

Police and Crime Panel

6 April 2023

Acceptable Policing Behaviours and Standards

Report of the Police and Crime Commissioner



1. Purpose

- 1.1. To inform members of the Police and Crime Panel of the current governance structures and oversight activity in relation to acceptable policing behaviours and standards.

2. Background

- 2.1. Behaviour and Standards are regulated within policing as set out in the following legislation and guidance:
 - Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020
 - The Police Staff Council Standards of Professional Behaviour
 - Code of Ethics for Policing
- 2.2. This is a heavily regulated area of policing and covers everything from public complaints across to the most serious criminal acts, with recourse to independent scrutiny by the Independent Office for Police Conduct (IOPC). The IOPC can be engaged via police or public referral or can proactively 'call in' investigations if they deem it appropriate.

3. Force Governance and Structure

- 3.1. Although the Standards of Professional Behaviour are set out nationally, the primary responsibility to endorse, promote, and monitor the actions of officers and staff rests with the Delegated Appropriate Authority on behalf of the Chief Constable. The Professional Standards Department (PSD) and Counter Corruption and Vetting Unit (CCVU) lead in this business area with a DCI as the head of department. PSD and CCVU report into the Deputy Chief Constable as the formal Delegated Appropriate Authority for Durham Constabulary.

- 3.2. The department is legally compliant in terms of structure with a number of qualified detectives including two DIs, a DCI who joined the department from Safeguarding, as well as a Superintendent who was the previous Head of Department and comes from a background of Crime Investigations.
- 3.3. PSD are advertising a growth position to assist in the management of all Victims' Right to Review referrals, with all officers (including two police staff) progressing through the investigative training process. The force follows all good practice guidance, including relevant Authorised Professional Practice in this area and has been inspected by HMICFRS with positive comment as to culture and the thoroughness of its approach.
- 3.4. PSD promote a learning culture when dealing with public complaints. This is in keeping with Home Office Guidance to promote learning, development and improvement as well providing officers and staff with the confidence that unintentional mistakes, short-comings, or failings will be handled in a constructive way. This is supported by the Police Federation and Unison.
- 3.5. The force was one of the first nationally to develop the role of the Prevent Officer who is embedded within CCVU. The post holder sets out the required Standards of Professional Behaviour and delivers training/awareness raising to all new recruits including PCSOs as well as senior managers. This has assisted in developing a preventative culture in support of ethical and lawful behaviours whilst setting boundaries in accordance with the Code of Ethics and Standards of Professional Behaviour, on or off duty.
- 3.6. Through the Prevent Officer, supported by the wider department and beyond, the force promotes the use of the 'Integrity Link' for confidential reporting as well as the 'If you see something, say something' motto. The force makes use of the most up to date ethical methods to gather and monitor activity, recognising that some poor behaviour and actions may go unreported for a variety of reasons. In addition, all officers and staff undertake an annual 'Integrity Health Check', which is a meeting with their supervisor to reinforce standards and is seen as good practice. This is linked to the annual PDR process.
- 3.7. CCVU also has a dedicated intelligence officer who is suitably trained in developing information and covert tactics to assist in the progression of any sensitive enquiries, and a dedicated analyst who assists with trend identification on behaviours alongside support to investigations. The work on trends is important as it helps ensure PSD can brief the force's leaders on areas of interest, which is done through regular review and reported into force governance boards.

- 3.8. Overall performance of the department is monitored through internal and external governance structures including the IOPC and Office of the Police and Crime Commissioner (OPCC). All sensitive matters are managed through the current intelligence structures which include confidential briefings and monthly updates provided to the Deputy Chief Constable by the Head of Professional Standards & DI CCVU.

4. PCC Oversight and Governance

- 4.1. All of the above information pertaining to governance structures and staffing¹ of PSD and CCVU are covered in the various meetings and groups mentioned below.
- 4.2. The OPCC have quarterly meetings arranged with the IOPC and the Head of PSD. These meetings provide the OPCC with operational and strategic updates from the IOPC and gives the OPCC an opportunity to comment on force (quarterly and wider) performance in this space. This performance covers items such as outstanding, serious, and upheld cases, the rate of referral, and cases handled inside Schedule 3² etc.
- 4.3. The PCC provides oversight of the complaints system after a complaint has been dealt with under Schedule 3 and the complainant has requested a review of the outcome. The PCC considers how Durham Constabulary have handled the complaint and whether the way in which it has been handled is reasonable and proportionate. This element within the complaints structure is an important part of PCC oversight of acceptable policing behaviours and standards. This also enables the PCC to identify any shared themes across complaints alongside the IOPC quarterly meetings.
- 4.4. The PCC owns three external scrutiny panels which either have acceptable behaviours and standards at the centre of their purpose or deal with them on an ad hoc basis.
- The external Complaints Scrutiny Panel considers the ‘proportionality and the decision-making of investigators and Appropriate Authorities. The Panel will also consider the degree to which the outcome of the complaint is reasonable and proportionate and the degree to which the outcome is what could reasonably be expected based on the components of the complaint and the investigation.’

¹ Please note the staffing allocation in force departments is not within the remit of the PCC’s accountability portfolio. However, good staffing levels do form wider assurance in terms of strategic delivery in policing business areas.

² Schedule 3 of the Police Reform Act 2002 the stage after initial triage where a complaint is formally recorded and will be dealt with internally to the Constabulary or by the IOPC. At this stage the complaint remains outside of the PCC’s remit.

- The Independent Ethics Committee considers a wide variety of business areas in which there are potentially (or existing) ethical dilemmas and considerations, recently assessing items such as whistleblowing policy, police perpetrated domestic abuse, and firearms licensing decision making standards.
 - The Black, Asian, Minority, Ethnic (BAME) Focus, Use of Force, and Stop and Search Panel focuses upon the appropriate use of police powers in these spaces with a continuing focus on disproportionality. There are strong feedback loops in place to relay recommendations from this panel back into Durham Constabulary, both in terms of organisational learning and individual policing behaviour feedback.³
- 4.5. The PCC, at the time of writing, is set to hold a Public Accountability Meeting (30/03/2023) which will focus upon Stop and Search within Durham Constabulary. The purpose of which is to provide the public with a voice to challenge the force's use of this power constructively and critically in an open and transparent way.
- 4.6. In addition to the external scrutiny panels, the PCC's Joint Independent Audit Committee is a statutory group comprising of lay members and predominantly scrutinises corporate governance and risk management and receives a periodical update from PSD. This provides an additional avenue of PCC structural oversight in the policing behaviours and standards space.

5. Recommendations

- 5.1. The Police and Crime Panel consider the report for any potential discussion.
- 5.2. The Panel note that the accountability structures within the OPCC are a continually maturing process in line with Association of Police and Crime Chief Executives (APACE) and Association of Police and Crime Commissioners (APCC) best practice.
- 5.3. An acceptable policing behaviours and standards update is listed for annual consideration on the Police and Crime Panel Work Programme.

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Police and Crime Commissioner

³ Please note it is not within the PCC's remit to give individual officer feedback. Any observations pertaining to individual performance are dealt with by force staff.