members' views on two ethical scenario's outlined within the Appendices.

Recommendation

2. It is recommended that members consider the ethical scenarios and provide their views.

Commentary

3. The Terms of Reference provide for the Committee to be a forum for debate concerning professional standards and make recommendations about ethical dilemmas facing the Force. As such a standing item of 'Ethical Scenarios' will be included on all future agenda for members to discuss and provide their views.

Implications

Financial :	None.
Legal :	None.
Equality Impact Assessment :	None.
Risks and Impact :	<ul style="list-style-type: none">• The scenarios provided are anonymised in order that no individual can be identified. The views of the Committee will be taken into account on any future similar incidences.• Public perception and reputational issues for the Force.
Link to Police and Crime Plan :	Links to the Nolan Principles and Code of Ethics contained within the Plan.
Communications :	Communications Plan will be approved by the Committee at this meeting.

List of Appendices

Appendix 1 – Criminalisation of Children

Appendix 2 – Community Speed Enforcement

Background Papers

None.

Person to Contact

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Ethical Scenarios

Scenario 1

Criminalisation of Children

Introduction

Within this scenario, I would invite the Ethics Committee to consider what can be done when Leicestershire Police receives reports of crime where:-

- The suspects are children,
- The common sense approach may be to take no further action,
- The Home Office counting rules require that a crime report be completed with the child recorded as a suspect

Legislation / Guidance

Home Office Counting Rules for Recorded Crime (HOCR) - Section H - Recorded crime outcomes - Outcome Type 11

“Where a child who is under the age of criminal responsibility commits a crime, the crime must be recorded and the following outcome applied:

Prosecution prevented – named suspect identified but is below the age of criminal responsibility”

Protection of Children Act 1978 Sec 1

- (1) It is an offence for a person:-
- a. To take, or permit to be taken or to make, any indecent photograph or pseudo-photograph of a child; or
 - b. To distribute or show such indecent photographs or pseudo-photographs; or
 - c. To have in his possession such indent photographs or pseudo-photographs, with a view to their being distributed or shown by himself or others; or
 - d. To publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows such indecent photographs or pseudo-photographs, or intends to do so.

Example given in HOCR:

A 15 year old boy whilst online asks a 14 year old girl that he knows at school to send him pictures of her breasts and she does so.

One crime of sexuality activity involving a child under 16 against the male. One crime of take/distribute an indecent image of a child in respect of the female who forwarded the images unless she was unduly forced into doing so.

Criminal Justice Act 1988 Sec 39 - Common assault and battery – this includes common assault with no injury

Where battery results in injury, other wounding should be recorded (e.g. Actual Bodily Harm/Grievous Bodily Harm) even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a 'black eye'.

Hypothetical circumstances for consideration

1 - A parent calls the police and reports that her 8 year old son was in the playground at school when another 8 year old threw a stone at him. The stone hit her son on his bare arm, causing redness at the time, which was seen by a teacher. The redness went away within an hour. The mother feels the school should exclude the boy who threw the stone but the school has refused. The mother wants the police to intervene and take the strongest possible course of action

2 – A 14 year old girl is in a relationship with a 15 year old boy. The girl's parents do not approve of the relationship. The girl's parents find a photograph on her phone of her own naked breasts, and see in the sent messages section that she has sent it to her 15 year old boyfriend.

In both examples above, it can be assumed that there are no apparent wider safeguarding issues, and none of the children involved have had any previous contact with the police.

Questions:

What action should the police take in each case?

Should the police record those who have committed the relevant acts as criminal suspects? (This may include the 14 year old girl for distribution of an indecent image, the 15 year old boy for possession of that same image, and an 8 year old boy, below the age of criminal responsibility, for an assault occasioning actual bodily harm)

If recorded officially as a crime, how might this affect those people in the future, if they are asked if they has ever been in trouble with the police in the course of college applications or job interviews

Scenario 2

Purpose of Report

1. The purpose of this report is to consider support or otherwise for proposals made by Leicestershire County Council for piloting the extended use of Road Safety cameras within seven sites within the County. The proposed extension is for average speed camera sites within the pilot areas.

Recommendation

2. It is recommended that members:-
 - a. Support Leicestershire County Council's pilot of average speed cameras within seven County locations.

Background

3. Road Safety Camera Schemes are well established and published evidence corroborates that they contribute to improving road safety. Leicester, Leicestershire and Rutland have an established Road Safety Camera Partnership that operates effectively. It is a self-funding entity as income is generated through the provision of Driver Education Programmes. Its primary purpose is to reduce death and injury on the roads.
4. Leicestershire Police provide the enforcement resource on behalf of the Road Safety Partnership. This includes the deployment of the mobile Camera vans, and the management of the static cameras (that identify offences around speed and non-compliance with traffic signals).
5. Leicestershire Police also provide enforcement resource for those cases that lead to Prosecution. Leicestershire County Council provides the resources for the delivery of respective Driver Education Programmes.
6. Fixed camera sites and mobile camera deployments are identified through analysis of road traffic collision data. National Department of Transport provides guidance around the criteria for the location of these sites (Appendix B). These are in accordance with the primary purpose to reduce death and injury on the roads.
7. In March 2017, Leicestershire County Council agreed proposals for the introduction of a pilot across seven locations within the County. The proposal is for average speed cameras at those locations. These cameras are different from the existing cameras within the Partnership in that they measure the average speed of a vehicle over a distance. It is proposed that the pilot will be evaluated throughout its twelve month period.

8. The sites chosen for this pilot are sites of community concern, but are sites that would not meet the Department for Transport recommended thresholds for camera locations. County Council enquiries with the Department for Transport confirm that their guidelines are recommendations only and that there is no reason in law why the pilot at these sites should not be implemented.
9. Should Leicestershire Police support this pilot (through enforcement activity for those motorists that exceed the speed limit), there is a risk that the public may perceive that offending motorists are being unnecessarily penalised, and that Leicestershire Police are using offending motorists in support of income generation activity (as many offending drivers will be eligible for Driver Awareness Courses).

Implications

Financial :	There are no financial implications. The Road Safety Partnership is self-funding and the County Council is providing the initial funds for the cost of cameras.
Legal :	There is no legal implication as the proposed enforcement is consistent with Road Traffic legislation.
Equality Impact Assessment :	There are no EIA issues – no sections of the community are believed to be at any more risk of impact than others. Those negatively impacted upon are motorists that do not comply with road traffic restrictions designed to improve safety of all road users.
Risks and Impact :	<p>There is a risk of a negative public reaction to a perception that motorists are being penalised. This risk can be offset against existing community concerns associated with speeding in rural communities. The risk can also be mitigated around the evaluation of the pilot and in particular the monitoring of any complaints and dissatisfaction.</p> <p>A separate risk associated with the pilot is the capacity for the Road Safety Unit (managed through Leicestershire Police) to manage the anticipated additional demand. This risk can be mitigated through agreed prioritisation (existing Partnership sites to retain priority over sites subject to the pilot), and the allocation of additional resource that would be provided through the self-funded model.</p>
Link to Police and Crime Plan :	Prevention is a key theme within the Police and Crime Plan and this pilot is designed to prevent injury and death on the road, thereby making communities and neighbourhood safer. It is also in support of Viable Partnerships that are working

effectively together to address community concerns.

Communications :

It is proposed that Leicestershire County Council will manage communications as they are the lead agency behind this proposed pilot.

List of Appendices

Appendix A – Leicestershire County Council paper
Appendix B - National Department of Transport

Background Papers

None.

Person to Contact

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