

# POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

PAPER MARKED

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## ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

Report of	OFFICE OF POLICE AND CRIME COMMISSIONER
Subject	BI ANNUAL REPORT ON THE WORK OF THE COMMITTEE
Date	FRIDAY 22 JUNE 2018 – 2:00 p.m.
Author	ANGELA PERRY, EXECUTIVE DIRECTOR

### Purpose of Report

1. The purpose of this report is for members' comments on the bi-annual work of the Committee.

### Recommendation

2. It is recommended that members provide their comments on the work of the Committee to date for inclusion in the annual report at the end of the year.

### Background

3. The terms of reference for the Committee include that a biannual report will be produced on work undertaken and setting out any findings. The biannual report will feed into the annual report to be produced in December 2018 setting out the full year's work. The annual report will be presented to the Police and Crime Panel at the end of the year.
4. The Committee meet in public on a quarterly basis. This bi-annual report covers the period from September 2017 to March 2018. It should be noted that the March 2018 meeting of the Committee did not take place due to adverse weather conditions at the time. Therefore this report only covers two meetings of the Committee being those held in September and December 2017.

### Work to date

5. At the Committee meeting on 22 September 2017 members agreed their Forward Workplan for 2018. The workplan included the following areas to be addressed:-

- Safeguarding – adults and children – how the Force understood and how implemented.
- How the Chief Constable sets the culture of Leicestershire Police.
- Stop and search footage.
- Social Media – what monitoring of staff personal social media.
- Police force that reflects the local community – recruitment and promotions processes.
- Business Interests Policy and how it is applied.
- Counter Terrorism – force approach and ethical questions and how PREVENT is delivered.
- Recruitment and promotion processes from a diversity point of view with the information broken down into officers and staff.

Members requested further information on the following areas: the work of the crime and intelligence directorate, Organised Crime Groups, Criminality and Cybercrime and covert policing and firearms from a training point of view.

### **Work Undertaken to Date**

6. Work undertaken to date is as follows:-

#### Police Approach to Hate Crime and Terror Attacks.

Members considered the Force approach to addressing hate crime and the action that would be taken by both the Force and the Police and Crime Commissioner in the event of a terror attack.

#### Child Sexual Exploitation

Members received information about Child Sexual Exploitation and how the force. Members probed training for officers and in particular the difficulty for ethnic minorities to come forward based on cultural needs. It was explained that officer training in this area did address cultural issues and that the training also covered the victim/perpetrator aspect.

Members also questioned how the Force raised awareness of such offences to children who had been abused in their own home. The Committee were informed that the Force Communications team were producing two videos raising awareness of child sexual exploitation and rape within a domestic setting which would be widely disseminated. This would be followed by a further video targeting teenage boys and familial abuse. The aim of the videos was to address recent research findings and the under-reporting of these crimes.

#### Recruitment, retention and progression of under-representative group in the workforce

Members had previously received information on Section 159 of the Equality Act regarding positive action and the Committee endorsed the use of this legislation to attain a workforce that was representative of the community. The positive action project commenced in February 2015 and this discussion was based on progress to date.

Members questioned whether analysis of protected characteristics was undertaken during recruitment, retention and progression and were informed

that this data was scrutinised quarterly through a Force strategic board chaired by the Chief Constable.

When questioned whether training on unconscious bias was undertaken by those involved in the recruitment process members were informed that unconscious bias training formed part of the three day interview selection training course delivered by the Force. However national assessors were also involved in the process and it was unknown if unconscious bias formed part of the training for that role.

Members highlighted the approach being taken by the Metropolitan Police of taking direct entry individuals into detective roles which had increased black and minority ethnic representation and urged for this to be replicated within Leicestershire. It was explained that the Metropolitan Police were undertaking a full analysis of this initiative.

It was noted that Eastern Europeans were monitored on a 18+1 category which covered 'White/European' which was not broken down further however this would change and would be captured after April 2018.

Further scrutiny on this topic to be undertaken when statistical breakdown of rank and PCSO success rates were provided and data on Lesbian, Gay, Bi-sexual data was provided.

#### Prevent and Counter-Terrorism

Members questioned the impact this approach had on community and neighbourhood relationships and also if this had an impact on recruitment from BME communities. It was confirmed that whilst the Prevent strategy had brought challenges, and misconceptions, there was no data regarding the impact this may be having on recruitment of BME officers. There was also no evidence to suggest that Prevent impacted on day to day relations between the police and the public.

#### Ethical Scenarios

A number of ethical dilemmas have been considered by the Committee including:-

##### (a) Criminalisation of Children

The Committee were asked to consider two different situations where reports of crime were received where the suspects were children. Whilst the common sense approach may be to take no further action the Home Office counting rules dictate that a crime report be completed with the child recorded as a suspect.

A parent called the police and reported 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 felt the school should exclude the boy who threw the stone but the school had refused. The mother wanted the police to intervene and take the strongest possible course of action.

A 14 year old girl was in a relationship with a 15 year old boy. The girl's parents did 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.

*The Committee felt that where possible the criminalisation of children should be avoided, particularly as young children are not always aware that they are committing an offence and in other cases young people are often sexually curious and their actions should not lead to them being criminalised.*

(b) Community Speed Enforcement

The Committee were asked to consider whether or not the Force should support or otherwise proposals made by Leicestershire County Council for a twelve month period piloting the extended use of average speed cameras at seven sites within the County. The sites chosen are of community concern but do not meet the Department for Transport recommended thresholds for camera locations.

*The Panel agreed to support the Force in supporting the County Council in this but felt that communications was key to explain why a local community wanted the cameras in place. It was also felt that it would be necessary to explain where the money made from such cameras would be going as the general public could see this as a money making exercise.*

(c) Police funding and managing demand within finite budgets

The Chief Constable put forward a number of areas of business with questions testing the ethical right to make changes in service delivery as follows:

**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 felt it was ethically acceptable.*

**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 Committee felt it was ethically acceptable to charge businesses / households / parishes for services above or beyond what the Force can afford to offer. They felt there should be a fixed cost and funds to be used elsewhere.*

**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?

*The Committee felt it was 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 but questioned who would carry out this*

*role instead. They felt that this decision should be made at a partnership level.*

**Alternative action.** Is it ethical to maximise the full use of alternative outcomes such as out of court disposals in all circumstances when arrest and temporary detention is unlikely to achieve any form of judicial action?

*The Committee felt this was acceptable within the legal framework.*

**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 know enough information regarding other organisations and how they carry out welfare checks to be able to comment on this matter.*

**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 saw this as being 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. However, members felt that it should not be overlooked that this could be part of a bigger picture.*

**Missing from home.** Is it ethically acceptable to reduce our service offer to children's homes and other institutions when the children's home could and probably should take more responsibility for their children in care?

*Members felt this was acceptable and that children's homes should be more robust with their own duty of care.*

**Mental Health Act.** On 11 December 2017 the MHA changes and detainees will need to go to a non-police place of safety. This may require officers to transport and await the receiving organisation to accept the detainee. Is it ethically acceptable to make this process as quick as possible and of minimal bureaucracy to ensure officers can return to patrol duties quickly?

*Whilst the Committee generally agreed with this but felt that more information was required to make a full assessment.*

### **Dip Sampling of Complaint Files**

Members of the Committee dip sample complaint files on behalf of the Police and Crime Commissioner. This work supports the Commissioner's statutory responsibility to monitor how complaints within Leicestershire Police are dealt with by the Chief Constable and provides quality assurance that proper procedures and practices are followed.

Since September 2017 the Committee have examined 32 complaint files and the rationale for 3 complaints not being referred to the Independent Office of Police Conduct.

The annual report of the Committee will outline members comments on each file examined.

### **Background Papers**

Reports and minutes from meetings held on 22 September 2017 and 15 December 2017.

### **Person to Contact**

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**Members of the Ethics, Integrity and Complaints Committee**

**Steven Cammiss (Deputy Chair)**



Dr Steven Cammiss is 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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**Karen Chouhan**

Photo to be supplied shortly

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. Karen 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. Karen's 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'.

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## **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 progress and all party parliamentary group on dual diagnosis.

## **Linda James**

Photo to be supplied shortly

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

Linda 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 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.

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## **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.

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## **Lynne Richards**



Lynne Richards is the Head of Fundraising at the National Forest Company, where she works 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.

With over 20 years experience in the private, public and charity sectors 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 and exploring different parts of the country.

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## **Professor Cillian Ryan (Chair)**



Professor Cillian Ryan FRSA is Pro Vice-Chancellor and Dean of the Faculty of Business and Law at De Montfort University (DMU). 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 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 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 currently the Royal Economics Society nominee to the HEA College of Social Sciences Advisory panel. Cillian also serves on the Oxford Cambridge and RSA Higher Education Consultative Forum. 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.