

MINUTES OF THE SCRUTINY BOARD HELD ON 8 SEPTMEBER 2020 MEETING HELD VIA SKYPE VIDEOCONFERENCE CALL

Present: D Keane, Police & Crime Commissioner
D Martland, Chief Constable

Office of the Police & Crime Commissioner

P Astley, Chief of Staff
C Hodgson, Head of Finance, Operations & Governance
B McCrorie, Head of Policy & Partnerships
M Walton, Senior Governance & Performance Officer
C Tozer, Senior Communications Officer
J Park, Operational Support Officer

Cheshire Constabulary

J Cooke, Deputy Chief Constable
J Sims, Assistant Chief Constable
M Burton, Assistant Chief Constable
P Woods, Head of Planning & Performance
J Gill, Assistant Chief Officer

One member of the public was present to observe the meeting.

1. MINUTES OF THE 12 AUGUST 2020 SCRUTINY BOARD

- 1.1 The minutes of the meeting on 12 August 2020 were noted and approved following one minor amendment requested by the Chief Constable.

2. POLICE & CRIME PLAN THEMATIC: SUPPORT VICTIMS & PROTECT VULNERABLE PEOPLE

- 2.1 The Commissioner explained he that he continues to commission the Constabulary to deliver the victims services in Cheshire via Cheshire Cares and the victim support system is delivered by the Constabulary internally. This involves making contact and offering support to every victim of crime in Cheshire. The Commissioner stressed that you do not have to report a crime to the police to seek support from our victim support services known as Cheshire Cares. The service aims to help people that have been victims of crime, to cope and recover from their ordeal. The Commissioner noted the high volume of contact within Cheshire Cares, and discussed his experience of being a victim of crime, receiving a telephone call from Cheshire Cares which was followed by written communication offering more support and advice.
- 2.2 The Commissioner explained that his office continues to monitor Cheshire Cares and noted within the report that over 50,000 victims of crime within the previous year has been offered support by Cheshire Cares. Given the importance of the service, the Commissioner discussed his wish for a seamless transition of support throughout the criminal justice system and whether there was any potential improvements that could be made. The Chief Constable confirmed Cheshire Cares is an integral part of the Constabulary and works closely with other agencies in particular, Witness Care and Witness Support, who are able to offer more emotional support for people who have been victims of more serious crimes, or it may not necessarily be a serious crime, such as a more significant impact on individual concerns. The Chief Constable confirmed the integral work from the initial point of contact and reporting the crime, through the Criminal Justice System from the investigation and if occurs, any subsequent court proceedings. The Chief Constable confirmed

Cheshire Cares provides an important service for victims of crime, irrespective of whether they do proceed through the criminal justice system. The Chief Constable discussed the initial contact from officers, updates provided and the Victim Code of Practice, all of which are integral. The Chief Constable confirmed that Cheshire Cares continues to provide an invaluable service and noted the figures provided within paragraph ten of the report. The Chief Constable acknowledged there is room for improvement, particularly in relation to maintaining contact throughout investigations. ACC Sims and the Chief Superintendents continues to drive to ensure that when officers are investigating crimes, there is the assurance that an update would be provided as this is one of the perennial issues when looking at victim satisfaction, ensuring they uphold and maintain that contact which was promised at the first point of contact.

- 2.3 The Commissioner fully agreed with the response provided by the Chief Constable and commended the service provided on his behalf as the Police & Crime Commissioner. The Commissioner explained the basic service starting with a phone call and talking to staff and volunteers. The Commissioner commended the volunteers and the service that is provided as they make a difference in supporting those that have been a victim of crime and the figures show at first instance, victims gain a positive benefit from the service and this represents a significant change to that person's life. The Commissioner recognised that 63% agreed there was a positive outcome on their emotional well-being or mental health, but it doesn't necessarily mean the 37% that disagreed needed the positive outcome if there was no impact on their emotions or well-being following the incident.
- 2.4 The Commissioner highlighted that people can self-refer and it's not necessary to report to the police in order to access those services. Cheshire Cares can find the appropriate support to anyone that has been a victim or survivor of any crime. The Chief Constable agreed and confirmed some people require reassurance and others for various reasons may not wish to report a crime.
- 2.5 The Commissioner noted the survey results for the 12 months ending March 2020 that show an increase in overall satisfaction in the way domestic abuse is dealt with and how can those very high satisfaction rates with the way these incidents have been dealt be maintained. The Chief Constable explained domestic abuse remains a priority for Cheshire Constabulary and the OPCC continues to offer support in relation to women's centres and various other support organisations for victims of domestic abuse and, where appropriate, perpetrators. The Chief Constable explained the priority of putting the needs of the victim front and centre, so when the initial call is received, ensuring prioritisation with immediate response, separating the victim from the suspect and then taking that immediate action. The Chief Constable explained that this is one of the crime categories that he would not be unduly concerned about should there be an increase in reporting as I would rather the Constabulary is aware. For example, during the Pandemic, there was a significant increase up to 16% increase, in reporting but that then enables the Constabulary to put support mechanisms in place and take appropriate action.
- 2.6 The Chief Constable explained this remains a complex area and that he continues to Chair the Strategic Domestic Abuse Board, highlighting the first class support within Cheshire from Cheshire Cares, witness services, criminal justice agencies and women's centres. It remains a priority for the Constabulary an immediate action will be taken. With regard to outcomes, the Chief Constable explained he was pleased to see outcomes have shown an increase, however, this isn't the absolute measure and the needs of the victim are met where possible.
- 2.7 In the last twelve months, there has been a significant increase in the number of cases referred to CPS for pre charge decisions, in quarter three of last year there was 383 and a quarter one of this year, April to June, there was 496. With the sufficient evidence to the CPS, they do tend to charge and the Constabulary has a charge rate of between 70% and 80%, last quarter being 71% which compares with the national charge rate of about 64%. This indicates the Constabulary is getting significant support from criminal justice agencies. ACC Burton also highlighted the proactive use of bail to protect victims and that the Constabulary does now appeal every decision where CPS refuse charge to ensure reassurance that nothing has been missed.

- 2.8 The Commissioner noted the increase in recorded domestic abuse offences to July 2020 which takes into account the COVID period, particularly as it was recognised there was under-reporting of domestic abuse within Cheshire, particularly during the early weeks of Covid. The Commissioner highlighted the efforts of the constabulary, as well as the third sector and the local authorities in terms of encouraging reporting which has clearly shown success. As such, the Commissioner enquired whether we could expect an increase in the solved rate and how this compares nationally.
- 2.9 The Chief Constable explained the term domestic abuse offences is a very broad spectrum and there is no such offence per se but more of a flag and would fall into a specific criteria and categorised under the NPCC guidelines as domestic abuse. For example, this could be family, within the same household, brother and sister. The current outcome rates for broad domestic abuse is low at 11% but where there is injury, there has been an increase. The Chief Constable stressed the importance of putting the needs of the victim first, BWV can be used, but listen to the victim and don't force a particular outcome. That said, appropriate action will be taken but where there is violence and a complaint is made, the Constabulary will follow a very robust approach with dedicated officers within the LPU's and the use of bail with conditions.
- 2.10 The Chief Constable explained that given the nature of the offending in relation to domestic abuse, it can often be one person's word against the other with very little evidence. There may be a history of domestic abuse in a particular household and if the Constabulary is unable to secure a charge, there is the option of Domestic Violence Protect Orders (DVPO) and Domestic Violence Protection Notices (DVPN) which is another measure that can be used when there is concerns in relation to welfare. The Chief Constable stressed the positive outcome is important but is not the absolute measure of success, with the biggest measure of success being satisfaction ratings from the survey that indicates the Constabulary is doing the right thing.
- 2.11 The Commissioner acknowledged the ongoing partnership work in Cheshire and an increase nationally of evidence based prosecutions via the use of body worn video rather than simply relying on witnesses or victims. The Commissioner enquired how the Constabulary would balance needs and feelings of the victims, particularly if that was no desire to pursue a charge, against and move towards evidence based prosecution. The Chief Constable explained that when officers are deployed to an incident, they will be aware of the background via information within the command and control system, whether they have been a victim previously. This demonstrates the importance of the partnership and preventative approach through the PCSOs and dedicated PCs may be able to focus on domestic abuse within our communities.
- 2.12 The Chief Constable explained from the first point of contact, the priority is to ensure officers secure all evidence, including body worn video, witness statements and forensic evidence to maximise the opportunity for an arrest and charge. The Chief Constable confirmed there is training across the Constabulary and it remains vitally important officers understand the position that victim is in at a particular time, take it seriously and secure evidence. The Chief Constable also explained how some victims are unwilling to give evidence but ensuring they do everything they can to ensure support through partners to prevent further incidents. ACC Burton also highlighted the additional staff within the problem solving teams who are identifying repeat victims, picking up those chronic issues and working with partners to deal with the root cause via a holistic approach. The Chief Constable also explained other factors that play a part in domestic abuse such as mental health, drugs, alcohol and making sure victims and potential offenders can get the appropriate support to prevent further offending.
- 2.13 The Commissioner acknowledged the success of the coordinated response from policing and partner agencies, particularly throughout the lockdown period, stressing the importance of the emergency protection afforded to victims of domestic violence. This has been extremely important given the condition of lockdown, with the response from Cheshire Constabulary absolutely fantastic. The Commissioner urged the Chief Constable to maintain focus and provide all officers with the training and awareness they need to make sure DVPOs and

DVPNs are used as an intervention where valid. The Chief Constable highlighted the work during lockdown that was pan Cheshire, with a 16% increase whilst other crime types saw a significant decrease. The Chief Constable offered assurance that the number of arrests increased during this time, outcomes increased and CPS referrals increased. The Chief Constable confirmed there would continue to be a real focus upon domestic abuse and the Constabulary will support victims in partnership with other agencies.

- 2.14 The Commissioner discussed the ability of the 'right to ask' and 'right to know' requests in relation to the history of partners and domestic abuse, raising concerns in relation the limited number of disclosures compared to the number of applications received. The Commissioner sought assurance that applications are being considered appropriately. The Chief Constable confirmed there is a process in place with regard to disclosure and the Head of Central Disclosure would consider the request and make a decision against key criteria. In addition, there is an appeals mechanism and this is reviewed independently by the Head of Criminal Justice on a monthly basis.
- 2.15 The Commissioner welcomed a preventative approach and wanting to assist potential victims to prevent domestic abuse by seeking that information about a partner or potential partner, is there any way that we can assist people with guidance prior to making the applications and whether guidance or education or assistance needed for people who may be in a state where they might not readily be able to research or fully understand the requirements behind Clare's law. The Commissioner enquired whether there was data in relation to whether disclosure had been turned down and the requestor then went on to be a victim of domestic abuse. This Commissioner stressed that he didn't wish to be unduly critical of the Constabulary, but more so of the system or the legislation, given the intention is to protect and prevent people becoming victims of domestic abuse.
- 2.16 The Chief Constable acknowledged that upon first reading, 87 requests and 17 disclosures may result in concern, but there is a procedure to adhere to and there will be occasions where there is no information to disclose. The Chief Constable suggested it would be helpful to assist both him and the Commissioner is to have a deep-dive briefing to understand the process, criteria and whether this is being communicated to people requesting disclosure. The Commissioner also enquired whether if information is disclosed that there is no history of violence or domestic abuse, would this be recorded as a disclosure. The Chief Constable committed to seeking such clarification from the Head of PPD and providing a relevant briefing to the Commissioner. The Commissioner welcomed a briefing to aid understanding and to ensure there are no serious issues that need addressing and stating his unequivocal support and commitment to Clare's law.
- 2.17 The Chief Constable wished to add that the CPS conviction rate at court is 86%, the charge rate is currently between 75% and 78%, with the conviction rate for this month at 86%. The Chief Constable confirmed he would also provide a briefing to relay the points in relation to DVPNs and DVPOs.

ACTIONS:

2020/18: The Chief Constable to provide briefing in relation to 'Right to Ask' and 'Right to Know' applications, the process and criteria for disclosure, what is deemed to be a positive disclosure and the rationale as to why 17 disclosure had been made in response to 87 requests.

2020/19: The Chief Constable to provide briefing in relation the current process in relation to DVPNs and DVPOs.

- 2.18 The Commissioner noted that recorded rape offences have continued to increase and enquired how this compared to national data of recorded offences and solved rates, also noting the positive improvements in solved rates following the implementation of the Constabulary's improvement plan. The Commissioner requested an update in relation to the work that has been undertaken and whether he could expect to see further improvements in solved rates. The Chief Constable confirmed there has been a significant increase in the reporting of rape which corresponds to national data, with a focus on ensuring immediate

response and addressing the needs of the victim. The Chief Constable explained the process from the initial report, highlighting that there may be occasions that the victim will decline to make a formal complaint or the initial report is made via a third party, but the Constabulary will continue to take each report seriously with a full investigation. The Chief Constable confirmed irrespective of the outcome, the victim is offered the full support of the SARC and the various organisations that are available to victims. The Chief Constable explained the conviction rate is high when they get a case to court, but acknowledged the significant challenges in progressing through the criminal justice process.

- 2.19 The Commissioner recognised the high conviction rate when matters are progressed to court and there has been reference within the press as to whether the CPS is supporting the right number of cases to court, for example acting in a risk adverse manner. The Commissioner noted the potential for the Government to introduce targets for policing and the CPS in relation to solved rates and convictions rates. The Commissioner wished to really understand the journey from initial report, recording, investigation, charging decisions and CPS involvement, seeking assurance that such a journey is as positive and supportive to the complainant as it could be. The Commissioner suggested there is further work to be done beyond the improvement plan within Cheshire, but also on a national basis as there are many factors that may adversely affect the complainant. There needs to be a national approach, challenge and change but how might we support while continuing to do the very best in Cheshire, with the ongoing commitment of officers within the dedicated rape unit.
- 2.20 The Commissioner wished to look at the Force Management Statement, the resources available and of how effective they are on a national comparison taking on such issues with limited resources. The Commissioner discussed the performance of the criminal justice system and how the impact of reduced funding and Government determined priorities year on year. The Commissioner committed to seeking assurance from the wider Criminal Justice Board at a forthcoming meeting to consider the impact of limited resources, cuts do have consequences and those consequences affect the front line. The Commissioner commended the Chief Constable, his team and his officers for the work they are doing whilst committed and determined to ensure the Constabulary continues to deliver the best possible service. The Chief Constable confirmed he remains mindful of the pressures on his staff from dealing with victims of such serious offences such as rape and they are given appropriate welfare support. The Chief Constable confirmed there is room for improvement but this required a joined up approach with support services and other agencies within the Criminal Justice System. The Commissioner thanked the Chief Constable for his ongoing commitment and explained his desire to have a deeper dive in relation to solved rates at a future meeting.
- 2.21 The Commissioner discussed the Safer Schools and Young Persons partnership team and the work it continues to undertake with young people in Cheshire who are often among the most vulnerable. The Commissioner raised the issue of consent, both in terms of a sexual nature and issues of abuse which they often consider culturally taboo subjects for schools to engage with young people. The Commissioner requested an update in relation to how the Constabulary support engagement with young people to enable discussions through the safer schools and young person's partnership and to increase confidence to engage and report. The Chief Constable highlighted there remains dedicated Officers within each LPU, a dedicated PCSO to work within the safer schools partnership who will work in each of the communities across Cheshire. The Chief Constable explained there are a number of thematic inputs the staff deliver and this is a predetermined delivery in accordance with the National Curriculum at the appropriate key stages, allowing them to talk about drugs, alcohol awareness, risk behaviour and a number of issues on their online safety. This ensure engagement and visibility within schools.
- 2.22 The Commissioner noted the decrease in the number of young people missing from home and whether the decrease is related to the COVID period. The Chief Constable confirmed the numbers have been skewed by the COVID lockdown and confirmed there was a reduction in the number of people and young people reported missing. The Chief Constable assured the Commissioner that missing reports are reviewed on a 24 hour basis, but there is an ongoing focus to work with partners to adopt a problem solving and preventative approach. This

included interviewing when they return home to provide education and the dangers they can come across when missing from home.

- 2.23 The Commissioner explained his expectation that the relationship will develop through the local dedicated Police Officer and PCSO within the community and hoped vulnerable children can create a trusting relationship where they know the names and faces. The Chief Constable explained the ongoing commitment to try not to keep young people in custody unless absolutely necessary and the use of restorative justice, community resolutions and diversionary approach, particularly as evidence would suggest that once they are in the Criminal Justice System, it is difficult to get out of. The Chief Constable confirmed the preventative diversionary approach is something which the Constabulary take seriously and continue to work with partners.
- 2.24 The Commissioner explained that over the next year, he wishes to use REMEDI and the restorative justice professionals to support the restorative approach within local communities and working with the dedicated Police Officer and PCSO to solve problems without criminalising young people. The Chief Constable agreed with the Commissioner and explained the drive to use their out of court disposal, along with REMEDI and restorative justice. The Deputy Chief Constable explained that ten officers across the local policing units continue to work on the end to end review of offender and perpetrator management programmes, mapping offenders and perpetrators, knowing what restorative justice is being applied and then tracking and monitoring those individuals so we don't get to a position of them progressing through a criminal career. The Chief Constable offered to provide a briefing to the Commissioner to provide further reassurance and the work being undertaken.

ACTIONS:

2020/20: The Chief Constable to provide a briefing in relation to the end to end review of offender and perpetrator management programme.

- 2.25 The Commissioner thanked the Chief Constable for the work and progressed to date and the reassurance provided.

3. THEAMTIC DEEP DIVE: CRIME DATA INTEGRITY

- 3.1 The Commissioner invited the Chief Constable to outline crime data integrity the rationale of why crime data integrity is important and the recent history of performance on CDI. The Chief Constable explained the crime data integrity ensures that the organisation records crime in accordance with the National Crime Recording Standards. The Chief Constable explained the importance to hear the voices of victims and that crime figures are an accurate record of the offences which are reported and in accordance with National Crime recording standards. In addition, the Chief Constable stressed the importance that victims receive the appropriate care and support when a crime is reported and subsequently recorded.
- 3.2 The Commissioner noted the Chief Constables assessment that the HMICFRS methodology is regularly changing and the Constabulary's team is having to change methodologies and recording elements to ensure recording is accurate. The Commissioner sought an overview from the Chief Constable in relation to current HMICFRS methodology and how this is used to drive improvements within Cheshire. The Chief Constable explained the current methodology and the approach of a detailed review from the initial point of contact through to ensuring the crime is recorded appropriately and that this complies with the National Crime Recording Standards.
- 3.3 The Commissioner explained the time frame of HMICFRS inspections and the 2017 finding of inadequate, and the subsequent turnaround in 2018 when a re-inspection graded the Constabulary as outstanding for crime data integrity. The Commissioner noted that the new control and command system had reportedly caused some challenges and enquired whether internal systems were now adequate and whether internal audits indicate ongoing compliance.

The Chief Constable explained the bar is high in terms of compliance, with an inadequate grading being less than 85% compliance, with a sliding scale up to outstanding, but it is not measured

solely on the score as there are other facts to consider. The Chief Constable acknowledged the challenged back in 2018 through Saab but reassured the Commissioner the Constabulary is absolutely on the right lines. A number of people in the organisation were involved in an action plan that took us from inadequate to outstanding, which was hugely intensive and involved two meetings per week. Around 12 to 18 months ago, the Constabulary moved responsibility for recording crime to an Occurrence Management Unit (OMU), this was the right decision as their sole responsibility is in relation to recording crime and that focus is important. The Chief Constable explained a few issues on staffing due to turnaround and summer periods but the priority now is to ensure the OMU is fully staffed, there is currently 53 out of the 56, and they are supported via ongoing training and feedback following daily audits and dip sampling. In summary, the Chief Constable explained that it has gone from every officer recording crimes to a dedicated responsibility within the OMU.

- 3.4 The Commissioner acknowledged that this was essential and recognised that this is a journey of continuous improvement to maintain compliance with National Crime Recording Standards. The Commissioner stressed the importance of adequate resources within the OMU and noted within the report that there has been several efforts made to ensure training is completed and audit checks are ensuring that the closure template report is being used effectively. The Commissioner enquired whether audit checks were ongoing to monitor compliance. The Chief Constable confirmed that recruitment was ongoing to achieve establishment and that there are weekly dip sample audit and feedback is provided. Training is also being provided to all staff, included those within the Force Contact Centre to ensure all crimes and relevant information are referenced within the call log. There remains ongoing difficulties in relation to controlling and coercive behaviour, stalking and harassment, malicious communications, ensuring relevant guidelines are followed.
- 3.5 The Commissioner wished to acknowledge the challenges throughout the Covid period, the level of training required for relevant staff. The Commissioner sought assurance from the Chief Constable that if HMICFRS were to inspect the force once again in the near future, that the Cheshire Constabulary would continue to be rated in a good position. The Chief Constable explained that concerns arose at the back end of last year due to the changing nature of internal audits from month to month, so the concerns were really in relation to consistency. ACC Sims chaired monthly meetings attended by senior officers from across the organisation and monthly audits are now showing progression. The Chief Constable confirmed the action plan from 2018 has been condensed into three key strands: i) systems, structures and processes; ii) training and awareness; and iii) leadership and governance. As part of the action plan, there is a dedicated team and a monthly audit and a quality assurance team that review in real time to ensure that offences in relation to violence, sexual offences and domestic abuse are scrutinised daily.
- 3.6 The Chief Constable confirmed that within the previous three months, across the three key crime types, there has been continual increases in relation to compliance. The Chief Constable acknowledged that the Constabulary is not where it needs to be, but there has been gradual and progressive improvements, supported by daily quality assurance and detailed monthly audit using the same methodology as HMICFRS. This is a time consuming process, with the team reviewing 50 of the key crime types and a report presented to ACC Sims. The Chief Constable confirmed there had been an initial peer review undertaken and although monthly audits will continue for the foreseeable future, there will also be an additional peer review completed in early October. For reassurance, crime data integrity remains a priority for the Constabulary and there continues to be gradual and progressive improvement. The Chief Constable also explained that should the Constabulary continue with the current emphasis, he was confident that the Constabulary would have compliance of around 90% as a minimum which would equate to a 'good' grading from HMICFRS. ACC Sims confirmed there is a lot of work ongoing across the organisation and there is confidence that everyone across the organisation is fully engaged and understands what is required to continue to improve.
- 3.7 The Commissioner explained he was reassured that there is an action plan in place but stressed that there must be an ongoing and constant focus in relation to crime data integrity. The Commissioner sought reassurance that if performance had not remained at a very high level, whether the Constabulary contacted victims to ensure that everything has been addressed that should have been initially. The Chief Constable confirmed this was the case and the rationale for

the dedicated quality assurance team to ensure that if anything is missed, particularly within those key crime types, it is then crimed accordingly. The Chief Constable confirmed there will be daily focus as well as monthly internal audits that act as a more detailed review. The priority will be to ensure the OMU has the right staffing levels, they have the right training and wraparound support and the Chief Constable reiterated he is confident that the improvements seen over the previous three months will continue and be maintained.

- 3.8 The Commissioner explained he was grateful for the assurance provided and noted he was to receive an in depth briefing in relation to the action plan and the mentioned peer-reviews. The Commissioner noted that there has been action plans and improvement plans in the past, both in 2014 and 2017, and sought assurance that the recommendations made by HMICFRS in 2014 and 2017 have been appropriately implemented. The Chief Constable confirmed that recommendations from previous inspections, both in Cheshire and other forces, have been incorporated within the current action plan that is RAG rated with a senior officer or member of staff having ownership and reporting to the monthly meetings. The Commissioner welcomed the reassurance provided and explained that during his term of office, he has seen force after force deemed inadequate by HMICFRS in this area but was boosted with confidence when given the outstanding grading. Additional reassurance will be welcomed in relation to the Constabulary action plan, undertake regular audits, implemented training to ensure progression. The Commissioner noted the assurance of improvements over recent months, and required further assurance that recommendations have been implemented and this remains a key priority for the Senior Leadership Team within the Constabulary. The Commissioner welcomed a further in depth briefing and suggested this may be on a future scrutiny agenda at work continues throughout the year.
- 3.9 The Commissioner thanked the Chief Constable for the reassurance provided with regard to Crime Data Integrity. The Commissioner also thanked colleagues and members of the public in attendance and closed part one of the meeting.

Duration of meeting: Part One of the meeting commenced at 11.10 and finished at 13:00.