

NOT PROTECTIVELY MARKED

**CUMBRIA POLICE AUTHORITY
PROFESSIONAL STANDARDS COMMITTEE**

Minutes of a Meeting of the Professional Standards Committee held at 10.00 a.m. on Wednesday 26th January 2005 at Police Headquarters, Carleton Hall, Penrith.

PRESENT

Mr C S Moth

Mrs S E Donnelly
Mr G Humes

Mrs L Slavin

Also Present:

Clerk & Chief Executive
Deputy Chief Constable
Head of Professional Standards Department
Administration Manager

PART I – ITEMS CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC.

22. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr J Nicholson, Mr I Stewart and Mr R Watson.

23. EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that under Section 100A(4) of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

Item No.

- | | |
|----|--|
| 9 | Sampling of Cases, |
| 10 | IPCC Supervised Investigation - Update |
| 11 | Complaint about Senior Officers |

There were no members of the Press or Public present.

24. DISCLOSURES OF PERSONAL INTERESTS

There were no disclosures of personal interest.

NOT PROTECTIVELY MARKED

25. MINUTES

RESOLVED, that the Minutes of the Meeting of the Committee held on 20 October 2004, as circulated with the Agenda for the meeting, be confirmed as a correct record and signed by the Chair.

26. COMPLAINTS BY THE PUBLIC

The Head of Professional Standards presented a report which had previously been circulated with the agenda papers and also tabled an additional report. The Deputy Chief Constable explained to Members that the additional, tabled report had been produced in response to the increase in the number of complaints by the public in the West of the county.

The Head of Professional Standards explained how, although the number of complaints showed an increase in the West of Cumbria, this did not necessarily mean they related exclusively to West Cumbria BCU officers. However, a number of issues had been addressed and for the first 3 weeks in January 2005 the complaints received had decreased. Members requested that a report be submitted to the next meeting of the Committee which set out in more detail the remedial actions taken and the results achieved.

He informed Members that ACPO would no longer be producing the Report on Police Complaints and Discipline, in future the Independent Police Complaints Commission (IPCC) would assume responsibility for the collation of statistics and the production of this report.

He reported that the intended visit of the IPCC Commissioner to Cumbria had had to be cancelled because of the recent storms. This would be rescheduled and would incorporate a meeting with Members of the Professional Standards Committee.

In the course of considering the information provided, Members raised various matters of detail to which the Deputy Chief Constable and Head of Professional Standards responded.

RESOLVED, that

- (i) the report be noted, and
- (ii) a report detailing the actions taken to reduce complaints by the public be submitted to the next meeting of the Professional Standards Committee

27. HOME OFFICE PUBLICATION “DEATHS DURING OR FOLLOWING POLICE CONTACT”

The Deputy Chief Constable introduced a report on the Home Office Publication “Deaths During or Following Police Contact” which had previously been circulated with the agenda papers. The production of the report had been requested at the previous meeting of the Committee and the Head of Professional Standards Department presented and discussed the contents of the paper with the Members. Appendix B of the Home Office Report outlined

NOT PROTECTIVELY MARKED

initiatives to reduce the risk of deaths in police custody and he outlined the development of these within Cumbria Constabulary.

RESOLVED, that the report be noted.

28. CHIEF CONSTABLE'S REVIEW REPORT – ACTION PLAN

The Deputy Chief Constable presented a report on the Chief Constable's Review Report, in order that the Committee could monitor progress against the agreed Action Plan. She reported that progress was being made and that it was expected that deadlines would be met, although the identification of training needs of chief officers had been delayed until the arrival of the new Assistant Chief Constable. The Constabulary Training Officer was progressing this item and a progress report would be submitted to the next meeting of the Committee.

The development of an initial assessment and decision-making framework was ongoing and the Head of Professional Standards undertook to bring a sample workbook to the next meeting of the Committee. The Deputy Chief Constable suggested that Members be given examples of initial assessments of cases to consider at the next meeting, as most cases in the random sample considered by Members were already completed.

Members asked that once the framework had been completed it be presented to a future meeting of the Committee and also to the Police Authority.

RESOLVED, that

- (i) the report be noted;
- (ii) a report on progress in identifying the training needs of chief officers be submitted to the next meeting of the Committee;
- (iii) examples of initial assessments of cases be submitted to Members for consideration at the next meeting; and
- (iv) the completed decision-making framework be submitted to future meetings of the Professional Standards Committee and to the Police Authority.

29. IPCC DRAFT STATUTORY GUIDANCE FOR POLICE COMPLAINTS

The Clerk & Chief Executive presented a report which outlined the changes to legislation in relation to complaints about police. The Independent Police Complaints Commission (IPCC) and the Association of Police Authorities (APA) had recently circulated draft guidance on which they had asked for comments.

Members noted that the guidance was wide-ranging and that this issue would be discussed at the forthcoming Complaints Member Network, which the Chair of the Committee would be attending.

The Clerk & Chief Executive asked Members to consider the guidance and submit any comments they might have so these could be forwarded to the APA.

NOT PROTECTIVELY MARKED

RESOLVED, that

- (i) the report and the Draft Guidance be noted; and
- (ii) Members send any comments on contents of the document to the Clerk & Chief Executive so these could be forwarded to the APA.

30. A PROTOCOL FOR HANDLING COMPLAINTS REGARDING SENIOR OFFICERS.

The Clerk & Chief Executive presented a report, which had been circulated with papers for the meeting. He explained that this new document was created in December 2004 to provide the Police Authority with a protocol of guidance for use in handling complaints and conduct matters involving senior police officers within the Constabulary. The Protocol would be developed and agreed with the Chief Constable and a draft copy had been submitted to the Constabulary for their comments.

RESOLVED, that

- (i) the contents of the report be noted; and
- (ii) the Clerk & Chief Executive submit the finalised Protocol for Handling Complaints Regarding Senior Officers to a future meeting of the Committee.

PART II – ITEMS CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC.

31. SAMPLING OF CASES

As part of their monitoring and oversight function, Members received detailed presentations from the Head of Professional Standards Department on seven cases chosen at random by the Chair in accordance with the Case Sampling Protocol adopted at the October 2004 meeting of the Committee.

Members inspected the relevant complaints files, which had been made available at the meeting.

32. IPCC SUPERVISED INVESTIGATION - UPDATE

The Head of Professional Standards Department presented an update on the IPCC Supervised Investigation, which had been requested at a previous meeting.

The investigation had highlighted some issues and these had since been addressed. Members raised various points to which the Head of Professional Standards Department responded.

RESOLVED, that the report be noted.

(Note: The Deputy Chief Constable and Head of Professional Standards Department left the meeting at this point).

33. COMPLAINTS ABOUT SENIOR OFFICERS

The Clerk & Chief Executive had circulated to Members additional information with copies of correspondence received, from legal representatives of one of the officers named, since the last meeting of the Committee on 20 October 2004.

Members considered those representations in the light of the report from the Clerk & Chief Executive, but took the view that the position previously adopted still applied and that the decision made by Members of the Committee at their meeting on 20 October 2004 should therefore remain unchanged.

RESOLVED, that the Committee should continue to defer further action or decision on the complaints pending the outcome of the hearing of a similar complaint by the Investigatory Powers Tribunal on the basis their linked circumstances are effectively '*sub iudice*'.

The Meeting ended at 11.40 p.m.