

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
held at Police Headquarters, Enderby at 2.00pm
on Friday, 18 March 2016

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 P Stock, Chief Executive, OPCC
Mr R Bannister, Deputy Chief Constable (DCC)
Mr M Ball, Superintendent (Supt), Professional Standards Department (PSD)
Ms Sallie Blair, Communications, OPCC
Mr S Potter, Chief Inspector, East Midlands Operational Support Service
Ms Sian Walls, Chief Inspector, Local Policing Directorate Operations Support
Mrs S Partridge (minute taker)

The Chair informed everyone present that no video or audio recording or photography was permitted during the course of the meeting.

1/16 Apologies

Apologies were received from Mr M Tapp, Director of Strategic Communications and Engagement

2/16 Urgent Business

There were no items of urgent business.

3/16 Declarations of Interest in Items on the Agenda

In relation to item 6 on the agenda Dr Cammiss declared an interest in relation to a current PhD student who was undertaking research in the area of animal rights.

4/16 Minutes of meeting held on 4 December 2015

Minute 20/15 paragraph 4-the word "exonerated" to be replaced with "been found not guilty of any offence or not been prosecuted."

Minute 20/15 paragraph 6-the second sentence revised to "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."

5/16 Stop and Search

The committee received a report of the Chief Constable, on the best use of Stop and Search Scheme. A copy of the report marked 'A' is filed with these minutes.

The Chair informed the public that the Committee had attended a training session on stop and search in the morning prior to the meeting.

It was noted that members identified that complaints arising from stop and search were only one or two per year. It was highlighted that people needed to be aware of their right to complain and that this could lead to an improvement in service delivery.

Members commended the Force for the evidence of cultural change to a more effective and precise use of stop and search shown by the significant decrease in numbers referred to in paragraph 14. A discussion took place on the time at which camera recording began, in order to be able to assess whether recording should start earlier. Members requested to view video footage of stop and search to provide external scrutiny of the process, particularly in relation to the timing of when recording commenced in the process.

It was RESOLVED:-

(a) to note the contents of the report; and

(b) members to view video footage of stop and search at a future date to be arranged.

6/16 Fox Hunting

The Committee considered a report of the Chief Constable, on hunting. The report updated and informed the committee regarding the policing of hunts, specifically the policing strategy, how the organisation dealt with membership of hunts by officers and staff and the ethical debate that this brought in relation to the Code of Ethics and Police Regulations. A copy of the report marked 'B' is filed with these minutes.

The Deputy Chief Constable began by stating that hunting legislation was difficult to enforce and some say it had been poorly crafted. He added that Leicestershire Police was one of a small number of forces who had been involved in arrests and prosecutions of persons from both sides of the debate. The DCC cited the prosecutions of 2 people from the hunting community in 2011.

An extensive discussion followed which included reference to a police constable who was a voluntary wildlife liaison officer for Leicestershire Police from November 2015. The officer was a previous member of the Belvoir hunt. The Deputy Chief Constable announced that as a result of threatening and hateful comments on websites, and personal attacks on the officer and their family, the officer had stood down as voluntary wildlife liaison officer on 17th March 2016. The Deputy Chief Constable stated that the officer retained the support of many in the community.

The Chair stated that it was unfortunate that the officer had stood down due to outside pressures. He added that individual officers' being targeted was not acceptable and this was very regrettable. Members of the Committee supported these comments.

The Chair asked whether the policing of hunts in a time of austerity constituted an ethical use of resources when there were other competing demands? The Deputy Chief Constable stated the resources were allocated based on threat, risk and harm and this included the policing of hunts.

In response to questions within the report the Committee RESOLVED:-

(a) Paragraph 24:

The Ethics Committee is being asked to consider whether police officers who hunt as a hobby may be breaching the code of ethics.

The Committee acknowledged that police officers who legally hunt as a hobby were not prohibited from doing so but consideration should be given to public perception, believing an officer should ask themselves whether the public might perceive there to be a potential

conflict of interest if a police officer was a member of a hunt within their operational area. The Committee noted that a police officer was obliged to uphold the law at all times and would be expected to act appropriately whether participating in a hunt or other sporting or social event even if off-duty. However, the Committee observed that it would be unlikely an officer would be asked to investigate a complaint against a fellow player at his or her own sports club and similarly an officer who hunted within their policing area had to consider whether the appearance of a potential conflict could arise in the mind of the public if they were asked to police a hunt or investigate a complaint.

The Committee was reluctant to comment on individual cases but noted that this perception of a conflict did not arise in the recent case of PC Sharon Roscoe, as she was not simultaneously a member of a hunt and a wildlife officer. The Committee stated it was unacceptable for the officer to have received malicious threats. The majority of the Committee did not believe officers who hunted as a hobby were breaching the Code of Ethics but that individual officers undertaking such roles needed to consider how they would be perceived by the public, particularly if they did so within their operational area.

(b) Paragraph 25 and 26:

Where does the Committee stand in relation to any officer who may be hunting with a hunt where there is information/intelligence to suggest that the hunt practices of that hunt may be illegal?

Where does the Committee stand in relation to any officer who may be hunting with a hunt where there has been a previous prosecution for illegal hunting?

As noted above, the Committee observed that a police officer would be expected to report any information about illegal practices. They agreed that the situation may present further problems to an individual who was an officer, particularly if they also took on the role of a wildlife officer. They expressed concern as to how the public would perceive the police's impartiality and the impact it may have on the Force as a whole, hence the desirability of not engaging in hunts within the operational area.

(c) Paragraph 27:

What is the stance of the Committee in relation to the organisations' current practices around hunting and their effects on public confidence?

The Committee reiterated the difficulty in policing hunting due to a poorly drafted legal framework and recognised there were human rights issues with regard to freedom of expression. The Committee expressed the need for dialogue to continue with both sides and praised the Force for their efforts in this regard however the Committee added that anything that affects public perception needed to be considered very carefully.

7/16 Dip Sampling of Complaints-results

The Committee received a report of the Chief Constable, on the findings from members dip sampling of complaint files. A copy of the report marked 'C' is filed with these minutes.

The Committee felt that a random selection of 10 cases per member was acceptable for a dip sampling session although the size of a file may vary greatly which would have an impact on time. They commended the Force on some cases and noted that some investigating officers went beyond what was expected. They noted the variance between cases according to how well an officer had completed a write-up. They relayed that there was room for improvement but that overall they had an appreciation of the work that had been undertaken.

The Committee expressed their belief that if more front line resources were available earlier on in the process some of the complaints may have been avoided. The Head of

Professional Standards stated he was addressing these issues with the implementation of a Service Recovery Team.

In response to file C0186/5 the Head of Professional Standards stated this was an administrative error and that the iPhone was in fact returned to the complainant. Members requested that positive feedback be provided to those officers identified from the files who had done exceptional work.

It was RESOLVED:-

- (a) to note the outcome of the dip sampling of complaint files; and
- (b) the Head of Professional Standards provide the Force written response to those issues outstanding from the dip sampling session.

8/16 Ethics Issues (Two Ethical Dilemmas for discussion and decision)

The Committee received a report of the Chief Constable, presented by the Head of Professional Standards which included two ethical scenarios for the Committee to consider. A copy of the report marked 'D' is filed with these minutes.

Scenario 1

Sergeant A is a police officer who joined the Force in 2000. They have completed fifteen years of service with the Force, during which there has been no suggestion of poor performance or misconduct. On the contrary, they are an officer who is well regarded and has received much in the way of exceptional comment from supervisors, peers and the community for their work. They currently supervise a team of officers on the Local Policing Directorate, undertaking 24/7 shifts and general policing duties.

Yesterday, the Force Child Abuse Investigation Unit (CAIU) received an allegation from a member of the public who claims that in 1993-1994, they were repeatedly sexually assaulted on several occasions by the same Sergeant when they attended the same house at family functions. The person reporting the sexual assaults has been video interviewed and was 11 years of age at the time of the alleged assaults. Sergeant A would have been 12 years of age.

The Force Professional Standards Department have been notified that Sergeant A has been arrested, interviewed and totally denied the offences. They have been released on police bail while further enquiries are undertaken by the Child Abuse Investigation Unit.

The Professional Standards Department now need to consider how they will deal with the officer while the criminal enquiry continues and prior to any decision from the Crown Prosecution Service. In particular, the PSD will need to consider whether there is a case for discreditable conduct at:

1. *This stage of the enquiry*
2. *In the event that Sergeant A makes admissions to the police in a subsequent interview*
3. *In the event that Sergeant A is charged to attend court on the advice of the Crown Prosecution Service*
4. *In the event that Sergeant A attends court and is found guilty*

The ethics committee are invited to consider when to apply the Standard of discreditable conduct to this scenario and consider the stages 1 – 4 above, along with any considerations as to the when / if the officer should be suspended from duty.

The Committee stated they would have liked more information to understand the context fully (even though no more was available). They agreed that restrictions should be implemented

at stage 1 to protect both parties. From stage 2 suspension may be appropriate to protect the reputation of the Force who need to be seen to take a strong stance to protect the public. However, this was not unanimous and the members questioned an individual's right to a childhood, particularly taking into consideration the close proximity of age. Overall, it was felt that the public would not see the minutiae but the fact that the individual was a serving officer. As the individual was accused of an incident prior to becoming an officer it was felt that it may not be considered as discreditable until Stage 4.

In response to a question the Head of Professional Standards confirmed that officers joining the Force were not asked at the recruitment stage if there was anything in their background that may bring Force into disrepute.

The Committee RESOLVED that overall suspension would protect both parties and the reputational impact on the service.

Scenario 2

This had previously been discussed by the Committee within item 6 on the agenda.

Chair
2.00 pm–4.00 pm