

NOTES OF THE SPECIAL SCRUTINY BOARD HELD ON 3 JULY 2017 IN THE CONFERENCE ROOM, OFFICE OF THE POLICE & CRIME COMMISSIONER, CLEMONDS HEY, WINSFORD.

Present: Office of the Police & Crime Commissioner
D Keane, Police & Crime Commissioner
B McCrorie, Head of Policy and Partnerships
M Walton, Performance Analyst

Cheshire Constabulary
S Byrne, Chief Constable
J McCormick, Deputy Chief Constable
P Woods, Head of Planning & Performance

Four members of the public were also present to observe the meeting

HER MEJESTY'S INSPECTORATE OF CONSTABULARY (HMIC) CRIME DATA INTEGRITY REPORT

The Commissioner opened the meeting outlining that the purpose of the Special Scrutiny Board was to consider the findings of, actions taken as a result of and the future plans to respond to the HMIC report into Crime Data Integrity in Cheshire, the overall rating of which was 'inadequate'.

The Commissioner invited the Chief Constable to provide an overview of the inspection report and outlined how the Constabulary has responded. The Chief Constable delivered a presentation focused on:

- National Crime Recording Standards
- Key Findings from 2017 Cheshire Inspection
- Initial actions undertaken in response
- Previous actions since 2014 Inspection
- New recommendations
- Key Points of learning
- Offences committed by children

A copy of the presentation is included as an appendix to the notes

Following the presentation the Commissioner considered in depth the HMIC report raising a number of questions and concerns with the Chief Constable.

The Commissioner stated that as it is estimated over 11,600 reports of crime have not been recorded by the Constabulary; this raises significant public concern that there has been a potential lack of justice for victims. Fundamental to resolving this, the Constabulary must take seriously HMIC observations with regard to the need to ensure a greater emphasis is placed on the initial account of victims and that correct recording processes are in place to make certain that victims are subsequently referred to appropriate support, for example Cheshire Cares.

The Commissioner enquired which recommendations were yet to be completed from the 2014 HMIC crime recording inspection report and what action has been taken. The Chief Constable outlined a range of work undertaken by both the Constabulary and

through internal audit processes to both complete actions set in 2014 and provide assurance that crime recording in Cheshire was to an adequate standard. The Chief Constable highlighted that the Constabulary had been provided feedback from the then HMIC Liaison to Cheshire that the 2014 action plan was completed. The Commissioner also noted that there had been assurances provided through internal audit. HMIC have now indicated that given the inadequate rating, and indicated as such the 2014 action plan cannot have been completed.

The Commissioner noted that crimes disclosed as part of multi-agency safeguarding arrangements have not always been recorded and asked the Chief Constable to outline the action taken to remedy this and whether any feedback had been received from partners. The Chief Constable confirmed that A standard pro-forma has been put in place and is completed by officers attending multi-agency safeguarding meetings to identify any disclosures that need to be recorded as a crime. The matter had been discussed at both the pan-Cheshire Vulnerable People Board, Domestic Abuse Steering Group and the Criminal Justice Board. Partners have raised concerns that third hand reporting could lead to misplaced crime recording and consequences.

The Commissioner questioned what actions were being taken to ensure officers and staff adequately understand their crime recording responsibilities. The Chief Constable outlined that this is a live issue and there has been a challenge given the high volumes of newly recruited front-line officers. The Chief Constable confirmed that work is being undertaken to review and improve crime recording and accuracy for all staff. This includes specific training for new recruits.

The Commissioner enquired about what capacity is being put in place to support the Force Crime Registrar to ensure effective audit, training and quality assurance processes are in place. The Chief Constable confirmed that a Deputy Crime Registrar is to be recruited to enhance capacity as well as additional audit capacity being introduced into the Planning & Performance Department. The Chief Constable raised an issue with the limited training opportunities available to accredit Crime Registrars. It was agreed that the Commissioner and Chief Constable will write to the NPCC and APCC leads to raise this concern and request additional training given that this is a national issue.

The Commissioner outlined his concern that 25% of domestic abuse incidents reviewed by HMIC were not recorded at the earliest opportunity. The Chief Constable outlined that additional training is now being delivered to staff by SaferLives alongside building a greater awareness of harassment and stalking legislation. The Chief Constable conceded this was the area of most concern for him particularly given the Constabulary's reputation as a 'caring Constabulary' and agreed to an offer from the Commissioner for additional audit support through the OPCC Call Audit Scheme. The Commissioner and Chief Constable agreed that there needed to be a firm culture in the Constabulary where reports from victims are believed, recorded and investigated.

The Commissioner questioned the Chief Constable on HMIC's finding on inconsistent processes and scrutiny of crime recording. The Chief Constable highlighted the need to ensure that front-line officers and staff were trained and supported to make certain crime recording is correct at the first instant and that there is the correct balance between audit and supervisory roles to make best use of resources.

Following the HMIC findings that two rape victims were found to have not been provided with adequate support and safeguarding the Commissioner enquired about what measures had now been put in place. The Chief Constable provided assurance that support has now been provided – no further details could be shared in the public meeting. A clear direction has been given by the Chief Constable to the Constabulary that where an allegation is made, it is recorded immediately and investigated.

Whilst acknowledging the complex nature of the issues, the Commissioner raised serious concerns regarding HMIC's finding regarding cancelled crimes. The Chief Constable confirmed that training has been provided to the Dedicated Decision Makers and that various check points have now been included to ensure victims are notified prior to any cancellation of a crime. The Commissioner requested further detail on the 3 cancelled rape cases – it was agreed that this would be provided outside of a public forum.

The Commissioner requested an update on the HMIC area of improvement with regards to the collection of appropriate diversity information to ensure a full understanding as to how crime is affecting different communities. The Chief Constable outlined that his understanding was that this was an area for improvement included in all CDI reports published to date. As this is not currently mandatory and can cause data protection issues the Constabulary is seeking national guidance.

The Commissioner and Chief Constable discussed the impact of crime recording on the potential criminalisation of young people. Both accepted that this was a matter that needed to be debated at a national level and with front-line officers.

The Commissioner concluded by outlining the following next steps which were agreed with the Chief Constable:

- To support the Commissioner's response to HMIC the Chief Constable agreed by the end of July to provide:
 - Progress update on all immediate recommendations and areas for improvement which are due to be completed by the end of July;
 - A commitment to ensure a fully developed action plan be presented at the 23 August Public Scrutiny Board that will include timescales, progress to date and completed actions; and
 - A summary of the outcomes for the additional 271 crimes referred by HMIC to the Constabulary
- The Chief Constable agreed to develop a full action plan in response to the HMIC recommendation and areas for improvement which include timescales, progress to date and completed actions. The Commissioner requested that this be prepared for presentation at the 23 August 2017 Scrutiny Board
- The Chief Constable agree to the Commissioner's request to complete a further dip sample of reported incidents recorded in June across all five areas (domestic, violence, sexual, rape and vulnerable victims) and report back to the 23 August Public Scrutiny Board. It was noted that the sample size would need to be such as to ensure that it is statistically significant.
- The Commissioner outlined that he may give consideration to commissioning HMIC to complete additional inspections in future years but given the that HMIC have indicated that they will return in early 2018 this will not be progressed at this time.
- The Commissioner outlined the need to ensure steps are taken to ensure that public confidence is maintained in the police service in Cheshire. The Chief Constable agreed and outlined work that had been undertaken both with key partners and the public to communicate the findings of the inspection and actions taken. It was agreed that this will continue to secure public understanding.

- The Commissioner and Chief Constable re-enforced the importance of supporting officers and staff to make certain morale and well-being is not adversely effected. No concerns were raised at this point but this will be monitored.
- The Chief Constable through the NPCC will continue discussions at a national level with HMIC regarding the current crime recording expectations.

ACTIONS:

1. The Commissioner and Chief Constable to write to the NPCC and APCC to raise the issue of limited Crime Registrar Accreditation Training
2. The Chief Constable to provide details to the Commissioner on the three occurrences rape crimes being incorrectly cancelled
3. The Commissioner to be provided with the feedback from the staff survey undertaken by HMIC as part of the inspection
4. By the end of July the Chief Constable to provide:
 - a. Progress update on all immediate recommendations and areas for improvement which are due to be completed by the end of July;
 - b. A commitment to ensure a fully developed action plan be presented at the 23 August Public Scrutiny Board that will include timescales, progress to date and completed actions; and
 - c. A summary of the outcomes for the additional 271 crimes referred by HMIC to the Constabulary
5. The Chief Constable to develop a full action plan in response to the HMIC recommendation and areas for improvement which include timescales, progress to date and completed actions presentation at the 23 August 2017 Scrutiny Board
6. The Chief Constable arrange for a DIP sample of incidents recorded in June to be completed in all five areas (domestic, violence, sexual, rape and vulnerable victims) and report back to the 23 August Public Scrutiny Board.

Duration of meeting: The meeting commenced at 13.00 and finished at 16.15pm.

Review of HMIC Crime Data Integrity Inspection 2017

July 2017

Agenda

- National Crime Recording Standards
- Key Findings from 2017 Cheshire Inspection
- Initial actions undertaken in response
- Previous actions since 2014 Inspection
- New recommendations
- Key Points of learning
- Offences committed by children

National Crime Recording Standards



- **Vision:** That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.
- General principles
 - An incident will be recorded as a crime (notifiable offence) for ‘victim related offences’ if, on the balance of probability:
 - (a) the circumstances of the victims report amount to a crime defined by law (the police will determine this, based on their knowledge of the law and counting rules); and
 - (b) there is no credible evidence to the contrary immediately available.
 - A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording.
 - Once recorded, a crime will remain recorded unless additional verifiable information (AVI) is found and documented which determines that no notifiable crime has occurred or crimes are transferred or cancelled i.e. where crimes are created in error, or as a duplicate of an existing crime.
- 21 chapters, 600+ pages

Inspection

- Previous national Inspection programme in 2014.
- New national rolling programme commenced in 2016.
- Cheshire inspection commenced February 2017.
- Cheshire Force Crime Registrar accredited by College of Policing.
- 10 Force reports now published
 - 5 graded 'Inadequate'
 - 3 'Requires Improvement'
 - 2 'Good'

HMIC Published Reports

	Overall crime recording compliance rate (%)	Overall grading
Sussex	94.6	Good
Northumbria	92.7	Requires Improvement
Staffordshire	91.0	Good
Avon and Somerset	89.6	Requires Improvement
Cambridgeshire	87.8	Requires Improvement
Greater Manchester	85.5	Inadequate
Merseyside	84.2	Inadequate
Cheshire	83.6	Inadequate
Kent	83.6	Inadequate
Devon and Cornwall	81.5	Inadequate

Inspection Approach

- Review policy documents / previous action plans.
- Pre-inspection survey (completed by 200+ officers and staff)
- Reviewed over 1500 incidents.
- Listen to call, review incident log, review associated crime logs.
- Review sample of Child Protection Strategy Meetings documented.
- Interviews with officers and staff.

Key findings from 2017 Cheshire Inspection



- Overall compliance rate of 83.6%
- “Under recording of violence, rape and sexual offences”
- “Some improvements in crime recording since 2014.”
- “Some progress against national action plan”
- “Good progress in developing understanding of modern day slavery”
- “Insufficient progress implementing changes since 2014”

- Gold Group chaired by Deputy Chief Constable
- Review of all incidents referred back to the Force
 - Crimes recorded where required
 - Victims / offenders informed where possible
 - Victim / safeguarding arrangements reviewed
- Review of existing crime recording process commenced
- Advice provided to key staff (Rape Unit, Public Protection Department, Occurrence Management Unit)

Initial Actions – review of records referred back to Force by HMIC



Category	HMIC compliance	Number referred back to Force by HMIC	Additional Crimes now recorded	Not recorded	Rationale
Domestic Incidents	260 out of 340 (76.5%)	80	76	4	In 2 cases the crime has been recorded in another Force area, in 2 cases additional information confirms there is no requirement to record an offence
Violence Incidents	80.3%	89	90	0	Additional crime identified
Sexual Incidents	84.8%	46	40	6	In 2 cases the crimes have been identified as having been recorded, in 1 case the crime has been recorded in another force area, in 3 cases additional information has now verified that there is no requirement to record an offence
Rape Offences	109 out of 138 (79%)	29	25	4	1 already recorded in another Force area, 3 x 3rd party reports reviewed - existing N100 status confirmed as appropriate
Vulnerable Victim Records	17 out of 44 (38.6%)	27	28	0	Additional crime identified
Total		271	259	14	

Domestic Incidents

Category	Additional crime type	Number
Domestic Incidents	Criminal Damage	13
	Theft	2
	Public Order	5
	Harassment	17
	Interfere with a motor vehicle	1
	Malicious Communication	6
	False Imprisonment	1
	Assault	27
	Threats to Kill	1
	Blackmail	1
	Breach of Non-Molestation Order	1
	Rape	1
	TOTAL	76

- A number of incidents where officers and staff have not provided the service we would expect.
- Some incidents where crimes were recorded but other offences were not.
- Some calls involve complex situations with multiple allegations which have not been negated by attending officers
- Further training / guidance for officers and staff is required - particularly in relation to Harassment.

Violent Incidents

Category	Additional crime type	Number
Violent Incidents	Criminal Damage	8
	Theft	1
	Public Order	25
	Harassment	19
	Malicious Communication	7
	S39 Assault	17
	S47 Assault	5
	Threats to Kill	1
	Blackmail	1
	Robbery	3
	S18 Assault	2
	Witness Intimidation	1
	TOTAL	90

- Over a quarter of the additional crimes relate to public order.
- Further training / guidance for officers and staff is required - particularly in relation to Harassment.

Sexual Incidents

Category	Additional crime type	Number
Sexual Incidents	Take/Make Indecent images	3
	Engage Sexual activity in presence of child	1
	Sexual Assault	10
	Incite child to engage in sexual activity	4
	Display Sexual photo to cause distress	1
	Sexual activity with a child	3
	Rape of a female	1
	Indecent Exposure	2
	Outrage public decency	2
	S39 Assault	3
	Stalking	1
	Malicious Communication	6
	Sexual communication with a child	1
	Public Order	1
Sexual activity with a person with a mental disorder	1	
TOTAL	40	

- Vast majority of cases vulnerability and victim care had been addressed.
- Some offences involving children as perpetrators and victims.
- Some offences involving technology / social media

Rape Offences

Activity	Number
New N100's created	5
Historic offence from safeguarding meeting - now identified as recorded in another force area	1
New crimes recorded - original incidents investigated but involved multiple offenders / offences and not all offences had been correctly recorded	7
New crimes recorded but no further action - victim non-compliant	2
Recorded - victim not recontacted due to health issues	3
Re-recorded - crime status had been deleted in error	1
Recorded - identified through safeguarding meeting - ongoing investigation	4
Recorded - ongoing investigation	2
Total	25

- Change in recording rules in relation to rape offences involving multiple offenders in July 2016.
- A number of 3rd party reports where alcohol and mental health issues are complicating factors – safeguarding arrangements had been put in place
- 6 ongoing investigations

Vulnerable Victim records

Category	Additional crime type	Number
Vulnerable Victim Records (Child Protection Strategy Meetings and Vulnerable Person Assessments)	Assaults	10
	Theft	1
	Public order	1
	Malicious Comms	1
	Sexual activity with child	2
	Inciting sexual activity with child	1
	Harassment	1
	Sexual Assault	2
	Neglect	8
	Rape	1
TOTAL	28	

- Safeguarding arrangements in place.
- 8 child neglect offences from 2 strategy meetings stem from a misunderstanding of counting rules - 1 'offence' per child.
- Additional advice provided to PPD staff and new process to record offences following Strategy Meetings

Key activities - 2014



- March 2014 – HMIC de-brief
 - Crime Management Group chaired by ACC to manage initial response.
 - Authority for crime cancellations restricted to 4 staff.
- Summer 2014
 - pilot starts of ‘enhanced crime recording facility’ in Force Control Centre.
 - Policy Statement published and training for officers and staff commences.
- August 2014
 - Force report published and action plan developed.
- November 2014
 - National Inspection report published – action plan developed.
 - Options developed to roll out enhanced crime facility.
- December 2014
 - Internal Audit report on response to HMIC recommendations and provide ‘significant assurance’
 - Report provided to public Scrutiny Panel

Key activities - 2015



- January 2015
 - Crime recording standards becomes standing agenda at monthly Force Performance meeting
- February 2015
 - Budget agreed to invest additional 40 staff (over £1m) in central crime facility
- March 2015
 - Internal audit in relation to Sexual Incidents, Violence Incidents and Domestic Incidents provides 'significant assurance'.
- April 2015
 - Work to implement full enhanced crime recording facility commences
- June 2015
 - Implementation of new Operating Model starts including the gradual roll out of a facility for officers to contact central facility directly
- November 2015
 - More than 4000 violence / harassment incidents reviewed following audit by Force Crime Registrar.

Key activities - 2016



- January 2016
 - Staffing in enhanced central facility increased
- March 2016
 - HMIC Force Liaison Officer agrees action plans in relation to 2014 inspection can be closed
 - End of year crime figures show 32% increase in recorded violence with injury offences as a result of improved monitoring and closure within enhanced central facility.
- May 2016
 - Internal audit of Domestic Violence incidents provides ‘significant assurance’
- July 2016
 - Enhanced central facility starts to consider all violence / harassment incidents ‘live time’.
- September 2016
 - Force wide ‘ask FLT’ webinar on Crime Recording
- October 2016
 - Internal audit of violence incidents, sexual incidents and ASB incidents provides ‘significant assurance’

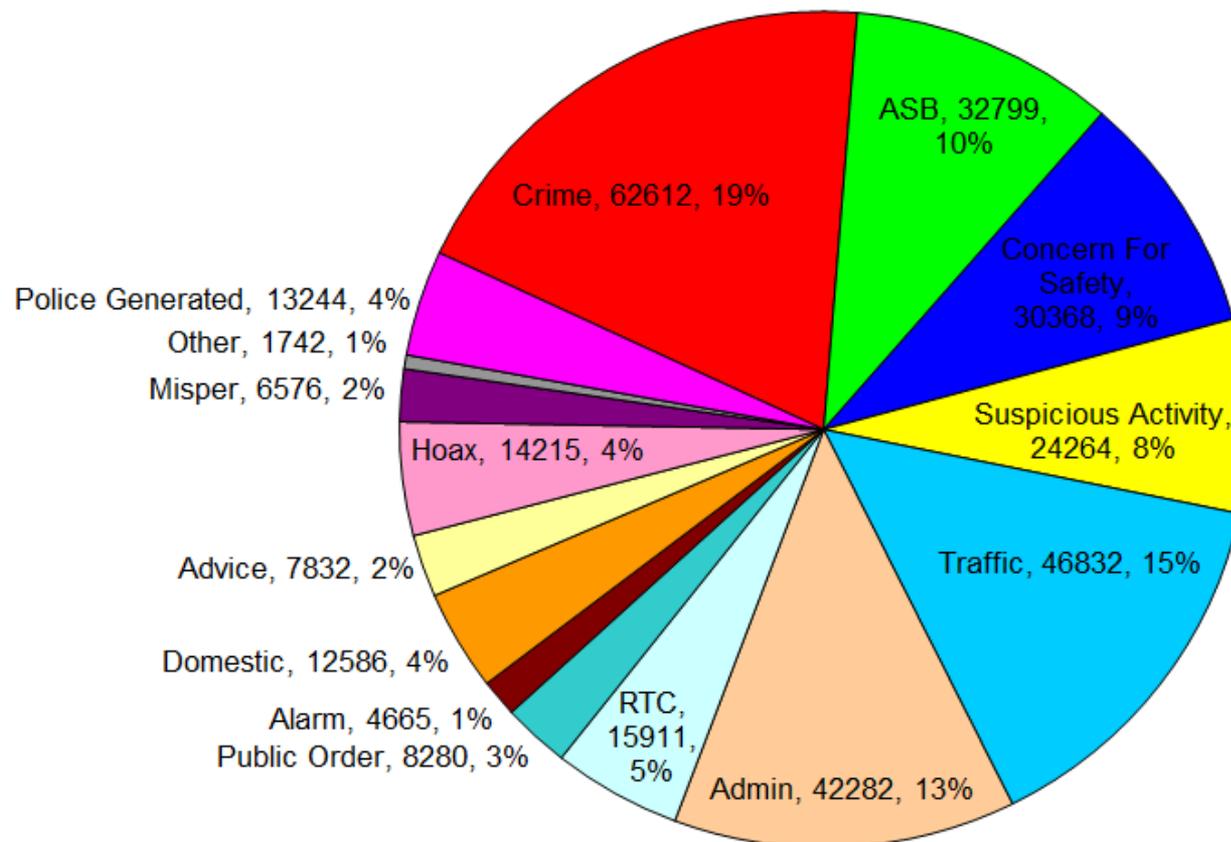
- National Action Plan
 - 5 recommendations
 - HMIC view that 3 recommendations had not been completed fully due to audit results

- Force Action Plan
 - 11 recommendations
 - HMIC view that 7 recommendations had not been completed fully due to audit results

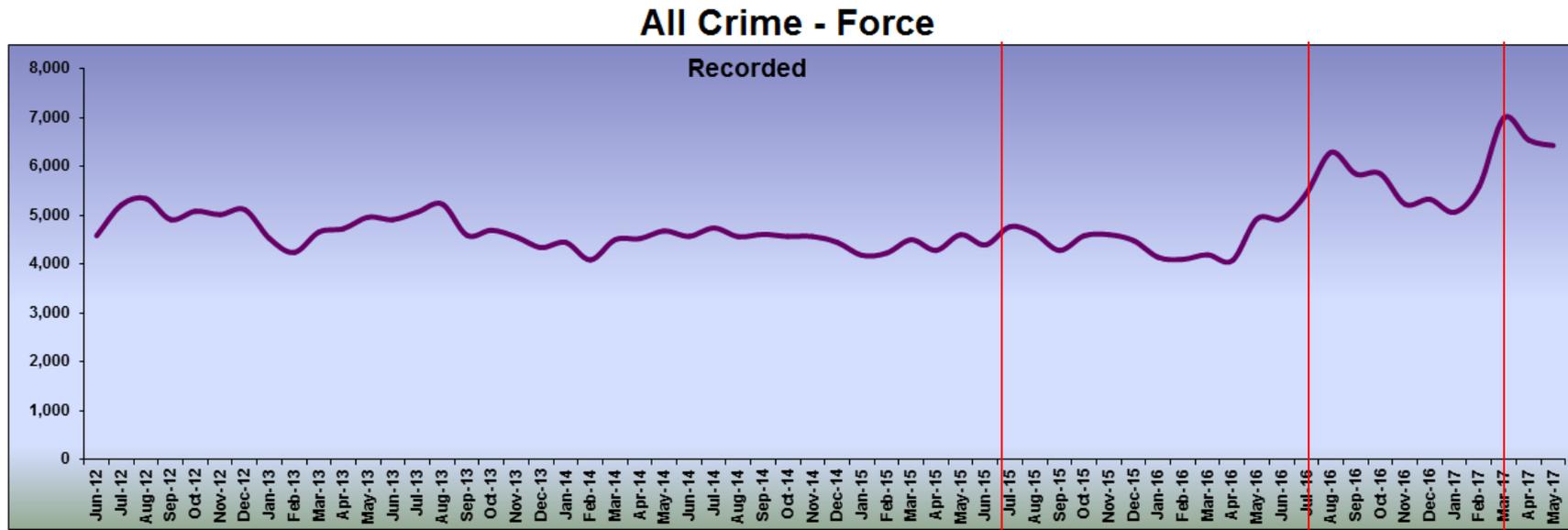
- For 12 months to end of May 2017 Cheshire recorded:
 - 282,000 ‘incidents’ (+4.1%)
 - 69,509 recorded crimes (+30.8%)
 - Public Order + 244% (extra 8,000+ offences)
 - Violence +37% (extra 5,300 offences)
 - Sexual Offences +24% (extra 360+ offences)

Incidents

Incidents during last 12 months (to end of previous month) Closing Group



Future Impact



- HMIC report estimates under-recording of 11,600 offences
- Average monthly crime for June 16 – Nov 16 = 5596
- Average monthly crime for March 17 – May 17 = 6652

Central Crime facility starts – focus on certain incidents

Central Crime facility fully staffed

HMIC feedback

Over the year this would equal an additional 12,678 offences recorded.

New Recommendations

- Initial actions commenced against all recommendations.
- Communication to officers and staff on ‘immediate’ recommendations by end of July
- Training requirements being scoped.
- Audit programme for the remainder of the year being finalised in light of report.
- Likely additional crime registrar resource – potential for additional ‘audit’ resource.
- Likely re-visit early in 2018

Key Points of Learning



- Process challenges
 - Initial call details - incident record - officer attendance – crime log – supervision & closure
- Training & Awareness
 - Greater awareness of basic principles required
 - More to do on vulnerability / mental health / domestic incidents
- Resource challenges
 - Audit resources / time
 - Access to skills / expertise - limited pool of accredited Crime Registrars
 - Use of Internal Audit (MIAA)

Offences committed by children



The following is a scenario from guidance provided to Force Crime Registrars

- Mother calls police saying that her 11 year old daughter has taken money from her purse. She does not consider herself to be a victim of crime, but would like one of the local officers to pay her a visit and give words of advice to her daughter. Officer attends and does as requested. The mother is very happy with the service. No crime is recorded.
- Upon audit, the circumstances as reported are deemed to be a crime, in law, and recorded accordingly.
- Officers revisit the mother, who is adamant that she is not a victim of crime and simply wanted some 'old fashioned police advice' to be given to her daughter. She further states that, if she had known the police were going to deal with the incident in this way, she would never have called.

Offences committed by children

One interpretation of the counting rules.

- Given the drive for a return to neighbourhood policing and local engagement, we expect to see an increasing number of incidents whereby parents ask police to ‘have a word’ with their child. There is a risk that a literal application of the Counting Rules will run contrary to this aim. In this particular incident, for example, the complainant has been absolutely clear that she would never have engaged with us if she had known the outcome.
- The force seek clarification from the Home Office as to whether, in the circumstances described, a crime should have been recorded.

Offences committed by children



Comments from Home Office

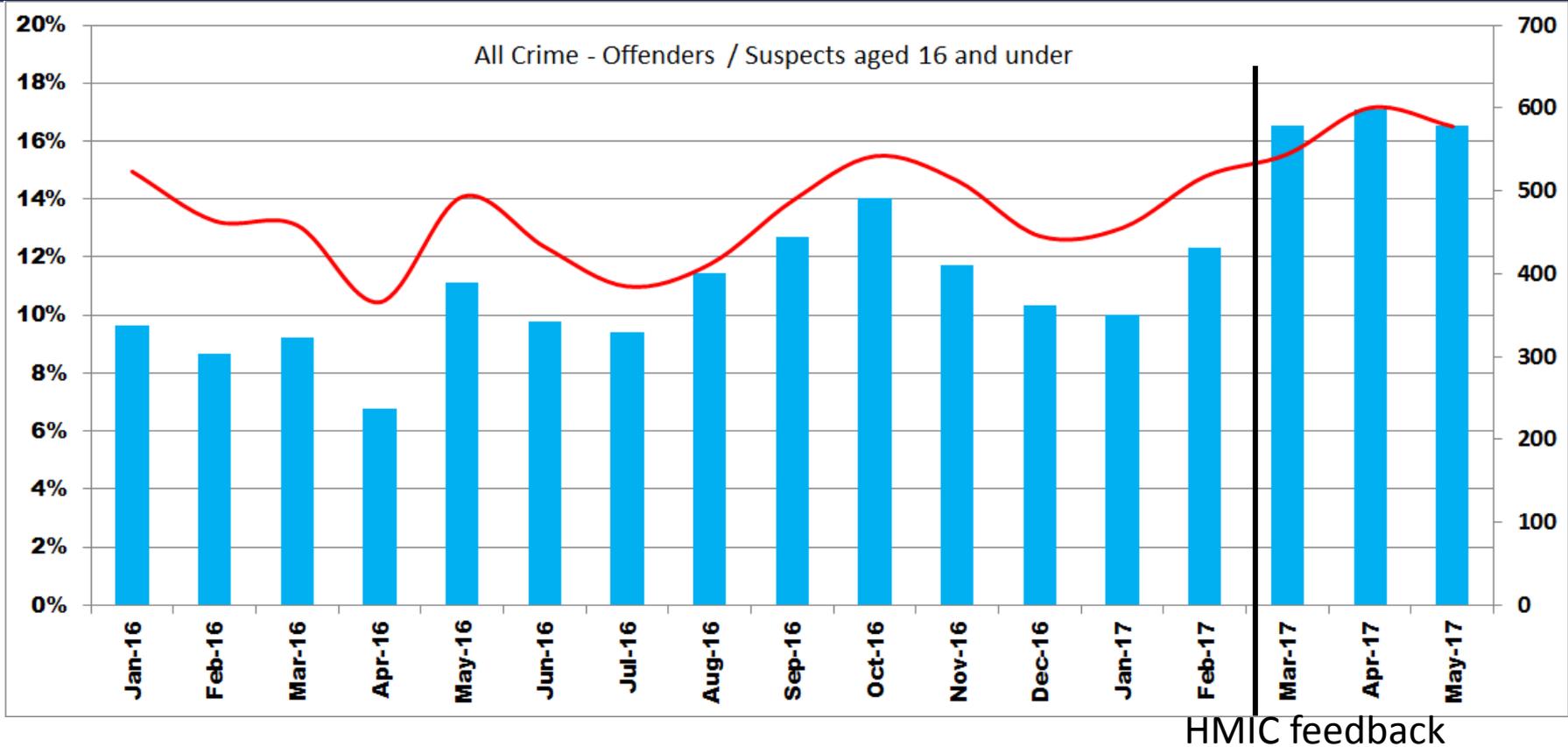
- The Force was correct to record this as a crime, the circumstances as reported amount to a crime in Law.
- However it should be noted that recording a crime does not criminalise the suspect or mean that the crime has to be investigated and dealt with. It is not detailed above why the officer has had to revisit the mother, as no extra action needs to have been taken apart from recording the crime. It is the decision of the Chief Constable of each force to decide which crimes are allocated further resources for investigation to achieve an appropriate outcome.
- The outcome in this case could still have been exactly as wanted by the victim. Recording a crime does not affect this.

Offences committed by children



- Proliferation of mobile devices and use of social media.
- Updated offences relating to malicious communications.
- Increased emphasis on compliance in relation to public order offences.

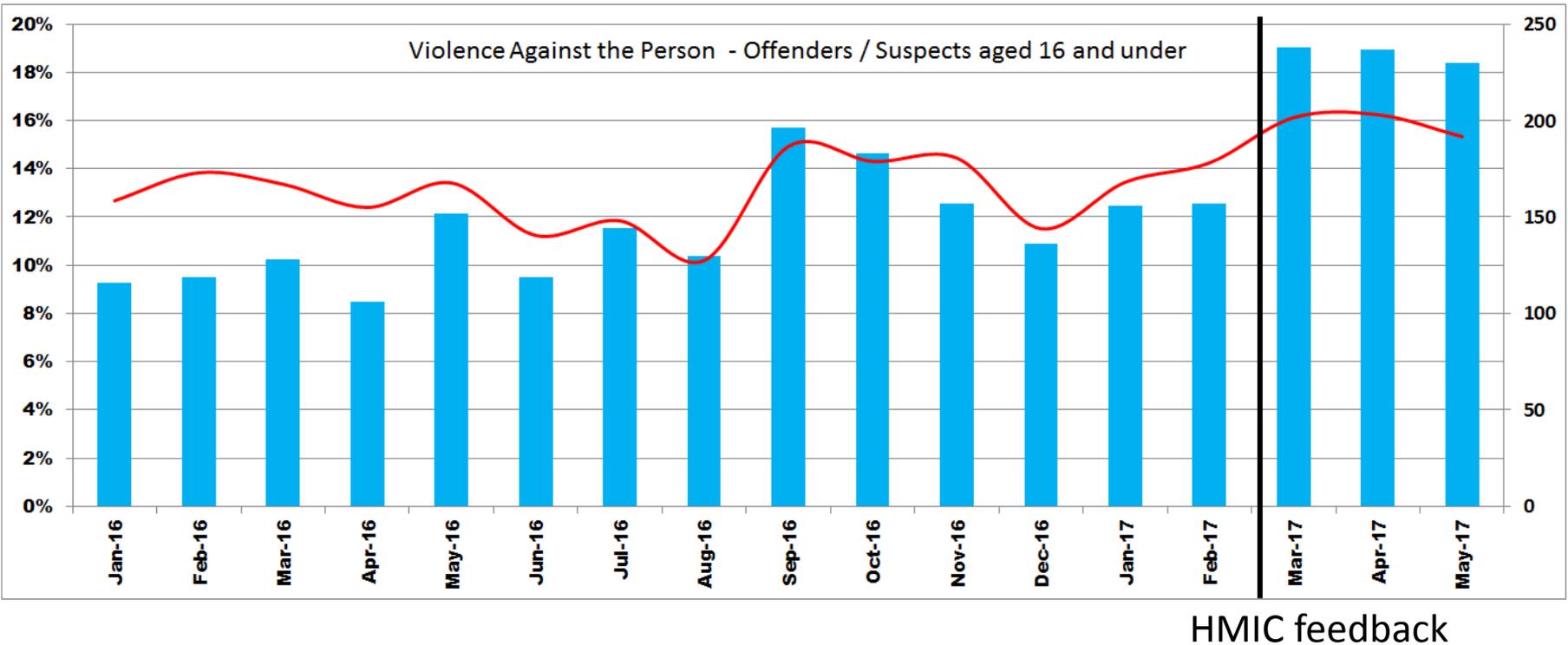
Offences committed by children



HMIC feedback

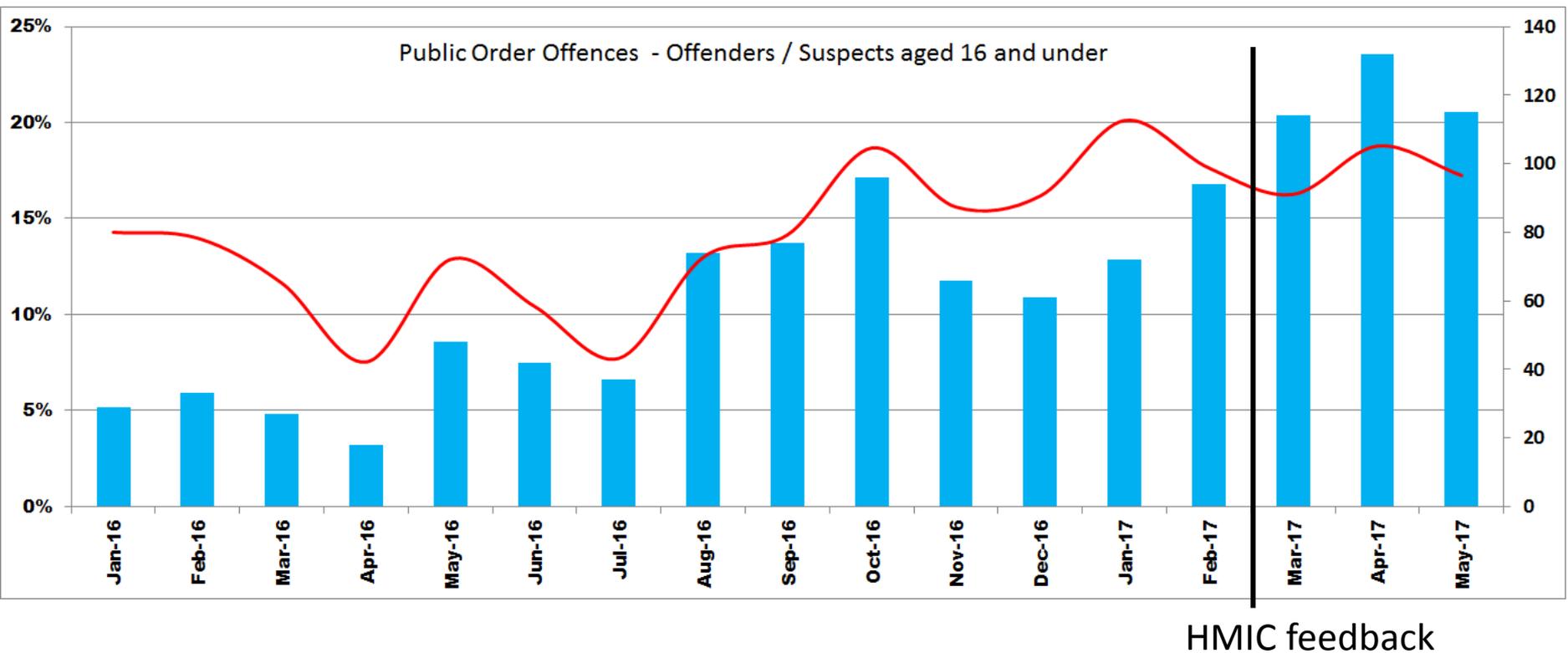
- The number of recorded offenders / suspects aged 16 or under for any offence is shown by the blue bar on the right hand axis
- The proportion of all offenders made up of this age group is shown by the red line on the left hand axis

Offences committed by children



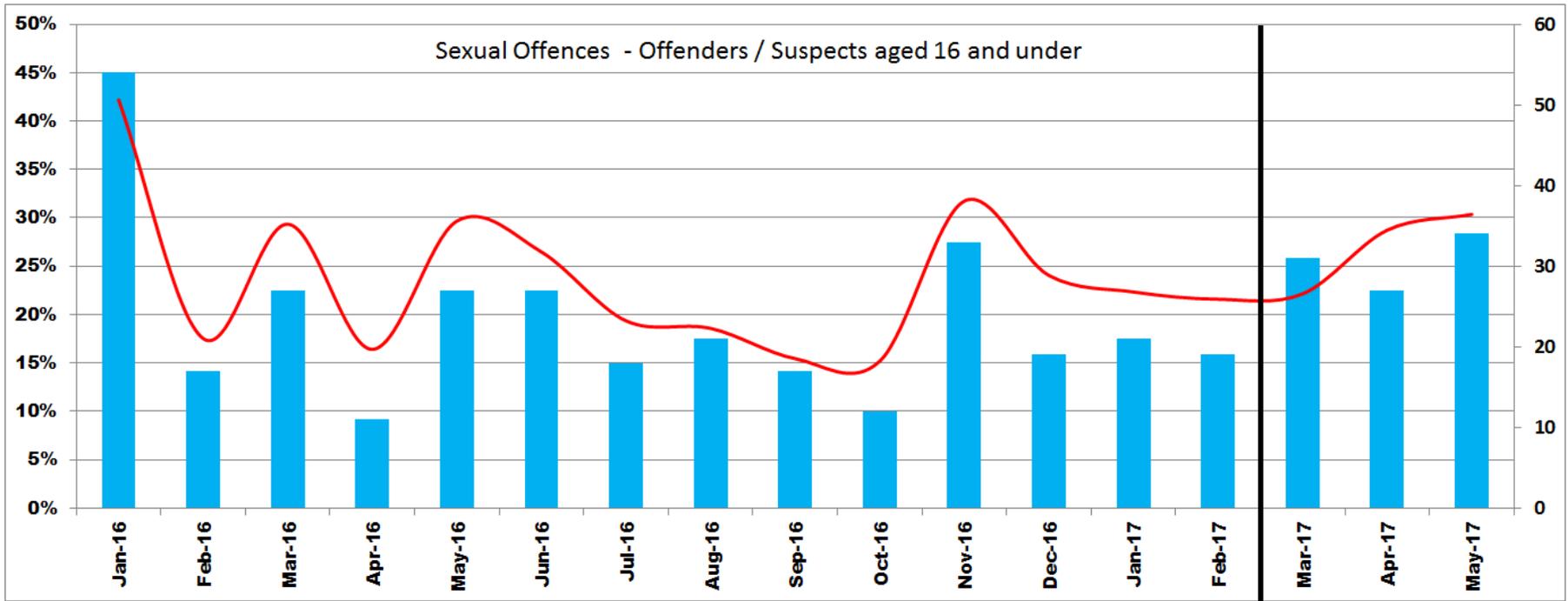
- The number of recorded offenders / suspects aged 16 or under for Violence Against the Person offences is shown by the blue bar on the right hand axis
- The proportion of all offenders made up of this age group is shown by the red line on the left hand axis

Offences committed by children



- The number of recorded offenders / suspects aged 16 or under for Public Order offences is shown by the blue bar on the right hand axis
- The proportion of all offenders made up of this age group is shown by the red line on the left hand axis

Offences involving children



HMIC feedback

- The number of recorded offenders / suspects aged 16 or under for Public Order offences is shown by the blue bar on the right hand axis
- The proportion of all offenders made up of this age group is shown by the red line on the left hand axis