



# Police and Crime Strategic Board

15 July 2015

## Chief Constable's Report

### 1. National Issues

#### 1.1 Update on 'A fair deal for the people of Lincolnshire'

##### 1.1.1 The Structure of Police Finance – Informing the Debate

1.1.2 The Chief Constable has completed a report in relation to the future structure of police finance across the service. It is intended to contribute to the current debate in relation to developing new financial allocation systems across the service.

1.1.3 At the core of the report is an analysis of spending patterns across the 42 forces in England and Wales, grouped into four clusters intended to reflect force size, population and complexity of policing challenge. It is intended to facilitate debate as to where savings and efficiencies remain to be driven out of policing. It posits views as to the appropriate proportion of costs to be shared by local tax payers and central government, and it takes a firm position in relation to the base cost of being in business, that is the core level of funding that all forces should receive. The report outlines the following propositions:

- Some forces, irrespective of size, are able to deliver good policing at a relatively low cost, with back office or support costs representing a sensible and proportionate element of that expenditure. All forces should receive that base 'cost of being in business' level of support, and that level should be provided as part of the new funding formula/arrangement
- The base cost of being in business for an efficient, well organised, well governed force, there is strong evidence to suggest, lies in the region of 44p per person per day.
- The reasonable contribution that the local taxpayer might be expected to make to that base cost, even factoring in differences in relative economic wealth of areas, probably lies in the region of 13p per person per day.
- The proportion of the base cost of being in business that should be provided centrally is in the region of 31p per person per day.
- A Police and Crime Commissioner who wishes to move a historically low precept closer to the modal 13p per person per day should be allowed to do so without capping.
- HMIC has a key role to play in helping forces to manage change during transition, in particular in developing a commercial approach to the benchmarking of back office and support functions.

- 1.1.4 The report has been shared with the Home Secretary, Policing Minister, senior Home Office officials, Lincolnshire MPs, CC Sara Thornton, Chair of the National Police Chiefs' Council, Sir Thomas Winsor, Her Majesty's Chief Inspector of Constabulary, Ms Zoe Billingham, Her Majesty's Inspector of Constabulary and CC Steve Finnagan, Head of NPCC Performance Management Business Area
- 1.1.5 The Chief Constable intends to share the report at the next Home Office Gold Group Finance Committee looking at the future of police finance.

## 1.2 The Summer Budget

- 1.2.1 On 8 July 2015, Chancellor George Osborne delivered the first Budget for the 2015 - 20 Parliament.
- 1.2.2 Whilst no specific announcements were made on Police Funding, key announcements included:
- The Government will run a surplus in 2019-20 (*i.e. where more tax is raised than spent*) and debt will fall in every year
  - A total of around £37 billion of cuts are required to meet this target:
    - £12 billion by 2019-20 through welfare reforms, e.g. a freeze in working-age benefits for four years from 2016-17 (not including Maternity Allowance, maternity pay, paternity pay and sick pay) and reducing the household benefit cap to £20,000 (£23,000) in London - currently £26,000; and
    - £5 billion from measures to tackle tax avoidance, planning, evasion, compliance and imbalances in tax system.
    - The remaining £20 billion will come from the Spending Review which includes savings from (*non-protected*) Government departments which are likely to impact on policing, criminal justice and Local Authorities. These will **not** be set out until the autumn following completion of the Spending Review.
- 1.2.3 Cuts will be at the same pace as during 2010-15 Parliament, but no year will see cuts as deep as 2011-12 and 2012-13.
- 1.2.4 At this stage in advance of the autumn statement, it is proposed that the Lincolnshire MTFP remains at the current assumption of a 4% per annum grant reduction.
- 1.2.5 Public sector pay will rise by 1% a year for four years from 2016-17. This is in line with MTFP Assumptions.
- 1.2.6 The Office for Budget Responsibility forecasts for deficit are: 3.7% of national income in 2015-16; 2.2% in 2016-17; 1.2% in 2017-18; and 0.3% in 2018-19. A surplus of 0.4% is forecast for 2019-20, rising to 0.5% in 2020-21.
- 1.2.7 There will be a publication of a new Fiscal Charter committing the Government to keeping debt falling as a share of GDP every year to achieving the surplus as referred to above. Thereafter, Governments will be required to maintain a surplus in 'normal' economic times, i.e. when there isn't a recession or marked slowdown in economy, when OBR judge real GDP growth falls below 1% per year on a rolling four quarter basis (as per commitment in the Conservative General Election manifesto). Parliament are to vote on the new Charter in autumn 2015.

- 1.2.8 There will be an increase in funding for victims of domestic abuse and women's refuge centres and a provision for extra resources to enable HMRC tackle organised crime gangs responsible for the illicit tobacco and alcohol markets.

### **1.3 Terrorist Attack in Tunisia**

- 1.3.1 On 26 June at Sousse in Tunisia 38 people, including 30 Britons, lost their lives and many others were seriously injured when Seifeddine Rezgui, a lone gunman, armed with a Kalashnikov rifle, opened fire indiscriminately and murderously amongst a beach of innocent holiday makers, then following them into a nearby hotel, where his attack continued. Operation Traps is the national response to this incident.
- 1.3.2 One of the victims was Carly Lovett who lived in Gainsborough. A Lincolnshire Police Family Liaison Officer has been deployed to support the investigation team and facilitate enquiries with Carly's family. Her funeral is planned to take place on 17 July and Tony Diggins, Force Media Manager, will be visiting the family to provide advice and manage any media related issues.
- 1.3.3 Lincolnshire Police are supporting the wider investigation which is being completed by the Metropolitan Police Service and EMSOU Special Branch officers are completing enquires with a number of witnesses to the incident who live in the county.
- 1.3.4 The UK security threat remains at Severe but the Foreign and Commonwealth Office are warning travellers to Tunisia that there is a high threat from terrorism in the country and further attacks are likely.
- 1.3.5 There are no reports of community tension across the county nor has there been any impact on local policing to date.

## **2 Regional Issues**

### **2.1 Police led Prosecutions (PLP) - update**

- 2.1.1 Lincolnshire Police were one of nine pathfinder forces responsible for testing and implementing PLP during the summer of 2013. PLP has been successfully rolled out across all forty three forces and our court presentation officers are now presenting a wide range of low level, uncontested cases in court.
- 2.1.2 The Ministry of Justice (MoJ) plans to streamline and improve the management of cases in the magistrates' court include recently introduced legislation within the Criminal Justice and Courts Bill to allow the majority of high-volume, low-level 'regulatory' cases (predominantly traffic, DVLA, TV licencing etc.) to be dealt with outside traditional magistrates court rooms.
- 2.1.3 The new procedure, commonly referred to as single justice procedure (SJP) applies only to cases involving adults charged with summary only non-imprisonable offences which include a large tranche of low level traffic matters currently dealt with under police led prosecutions. It will enable such cases to be dealt with by a single Magistrate without the attendance of either prosecutor or the defendant. The defendant will retain the capacity to engage with the court in writing and the case will not need to be heard in a traditional courtroom.

- 2.1.4 There will be an impact on the role of police court presentation officers as there will no longer be the need for the facts of the case to be read out and therefore any need to “hear” cases in open court. In his capacity as the policing lead for courts, the Chief Constable has been in early discussions with the Home Office, CPS and MoJ to determine how we can retain and build upon the current model and fill the void that the SJP will create.
- 2.1.5 It is anticipated that we will see an expansion to the existing list of crime offences to potentially include all guilty cases currently dealt with by a Magistrates Court as well as agreement to the removal of the current restriction on charged cases to enable forces to increase the numbers capable of being dealt with under PLP. The subject of cost recovery will be central to those discussions and any expansion would need to be met by a sustainable funding solution in order to incentivise forces.
- 2.1.6 A further, potentially more contentious consideration is that of the police prosecuting victimless, not guilty, traffic cases.
- 2.1.7 The feedback from the CJ leads within a number of forces suggests that there may be efficiencies in retaining responsibility for such cases rather than handing them over to CPS. It is the Chief Constables’ intention to run a trial with those forces who have expressed an interest to prosecute low level, not guilty, victimless, traffic cases providing agreement can be reached with the Attorney General and DPP and subject to an understanding of the necessary legislative requirements and timescales. The Chief Constable, in a letter dated 23 June, has written to all chief constables asking for expressions of interest. These responses are currently being collated and will help to inform further discussions with the Home Office and CPS.

## **2.2 East Midlands Video Link Project - update**

- 2.2.1 The East Midlands Video Link Project is now entering the next phase, moving from installing equipment to testing equipment. At the same time each project team in the region is either considering how to increase usage for the giving of evidence, developing alternative uses of the video equipment, or scoping what a virtual remand court will look like. Both Lincolnshire and Leicestershire are scoping what a virtual remand would look like for consideration by the appropriate project boards.
- 2.2.2 At the last Regional Project Board it was agreed that the Spalding Remote Witness Link being developed with HMCTS would be drawn in to the governance of the Project Board. This piece of work is in the process of being transferred and site surveys are in the process of being arranged at South Holland District Council. The installation is yet to be agreed as it needs to be included within Vodafone’s programme.

## **2.3 Lincolnshire Criminal Justice Board (LCJB) – update**

- 2.3.1 Discussions have been taking place locally and regionally regarding a proposal for the introduction of a Regional Criminal Justice Board (RCJB). Locally the decision was broadly supported with the caveat that there still needed to be some elements of criminal justice multi-agency working that should remain local, those being victims and witnesses and reducing offending.
- 2.3.2 A meeting was held of criminal justice board representatives across the region to discuss the proposal. Agreement was reached for the creation of a four police force area RCJB, with Derbyshire attending as observers. It was further agreed that a local

criminal justice boards layer at force level was required but that there was a need for local steering/working groups for the areas already mentioned. A second draft structure is in the process of being drawn up and will be distributed for consideration.

### **3 Local issues**

#### **3.1 Blue Light Collaboration Project – update**

3.1.1 The Steering Group met on 9 June where a scoping document was presented by T/Supt Pache and Group Manager Dave Gilbert (F&R). It was agreed that the four key objectives (Blue light campus, joint FCR, relocation of Fire and West Area Police non-operational functions to HQ and the wider estates review) would be progressed to an outline business case. Work is ongoing and this will be presented to the Steering Group on 23 July.

#### **3.2 Out of Court Disposals (OCD) - update**

3.2.1 The Criminal Justice Board operates an Out of Court Disposal Scrutiny Panel with the last meeting taking place on 8 June. It was agreed by the Panel that after each meeting a report would be prepared on the findings and shared with the Criminal Justice Board, PCC and the Police and Crime Panel. A report has been produced and is awaiting final sign off before formal distribution. In summary the Panel found that of the fifteen cases examined the majority did not include the reasoning for an OCD being given and in a reasonable proportion of cases the views of the victims were not included.

3.2.2 As a result of the meeting it was agreed that the Police would be provided with an advance copy of the cases in order that any further enquiries should take place in advance of the meeting rather than afterwards. The meeting room would be opened an hour in advance of the meeting to allow Panel members sufficient time to review and consider the cases presented to them. Where information was lacking for the cases that were scrutinised the Police agreed to investigate the cases further and provide additional information to the panel for consideration.

3.2.3 The Police have undertaken to promote the Panel using internal media to raise its profile and to describe what is expected of officers when undertaking an OCD, such as seeking the views of victims and explaining the reasons within the documentation as to which OCD was used in line with national guidance and the gravity matrix. Furthermore the Deputy Chief Constable has agreed to review the recommendations from the Joint Criminal Justice Inspection of the provision of Charging Decisions concerning recording of decisions. An update on the actions from the Scrutiny Panel session is being followed up and will be presented to the next OCD meeting.

#### **3.3 HMIC Inspection Reports - update**

3.3.1 During the last two weeks HMIC have published a series of three reports relating to child protection. These reports have been developed over the last 18 months and include:

- Building the Picture – an inspection of information management, examining how successful forces share and cross check information in order to build a picture of criminality.
- In Harms Way – the role of the police in keeping children safe. A summary of the findings from eight forces and thirteen other inspections.

- Online and on the edge – real risks in a virtual world – How police forces deal with children who are being exploited via the internet

### 3.3.2 Building the Picture – an inspection of information management

3.3.3 This inspection was commenced as a result of how the information and allegations made about the criminal sexual conduct of Jimmy Saville was dealt with by several police forces. HMIC were commissioned to examine the way that police forces applied the Code of Practice on the Management of Police Information 2005 (MOPI), the APP and how forces made use of the Police National Database (PND).

3.3.4 The inspection within Lincolnshire took place between 16 - 18 May 2014 and looked at the overall strategic responsibility for information management, collection and recording, evaluation, processes for sharing and retention, review and disposal.

3.3.5 The findings of the report are pleasing. It recognises the value of our central Information Management Unit and how intelligence is submitted and graded appropriately. There are clearly understood processes in place in respect of the reviewing of intelligence within a set period and how markers were used effectively in relation to sex offenders. The force has a current information management strategy and separate policy for retention, review and deletion. Information from our core business areas which include child abuse, domestic abuse, custody, crime and intelligence are all updated to the PND on a daily basis.

3.3.6 There have been a number of changes since the inspection was carried out and in particular the move to NICHE for all adult and child safeguarding information which makes the RRD process much easier.

3.3.7 The national report suggests that forces who maintained a central information management team were better able to comply with the requirements of APP and MOPI and as with our unit and systems, the benefit of maintaining one main system i.e. NICHE cannot be underestimated.

### 3.3.8 In Harms Way - the role of the police in keeping people safe

3.3.9 This thematic report explores the response to child protection cases and Inspectors visited eight police forces and conducted thirteen other types of inspection with other agencies.

3.3.10 The report acknowledges that there have been significant increases in the number of referrals of such cases and specifically Child Sexual Exploitation (CSE), grooming and historic cases. Whilst HMIC found pockets of good practice with some excellent examples of children being removed from harm they graded approximately one third of the cases examined as being inadequate. There was however good practice identified where police dealt with children in an emergency or where it was abundantly clear from the outset that the case was a child protection case.

3.3.11 There were some weaknesses evident in relation to some investigations, assessments and plans and communicating to the child. A general statement was made about the response to domestic abuse, neglect, CSE and child detention being inadequate.

3.3.12 It was noted that performance was significantly better where specialist teams dealt with such cases but that the whole system seems to be marred by delays throughout. The attitude of some police officers was also described as unacceptable.

- 3.3.13 The report makes numerous recommendations relating to CSE, DA, Looked after Children, custody and detention, investigations, delay, decision making and recording and finally leadership and management.
- 3.3.14 All of the recommendations and full report will be subject of assessment against the current practices within the force and monitored for improvement where we need to make any necessary changes. The force does recognise that investment in these high risk areas is required and as part of the Local Policing Model the numbers of resources are being re-aligned to support the areas of greatest threat, risk and harm.
- 3.3.15 Online and on the edge - real risks in a virtual world.
- 3.3.16 In 2012 HMIC carried out fieldwork as part of an inspection into how police forces prevented online CSE and as a result identified opportunities to undertake co-ordinated law enforcement activity to apprehend perpetrators across the UK. As a result Operation Notarise was established co-ordinated by the National Crime Agency and forces. This resulted in over 500 children being identified and safeguarded. The conclusion of the HMIC inspection in 2014 resulted in thirteen recommendations following their inspection in six police forces (Lincolnshire was not inspected)
- 3.3.17 The recommendations include that officers should have access to social media applications to facilitate enquiries into a child's online activity, forces should review the management and supervision of such investigations and that measures are adopted to reduce delays. Staff involved in such work should have clear tenure policies and should have a positive working environment, supported by managers. The report also recommends that forces should scrutinise out of court disposals to ensure that the correct outcome is being administered.
- 3.3.18 There are also a number of recommendations relating to developing problem profiles, allocating investigations to appropriately skilled officers and finding better ways to communicate with children to keep them safe online.
- 3.3.19 The force will review all of the recommendations and use this to help define the build and processes to be adopted within the Internet Child Abuse Team (ICAT) unit and wider organisation. This unit again is to receive additional resource to develop its work to include the element of grooming and to adopt better practices around the triaging of electrical devices at scene to quote two improvements already agreed.