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**POLICE & CRIME  
COMMISSIONER**  
for Leicestershire

Prevention | Partnership | Protection

# ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

## ANNUAL REPORT

**SEPTEMBER 2017 – SEPTEMBER 2018**

## FOREWORD FROM THE CHAIRMAN

Ethics and Integrity is at the heart of any effective police force. The citizens of Leicestershire and Rutland need to be confident that those who uphold the law, share with them the highest standards of integrity in their conduct and application of the law. But not all issues in policing are clear cut, and this committee, on behalf of the people of the region, is designed to provide impartial advice and an external perspective to the Leicestershire Police on many of the dilemmas they face, both operationally and in their application of the disciplinary code. We also review their operation of the complaints process to ensure that they are handling complaints fairly and appropriately, and where necessary, learning lessons to ensure they provide the best service they can to the people of Leicester, Leicestershire and Rutland.



This challenge has never been more important. In this era of ongoing austerity, there is an unprecedented focus on the value and effectiveness of policing. With reduced budgets and increased service demands, there is no room for complacency and it is critical the public has faith and confidence in the integrity of those responsible for protecting them and the wider community.

Local people are being encouraged to take greater ownership of their police service. The Ethics, Integrity and Complaints Committee was chosen as the ideal vehicle to accomplish this in Leicestershire and allows the Police and Crime Commissioner Lord Willy Bach to be reassured that the work of the Force and its personnel has been rigorously examined, independently, to ensure it reflects the highest ethical standards possible.

The Committee advises the Commissioner on the complex dilemmas facing policing in the modern world and has a wide remit from the conduct of individual officers and staff through to police complaints and the use of technology and its impact on privacy.

Over the past 12 months, a number of issues have been referred to the Committee for discussion and advice, providing Leicestershire Constabulary with another layer of oversight to maintain fairness and balance in its decision-making processes.

These topics have included the examination of stop and search processes, misconduct allegations, 'whistleblowing' arrangements and processes, facial recognition technology and resource deployment in a time of austerity.

The Committee continues to be impressed with the high level of transparency within the Force and its readiness to invite judgement over the complex moral and ethical issues facing it at a practical level.

The Force has demonstrated a strong willingness to take onboard the advice and recommendations of members and the Committee and there is ample evidence that comprehensive evaluation processes are in existence to protect its integrity.

The complaints procedure, in particular, shone out as an exemplary model of accountability. The general public can be assured the Force has both a thorough and robust system for investigating allegations of misconduct and takes just action in circumstances where the professionalism of its staff have fallen below acceptable expectations. In the vast majority of cases the Committee fully endorsed the decisions and the handling of these cases. In a very small number of cases, the Committee took the view that these might have been handled differently in the sectors in which they work, and in each case the Committee had a fruitful and robust discussion with the Force on these alternative perspectives which led to beneficial insights on both sides.

We afford our police forces considerable powers within a tradition of policing by consent. The public's trust in how these powers are delivered is vital to successful law enforcement and a robust complaints system is critical to feeding this confidence. The public of Leicestershire can have faith that the Force has and continues to respond to risks to standards and integrity with vigour and openness.

**Professor Cillian Ryan**  
**Chairman**  
**Ethics, Integrity and Complaints Committee**



## INTRODUCTION

The Ethics, Integrity and Complaints Committee has been in place for the Police and Crime Commissioner for Leicestershire since September 2015. Through the Committee, efficiency and effectiveness is monitored and the police held to account on behalf of the communities who they serve.

The way in which the police carry out their complex and often demanding duties is crucial to public confidence. In particular, the police are expected to display the very highest standards of professionalism, fairness, and integrity at all times and when such standards are not met, public support and confidence is invariably adversely affected.

It is against this backdrop that an Ethics, Integrity and Complaints Committee was first formed and it is through this body, that Leicestershire Police is subject to even greater independent public scrutiny.

The Committee has the authority to examine and advise on Leicestershire Police conduct; including scrutiny of how complaints against officers and staff are dealt with by the Force's internal Professional Standards Department. The Committee also has the authority to discuss complex policing issues from an ethical perspective and, where necessary and appropriate, provides guidance to senior leadership teams.

The aim of the Ethics, Integrity and Complaints Committee will be to provide assurance to the Police and Crime Commissioner that ethics and integrity are embedded within Leicestershire Police and that complaints against the police are being handled expeditiously and following due process. The Committee will debate and advise on these three areas and add value to the current audit and scrutiny processes already in place.

### The Ethics, Integrity and Complaints Committee

The Ethics, Integrity and Complaints Committee undertakes an advisory role and is not a decision making body. It is overtly unbiased and independent. It provides a forum for debate on complex operational or personnel issues with a view to defensible decision making. The Committee considers both broad thematic issues as well as practical day-to-day and historic matters. In certain circumstances, the Committee will advise on live operations or events.

The Committee scrutinises the application of policy and procedure and provides advice about ethical issues.

The Committee provides a transparent and independent forum that monitors and encourages constructive challenge over the way complaints, integrity and ethical issues are handled by the Force and overseen by the Police and Crime Commissioner.

The work of the Committee focuses on the following three areas:-

- **Ethics**

Police officers and staff work to a Code of Ethics. The principles of the Code are integral to the delivery of policing and are a part of growing police professionalism leading to increased public confidence. Professional ethics is broader than integrity alone and incorporates the requirement for individuals to give an account of their judgement, acts and omissions. The Committee facilitates public scrutiny in this area and helps build and maintain trust and public confidence.

- **Integrity**

Integrity is pivotal to public trust and confidence and oversight of how this is embedded within the Force requires independence and transparency for the police to have 'legitimacy' with the public it serves. Integrity in policing is about ensuring that the people who work for the police uphold public confidence. It is about how well the police make decisions, deal with situations and treat people day in and day out. If the public don't trust the police to be fair, act with integrity and in their best interests it is unlikely that they will be inclined to assist them.

- **Complaints**

The Police and Crime Commissioner has a duty to hold the Chief Constable to account on how effectively he discharges his responsibility for responding to complaints and misconduct allegations made against the Force. The Ethics, Integrity and Complaints Committee will provide a more robust, independent and transparent approach to the oversight of complaints and misconduct matters. Members of the Committee undertake dip sampling of completed complaint files and receive data in relation to the number of complaints, categories, trends etc.

The Ethics, Integrity and Complaints Committee contributes to developing trust and confidence in the following ways:-

- (a) Bridging the gap between academic debate on ethics and operational decision making.
- (b) Influencing changes in force policy.
- (c) Enhancing the debate and development of police policies and practices.
- (d) Anticipating and understanding future ethical challenges that the service will face and influencing any response by the police.
- (e) Articulating and promoting the influence of professional ethics in all aspects of policing.

## MEMBERSHIP

The Committee comprises 7 members who have all been recruited from the local community. Currently the membership comprises of:-

### **Dr Steven Cammiss**



A Senior Lecturer in Law at the University of Leicester. He read law at King's College London, where he also completed his LL.M. He was awarded a PhD, on determining mode of trial in magistrates' courts, by Warwick University in 2005. He was previously employed as a lecturer at the University of Birmingham before moving to Leicester in 2007. He was promoted to Senior Lecturer in 2013.

His main research interests are the administration of criminal justice and law and language. He has previously undertaken empirical work with the Crown Prosecution Service and has a longstanding interest in policing and police accountability.

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### **Ms Karen Chouhan**



Karen Chouhan is the Leicester Organiser for the Workers' Educational Association which is a national charity providing adult education including for the poorest and most disadvantaged people in society. She is also Chair of Healthwatch Leicester City, a body which aims to champion public and patient views and interests in the Health and Social Care System.

Her background is in Further and Higher Education and she is a qualified teacher. She was previously a senior lecturer at De Montfort University for 12 years where she managed the MA in Community Education. She has also built a body of expertise and practice in youth work, community development and equalities and human rights work and has managed a national equality charity. In 2005 she was one of 7 recipients of a Joseph Rowntree Charitable Trust award called 'visionary for a just and peaceful world'.



**Miss Lois Dugmore**

Lois Dugmore is a nurse consultant for dual diagnosis and veterans with Leicestershire Partnership NHS trust. She works with the national nurse consultants group and all party parliamentary group on dual diagnosis.



**Ms Linda James**

Linda James Qualified Probation Officer, she has studied; Community Justice, Health Care Management, Mediation Skills and Diversity and Equality Law.

With over 20 years' experience working with statutory, voluntary and private organisations across England she has gained knowledge and understanding of the issues communities face in both inner city and the rural areas directly from their residents. Her main area of expertise is working within all aspects of the criminal justice system and with young people/adults. She has worked alongside local Councillors and led youth groups tackling anti social behaviour, delivered national government schemes and raised money for children's charities. She is a trained programmes facilitator and has lectured at De Montfort University around issues of partnership working and ethical dilemmas.

Linda James is confident with good communication skills; she has strong beliefs in fairness, equality and values diversity. She is highly self motivated to tackle issues of injustice in communities and has the skills to positively challenge others with the view of creating better outcomes for all.

**Dr Mark Peel**



Born and brought up in Leicester, Mark Peel attended Dovelands and Gateway Schools, before leaving the County to go to University in Newcastle and Oxford, before returning home to the City in 1985. Dr Peel subsequently embarked on an academic career, and is presently employed locally at University of Leicester, combining this work with independent national research and consultancy in the area of child care, protection and issues of complex ethical professional practice.



**Ms Lynne Richards (Deputy Chair)**

Lynne Richards has over 20 years' experience in the private, public and charity sectors. Most recently she spent 8 years as the Head of Fundraising at the National Forest Company, where she worked with business leaders, partner organisations and members of the public to support The National Forest, a new forest being created for the nation across 200 square miles of north-west Leicestershire, south Derbyshire, and Staffordshire.

She previously worked as the Director of the Brighton & Hove Business Community Partnership (part of BiTC), and as a senior manager at Brighton Dome & Festival, before moving to Leicestershire in 2008 to join the team leading the creation of the forest.

She is a strategic thinker and skilled negotiator, and has a range of knowledge across applied ethics and policy, finance, commerce and business/community partnerships. She takes a keen interest in sustainable economic growth and in her spare time enjoys the arts.

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**Professor Cillian Ryan (Chair)**

Professor Cillian Ryan FRSA was Pro Vice-Chancellor and Dean of the Faculty of Business and Law at De Montfort University (DMU) on appointment, and is currently Pro Vice-Chancellor International at Nottingham Trent University where he is the senior institutional lead for the East Midlands Policing Academic Collaboration. Prior to that he was Dean of Liberal Arts and Sciences at the University of Birmingham, and previously Head of the European Research Institute. Originally from Dublin, Ireland, Cillian is an economist, graduating with a BA and MA in economics from University College Dublin before taking his PhD at Western University, Ontario Canada. He has held appointments in Ireland, Canada and the USA as well as the UK and visiting appointments in Hong Kong, Singapore, France and Australia.

Nationally, Cillian was appointed Chair of the Institute for Learning and Teaching Economics Network Advisory Board in 2004 and subsequently served two terms in the same role for the Higher Education Authority (HEA) Economics Network. He also served on the Advisory Board for the Higher Education Authority Centre for Sociology, Anthropology and Politics, and the National Committee of HEA Advisory Board Chairs (2005-2012). He is a regular speaker at international fora on the value of multidisciplinary arts and sciences education.

Cillian's research embraces a wide range of topics from trade theory (with particular emphasis on trade in financial services, the EU Single Market, the World Trade Organisation (WTO) and Basel Accords) to business-cycle theory. He has undertaken a large number of funded research projects and advised a wide range of governments and international organisations including the Cabinet Office, Treasury and the Department of Business, Innovation and Skills (BIS) (in the UK), the Australian, Canadian and UAE governments, the EU, the WTO and United Nations Conference for Trade and Development.

## THE WORK OF THE COMMITTEE 2017/18

- **Recruitment, retention and progression of the workforce**

Members received an update on the positive action work being undertaken regarding the recruitment, retention and progression of under-represented groups within Leicestershire Police. The positive action work has the aim of increasing the diversity of officers and staff to better reflect the community that the force serves.

The Committee had previously discussed this issue at an earlier meeting where members had been supportive of the use of utilising Section 159 to the Equality Act 2010 to take positive action to increase the diversity of the workforce. The Committee was informed that the Positive Action Strategy and Delivery Plan had been implemented and that since May 2017, three campaigns had been launched.



Members were informed that 5 recruitment cohorts of officers were planned for the coming year being 120 officers in total. A separate senior oversight group had been convened to identify any failure rates across the diversity categories.

Members noted that all recruitment was now on-line and that the biggest fallout rate for BME candidates was at interview stage, which was face-to-face, and at the assessment centre stage.

Members were informed that the first campaign had a huge dropout rate, whereas, campaign two had been more successful due to the input from mentors and workshops held for preparing candidates for interview. The outcome from campaign three had not yet been collated.

Following questions on training provided for interviewers in the recruitment process, it was confirmed that unconscious bias training was provided as part of a three day interview selection course provided to all involved.

Members were encouraged to see that each recruitment campaign had been undertaken with lessons learnt from previous campaigns being taken forward.

- **PREVENT and Counter-Terrorism**

Members heard that there was no evidence to suggest that PREVENT impacted on the day to day relations between the police and the public. However there were issues with trust and confidence in the strategy nationally, that was also felt locally, particularly in Muslim communities. There were no statistics to evidence that the PREVENT strategy had an impact on recruitment but it was recognised that there were clearly challenges and that misconceptions were regularly challenged.

The Committee was pleased to hear that the Force had in place Independent Advisory Groups (IAG) for Race, Disability and Lesbian, Gay, Bi-sexual, Transgender community and that a Religion and Belief IAG was about to be formed. Members were also encouraged to hear that the Prevent Steering Group, led by the City Council, met quarterly and all key partners were represented. This group allowed for good practice and initiatives to be shared amongst agencies.

The Committee was also pleased to hear that a PREVENT Community Forum was in place which was an open event attracting an audience almost entirely drawn from the Muslim community. It was attended by the Chief Constable and the meeting discussed the strategy as well as addressing community concerns.

- **Op Darwin Update**

Op Darwin was the name of Leicestershire Police's change programme which was introduced in 2015 at the time the force was going through a radical reconfiguration with an emphasis placed on centralisation. Members heard that during 2015-17 it was discovered that a lot of the processes designed for centralisation were delayed which resulted in the decline of public confidence and service. Members heard that budget reserves would be used to maintain the establishment of officers and that new ways of working would be embedded within 18 months.

Members were informed that the force was now moving forward into Blueprint 2025, which was in line with the national policing vision. The first workstream was around people, which included looking at revenue costs, upskilling staff, alternative entry routes into the police service and how volunteering utilisation could be optimised. Following this the second workstream addressed technology and the use of providing an on-line service to the public. Members were pleased to hear that external consultation had been carried out to ascertain the public's appetite with the result being that 79% of the public responded positively to this approach. A further workstream would explore integrated safeguarding and providing a better service for victims.

- **Stop and Search Update**

During the year the Committee has continued to maintain oversight of stop and search and received data for the recording year 2017/18 and April 2018 to June 2018.

The Committee was informed that consideration was being given to the use of body worn video by covert officers.

The Committee supported the proportionate use of stop search in areas which faced a significant threat from knife crime, drugs supply and serious violence, whilst seeking to increase positive outcomes and building confidence that the police were safeguarding local communities.



- **Transparency – Compliance with the Publication Scheme**

Members considered the Force compliance with the Publication Scheme. Members commented that the Leicestershire Police website could be more “user friendly” with a frequently asked section and a Freedom of Information section. It was explained that a new website was being developed which would address these issues.



- **Gifts and Gratuities Registers**

Members inspected the gifts and gratuities register for both the Force and the Office of the Police and Crime Commissioner. The Committee was satisfied with the items recorded but requested that a column be added to show approximate value for each item, whether accepted or not.

- **Consideration of Force Policies**

- **Notifiable Association Procedure/Vetting Policy**

The Committee considered two policies being the Force Notifiable Association Procedure and the Vetting Policy.

The Committee noted that there were 3 members of staff on an action plan as a result of the Notifiable Association Procedure. Members praised the procedure and the clarity it provided to employees.

- **Police Approach to Hate Crime and Terror Attacks**

The Committee received information on the Force approach to addressing hate crime and the action that would be taken in the case of a terror attack. The definitions of both were discussed. Hate crime was noted as being an offender who demonstrated hostility towards an individual based on one of the protected characteristics in legislation. The definition of terror attacks was recognised as a complex issue but was in part stemmed from an ideology.

- **Child Sexual Exploitation**

Members received information about the police and multi-agency response to Child Sexual Exploitation across the force area and the approach which is now taken. Members commented that it was harder for ethnic minorities to come forward based on cultural needs and therefore greater training with staff around cultural difference was required with less victim blaming. The force confirmed that such training was in place and training videos were being produced to address the issue of children being subject to child sexual exploitation and rape within a domestic setting.

- **Dip Sampling of Complaint Files**

Between September 2017, and September 2018 the Committee inspected 76 complaint files, 16 misconduct files and viewed 29 non-referral decisions, where the decision was taken not to refer the matter to the Independent Office of Police Conduct. In the vast majority of cases the Committee fully endorsed the decisions and the handling of these cases. In a very small number of cases, the committee took the view that these might have been handled differently in their sectors and in each case the Committee had a fruitful and robust discussion with the force on these alternative perspectives which led to beneficial insights on both sides.

- **Non-Referral Register**

Of the non-referral decisions examined members were satisfied with the rationale for not making a referral.

- **Complaint Files**

Of the complaint file cases examined examples of supportive comments made by members were:-

- *“Management Action appropriate”*
- *“Fundamentally repetitious of original complaint which established police responded correctly to each incident”.*
- *“Police call taker did an excellent job and I consider the complaint to be largely vexatious”*
- *“Challenging and volatile situation – outcome appropriate”.*
- *“I find the investigation to be very thorough and am pleased that the officer initiated a multi-agency discussion as clearly the complainant had health issues”.*



Examples of comments which raised concerns were as follows:-

- Error made by digital forensic unit (DFU) in locating a device resulted in delay in it being examined.
- Force response was that the DFU have now amended their processes to prevent a reoccurrence.
- Concerns were also expressed regarding a number of omissions of duty in the custody process but the words of advice and learning for these were a proportionate response.
- Generally, there were no substantial concerns over the way complaints were dealt with by Leicestershire Police.

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- **Misconduct Cases**

Regarding misconduct cases members were generally happy with the investigation and outcome of the cases viewed. In one case members identified an issue with the maintenance of CCT at Keyham Lane police station which did not record accurate date and times and therefore could not assist with an investigation. The force have responded that there was an apparent system error which has since been rectified.

In another case a courier employed by the police was caught speeding on more than one occasion. Members felt that speeding matters would best be dealt with through management action as this would be proportionate and in line with the evidence presented.

Overall, members were happy with the investigation and outcome of the misconduct cases viewed.

- **Ethical Dilemmas**

At each Committee members receive a number of ethical dilemmas from the Force across a range of subjects. Throughout the year members have considered a number of ethical dilemmas. These are outlined in appendix A of this report.

There were a number of themes running throughout the dilemmas considered during the year and the Committee noted in particular:



1. The number of dilemmas whereby the police were effectively being diverted away from core policing tasks to act as the service of last resort when partners reduced their services to some vulnerable people. The Committee felt that such decisions should be made at a partnership level and involve joint responsibility for the ethical choices made as a consequence of political decisions about budgets. The Committee indicated that it would happily support the Police and Crime Commissioner in inter-agency discussions about ethical issues associated with budgetary decisions with inter-service implications.
2. The number of different scenarios in relation to crime-reporting and potential offences by minors. Members voiced their concerns that an overly-formulaic approach to the recording of crime could conflict with legislative and statutory responsibilities placed on the police and others, particularly in relation to safeguarding, with the police in effect being forced to take a course of action that was not 'in the best interests of the child' as defined by the Children Act (1989). All members felt strongly that officers needed to be given room to apply their discretion in handling such incidents as long as all decision making was transparent and justifiable. There was support from the Committee for the police to push back on an accounting procedure that disadvantaged children, and the Committee issued the statement in appendix B of the report.
3. The growth in the number of FOI requests from commercial agencies and services and the resources required to service these in times of budgetary restraint. The Committee issued a statement noting the need for legislative review and this is reported in appendix C of this report.

## ETHICAL DILEMMAS

### DILEMMA 1

#### Criminalisation of Children

##### **Introduction/Background**

Within this scenario the Committee was invited to consider what could be done when Leicestershire Police receive 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 indecent 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.

### Hypothetical circumstances for consideration

- 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.
- 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 have ever been in trouble with the police in the course of college applications or job interviews

It was explained that the data was stored within the Home Office Counting Rule intelligence so if a young child reported being a victim, their details would be available on an intelligence system.

*Members commented that young children are not always aware that they may be committing an offence and that such acts could cause them to get a criminal record. This was felt to be harsh unless there was a pattern in their behaviour. It was also recognised that young people are sometimes sexually curious and such cases should not be recorded as a crime as it could be dealt with in a different manner such as a discussion.*

*The Ethics Committee agreed that the criminalisation of children could be avoided and approached in a different way and issued a statement (see appendix B) noting the potential conflict between the guidance on the recording of crime and other legislation and statutory responsibilities placed upon the police.*

## DILEMMA 2

### Speed enforcement in select community settings

#### Background

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.

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).

Leicestershire Police also provide enforcement resource for those cases that lead to prosecution. Leicestershire County Council provide the resources for the delivery of respective Driver Education Programmes.

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.

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.

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.

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).

Members were asked 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**

*Members felt that the community would think that this would be a money-making exercise however in some areas i.e villages and rural areas visible policing was low and this could be a way to reduce crime.*

*Members also felt that there were not enough communications around why a local community want this to take place. People would need to understand the good reason behind this and so a message should go to the public as to why this is happening and where the money is going.*

*The Committee agreed to support the Force in supporting Leicestershire County Council in this approach.*

## DILEMMA 3

### Police Funding

Policing nationally is facing unprecedented changes in funding, increasing demand and new and emerging crimes that are putting significant pressure on resources. Policing, like all public sector services, is funded on a fixed budget basis that changes year on year but takes no real consideration of demand. As such police forces have to work with the resources they have budgeted for and to attempt to juggle priorities and meet the demands they face with fixed resources. Nationally 41 of the 43 forces have reduced officer numbers. This is now becoming significantly difficult to do and the force needs to consider what services it should prioritise, what it should stop doing and what it can alter its service levels on to try and cope with the priorities.

This paper presents a number of ethical questions to the Ethics Committee seeking guidance on making changes that are ethically sound based on the difficult financial circumstances the force faces.

It is important to emphasise that the ethical questions and suggestions posed later in this paper merely reflect discussions taking place within the Police Service and beyond. Their presence within this paper should in no way be viewed as an intention or pre-determined decision to progress in this way at this time.

#### **Background**

Leicestershire Police has already saved over £37 million from mainly non people costs since austerity began in 2010. There is now a further funding gap to be bridged of £12 million by 2021/22. 83%+ of budgets are spent on people. Non people based budgets are <17% (£26-27 million) and many of these budgets pay for non-adjustable or time based contracts/services such as pensions, insurances, estate costs and IT systems. Savings from non-people based budgets look very difficult to achieve. This will mean that the majority of the savings required are likely to come from a reduction in the people budgets and a reduction in police officers and police staff. In October 2017 the OPCC agreed to allow the force to use £4.6 million of reserves to maintain police officer numbers at current levels of 1782 FTE until April 2019.

Demand is also increasing. Both locally and nationally we have seen increases in reported crime (nationally estimated at 13%), increases in historic crime related to sexual offences and child sexual exploitation, new and emerging crimes like online fraud and increases in violent crimes (knife crime) and an increase in murders and reported rapes and other sexual offences.

Partner agencies are also facing significant budget cuts, in many cases more severe than those in policing. The City Council is expecting to have only 33-35% of the budget it had in 2010 by 2022. To date the cuts have impacted most significantly on non-people based services (highways, arts, maintenance, libraries, parks etc) but the remaining cuts to services are most likely to impact significantly on adult and children's services. This will leave significant gaps in safeguarding which will impact on policing as the last emergency service.

The over-arching impact of the reduction in police resources, increasing demands and reduced partner service offer means that the force may well have to reduce or significantly alter its service offer. Nationally this has already begun to take place with forces not attending low level, high volume crimes such as bilkings and shoplifting below a fixed amount (£50-100). Leicestershire Police will probably now need to follow this reduction in service offer to cope with the impact of current budget situation which was highlighted at a recent national conference held by demand based consultants Process Evolution who work with over half the UK Police Forces. Process Evolution software summarised the state of British Policing as...

- 5-10% increase in total demand over the last 2 years.
- Reported increase in volume crime of 13%.
- Increasing levels of complexity i.e. time at scene increased by 10-15% in last 5 years.
- Reducing workforce: 41 of 44 forces (incl BTP) are reducing officer numbers (Durham highest reduction, Met least).
- Drop in performance against standards overall.
- More single crewing in all forces.
- Officer utilisation levels significantly increasing (work life balance, overtime up, ability to take leave reducing, increasing stress, increasing mental health issues and sickness levels up)
- Neighbourhood policing generally made up of what's left rather than what's needed.

The following questions are those for which the force would like to test the ethical right to make changes and advice is sought from the Ethics Committee to do so.

*The Committee had a number of reservations about being able to give advice on the specific examples given the information available. However, the Committee was particularly concerned about the theme running through the dilemmas whereby the police were effectively being diverted away from core policing tasks to act as the service of last resort when partners reduced their services to some vulnerable people. The Committee felt that such decisions should be made at a partnership level and involve joint responsibility for the ethical choices made as a consequence of political decisions about budgets. The Committee indicated that it would happily support the Police and Crime Commissioner in inter-agency discussions about ethical issues associated with budgetary decisions with inter-service implications.*

### **Not attending**

Is it ethically acceptable to not attend low risk, low harm, high volume crimes that are unlikely to lead to any form of positive judicial outcome?

*The Committee noted that if the opening wording of the example was: 'Is it ever ethically acceptable not to attend,' then the answer would be affirmative. The Committee felt that, however desirable attendance might be, there were circumstances where it was ethically appropriate for police to not attend a crime scene given constraints on resources, and the examples cited could meet that criteria.*

### **Charging**

Is it ethically acceptable to charge businesses/households/parishes for services above or beyond what the force can afford to offer to all? Examples are crime prevention advice and policing public events.

*The majority of the Committee felt it was ethically acceptable to charge businesses / households / parishes for services above or beyond what the Force can afford to offer, particularly in relation, say, to the policing of public events. They felt there should be a fixed cost and funds to be used elsewhere. However, one Committee member noted that there could not be any perception of a cost to access justice and nor any suggestion that specific communities should be able to buy policing.*

### **Safeguarding**

Is it ethically acceptable for the police to reduce its role in safeguarding some vulnerable people based on other partners reducing their roles in the safeguarding arena?

*As noted in the introduction, the Committee felt it should not be the case that the police were the service of last resort when partners reduced their services to some vulnerable people and suggested that it could be ethically appropriate to reduce their roles. The Committee felt that such decisions should be made at a partnership level and involve joint responsibility for the ethical choices made as a consequence of political decisions about budgets.*

### **Non-emergency calls.**

Is it ethically acceptable for the force to only offer a phone service for non-emergency calls from 8am to 10pm providing that an online reporting process is in place for out of hours reporting?

*The Committee felt that it was ethically acceptable for the Force to only offer a phone service for non-emergency calls from 8am to 10pm providing that an online reporting process was in place for out of hours reporting.*

### **Welfare checks**

Is it ethically acceptable to refuse to do welfare checks when another agency may be responsible for the overall wellbeing of the person?

*The Committee felt that they did not have enough information regarding other organisations carrying out welfare checks in the example to take a judgement.*

### **Breach of the peace**

Is it ethically acceptable to refuse to attend potential breach of the peace requests when a family member could assist in supporting?

*The Committee felt that this was the core duty of the police.*

### **Social media.**

Is it ethically acceptable to not investigate harassment on social media when advising victims to delete or block access to accounts may suffice as suitable means to prevent occurrences?

*The Committee felt there was an element of difficulty considering that a victim might have failed to protect themselves in the first instance and that this is not the responsibility of the police.*

## DILEMMA 4

### Police Transportation for Vulnerable People

The Ethics Committee were asked to consider the Force position in respect of a person needs transporting to the psychiatric inpatient unit and is clearly mentally unwell and the ambulance has no ETA. What is in the patient's best interest v safeguarding the organisation?

#### **Policy/ Guidance**

- Mental Health Act Code of Practice.
- Leicestershire Police Section 136 Mental Health Act Procedure

#### **Circumstances**

The existing Mental Health Act Code of Practice states police vehicles should only be used when it is the most appropriate method of transport. Paragraph 17.14 of the MHA Code of Practice for England indicates that the police may be involved in moving the patient to suitable healthcare facilities if they are likely to be 'violent or dangerous'. Paragraph 17.13 of the MHA Code of Practice for England, also states that it may be appropriate for the police to assist with patients who are 'unwilling to be moved'.

In all cases an ambulance will be requested to assist with the transport of the detained person. If this cannot be facilitated for example EMAS are stating it will be an unacceptable length of waiting time then all the reasons as to why should be documented by the detaining officer.

It is always preferable to transport someone by ambulance. However, when there are identified risks, then measures may need to be taken to ensure the safety of the person, ambulance staff, healthcare professionals and police officers. The safety of staff always needs to be a consideration in these circumstances. The other options to be considered are:

- Police vehicle to follow ambulance
- Police Officer(s) to travel in the ambulance with patient and ambulance staff
- Patient to be transported in a Police vehicle only in exceptional circumstances, with ambulance staff observing in a safe position within the police vehicle or, an ambulance travelling behind the police vehicle and in a position to assist if necessary.

Does the committee support officers in the transportation of mentally unwell patients even when there is no ambulance as this ensures the patient arrives at the required destination in a timely manner, but, this carries any organisational risk if the person becomes physically unwell.

*The Committee welcomed the report and appreciated the appropriateness of a discussion around handling vulnerable members of the public. The Committee stressed that situations such as this should not be escalated and that transporting a vulnerable person in the back of a police car might increase the situation, although taking them to a place of safety was in their best interest. The Committee considered what could go wrong and asked how often such scenarios happened and felt that a discussion between partners would be worthwhile.*

## DILEMMA 5

### Police Response to External Demand

The Ethics Committee was invited to discuss implications for both the public and partner agencies of Leicestershire Police changing how it receives and responds to external demand.

#### **Current Policy & Practice**

Leicestershire Police received 628,464 calls in 2016/17. 21.64% (136,055) of these were 999 calls (Emergency) and 78.36% (492,409) were via the 101 (Non-emergency) number. Approximately 59% of calls are for matters not related to a crime or Police incident, with up to 10% being demand attributed to concern for safety/health related matters. Leicestershire officers and staff attend about 97,895 incidents per year. 60% of service users nationally have indicated a preference for contacting the police online. Just 7% of public and partner contact is currently transacted using online methods.

#### **Circumstances**

Whilst it has become the norm across the majority of the private sector and large sections of the public sector to administer services online, the police are still predominantly a telephone based business. Due to their 24/7 presence, the police now respond to a growing amount of demand from partner organisations and it is likely that if left unchecked, this will increase as further austerity cuts cause some frontline services to shrink.

Leicestershire Police is exploring ways of delivering services online. This may involve measures intended to change customer behaviour by requiring certain types of demand to be transacted online. This may also include an expectation that the customer is required to attend a service centre (located at local police stations), rather than a police officer or staff colleague attending their home address. It is not envisaged that the method by which police attendance at emergency incidents or those involving the vulnerable will change.

This approach may also involve Leicestershire Police directing demand to the most appropriate partner agency where it falls outside of the scope of their services – but may have previously through local custom and practice been accepted over time as a task that the police are prepared to complete.

This change will enable the redeployment of valuable resources to mitigate the threat in new and emerging areas of criminality, such as cyber, fraud and human trafficking and modern slavery and enhance frontline services in neighbourhoods.

*The Committee welcomed the report and discussed ways in which Leicestershire Police were exploring different methods of administering services online.*

*The Committee considered the approach being taken and understood that the change programme would enable the redeployment of valuable resources.*

## DILEMMA 6

### Police Procedures – Grievance Case

Following a change process, it was agreed that 3 Police Constables would move from one station to another. Due to the skills match required in the neighbouring station, there were potentially 4 officers who could be transferred. The three people chosen were 2 males and 1 female. There had been several meetings over 2 months and the decision was made by the Superintendent and Chief Inspector. None of the officers who were chosen had been informed of their transfer.

The day before they are told they would be transferred, the female officer submitted grievance about sexual harassment. The person she was complaining about was the male officer who had not been chosen to transfer stations, but he had the appropriate skills and could be transferred. In the grievance the female officer asked for the male officer to be transferred stating that she wished to stay in the station she was based at as she liked the work.

#### **Dilemma**

Do you implement the decision to transfer the 3 chosen, as the decision was made before a grievance was raised?

The female officer may well see this as an act of victimisation, even though the decision was completely unconnected.

If the female officer is not transferred, do you transfer the male officer?

What will his perception be if becomes suddenly named in the grievance. Will he see this as a sanction or a disadvantage as he has denied that he engaged in any sexual harassment?

Do you transfer neither of them until the grievance is concluded? What will this mean for the skills required in the neighbouring station?

*The Committee welcomed the report and would expect that such a grievance would be investigated. However, it felt that the original selection process and transfer decisions should be honoured (assuming that the previous decision making process was appropriately evidenced) and did not believe that such an outcome could be construed as harassment.*

## DILEMMA 7

### Crime Recording

A seven year-old male child playing out at a local park, he has come back home with an injury on his head and states he has been assaulted by some other children of similar age.

Mum rings 999 and reports the assault and states the suspects are still at the park.

Police attend 40 mins later, they speak to the seven year-old old child the injuries are very minor it's a small cut on his head after he has had a fight with some other children. His mum wants the Police to actively deal with this. The children are no longer at the park, but he can point out where one of them lives. It was a six year-old boy that he knows from school who is in the year below.

An officer attends the address and the six year-old boy admits there has been an argument and that he did hit the seven year-old. The officer has encouraged the two boys to shake hands and the younger boy has apologised to the victim.

Under Home Office Crime Recording the police have had to record this as an assault of Actual Bodily Harm, the six year-old child is recorded as an offender as he has admitted the assault. He is below the age of criminal responsibility. Is this proportionate that the police get involved in this minor incident amongst six year-old and seven year-olds? This is recorded on police computer systems so would be searchable and the suspect details are recorded.

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A girl aged 13 is chatting on social media to a male whom she believes is 13, he is actually a 45 year old male. The male asks her to send him a naked photograph of herself which she does willingly without undue pressure being applied by the male. Under crime recording standards the male commits an offence of inciting a child to engage in sexual activity and the girl commits an offence of distributing an indecent image of a child, both offences must be recorded. In relation to the sending of indecent images by children National Police Chiefs Council guidance is education not criminalisation and this would inform an appropriate investigation. The male would be arrested and if convicted placed on the sex offenders register.

A child is deemed to be a child up until they are 18 years old and any sending or possession of such images if indecent would be an offence. Is it ethical that the female is recorded as a suspect for sending it to a person she thinks is of the same age and has willingly sent it?

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Two girls aged 13 and 15 are together, the 13 year old receives an unwanted video from a 15 year old boy which shows him masturbating. The 15 year old girl forwards the video to a friend of the 15 year old boy asking him to tell the boy to stop sending videos. The 15 year old boy commits an offence of distributing an indecent image of a child when he sends the video of himself to the 13 year old girl. The 15 year old girl commits an offence of distribute an indecent image of a child when she sends the video to the friend of the boy. Under HOCR/NCRS both offences must be recorded.

Ethically the female 15 year old who has challenged the behaviour is deemed per the national recording standards as committing the same type offence as the 15 year old boy who sent it in the first place, is this right? She has not sent it with any sexual intent and is still a suspect.

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*The Committee discussed the fact that it could affect the children's education and career opportunities and felt that that criminalising children from a young age for minor crime was not in their best interest.*

## DILEMMA 8

### Crime Recording – Young Children

Female contacts the police as her 14 year daughter is causing her concerns, she is staying out late and mixing with older men, as a result she has been told she is grounded, she has become angry and is shouting at her mum who is worried that her daughter will leave the house and put herself in danger.

Mum wants the police to attend to talk to her daughter to try and make her realise she is putting herself at risk. Police attend and speak with mum and daughter and it is disclosed that during the incident daughter has thrown a glass at a wall causing it to smash. The glass is owned by mum and under the Home Office Crime Recording an offence of criminal damage must be recorded, this is irrespective of whether mum wishes to make a complaint or not, the daughter is recorded as a suspect. Due to the circumstances this also means it is a domestic incident.

This is an appeal for help from a mum with a teenager who is causing problems, she has never intended to criminalise her daughter in any way, the crime recording guidance has forced this incident into being crimed with domestic risk assessments being completed. She is at an important age where background checks could be commissioned.

*The Committee welcomed the report in relation to a domestic incident where a mother made the Police aware that her young child was putting herself at risk. The Committee discussed the impact that the Home Office Crime Recording Rules had on young children.*

*The Committee agreed that a statement be drafted from the Chair regarding the crime integrity recording rules. (Statement at Appendix B)*

**DILEMMA 9**

**Freedom of Information**

Request by the BBC to disclose interview tapes in relation to Grenville Janner, even though he was deceased. This was reviewed by Leicestershire Police who refused the request based on the risk of harm this would cause to the victims. This was appealed by the journalist with the Information Commissioner and we were overruled. A non police professional then reviewed the information and agreed that it would pose a risk to the victims and supported our submission and the information was not disclosed.

Legally freedom of information needs to be transparent vs victims right to anonymity and safeguarding. Should suspects who are not convicted be named in investigations prior to any trial or public hearings?

The FOI law came into force in 2005. Since its introduction Leicestershire Police have had only 10,000 requests. This is increasing over 20% every year. This has equated to 80,000 operational staff hours and 3333 days spent dealing with FOI requests. 75% of requests are from journalists and academics. Only a small proportion are from the public themselves. We have to provide this information by law but should the police be charging for this information? Is it used just for negative judgements of the Police as positive news stories/ statistics are not readily requested?

*The Committee felt that priority should be given to FOI requests from the public and that other agencies/journalists should pay a nominal fee although legally this is not currently the case. The Chairman agreed to provide a statement from the committee on the issues. (See Appendix 'C').*

*The Committee reflected on the volume of Freedom of Information requests received by Leicestershire Police, the resources involved and the amount of work undertaken in order to meet deadlines.*

## OFFICE OF THE POLICE AND CRIME COMMISSIONER

### Statement of the Ethics, Integrity and Complaints Committee

#### Police Crime Recording

The Commissioner's Ethics, Integrity and Complaints Committee has recently considered the issue of police crime data integrity recording (CDI). Nationally all crime is recorded under the National Crime Recording Standard (NCRS) which is victim focussed and applies consistency of recording across all police forces. The Home Office Counting Rules stipulate what type and how many offences in any particular incident should be recorded by the police. All police forces are inspected by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) on compliance against the standards.

Currently Leicestershire Police are looking at recorded crimes for 2018/19 being in the region of 95,000. In considering the ethical issues police officers face on a daily basis members of the Ethics Committee looked at a number of scenarios where officers are placed in the position of having to record a crime where they are personally challenged ethically by not being in a position to use their personal discretion to deal with a matter in a pragmatic and proportionate manner.

Examples of such scenarios considered by the Committee were:

- A seven year-old male child playing out at a local park has come back home with an injury on his head and states he has been assaulted by some other children of similar age.

Mum rings 999 and reports the assault and states the suspects are still at the park. Police attend 40 mins later, they speak to the seven year old child the injuries are very minor it's a small cut on his head after he has had a fight with some other children. His mum wants the police to actively deal with this. The children are no longer at the park but he can point out where one of them lives. It was a six year old boy that he knows from school who is in the year below.

An officer attends the address and the 6 year old boy admits there has been an argument and that he did hit the seven year old. The officer has encouraged the two boys to shake hands and the younger boy has apologised to the victim.

Under Home Office Crime Recording the police have had to record this as an assault of Actual Bodily Harm, the six year old child is recorded as an offender as he has admitted the assault. He is below the age of criminal responsibility. This is recorded on police computer systems so would be searchable and the suspect details are recorded

- Female contacts the police as her 14 year daughter is causing her concerns, she is staying out late and mixing with older men, as a result she has been told she is grounded, she has become angry and is shouting at her mum who is worried that her daughter will leave the house and put herself in danger.

Mum wants the police to attend to talk to her daughter to try and make her realise she is putting herself at risk. Police attend and speak with mum and daughter and it is disclosed that during the incident daughter has thrown a glass at a wall causing it to smash. The glass is owned by mum and under the Home Office Crime Recording an offence of criminal damage must be recorded, this is irrespective of whether mum wishes to make a complaint or not, the daughter is recorded as a suspect. Due to the circumstances this also means it is a domestic incident.

This is an appeal for help from a Mum with a teenager who is causing problems, she has never intended to criminalise her daughter in any way, the crime recording guidance has forced this incident into being crimed with domestic risk assessments being completed. She is at an important age where background checks could be commissioned.

*Members of the Committee discussed these scenarios at length and were unanimous in their views that children should not be criminalised for this type of behaviour, and that referrals to other appropriate agencies should be the preferred course of action in such circumstances.*

*Members also voiced their concerns that this approach to the recording of crime could conflict with legislation and statutory responsibilities placed on the police and others, particularly in relation to safeguarding, with the police in effect being forced to take a course of action that was not 'in the best interests of the child' as defined by the Children Act (1989). All members felt strongly that officers needed to be given room to apply their discretion in handling such incidents as long as all decision making was transparent and justifiable. There was support from the Committee for the police to push back on an accounting procedure that disadvantaged children.*

## OFFICE OF THE POLICE AND CRIME COMMISSIONER

### Statement of the Ethics, Integrity and Complaints Committee

#### Volume of Freedom of Information Requests

The Freedom of Information Act 2000 (FOIA) gives the right to access recorded information held by public sector organisations. Anyone can request information.

Members of the Police and Crime Commissioner's Ethics, Integrity and Complaints Committee have recently considered the issue of the volume of work created by freedom of information requests and the demand placed on Leicestershire Police in handling such requests in a time of limited resource.

The Committee discussed an individual's right to information versus the victims' right to anonymity and safeguarding and considered if suspects who are not convicted should be named in investigations prior to any trial or public hearing?

Since the introduction of freedom of information law Leicestershire Police have had only 10,000 requests however this is increasing over 20% every year. This demand equates to an extra 4 additional analyst posts and 4 additional administrative posts to deal with the demand of FOI requests. Of all requests received 75% are from journalists and academics. Only a small proportion are from the public themselves. The police have to provide the information by law but in a time of austerity should the police be allowed to charge for this information? Whilst there is provision in legislation for public authorities to charge for providing information if the collation of that information exceeds 48 hours of work the majority of requests fall under that time limit. The current demand would require the recruitment of an additional 13 administrative posts to deal with the number of requests within the statutory time limits.

Members of the Committee felt that members of the public requesting information should be given priority and that a nominal fee should be considered for journalists and other organisations requesting information. Under current legislation this is not lawful however members voiced their concerns over the use of public money being spent on such administrative procedures. Whilst recognising that current legislation was brought in with good intent, members felt that consideration should now be given to reviewing and amending the legislation to differentiate between requests from members of the public and journalists and to assist public authorities in meeting the demand.