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**Enquiries to: Mrs J Head**  
**Telephone: 01768 217734**

**Our reference: JH/EIP**

**Date: 2 August 2023**

## **AGENDA**

**TO: THE MEMBERS OF THE ETHCS AND INTEGRITY PANEL**

### **CUMBRIA POLICE & CRIME COMMISSIONER AND CUMBRIA CONSTABULARY ETHICS AND INTEGRITY PANEL**

A Meeting of the Ethics and Integrity Panel will take place on **Wednesday 9 August 2023** at **2.00 pm** in **Conference Room 2**, Police Headquarters, Carleton Hall, Penrith.

**G Shearer**  
**Chief Executive**

**Note:** Members are advised that allocated car parking for the meeting is available in the Visitors Car Park to the left of the main Headquarters building.

#### **PANEL MEMBERSHIP**

Mr Michael Duff  
Mr Alan Rankin (Chair)  
Mr Alex Rocke  
Ms Jane Scattergood

# AGENDA

## PART 1– ITEMS TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC

**1. APOLOGIES FOR ABSENCE**

**2. DISCLOSURE OF PERSONAL INTERESTS**

Members are invited to disclose any personal/prejudicial interest which they may have in any of the items on the Agenda. If the personal interest is a prejudicial interest, then the individual member should not participate in a discussion of the matter and must withdraw from the meeting room unless a dispensation has previously been obtained.

**3. URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC**

To consider (i) any urgent items of business and (ii) whether the press and public should be excluded from the Meeting during consideration of any Agenda item where there is likely disclosure of information exempt under s.100A(4) and Part I Schedule A of the Local Government Act 1972 and the public interest in not disclosing outweighs any public interest in disclosure.

## PART 2– ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

Number	Agenda Item	Allocated Time
4.	<b>NOTES OF THE PREVIOUS MEETING &amp; ACTION SHEET</b> To confirm the restricted notes of the meeting of the Ethics and Integrity Panel held on 4 May 2023 (copy enclosed).	
5.	<b>DIGITAL POLICING</b> To receive a presentation on the work being carried out by the Constabulary to enhance digital policing skills – A/Detective Inspector Rob Ewin	10 minutes
6.	<b>CORPORATE UPDATE</b> To receive a briefing from DCC Martland and OPFCC Chief Executive Gill Shearer	5 minutes
7.	<b>VIOLENCE AGAINST WOMEN AND GIRLS</b> To receive a report six monthly report on what is being achieved and whether it was making a difference within local communities - <i>to be presented by A/Inspector Matt Belshaw</i>	10 minutes

8.	<p><b>CONSTABULARY PROPERTY STORE REVIEW</b>  A six-monthly update on progress of the action plan – <i>to be presented by Inspector Kye Renyard.</i></p>	10 minutes
9.	<p><b>ANNUAL STOP &amp; SEARCH &amp; USE OF FORCE</b>  (a) To receive an annual report on the Constabulary’s use of Stop and Search and Use of Force  (b) The Panel to provide feedback from their dip sample sessions – Stop and Search, Use of Force</p>	10 minutes
10.	<p><b>CUSTODY DETENTION SCRUTINY</b>  (a) To receive a report on the key areas of custody management – <i>to be presented by T/Chief Inspector Nick Oliver</i>  (b) The Panel to feedback from their dip sample session</p>	10 minutes
11.	<p><b>INFORMATION MANAGEMENT</b>  (a) To receive and note a report by Cumbria Constabulary on their compliance with Data Protection Legislation (copy enclosed) – <i>To be presented by Disclosure Manager (Kerry Carson).</i>  (b) To receive and note a report by the Office of the Police, Fire and Crime Commissioner on their compliance with Data Protection Legislation (copy enclosed) – <i>To be presented by the OPFCC Governance Manager</i></p>	10 minutes
12.	<p><b>INTEGRITY</b>  (i) To receive a report on the work carried out within the Constabulary’s Professional Standards Department, including Complaints by the Public; and Anti-Fraud &amp; Corruption (including officer and staff misconduct) – <i>to be presented by Chief Inspector Hayley Wilkinson</i></p>	20 minutes
13.	<p><b>OPFCC COMPLAINTS, COMPLAINT REVIEWS AND QSI</b>  To receive and note reports regarding  (i) OPFCC Complaints &amp; Reviews; and  (ii) Quality of Service Issues received and work carried out  <i>to be presented by the OPFCC Governance Manager</i></p>	5 minutes
14.	<p><b>VETTING DIP SAMPLE SESSIONS</b>  The Panel to provide feedback from the vetting dip sample session</p>	5 minutes

**Agenda Item No 04****ETHICS AND INTEGRITY PANEL**

Notes of a meeting of the Ethics and Integrity Panel held on  
Thursday 4 May 2023 in Conference Room 2, Police Headquarters, Penrith at 2.00 pm

**PRESENT**

Mr Alan Rankin (Chair)  
Mr Michael Duff  
Ms Jane Scattergood

**Also present:**

Deputy Chief Constable Rob Carden  
ACO Nancie Shackleton  
T/Chief Superintendent Mick Bird  
Director of Legal Services – Andrew Dobson  
Head of Human Resources – Diane Johnson  
Chief Inspector Hayley Wilkinson

Deputy Police Fire and Crime Commissioner – Mike Johnson  
OPFCC Deputy Chief Executive – Gill Shearer  
OPFCC Governance Manager - Joanne Head

The Chair welcomed the Deputy Police, Fire and Crime Commissioner, Mike Johnson following his recent appointment to the role.

**14. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Alex Rocke.

**15. DISCLOSURE OF PERSONAL INTERESTS**

There were no disclosures of personal interest regarding any agenda item.

**16. URGENT BUSINESS**

There were no items of urgent business to be considered by the Panel.

**17. NOTES OF THE PREVIOUS MEETING**

The notes of the meeting held on 8 February 2023 previously circulated with the agenda were agreed.

**Agreed;** that, the notes of the meeting held on 8 February 2023 were agreed.

## 18. CORPORATE UPDATE

DCC Carden briefed the Panel on work being carried out by the Constabulary. He advised that the Chief Constable, Mrs Michelle Skeer, had announced her retirement. The Panel Chair took the opportunity to thank Mrs Skeer for her support to the Panel and wished her well in her future ventures.

HMICFRS would be carrying out audits and reviews within the Constabulary from September until December 2023 which would be an intense time for the force. Cumbria had also been selected for a joint Crown Prosecution Service (CPS) and police force inspection. This would take place during August 2023.

Following the implementation of Local Government Reform and the realignment within the Constabulary, a review would be carried out to ensure it was meeting the requirements of the organisation. The Panel noted that the CPS were now also following the LGR structure.

In relation to the outcomes of the Casey Review, vetting had been carried out and was going wider in its remit. In response to a member's question, DCC Carden advised that it had had an impact on the perception of policing which was deeply worrying and frustrating as most officers do a really good job, some are even exceptional. It was important to focus on performance; and it was recognised that VAWG performance within Cumbria being the best in the country.

The Constabulary had been successful in securing STAR bid funding of £2.5m. This would provide a digital toolkit for domestic violence casework within the county. A presentation on this would be provided to the next Panel meeting.

The Chief Executive provided an update to the Panel on work being carried out by the Commissioner and the OPFCC, following the transference of fire governance on the 1 April 2023; including the appointment of the Deputy Police, Fire and Crime Commissioner. Following the announcements of the Chief Constable and the Chief Fire Officer retiring in the summer a recruitment campaign would be commencing in the forthcoming weeks.

Recruitment was also commencing for Panel members to allow for succession planning for those members due to retire from the Panel in 2024. The Panel would also be supporting the Constabulary following HMICFRS recommendations regarding custody and would perform the function of a Custody Detention Scrutiny Panel.

**AGREED;** that, the verbal reports be noted.

## 19. BODY WORN VIDEO

C/Superintendent Bird provided an update on the sound recordings for body worn video (BWV) footage. The first 30 seconds of footage once an officer active their cameras did record the footage, however it did not record sound. It was recognised that officers would therefore need to switch on their BWV at the earliest point rather than waiting. Messages were being pushed

out across the force to all officers; and as the Panel continued to review recordings they would look to see if these messages had landed.

**AGREED;** that,  
(i) the report be noted; and  
(ii) the Panel to monitor this as part of their regular dip sampling.

## 20. VETTING

All police forces had been asked to respond to a national vetting thematic, following which the National Police Chiefs Council (NPCC) had mandated all forces to achieve the recommendations by enhanced timescales. Some areas to be completed by 30 April 2023 with others not due until the end of September 2023.

C/Superintendent Bird advised that the Constabulary had written to the NPCC evidencing that all the recommendations and the AFI had been completed. The force were now in the process of replicating this procedure with the evidence to say that the items could be discharged. These were to be presented to the force's HMIC board for approval and then sent to HMICFRS.

The Home Office data wash process had produced 2,000 lines of data which the force were currently working their way through; with no adverse issues being found. Supervisors were required to review the work carried out before it could be signed off and then sent back. This work would be completed by the end of September.

**Agreed;** that, the update be noted.

## 21. NATIONAL POLICE RACE ACTION PLAN

ACO Nancie Shackleton presented an update on the work being carried out by the Constabulary in relation to the National Police Race Action Plan. Nationally it was recognised that people who were black or brown were 20% less likely to be heard and therefore changes to society and people's behaviour were necessary. Internally and externally to the organisation people needed to feel safe and felt that they would be heard.

Work was being carried out through the force to ensure that officers and staff felt supported both physically and mentally, particularly if they were subjected to racial comments. That said, it was important that everyone felt safe and supported and it was essential to get the balance right and not alienate other groups. Different ethnicities within Cumbria and individuals from other protected characteristics were also being considered as part of the work being carried out. A six-month update to be provided to the Panel at their November meeting.

**AGREED;** that,  
(i) the report be noted; and  
(ii) a six-month update be provided to the Panel in November 2023

(Note: ACO Shackleton left the meeting at this point)

## 22. CIVIL CLAIMS

The Head of Legal Services presented a report outlining active and closed Public Liability Claims, Employer Liability Claims, Employment Tribunal applications or proceedings.

The Panel discussed a number of claims with the Head of Legal Services including a recent employment tribunal which had found against the Constabulary. The Panel noted there had been an increase in the number of employment tribunals and some of the outcomes had been against the force. The Chair asked whether there were any trends or lessons for the force going forward. The Head of Legal Services advised that no trends had been identified but any learning or changes to work practices where identified had been implemented across the force.

The Panel Chair asked if future reports could also include a financial total for the year and for the previous 3 years on a rolling basis to enable them to be aware of the overall value of civil claims being paid out.

**Agreed;** that,  
(i) the reports be noted; and  
(ii) future reports include the annual total and monetary value; and the previous 3 years on a rolling basis

(Note: Andrew Dobson left the meeting at this point.)

## 23. OFFICER AND STAFF UPDATE

The HR Manager briefed the members on the current position within the force following the completion of Operation Uplift. It was noted that there had been a 3% attrition rate within student officers with more males than females resigning.

A member asked whether there were any trends or themes to students resigning. The HR Manager advised that often students decided that a career in policing was not for them. The Constabulary were carrying out 'Stay Conversations' with these officers and any officer who was thinking of leaving the organisation to understand the issues and reasons.

The members noted that through Operation Uplift the gender balance of officers had shifted and they asked whether the process had attracted more male than female applicants. The HR Manager would provide this information to the OPFCC for dissemination to the Panel. DCC Carden advised that he was provided with every resignation and 'Stay Conversation' form, which would be returned if there had not been sufficient probing or actions taken by supervising officers.

The Chair asked whether future intakes of officers would take into account the attrition rate. The Constabulary had made a funding bid to the Home Office for further resources and had been successful in being allocated funding for a further 17 officers.

Absence overall was below 3% with other similar forces seeing double this figure. Across all forces the Constabulary was ninth for sickness figures which was pleasing to see and a credit to the officers and staff. Agile working helped to support attendance as staff and some officers had the ability to work from home.

Investment was being made into Occupational Health services particularly in relation to dealing with stress and anxiety as this remained the highest reason for referrals.

**Agreed;** that,  
(i) the report be noted; and  
(ii) the HR Manager to provide gender balance information to the OPFCC for dissemination to the Panel.

## 24. GRIEVANCES

Prior to the meeting the Panel had carried out a review of the case which had been finalised during the previous 6 months. There had been no issues identified with how the Constabulary had dealt with the cases reviewed.

The HR Manager advised that Cumbria Constabulary was not on the national terms and conditions which had resulted in managers carrying out different practices at a local level. She advised that it was the intention to have a staff handbook which would enable working practices to be consistent across the force.

The Panel were advised that the Constabulary were reviewing and updating their Management of Change process, particularly where change did not involve redundancy. The Chair offered the Panel to review and provide their views. The draft policy would be provided to the Panel via the OPFCC.

**Agreed;** that,  
(i) the report be noted; and  
(ii) the HR Manager to provide a copy of the draft Management of Change policy to the Panel for comment.

(Note: Diane Johnson left the meeting at this point.)

## 25. YOUNG IN-SERVICE OFFICERS

The Panel has asked for a report regarding young in service officers following a large proportion of response officers having less than 6 years' service resulting from the Operation Uplift programme. Officers with this length of service were predominantly on front line response



and were therefore carrying the highest workload. Work was being done throughout the force to ensure that workloads were balanced.

Members asked whether the Constabulary had sufficient tutor constables across the force to provide support to the student and young in-service officers. The report detailed the breakdown within each policing area and DCC Carden advised that work was being carried out to recruit more.

**Agreed;** that, the report be noted.

## 26. INTEGRITY

Chief Inspector Wilkinson presented the quarterly report for the Professional Standards Department including public complaints, misconduct and anti-corruption unit performance. The number of complaints and allegations received within PSD had continued to rise. Work was being carried out by the PSD team to identify how processes could be more efficient and effective to deal with this increase.

A number of complaints had been received regarding control room staff. It was identified that often these officers were new into the role, policing itself and were inexperienced in dealing with members of the public. C/Superintendent Bird advised that work was being carried out with senior leaders across the force to ensure they understood what the issues were to enable them to ensure matters were addressed and lessons learnt.

During COVID random drug testing across the force had ceased. This was now to be re-introduced with DCC Carden offering to be the first to reiterate the message that no one was exempt.

The number of Freedom of Information (FOI) requests received had increased. Work was being scoped to publish data to reduce the amount of requests.

The members asked if they could be provided with a copy of the STRA for the department at their next meeting.

**AGREED;** that,  
(i) the report be noted; and  
(i) a summary of the PSD STRA process be provided for the next meeting.

## 11. DIP SAMPLE SESSIONS FEEDBACK

Prior to the Panel meeting the members had had the opportunity to dip sample a number of areas of business. These included:

Use of Force – 3 cases were reviewed of which the Panel had identified some issues which were reported upon.

Stop and Search – no issues were identified and the Panel found the officers to be polite and firm with individuals when required.

Communication Centre- the Panel visited the Control Room and listened to a number of live telephone calls. Overall officers had positively engaged with members of the public. Callers now also had the option for non-emergency matters to leave their telephone numbers and someone would call them back which was an improved service for members of the public. The Panel also looked at how the 101 email system worked.

Public Complaints – the Panel reviewed over 30 cases and found that where it was required for independence, body worn footage was available in 100% of these cases. This was a positive improvement which provided independent assurance to what had actually happened on a number of incidents. It was noted that the quality of the outcome letters had improved and was now more bespoke to the individual complaint.

**AGREED;** that, the dip sample feedback be received.

**Meeting ended at 4:05 pm**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Panel Chair



Meeting the  
Policing demand of  
a digital world using  
an evidence-based  
approach.

Project Outline and  
Ethical Considerations

# Headlines:

- STAR Funding Granted: £240,220.44
- Academic Collaborators: Cambridge and Lancaster.
- 12 Months, over two phases of research.
- In 2022 the HMICFRS identified that forces were overwhelmed when it came to digital forensics, it suggested that a new model should be adopted.
- The COP's Future Operating Environment 2040 highlights that technology is likely to accelerate, deepen, and divide existing actors, institutions and systems.
- Research is limited and often fettered to cybercrime.

# Phase 1: What does digital demand looks like?

- DMI's (Rtd/In post) in host and partner force(s) to review 1000 (Est) DA cases to establish:
  - What was good.
  - What was missed/lost.
  - What limited digital lines of enquiry success.
- Officer Interviews to deepen understanding from data gained.
- Phase 1 to inform Digital Investigation Tool (DIT) – end to end decision tree with significant points for success mapped and solvability matrix incorporated.

# Phase 2: Randomised Control Trial of the DIT.

- RCT between host and partner force(s) employing DMI's to run the DIT through DA incoming demand.
- The DIT is designed on a solvability matrix using what is known about the success of digital alertness and adheres to digital forensic principles.
- Officer investigation plans measured to see impact of DIT.
- Training enhancement accessed through Police Digital Service but developed from learning out of phase 1 (linked to Digital Academy).



# Risk 1: Legal - Uncovering flawed investigations (Phase 1)

**Nature:** Reviewing crimes and identifying “practice requiring improvement” might open up the police force to reputational damage and/or generate rework.

Actions in mitigation:

1. Only reviewing no further action cases and convicted cases which present within the field of phase 1.
2. Presentation in host forces at ethical board and at University Partner Ethics Panels.
3. Engagement and agreement of the Police Federation to support activity.
4. Policy statement in place to adequately report malpractice and to differentiate between ‘doing things badly (training) and doing bad things (discipline)’.
5. If investigation uncovers substantial malpractice, PC will not be part of the study, and this will be handled through the appropriate route.

**Alternatives Approached:**

1. Within stage 1 bid process outline given to interview victims, witnesses and suspects as alternative. Ethically abandoned in favour of officer interviews with above mitigations in place.

# Risk 2: Delivery - Quality and ethical use of the DIT (Phase 2).

**Nature:** The DIT is too complex for officers to use and creates unrealistic expectations of what is achievable and is not future proof against the pace of digital change. Using RCTs gives rise to ethical considerations. In particular, whether it is ethical to withhold potentially useful procedures (the DIT) from some groups in order to satisfy the scientific objectives of the research.

## **Actions in mitigation:**

1. Academic, private industry (pro-bono) and practice steering group with subject matter experts to ensure the model is fit for purpose and works to meet digital demands of today and the future.
2. Appropriate equipment and screening of DMI volunteers to ensure they have sufficient expertise.
3. Look at high-volume and high-harm crimes and the skills most needed to improve the solved rate to begin the development of the toolkit.
4. Academic, private industry (pro-bono) and practice steering group with subject matter experts to ensure the model is fit for purpose.
5. Ethical bodies typically state that RCTs are ethical providing that the control group is required to test the effectiveness of a new approach, which in the current research is the case.
6. Participating forces to deploy RCT in addition to the standard level of service agreement officered.
7. The project team are experienced in ethical research, randomised control trials and dealing with digital evidence within investigations and the host force executive group support the bid and ethical approach.

## **Alternatives approached:**

1. Other alternative tests to a RCT have been considered, looking at a before and after effect, or testing the DIT in only one police area or force. These have some merit but do not and cannot prove that the access to the DIT caused a change in the solved rate.





# Violence Against Women and Girls



Report online



[www.cumbria.police.uk](http://www.cumbria.police.uk)



[cumbriapolice](https://www.facebook.com/cumbriapolice)



[cumbriacops](https://www.instagram.com/cumbriacops)

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# Ethics Panel Update Sept 2023

- VAWG KEY ACHIEVEMENTS JULY 17<sup>TH</sup> 2022- July 2023
- VAWG TRAINING PACKAGE
- VAWG CHAMPIONS
- VAWG AND PSD CULTURE
- CALL IT OUT



Report online



[www.cumbria.police.uk](http://www.cumbria.police.uk)



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# Key Achievements 2022-2023

- VAWG STRATEGY
- VAWG GOVERNANCE STRUCTURE
- VAWG ACTION PLAN- Improve Trust and Confidence/Relentless Pursuit of Perpetrators/ Safe Spaces
- VAWG SCRUTINY PANEL
- CONSISTANTLY RANKED 1<sup>ST</sup> OR 2<sup>ND</sup> NATIONALLY FOR CONVICTION RATE
- CALL IT OUT
- STREETS SAFE TOOL



Report online



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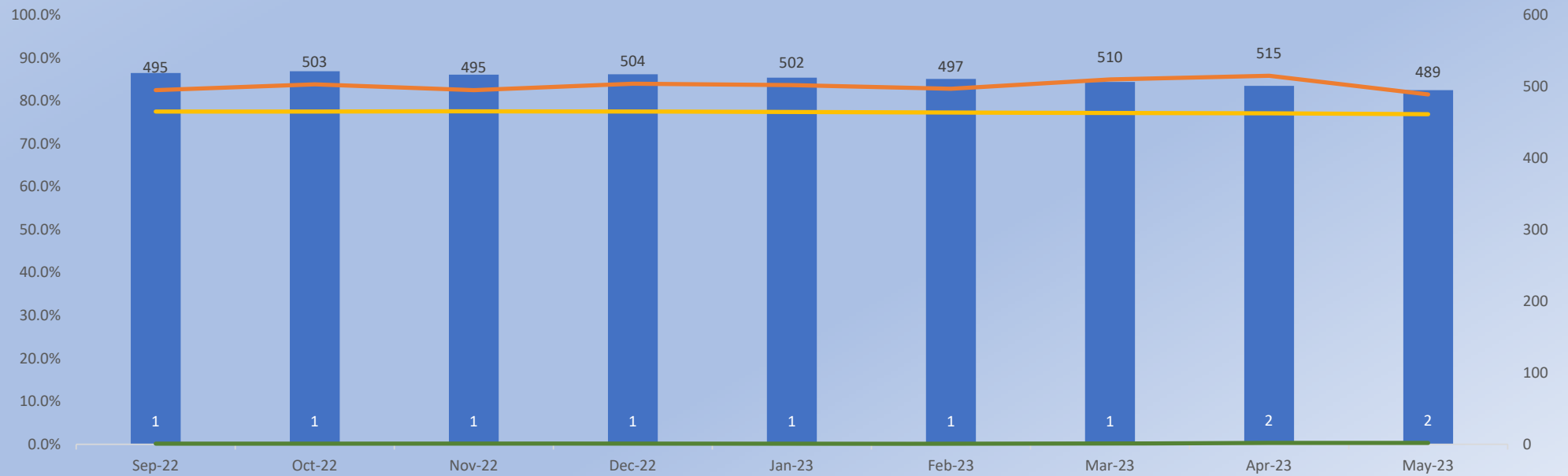


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# VAWG – CJS Conviction Rate

VAWG Offences - Cumbria V National Average



	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23
Cumbria %	86.5%	86.9%	86.1%	86.2%	85.4%	85.1%	84.4%	83.5%	82.5%
National Average	77.5%	77.5%	77.6%	77.5%	77.4%	77.3%	77.2%	77.1%	76.9%
Convictions RYTD	495	503	495	504	502	497	510	515	489
Ranking	1	1	1	1	1	1	1	2	2

■ Cumbria %   
 — National Average   
 — Convictions RYTD   
 — Ranking

# VAWG TRAINING PACKAGE

- PROVIDED TO ALL FRONT-LINE OFFICERS AND SUPERVISORS
- PROVIDED TO PARTNER AGENCIES
- TRAINING PACKAGE HAS WON NORTHWEST REGIONAL AWARD
- NOMINATED FOR NATIONAL AWARD



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# VAWG CHAMPIONS

- 75 VAWG CHAMPIONS RECRUITED- 5% of workforce
- Champions aligned with all commissioned Women's centers
- Champions aligned with Women's Asylum/Refugee Hotel
- Work ongoing to align with Trans Community following positive meetings and interactions with VAWG Team.
- Champions providing guidance and direction within all policing areas.
- Champions receiving extra Victim training at monthly meetings



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# VAWG AND PSD CULTURE

- Key objective was to improve connection between front line officers and PSD
- Open and Honest acknowledgement of required improvements
- Multi agency lines of reporting
- Multi Agency conference arranged for 3<sup>rd</sup> October 2023



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# CALL IT OUT March 2023

- 1,956 responses were received, which means we can be 95% confident that the feedback received from women (and girls) in the county, reflect those of the wider female population of Cumbria with a confidence error of 2.2%.
- The most frequent reason cited for feeling unsafe were groups of people hanging around (52.0%), followed by generally feeling unsafe / fearful that something might happen (44.8%).
- During the day, respondents were most likely to say they felt unsafe in parks / other green spaces (20.3%), on trains (17.4%), and in taxis (17.3%).
- At night, respondents were most likely to say they felt unsafe walking along a street (76.6%), waiting at a taxi rank (75.6%), and in parks / other green spaces (75.3%).
- Separate Action plan created on the back of the data and each policing area NPT inspector developing actions around their data.
- Proposal is that we will issue press statement 'You said- We did' in Autumn relating to the received data



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# Ethics & Integrity Panel



## Agenda Item No 08

<b>TITLE OF REPORT:</b>	<b>Constabulary Property Store Review</b>
<b>DATE OF MEETING:</b>	<b>09 August 2023</b>
<b>ORIGINATING OFFICER:</b>	<b>Insp Kye Renyard</b>

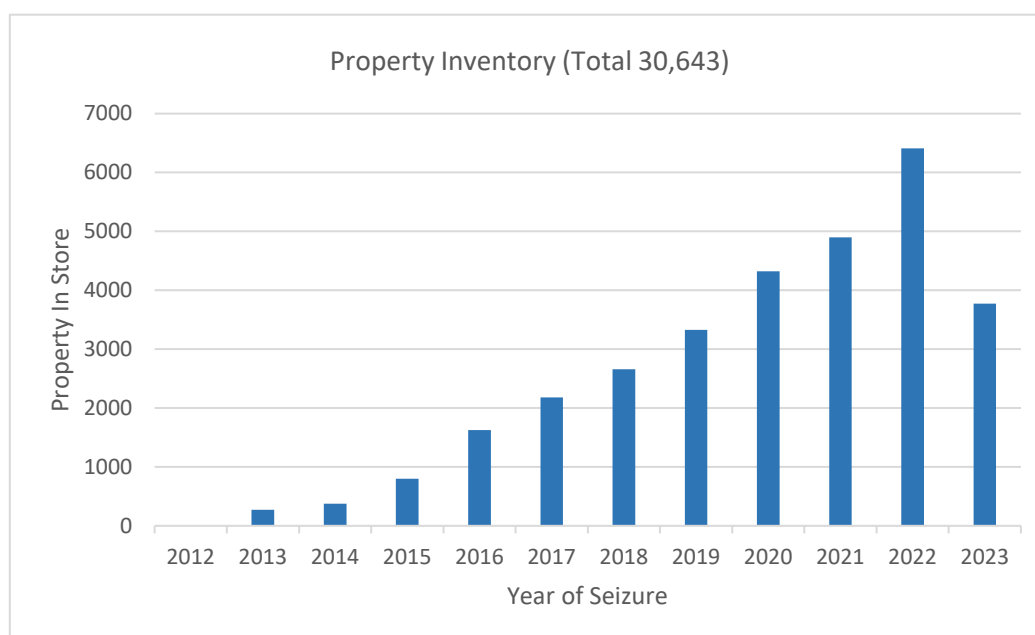
### Executive Summary:

The Constabulary restructure, Mark 43 baseline work, and a peer review by Humberside Police, identified deficiencies in the management of seized and found property.

Portfolio improvement activity and resources have been coordinated against a 2023 Road Map (see Annex A), consolidating the ten Humberside observations, Mark 43 key milestones as well as recruitment and inventory management into one document.

Benchmarking has been undertaken with Merseyside, West Yorkshire and the Met. Progress against the Road Map is on track. Dedicated Property Assistants are in place with Team Leaders in both BCUs accountable for inventory management, quality, and safety audits.

Future actions will drive down the inventory through new disposal routes and an effective governance framework.



## Introduction

The Constabulary maintains property stores in each main deployment station across the estate. Prior to the Constabulary restructure these property stores were managed by hybrid Front Counter Staff line managed by a single Front Counter Team leader. The hybrid element of the role and a lack of direct supervision resulted in variance in the management of seized and found property. Although the movement and control of property remained compliant with Force policy, a lack of accountability led to an incremental reduction in the number of items being returned or disposed of, which resulted in a larger inventory making compliant evidence management increasingly challenging.

The work of the Property portfolio this year has remediated the areas of greatest concern, namely frozen evidence, and staffing. This report goes onto detail activity against five key areas, restructure and staffing, freezer capacity and management, security and governance, health and safety and property disposal.

## Restructure and Staffing

Post restructure we have introduced dedicated Property Assistants into Durranhill, Workington and Kendal. Hunter Lane has a hybrid member of staff who also covers the front counter and station administration. These individuals are in post now and have already started to have a tangible impact on the management of property with 519 items of property returned or destroyed in Durranhill in May alone.

Where previously we have had a single Front Counter Team Leader covering the whole County, this role is now being performed by two individuals on a job share, one in Kendal the other in Workington. The addition of a job share Team Leader provides visibility in both BCUs without further growth in the establishment.

The overall result is an improvement in ownership and accountability with individual Property Assistants taking personal pride in their respective stores.

Outstanding actions and next steps include:

- Recruitment of 0.5 FTE Property Assistant for Barrow, subject to Saving and Efficiencies Board review
- Consultation on role title change from Property Assistant to Evidence Manager

## Freezer Capacity and Management

The Constabulary hold 60 evidential freezers including those in CSI. Due to inefficiencies in the disposal of evidence the non-CSI freezers were approaching capacity. The lack of regular auditing exasperated by the use of domestic frost freezers was unsustainable. Frozen evidence has been prioritised with support from restricted officers in both BCUs resulting in a much improved picture, the following actions are complete:

- All frost freezers have been replaced with frost free freezers
- Temperature monitoring alarms have been introduced in BCU stores replicating CSI (Hygiplas Digital Freezer Thermometer)
- 100% audit of all BCU freezers has been conducted resulting in c.300 items of frozen evidence disposed of
- Monthly freezer audits introduced and included in the property SOP

Outstanding actions and next steps include:

## OFFICIAL

- Business case progression for the replacement of domestic freezers with a commercial option including temperature monitoring and alarm in CCR (c.£65k - £45k for freezers, £20k for electrical monitoring and PAC system). There has been a delay to the intended business case submission whilst costing an alternate proposal identified following a benchmarking visit with Merseyside.

### Security and Governance

A review of property store security was conducted following the Humberside peer review. Property security within the stores was found to be good with overall compliance with policy. The following areas of risk were identified:

- Items of evidence too large to fit into main property stores stored in secure garages however, lacking access control
- The main property store in Workington and the property store in Hunter Lane secured by combination lock, lacking PAC access audit trail

The following actions are complete:

- Large items prioritised for disposal
- Combination lock codes changed with access limited in Workington and Hunter Lane
- Monthly PAC audits have been introduced to the property SOP to ensure access is regularly reviewed and controlled

Governance has been maintained through the Mark 43 Property Project bi-weekly meeting as the Property Lead, Deputy Lead and Front Counter Team Leaders all attend the meeting. This has provided an effective forum to allocate and track ongoing actions as the management of the current inventory and processes is vital to the successful implementation of the Mark 43 Property Project. Mark 43 represents a significant step forward for inventory management as every property location will be bar coded enabling accurate accounting and auditing.

The development of a PowerBI product has been challenging as each calendar year since 2012 has a separate SharePoint property register. Following a decision not to migrate legacy property data onto Mark 43, work is ongoing to consolidate the existing 12 registers into one legacy system.

Outstanding actions and next steps include:

- PAC access for the Workington and Hunter Lane property stores, scheduled Jan 2024
- Consolidated PowerBI property report
- Standalone TOR and agenda for monthly property governance meeting

### Health and Safety

Our property stores are often a cluttered working environment involving manual handling and lone working. The Constabulary Health and Safety Advisor and Deputy Property Lead have conducted physical inspections of all property stores across the estate. A number of improvements were identified, to date the following actions are complete:

- Training delivered to all Property Assistants
- PPE issued to all Property Assistants
- Health and Safety action plan created with owners accountable for the delivery of improvement work against agreed timelines
- Monthly Health and Safety audit schedule introduced and included in the property SOP

OFFICIAL

Outstanding actions and next steps include:

- Bundled external stores at each location for the storage of COSHH and gas canisters
- Introduction of a cannabis disposal policy (linked to property disposal)

## Property Disposal

There is currently no alternate disposal route for property other than waste, this is grossly inefficient and costs the Constabulary to dispose of every item. The following actions are ongoing to develop several disposal options for Property Assistants and Team Leaders:

- Liaising with a national auction house providing sales services to a number of Constabularies. This represents an opportunity for income generation. They are now an approved supplier however, we are currently awaiting contract sign off.
- Liaising with a company which disposes of digital media devices. The company will sell or destroy mobile phones, laptops, tablets, or accessories. This is unlikely to generate an income but will prove cost neutral with the sale of low risk electronic devices covering the cost of destruction for high risk items. Approved supplier form with commercial for approval.
- Rebike Carlisle is a not for profit organisation that refurbishes bicycles and gifts or loans the bikes to those unable to afford one. Rebike will collect bikes in any condition saving on disposal costs. Approved supplier form complete, awaiting liability review from Legal Services.

Outstanding actions and next steps include:

- Introduction of a cannabis disposal policy. This is a cost saving measure identified following benchmarking with Merseyside and will reduce incineration costs for large scale cannabis seizures.

## Conclusion

A lack of dedicated property staff significantly limited the effective management of our property inventory. This year we have introduced dedicated Property Assistants with appropriate training and supervision. As a result, our stores are safer and more compliant than they were six months ago. Every freezer in the Constabulary has been audited, frost freezers have been replaced and temperature monitoring introduced. Further areas for improvement have been identified and work is ongoing to progress the actions outlined above.

The portfolio team has worked very closely with Mark 43 to ensure future alignment between policy and the programme, this collaborative work has enhanced the governance structure of the portfolio. The next step is to develop a performance management product enabling more effective oversight of locations and officers.

The high level priorities for the remainder of the year are to deliver the outlined disposal options and present a costed freezer business case whilst continuing to maintain the engagement of our newly recruited Property Assistants.

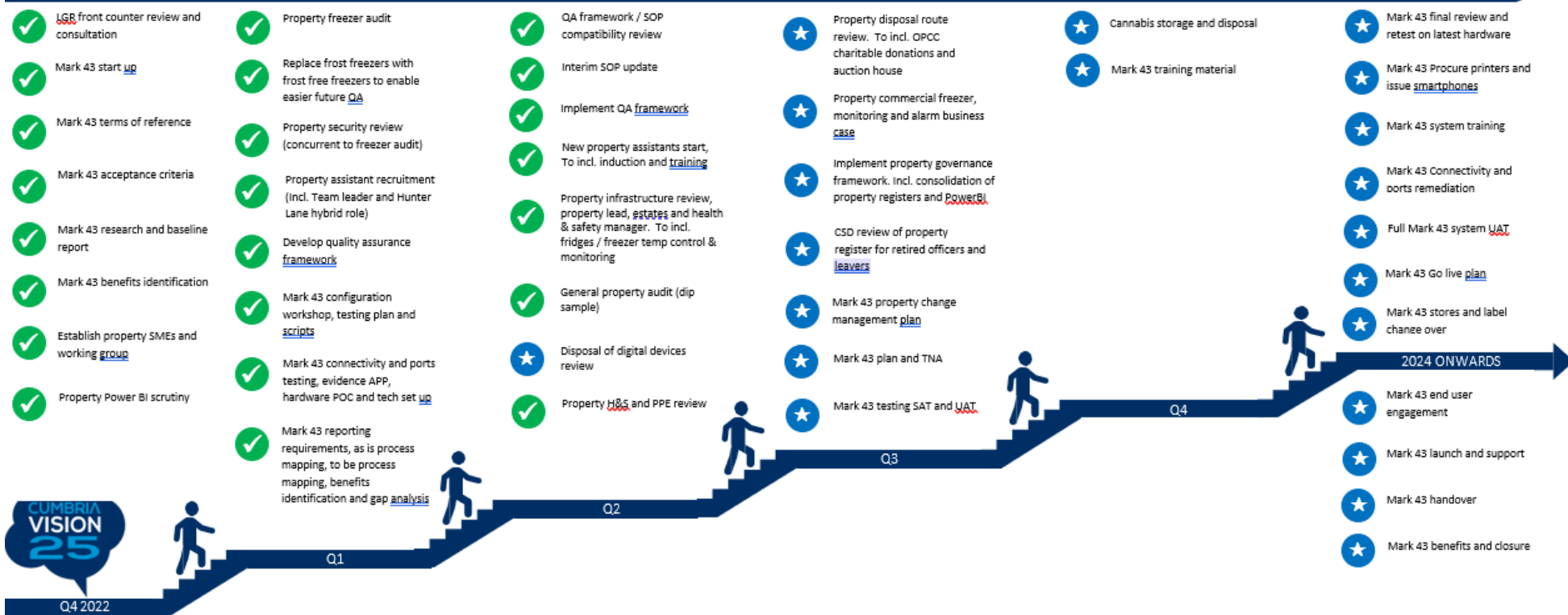
ANNEX A – Property Roadmap



# CUMBRIA VISION 25 PROPERTY AND THE YEAR AHEAD (2023)

<p><b>LOCAL POLICING</b></p> <p>We will continue to focus on prevention, problem solving, protection of the most vulnerable and working closely with partners</p>	<p><b>SPECIALIST CAPABILITIES</b></p> <p>We will protect the public by enhancing our response to threat and risk, reinforcing our capability by developing our network of policing</p>	<p><b>WORK FORCE</b></p> <p>We will ensure our workforce is representative of the communities it serves, professional and skilled to meet the challenges of the future</p>	<p><b>DIGITAL POLICING</b></p> <p>We will maximise visibility and capability of our workforce, improve data, intelligence and analysis, using innovative technology, making it easier for the public to engage and access</p>	<p><b>BUSINESS SUPPORT</b></p> <p>We will have an efficient business service, focused on supporting operational policing and our communities, embracing the national agenda for support functions to deliver interoperability</p>
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## We will deliver an outstanding police service to *Keep Cumbria Safe*





## Ethics and Integrity Panel

Use of Force and Stop and Search Report –  
July 2023

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## Strategic Summary

Cumbria Constabulary recognises the importance of accurate recording of the use of powers by police officers. Policing continues to be under intense public scrutiny making police legitimacy an extremely important subject. During the year 2022/23 the Constabulary saw a welcome increase in the number of stop and searches as well as submission of use of force forms.

The system for recording use of force powers (COPS) had numerous issues during 2022 to early 2023. The Constabulary took a pragmatic approach and replaced the system, since the replacement use of force form submission has increased, this report will detail the numbers behind the increase. The previous system was difficult to access, forms would often disappear causing officers to not trust it.

Leadership is a crucial element to ensure improvements in performance, the Constabulary Chief Officer group takes a keen interest in both use of force and stop and search. The number of stop and searches were identified as an area for improvement, the then Deputy Chief Constable Mr Carden (now Chief Constable) made this a policing priority and supported teams by providing leadership, guidance, and training.

As part of the Constabulary restructure leadership provision was developed at all levels, this involved adding in additional governance meetings to ensure a grip over performance. All officers and staff above Inspector must attend a shift briefing at least once a week. All police officers of Inspector rank and above must undertake a shift with a response officer every six weeks.

The results for this approach were staggering, the Constabulary undertook 4,663 stop searches during 2022/23, this is a 100% increase from 2,330 the year before. The find rate (where an item was found as a result of the stop search) remained high at 23.3%. During 2021/22 the positive outcome rate was 24.8% for Cumbria with the national rate (for all forces) being 25.7%. While Cumbria is a small force this high find rate shows the level of intelligence driven policing undertaken. No national data is yet available for the period 2022/23. HMICFRS compare Cumbria to 3 other forces (called Most Similar Group or MSG forces) the positive outcome result comparison shows that Cumbria performed well above these forces.

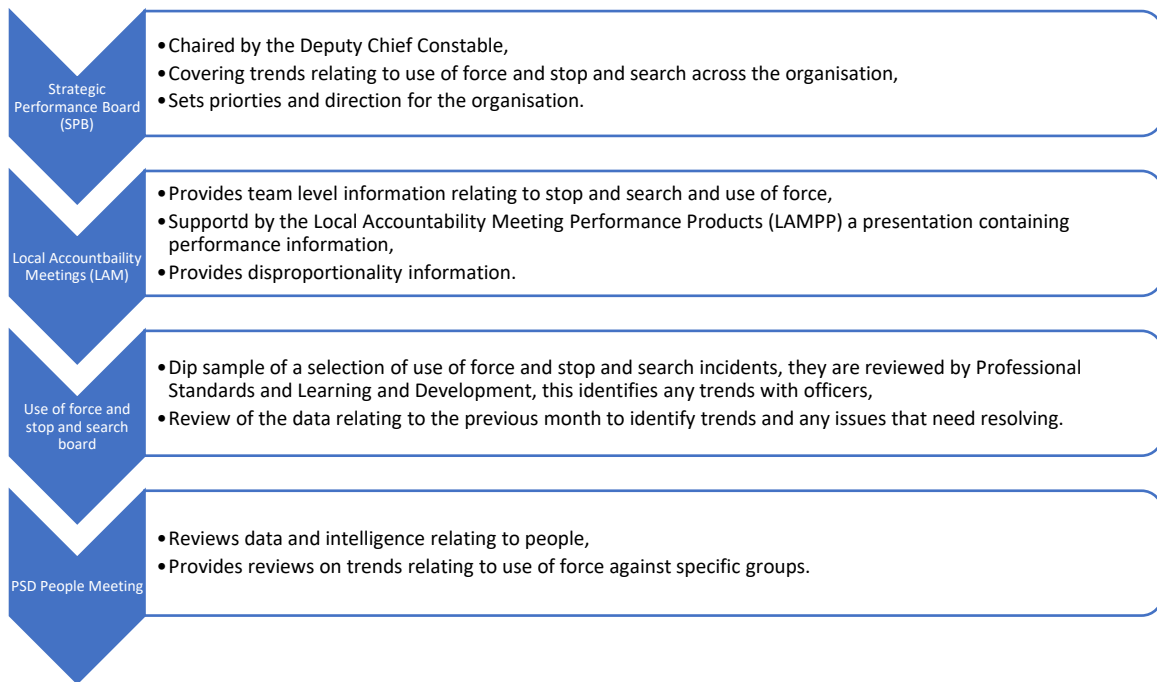
<b>Force</b>	<b>Outcome %</b>	<b>Difference to Cumbria</b>	<b>Total Searches</b>	<b>Difference to Cumbria</b>
Cumbria	25.7%	NA	2,330	NA
North Wales	20.0%	-5.7%	4,191	+1,861
Lincolnshire	17.2%	-8.5%	2,887	+557
Norfolk	21.4%	-4.3%	5,335	+3,005

## Overview

- The Constabulary has seen stop searches increase to over 4,000 (100% increase,) compared to the previous year,
- Training has increased the compliance of stop and search forms from between 40-50% to over 60% (80% for certain groups),
- Find rates for stop and search remain above 20% which is considerably higher than other forces,
- Use of force form submission has increased over 200% due to improvements to systems and processes,
- The monitoring of data relating to use of force has improved meaning a clearer understanding of trends and an ability to continue to improve,
- The use of taser has doubled, however firings remain under 30 a year.

## Governance

The Constabulary has numerous governance processes to monitor the use of powers, specifically relating to use of force and stop and search the following meetings occur:



## The Data

For the purposes of this report the following areas will be reported one:

Financial Year – 01/04/2022 – 31/03/2023

Financial Year to Date – 01/04/2023 – 30/06/2023

Year to date – 01/01/2023 – 30/06/2023

Using three different types of date range allows for a clearer understanding of the impacts of trends.

## Use of Force

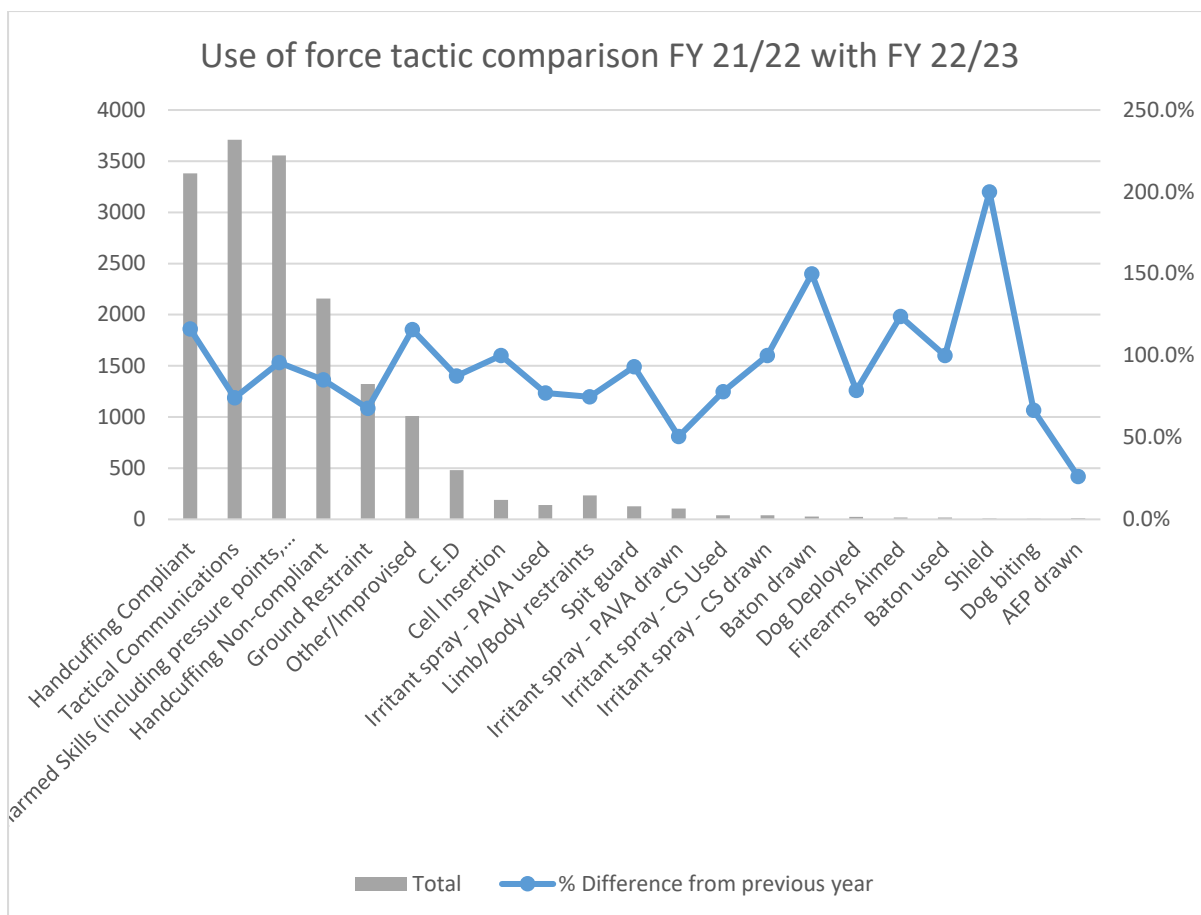
The Constabulary values the opinions of its workforce and identified that the system used for Use of Force recording (COPS App) was not supporting the front-line officers, this had knock on effects meaning that force was not being recorded. This left the organisation in a vulnerable position meaning we did not fully understand where powers were being used. The Constabulary developed a new reporting system, the feedback around this system is that it is easier, faster and more effective. As a direct result of this system use of force incident recording has increased. It is important to note however this does not mean that use of force has increased overall it means our recording is now more effective.

The number of use of force forms by period is as follows:

Time Period	Total use of force	Change
01/04/2021 – 31/03/2022	3,383	
01/04/2022 – 31/03/2023	10,403	+7,020
01/01/2023 – 30/06/2023 (Year to date)	4,835	+1,917
01/04/2023 – 30/06/2023 (Financial year to date)	2,893	+1,305

The number of use of force forms increased significantly during 2022/23 to 10,403 from 3,383 the previous year. This is a 207.5% increase, as mentioned before this is due to improved understanding by officers and an easy to access system.

Each use of force form usually contains more than one tactic being used, a tactic includes handcuffing, incapacitant spray etc.



The above graph shows the difference in the use of tactics comparing the financial years 2021/22 and 2022/23. All tactics showed an increase in use due to the significant increase in overall forms.

The tactic that showed the most significant increase in number terms was “cell insertion” this is when we take someone into a custody cell by force. This tactic was not captured on the previous use of force system therefore shows the most significant percentage increase. The drawing of batons increased by 150.0%, this was however not mirrored by batons being used therefore showing that the “threat” of a baton is effective in preventing further escalation.

In 2022 the College of Policing released a new training package for police officers in relation to use of force. Officers must retrain at least once a year on their use of force tactics, this involves two full days of training with assessments throughout. The training package teaches officers appropriate use of techniques ensuring that they are safe when on the streets.

### Taser

The Constabulary currently issues all Authorised Firearms Officers (AFO’s) with a taser. A selection of front line officers are also issued with tasers. During 2023/24 the Constabulary will be moving to a

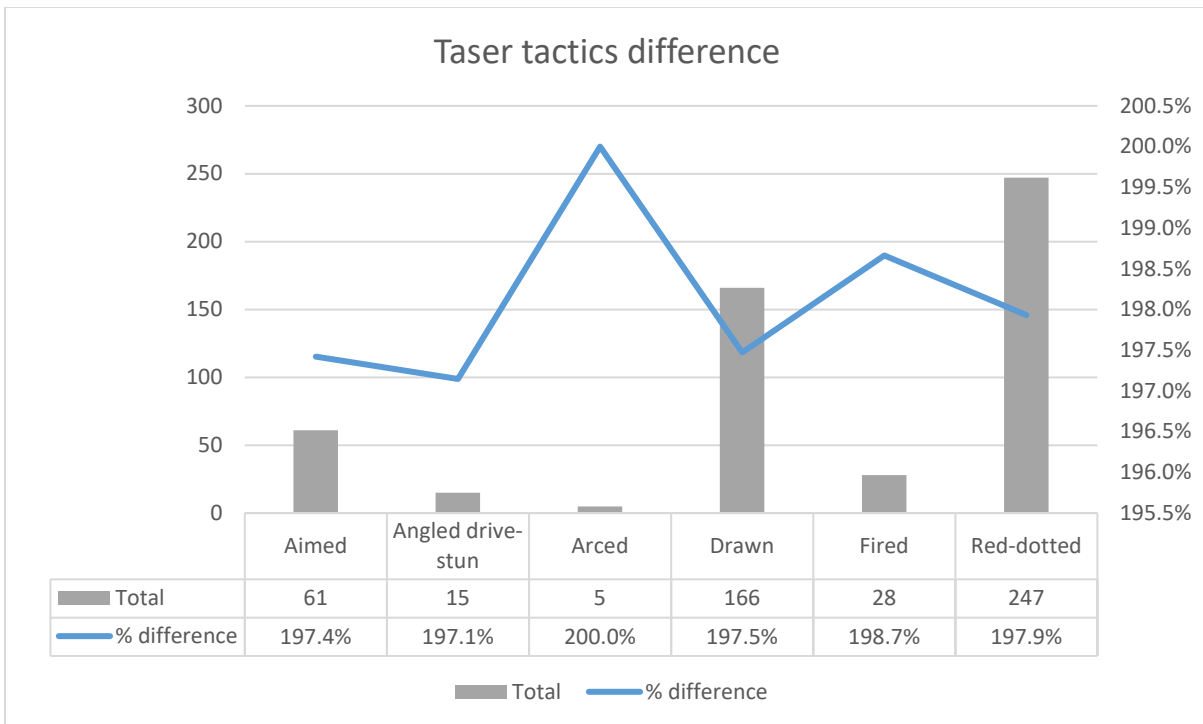
Ethics Panel – Stop and Search and Use of Force Report – August 2023

new model of taser, this taser is a “dual” taser, this means two sets of barbs can be fired making the use of taser safer and reducing the risks of missing. Currently all AFO’s are trained on the new taser with front line officers receiving theirs throughout the next year.

Taser is always seen as a contentious device however its use helps to reduce the risk of harm to persons and helps to prevent more serious injuries to subjects.

Taser use (combined)	
Time Period	Total uses of taser
01/04/2021 – 31/03/2022	179
01/04/2022 – 31/03/2023	522
01/01/2023 – 30/06/2023	255
01/04/2023 – 30/06/2023	142

The use of taser increased by 191% in 2022/23, this is partly down to improved recording on the new use of force system and an increase in the number of officers trained.



	Aimed	Angled drive-stun	Arced	Drawn	Fired	Red-dotted
01/04/2021 – 31/03/2022	18	4	0	50	16	91
01/04/2022 – 31/03/2023	34	1	2	91	12	92

## Ethics Panel – Stop and Search and Use of Force Report – August 2023

01/01/2023 – 30/06/2023	34 (16) 112%	1 (1) Equal	2 (1) 100%	92 (43) 113.9%	12 (1) 1100%	92 (72) 27.7%
01/04/2023 – 30/06/2023	21 (10) 110%	1 (0)	2 (1) 100%	50 (21) 138.1%	10 (7) 42.8%	58 (45) 28.8%

\*\*Figures in brackets are the same period the previous year.

When comparing both the year to date and financial year to date figures with the previous year all tactic use has increased in line with the yearly trends. The most significant increase is in the area of “drawn”, if a taser is drawn this causes no risk of harm. Taser firing has increased for each area compared, as previously mentioned this is monitored carefully and reviewed at the appropriate junctures.

The tactics of “drawn” and “red-dotted” are the most significantly used tactics, this is appropriate and what would be expected. Both are classed as use of force however are utilised prior a device being “fired”. Both “drawn” and “red-dotted” shows a subject that taser could be used if they continue with their behaviour (for example violence or threatening with a weapon.)

The tactic of “firing” is the highest risk area of taser, when someone is tasered they have no control over their body therefore injury can be caused through head injuries etc. Officers are trained to monitor and manage situations and ensure use of taser in the safest way possible. The Constabulary saw 28 taser firings during 2022/23 compared to 16 firings in 2021/22 (a 75% increase.)

All firings of taser are reviewed by the Firearms Operation Unit and the Training Department to ensure appropriate use. Cases this year have resulted in officers receiving re-training on the use of taser as a result of the reviews, this shows the commitment of the Constabulary to use taser as safely as possible.

### Audits

The Constabulary undertakes two types of use of force audit:

1. A review of custody use of force,
2. A review of use of force outside of custody.

A sample of records are selected from both in and out of custody, they are reviewed by two different teams with the results brought together to identify trends and themes.

The Policing Futures team review around 100 use of force records a month to identify:

1. If enough forms were submitted (each officer using force needs to submit a form),
2. If the officer has recorded the correct locations for where force was used,

3. If the officer recorded the correct number of tactics,
4. If the officer recorded an appropriate rationale (a block of text that provides information on why force was used),
5. If the officer included a custody record number or log number (if applicable,)
6. If bodycam was utilised.

The audit results since March 2023 show the following:

Tally BCU	Audit Count	Fully Compliant	Bodycam Utilised	UOF Form Submitted	Appropriate Rationale	Correct Location	Correct Tactics	Correct Incident Number	Correct Subject Details
⊕ Cumberland	268	48.9%	86.6%	72.0%	82.2%	97.9%	94.6%	99.5%	95.8%
⊕ OPs	130	70.0%	90.0%	89.2%	90.5%	99.1%	98.2%	98.3%	97.4%
⊕ WAF	226	56.2%	92.0%	73.0%	89.6%	97.0%	98.8%	99.4%	92.6%
<b>Total</b>	<b>624</b>	<b>55.9%</b>	<b>89.3%</b>	<b>76.0%</b>	<b>86.9%</b>	<b>97.9%</b>	<b>96.9%</b>	<b>99.2%</b>	<b>95.1%</b>

\*\*Please note that if any of the elements from bodycam across to correct subject details fail this caused the “fully compliant” to fail.

Since March 2023 624 records have been reviewed with an overall compliance of 55.9%. The green blocks show performance above 75%, yellow between 50%-74% and red below 50%. The table shows that performance across most areas reviewed is high, there are some areas that are being developed this includes, use of force form. Work continues to ensure an appropriate number of use of force forms are submitted and that rationale is included.

A central Sharepoint page is provided for officers to access, this page is updated monthly to include best practice and videos to ensure all learning styles are catered for.

## Firearms

The Constabulary routinely deploys Armed Response Vehicles (ARV's) to protect the people of Cumbria. The ARV's are staffed by two trained firearms officers who carry conventional firearms, tasers and other weapons. Cumbria deploys firearms officers around once a week to firearms incidents comparing this to the Metropolitan Police (who have 7 firearms incidents a day) the usage remains low.

There is currently an on-going Independent Office of Police Conduct (IOPC) investigation into a fatal shooting by firearms officers in December 2022 in Carlisle. It would be inappropriate to comment on this until the full details of the case are investigated. More information can be found here: [Cumbria - fatal shooting in Carlisle | Independent Office for Police Conduct \(IOPC\)](#)

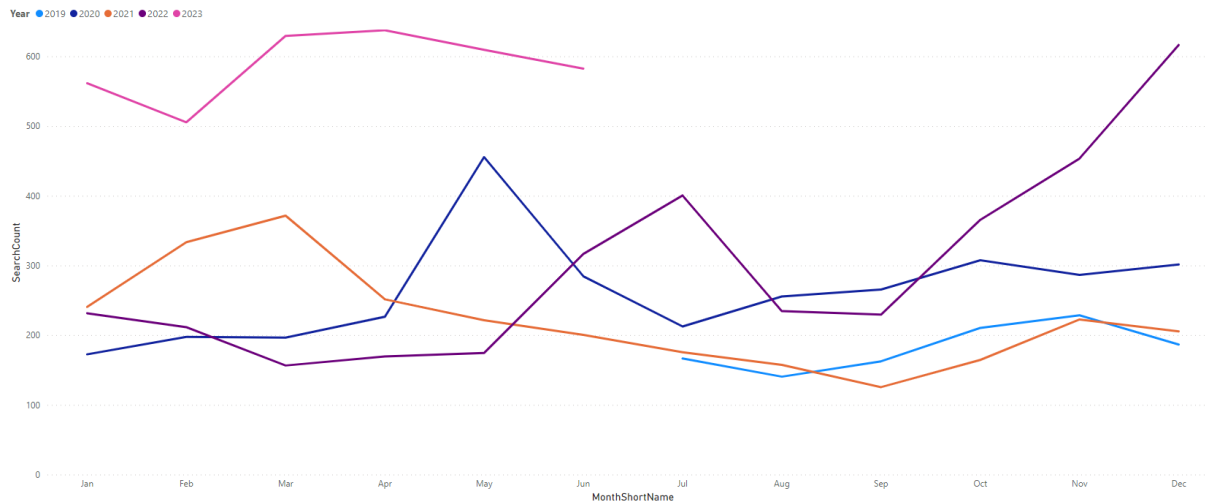
## Stop and Search

The Constabulary monitors stop and searches in the following ways:

1. Total number of searches,
2. Positive outcomes – Whether someone was issued with some form of penalty for being in possession of a prohibited item, this could include arrest etc,
3. Compliance – The force reviews all stop and searches to identify if the officer includes “reasonable grounds to suspect” this is a reasonable person test,
4. Disproportionality – The number of searches against those from different backgrounds are measures including age, gender, ethnicity, and sex.

Stop and Search activity increased significantly during the 2022/23 period, as previously mentioned this was due to leadership and greater scrutiny around data meaning officers were empowered to use their powers.

The graph below shows the additional searches undertaken, as can be see the purple line shows how searches reaching the highest level ever seen with circa 600 searches undertaken. Prior to the changes between 125-200 searches were conducted a month but the Constabulary is now routinely seeing at least 500 searches a month.



The pink line shows the number of searches conducted during 2023, the trajectory continues with significant numbers of stop searches each month.

BCUName	Selected Period	Same Period Last Year	Difference	%Change
Cumberland	2550	1352	1198	88.6%
Unknown	275	82	193	235.4%
Westmorland and Furness	1838	896	942	105.1%
<b>Total</b>	<b>4663</b>	<b>2330</b>	<b>2333</b>	<b>100.1%</b>



Area	Financial Year 2021/22	Financial year 2022/23	Financial year to date	Year to date
Cumberland	1,352	2,550	934	1,950
Westmorland and Furness	896	1,838	857	1,472
Force total	2,330	4,663	1,831	3,529

\*\*Note – Additional searches are undertaken out of force area however are not displayed in the BCU area search numbers.

As previously mentioned, the force total around stop and searches has increased by 100%, both Cumberland BCU and Westmorland and Furness BCU saw an increase in the number of searches. As the above table highlights Cumberland's increased by 88.6% and Westmorland and Furness by 105.1%. The Constabulary audits all stop and search records, the purpose of this audit is to ensure that officers are writing their grounds to search on the form appropriately.

## Training

The Constabulary identified that while stop and search numbers increased the overall compliance of forms remained around 45-50%. The Policing Futures department designed a training package and initially trained 100 officers who were specifically selected due to their skill, experience, or current role. Those who tutor student officers were the largest proportion of the group.

The training consisted of a full day in the classroom with a mix of presentation and practical elements. This training was successful and resulted in compliance for those who were trained reaching between 70-80% a month consistently. The trained officers are now champions for stop and search and will continue to be monitored. The remaining front-line officers are being trained with a more concise package; this covers roll out is due to be finished by the end of August.

An evaluation as to the effectiveness of the training is currently underway and will be provided to the panel upon completion.

## HMICFRS

In January 2023 HMICFRS visited the Custody Suites in the county and provided a [feedback report](#), this report contained one "cause of concern" followed by "some areas for improvements" (AFI's) and "recommendations".

The cause of concern related to use of force within custody:

### Cause of concern

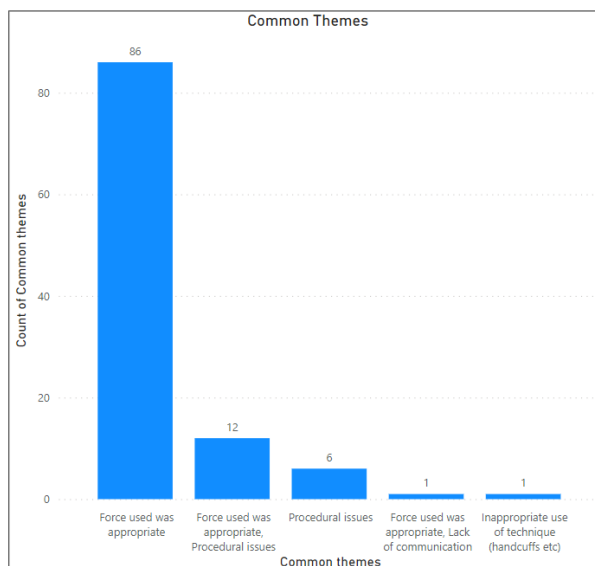
The constabulary’s governance and oversight of its use of force isn’t good enough. The data it has is inaccurate because use-of-force forms aren’t completed for all incidents, and incidents aren’t always properly recorded on custody records. Quality assurance processes are limited, and our own review of CCTV incidents found they weren’t always managed well. The force can’t show that when force is used in custody it is always necessary, justified and proportionate.

### Recommendation

Cumbria Constabulary should scrutinise the use of force and restraint in custody to show that when force is used in custody, it is necessary, justified and proportionate. This scrutiny should be based on accurate information and robust quality assurance.

The Constabulary took learning from this inspection, as a result audits of force within custody are now undertaken to a more significant level than before. The Constabulary governance boards monitor changing trends and ensure appropriate action to make improvements. The audits now have three “starting points” meaning that no use of force is missed. Over 150 reviews have been conducted, the process involves Custody Sergeants reviewing CCTV and use of force forms. The review is added onto the feedback register and officers are given information to ensure improvements in future.

The graph below shows the issues identified during the reviews.



The majority of reviews undertaken found that force used was appropriate and the correct form was submitted, some however did not have a correct form and one lacked communication. The force continues to monitor these trends and make improvements. Due to having a cause of concern HMICFRS will revisit around a year after the initial inspection.

## Feedback

The Constabulary utilises a “Feedback Register”, feedback from any external panels is recorded and an automatic email sent to the Sergeant and Inspector of the officer involved. The purpose of the register is to provide officers with both “positive” and “developmental” feedback. Returns are provided on a central system and the themes identified are discussed at learning panel meetings.

The register has been running since September 2022 and has over 250 entries, 30 of the entries relate to the Ethics Panel. Of the entries 83% relate to “positive” practice with 17% relating to “developmental”. The developmental areas related to communication and excessive use of force. All officers were spoken to, and training improved as a result.

## Disproportionality

Understanding the use of policing powers against minority communities is essential to improving policing legitimacy. Over the last year the Constabulary has undertaken a large amount of work to ensure its workforce understand disproportionate use of powers and how it can improve their policing practice.

The Constabulary reviews disproportionality across a large number of its use of police powers including:

1. Use of force,
2. Stop and search,
3. Custody,
4. Strip searches both in and out of custody,
5. Custody disposals,
6. Crime outcomes (both positive and negative),
7. Fixed penalty notices (sometimes known as traffic tickets.)

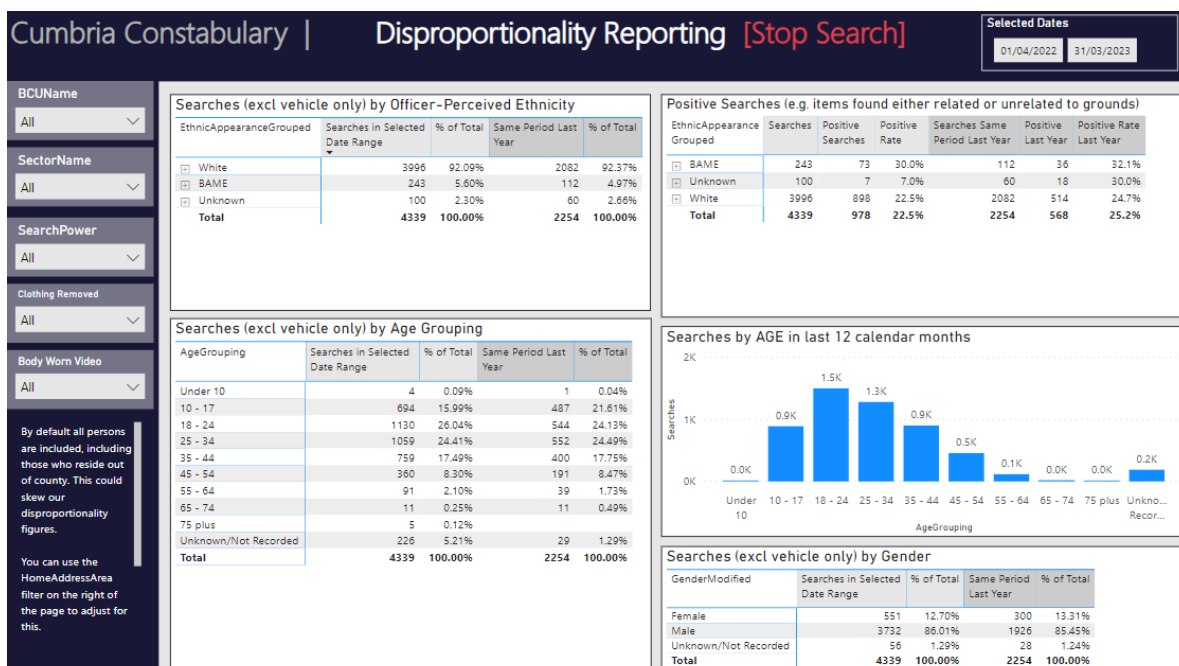
During 2022 a “Disproportionality Report” was commissioned by the Chief Constable to help understand the use of policing powers against minority communities. The report detailed how powers are utilised and any disproportionate use of the powers. The report identified the most significant issue was the use of “unknown” and “not stated” across areas such as use of force and stop and search.

A disproportionality dashboard provides up to date information relating to the above-mentioned areas ensuring that there is always a clear view and understanding. The disproportionality dashboard is provided to:

1. The Strategic Performance Board – This board is chaired by the Deputy Chief Constable,

## Ethics Panel – Stop and Search and Use of Force Report – August 2023

2. The Local Accountability Meeting Performance Presentations (LAMPP's) – This provides information to an officer level ensuring improvements can be made,
3. Use of force and stop and search boards – This board is chaired by a Chief Superintendent and reviews themes and ensures improvement around use of force and stop and search,
4. Custody Governance Board – Chaired by a Superintendent and reviews disposals from custody, strip searches etc,
5. Scrutiny Panels – The Policing Futures attend the Independent Advisory Group, Strategic Independent Advisory Group and the Ethics and Integrity Panel. At the meetings the panel are shown trends and given the chance to ask questions.



The above table shows the number of stop and searches undertaken against specific communities. The largest group of people searches was the “white” group accounting for 92.09% of all searches undertaken (3,996.) The Black and Minority Ethnic (BAME) group accounted for 5.60% of all searches (243.) When compared to the proportion of people in the community from a BAME background (between 2.5-3.5%) this is slightly higher however the county has over 50 million visitors in one year therefore this balances this group out. The largest proportion of searches are conducted against the age group 18-44 accounting for around 65% of all searches. 86.0% of all searches are of males, this is up slightly from the previous year. Positive search results relating to ethnicity shows that BAME positive outcome rates are around 30.0% and white around 22.5%. Both groups have seen a decline in this area since the previous year.

## Conclusion

The Constabulary continues to take a proactive approach in ensuring that officers utilise powers in an appropriate, proportionate, and legitimate manner. This is achieved through leadership, training, and

scrutiny. The force will continue to ensure powers are used appropriately utilising numerous governance boards and performance products.

Leadership is key to any developments within this area, over the last year strategic governance has ensured people are capable and competent to ensure improvements in performance. The force will continue to monitor all trends relating to performance and ensure improvements are made. The Ethics and Integrity Panel is integral to the success of the force ensuring that scrutiny is provided at the appropriate level and the force is held to account. The force intends to continue its scrutiny over use of force and stop and search to ensure public trust is maintained and the force works towards its goal of being an outstanding service.

# Ethics and Integrity Panel



## Custody Detention Report

**Date: 01 August 2023**

**Agenda Item No: 10**

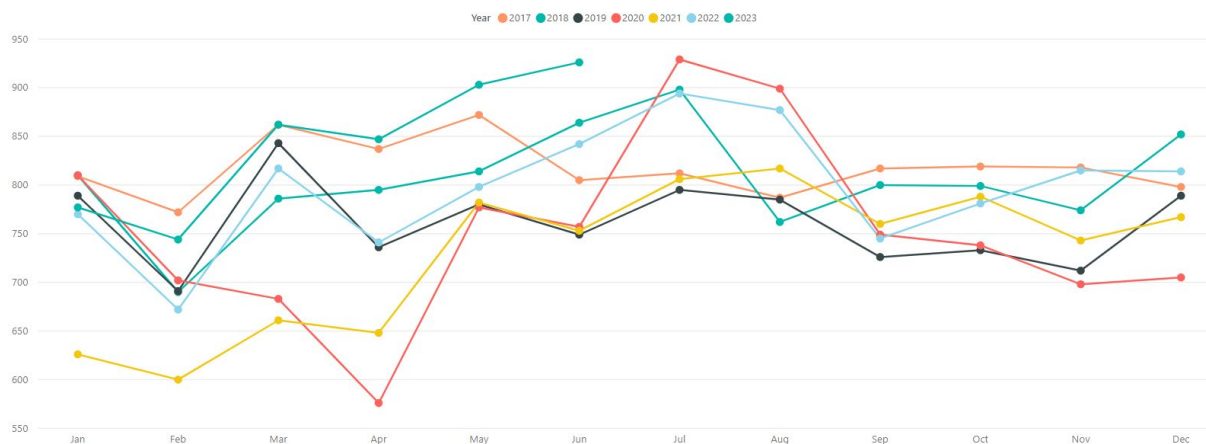
**Originating Officer: T/Chief Inspector Nick Oliver**

### Strategic Overview

As part of the force restructure (starting in September 2022) the Constabulary went to a “Custody Model”, this meant that Custody Sergeants were no longer part of the Basic Command Units (BCU’s) they worked in and were managed centrally. This change ensured that there was a consistent approach to decision making in the custody environment.

This report will provide an overview of key areas of custody management to assure the Ethics and Integrity panel that the Constabulary has developed good processes and practices to keep people safe within our suites.

### Custody Throughput



Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	809	772	862	837	872	805	812	787	817	819	818	798	9808
2018	810	690	786	795	814	864	898	762	800	799	774	852	9644
2019	789	691	843	736	780	749	795	785	726	733	712	789	9128
2020	810	702	683	576	777	757	929	899	749	738	698	705	9023
2021	626	600	661	648	782	753	806	817	760	788	743	767	8751
2022	770	672	817	741	798	842	894	877	745	781	815	814	9566
2023	777	744	862	847	903	926	786						5845

The above graph shows the throughput in all Cumbria Constabulary custody suites for arrests. During the COVID pandemic custody arrests dipped for a short period however rose quickly back to normal levels. The highest period on record for custody detentions was July 2020 however 2023 is likely to surpass this.

The Constabulary also uses “voluntary attendance” as a means to interview people without placing them under arrest. Overall figures including voluntary attendance is as follows:

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	937	922	1010	1002	1053	989	1028	989	968	1008	1014	986	11906
2018	1002	879	985	1016	1035	1083	1095	972	948	993	953	1034	11995
2019	962	862	1017	889	958	922	997	972	888	931	938	933	11269
2020	1003	843	826	616	853	878	1043	1034	890	898	859	858	10601
2021	754	696	825	822	926	901	946	938	892	976	921	925	10522
2022	931	840	1005	934	970	1017	1050	1056	910	933	993	975	11614
2023	969	876	1023	987	1066	1106	984						7011

Voluntary attendance within Custody usually accounts for between 1500-2000 records a year. Voluntary attendance is now available for officers at Penrith, this showcases the consideration the Constabulary gives to ensure travel time is minimised and cases can be progressed more effectively.

## Custody Disposal

New legislation in October 2022 gave police officers more power relating to police bail. More information can be found [here](#). Since the new legislation the use of bail has increased significantly, this is expected and provides extra safety precautions for victims of crime.

First Custody Disposal/First Offence Disposal	Month Total	Month (% of Total)	Last Month	Last Month % Change	Last Year	Last Year % Change	3 Year Average	3 Year Average % Change	Pre-Covid Average (Jan-18 to Dec-19)	Pre-Covid Average (Jan-18 to Dec-19) % Change	Previous 12 Month Average	Previous 12 Month Average (% of Total)	Previous 12 Month Average - 1 Year	Previous 12 Month Average - 1 Year (% of Total)	Previous 12 Month Average - 2 Year	Previous 12 Month Average - 2 Year (% of Total)
POLICE BAIL	412	37.25%	406	1.48%	200	106.00%	180.33	128.47%	93.79	339.27%	276.75	28.01%	167.42	17.97%	166.33	19.04%
Further Advice / Enquiries	162	14.65%	146	10.96%	147	10.20%	120.00	35.00%	114.58	41.38%	140.42	14.21%	145.00	15.56%	107.50	12.31%
NO FURTHER ACTION	140	12.66%	151	-7.28%	147	-4.76%	129.33	8.25%	140.75	-0.53%	138.17	13.99%	142.08	15.25%	124.75	14.28%
CHARGED + BAILED	105	9.49%	80	31.25%	94	11.70%	83.67	25.50%	158.79	-33.88%	92.67	9.38%	85.50	9.18%	81.67	9.35%
RELEASED WITHOUT BAIL	96	8.68%	111	-13.51%	258	-62.79%	259.67	-63.03%	231.00	-58.44%	175.00	17.71%	254.58	27.33%	224.08	25.65%
HANDED TO ESCORTS	54	4.88%	67	-19.40%	49	10.20%	29.33	84.09%	50.25	7.46%	45.92	4.65%	31.33	3.36%	27.17	3.11%
CHARGED NO BAIL (translated to Court Disposal)	50	4.52%	49	2.04%	38	31.58%	41.00	21.95%	20.25	146.91%	49.25	4.99%	43.42	4.66%	47.75	5.47%
WARRANT EXECUTED	18	1.63%	9	100.00%	11	63.64%	11.33	58.82%	16.71	7.73%	11.17	1.13%	12.42	1.33%	12.25	1.40%
REFUSED DETENTION	13	1.18%	5	160.00%	9	44.44%	6.67	95.00%	8.63	50.72%	7.92	0.80%	8.00	0.86%	6.50	0.74%
CAUTIONED	10	0.90%	3	233.33%	8	25.00%	16.00	-37.50%	31.38	-66.13%	5.50	0.56%	7.58	0.81%	20.50	2.35%
TRANSFERRED OUT	8	0.72%	1	700.00%	8	0.00%	3.67	118.18%	1.88	326.67%	4.83	0.49%	2.50	0.27%	1.92	0.22%
Investigation Complete - Out of Court Disposal	7	0.63%	2	250.00%	5	40.00%	3.33	110.00%	8.58	-18.45%	2.67	0.27%	2.33	0.25%	4.00	0.46%
TAKEN TO PRISON	6	0.54%	1	500.00%	7	-14.29%	7.00	-14.29%	3.83	56.52%	4.92	0.50%	4.00	0.43%	4.25	0.49%
<b>Total</b>	<b>1106</b>	<b>100.00%</b>	<b>1066</b>	<b>3.75%</b>	<b>1017</b>	<b>8.75%</b>	<b>932.00</b>	<b>18.67%</b>	<b>969.33</b>	<b>14.10%</b>	<b>987.92</b>	<b>100.00%</b>	<b>931.58</b>	<b>100.00%</b>	<b>873.58</b>	<b>100.00%</b>

Bail accounts for 28.01% of all disposals from custody with no further action (no action taken) accounting for 14.21% and released under investigation accounting for 13.99%. The figures are what is expected.

## Air Lock Times

The Constabulary monitors “air lock times”, the air lock is the room a detained person is placed in before being booked in by the custody sergeant. Sometimes a person is taken directly through to be booked in but during busy periods the air lock is used to hold them while they wait. In late 2022 the Constabulary set a target of 12 minutes to get people in front of a custody Sergeant.

The average airlock time over the year 2022/23 was 12 minutes 55 seconds. Comparing this to the previous year it was 14 minutes and 48 seconds. This shows the scrutiny places around this area as even though the target was not set until late 2022 it was already being reduced through appropriate governance and leadership.

Detention Station	Detentions Started	Average Time per Detention	Median Time per Detention	Median Airlock Mins	Average Airlock Mins
Barrow Station	2883	8.09	5.26	5.00	12.80
Durranshill Station Carlisle	3934	10.05	6.92	4.00	8.96
Kendal	1913	8.97	6.51	5.00	10.41
Penrith Station	4	0.95	0.97	0.00	0.00
Whitehaven	1	78.32	78.32		
Workington	3743	10.16	7.97	5.00	17.24
<b>Total</b>	<b>12478</b>	<b>9.47</b>	<b>6.70</b>	<b>4.00</b>	<b>12.55</b>

## Disproportionality

Demographics	Average Time per Detention (Hrs)	Median Time per Detention (Hrs)	Average Airlock Minutes	Median Airlock Minutes	Detentions Started	%	All	%
Male, White	9.74	6.87	12.22	4.00	9466	75.86%	60413	75.87%
Female, White	8.18	5.98	13.14	4.00	2304	18.46%	15498	19.46%
Male, Asian	11.63	9.97	18.28	6.00	174	1.39%	767	0.96%
Male, Not Stated	8.88	6.03	12.07	4.00	154	1.23%	652	0.82%
Male, Black	9.65	7.33	16.75	6.00	120	0.96%	570	0.72%
Male, Other	12.77	9.60	21.94	6.00	67	0.54%	469	0.59%
Male, Mixed	14.95	11.48	13.58	6.00	57	0.46%	461	0.58%
Female, Not Stated	5.71	1.88	3.55	0.00	40	0.32%	197	0.25%
Not Stated, Not Stated	4.03	0.67	4.41	1.00	27	0.22%	147	0.18%
Female, Other	9.36	4.92	21.50	4.00	20	0.16%	111	0.14%
Female, Black	9.40	8.79	15.06	10.50	18	0.14%	89	0.11%
Not Stated, White	5.44	1.91	14.50	1.50	14	0.11%	77	0.10%
Female, Asian	5.39	3.68	8.10	5.00	10	0.08%	89	0.11%
Female, Mixed	5.89	6.35	12.29	7.00	7	0.06%	79	0.10%
Not Stated, Asian							2	0.00%
Not Stated, Black							2	0.00%
<b>Total</b>	<b>9.47</b>	<b>6.70</b>	<b>12.55</b>	<b>4.00</b>	<b>12478</b>	<b>100.00%</b>	<b>79623</b>	<b>100.00%</b>



\*\*Please note that times are not calculated in as 60 seconds, seconds are calculated up to 100. Therefore if you have .95 in one box this would be 57 seconds.

The Constabulary routinely monitors the average detention times of person in custody to ensure there is no disproportionality in the process. The largest proportions of persons brought into custody (either voluntarily or when arrested) is male, white accounting for around 75% of the total (or 9,466.) The average time a white male spends in custody is just under 10 hours. The groups that are highlighted in red are those where the numbers are above 11 hours.

The group with the highest time in custody is the “male, mixed” group accounting for 57 detentions over the period. This accounted for just under 15 hours. The next highest group is “male, other” being 13 hours. Male Asian is the next highest with just under 12 hours.

The detention of persons from any background are taken seriously and all have an Inspectors review at 6 hours of detention and then every 9 hours after. Cases involving people from outside of the UK can take an extended period to manage, this is generally down to the requirements for interpreters. A national phone service is used however for interview an interpreter would be expected in person. Due to the remote nature of Cumbria interpreters will often have to travel significant distances to attend police stations. While the detention periods are longer it is in the detained persons best interests to be interviewed with an appropriate translator. The trends around this are monitored closely to ensure fairness and integrity.

The Police have 24 hours in which to investigate an incident prior to releasing the person from custody. For serious offences it is expected to use the full 24 hours however for less serious offences less time is often required.

## Custody Scrutiny

A sample of custody records are selected each month (74) to ensure consistency in approach and improvements are made. The reviews are conducted by senior management within the custody environment who have the capability to ensure improvements are made should any issues be identified. The QA checks review the following:

- The necessity to detain the person,
- If the person was given appropriate clothing,
- If the person was informed of Inspectors reviews,
- If the person was fed appropriate meals,
- If the person was given a female member of staff as a point of contact (females only),
- If females were afforded appropriate protections and were provided with access to sanitary products,
- If juvenile detentions were appropriately scrutinised,
- And more.

The Constabulary continues to review the information provided by the audits to ensure detained persons are kept safe in our custody suites and have access to all the rights afforded to them.

## Juvenile Detention

The Constabulary understands the importance of not criminalising youths, the Child Centred Policing Team (CCPT) works directly with youths and their families to prevent them entering into the criminal justice system. The Constabulary has a policy where any arrest of a juvenile (someone under 18) must be authorised by an officer of the rank of Inspector. The Inspector must consider the reasons for arrest and ensure that all safeguards are put in place should a child be arrested. The Inspector must then submit a form containing their rationale for authorising (or not) the arrest of the juvenile.

Since the introduction of this system (November 2022) 42 children have been diverted away from custody (not arrested) with 370 being arrested. Those children who are diverted away are reviewed by the CCPT to ensure appropriate measures are put in place to protect them and prevent re-offending.

## Governance

Overall Custody Management is by Superintendent Matt Pearman and Chief Inspector Liz Salkeld, both hold responsibility for ensuring improvements to custody procedures and processes and that the suites are managed effectively.

Custody is governed through numerous governance boards:

- Strategic Performance Board – Trends (as included in this report) are reported to the board chaired by the Deputy Chief Constable, this board ensures Chief Officer strategic oversight of the custody environment,
- Operations and Scrutiny Board – A briefing is given from the Custody Governance Board to ensure that appropriate people are held to account, this meeting is Chaired by the Assistant Chief Constable.
- Custody Governance Board – Chaired by Superintendent Pearman – Performance across all suites is reviewed, numerous departments attend including estates to ensure the suites are safe.
- Custody Management Meeting – Chaired by Chief Inspector Salkeld – This ensures that any plans put in place by the governance board are completed.

## HMIC

In January 2023 HMICFRS visited all custody suites in Cumbria and conducted a full Inspection. Resulting from the report a series of recommendations and areas for improvement were identified along with one cause of concern. The full report can be found here: [Report on an inspection visit to police custody suites in \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/report-on-an-inspection-visit-to-police-custody-suites-in/)

The Constabulary has a full action plan it is working through to ensure that all areas identified within the Inspection are improved. The actions are scheduled to be complete by November 2023. The Assistant Chief Constable has oversight of this plan and is providing his leadership and direction to ensure that the actions are met and we improve as an organisation. It is important however to understand that as a force we have a good understanding of our custody demand and have appropriate plans in place to ensure they remain safe and stable environments.

## Conclusion

In conclusion custody is seeing demand increase back to pre-pandemic levels and is expected to surpass previous figures when voluntary attendance data is included. Changing to a “custody model” has ensured appropriate scrutiny and oversight meaning that change can be made quickly. The additional leadership provided as part of the force restructure ensures that there is accountability and understanding of the role of custody.

The force will continue to monitor and measure trends around custody and welcomes the further HMICFRS Inspection.

# Ethics and Integrity Panel



## Cumbria Constabulary Freedom of Information & Data Protection Compliance

**Date:** 19<sup>th</sup> July 2023

**Agenda Item No:** 11a

**Originating Officer:** Kerry Carson and Lesley Johnson

### **Executive Summary:**

As a public authority, Cumbria Constabulary is required to comply with the requirements of the Freedom of Information Act 2000 and respond to information requests within the statutory timescale. As a Data Controller, the Chief Constable is also required to process personal data lawfully and respond to 'subject access requests' within the statutory timescales specified within the Data Protection Act 2018.

This report provides an update on the levels of compliance achieved by the Constabulary in respect of responses provided to freedom of information and subject access requests.

### **Recommendation:**

That the members of the Panel note this report.

### **1. Introduction and Background**

- 1.1 As a public authority, Cumbria Constabulary is required to comply with the requirements of the Freedom of Information Act 2000. These requirements include the right of an individual to ask whether specified information is held by the Constabulary and, if that is the case, to be provided with that information, subject to the applicability of relevant exemptions. With limited exceptions, the Act requires that a response to a request is provided within 20 working days of a request being received.
- 1.2 The Chief Constable, as Data Controller for Cumbria Constabulary, is also obliged to ensure that Cumbria Constabulary complies with the requirements of the Data Protection Act 2018. These requirements include a provision for an applicant to request access to personal data which may be held about them. A response to a 'subject access request, as the right of access is commonly known as, is required to be provided within 1 calendar month, although this can be extended in limited circumstances by a further 2 months.
- 1.3 The Information Commissioner has indicated that an acceptable level of compliance for public authorities to meet, for both freedom of information and subject access requests, is 90% of requests closed within the statutory timescales.

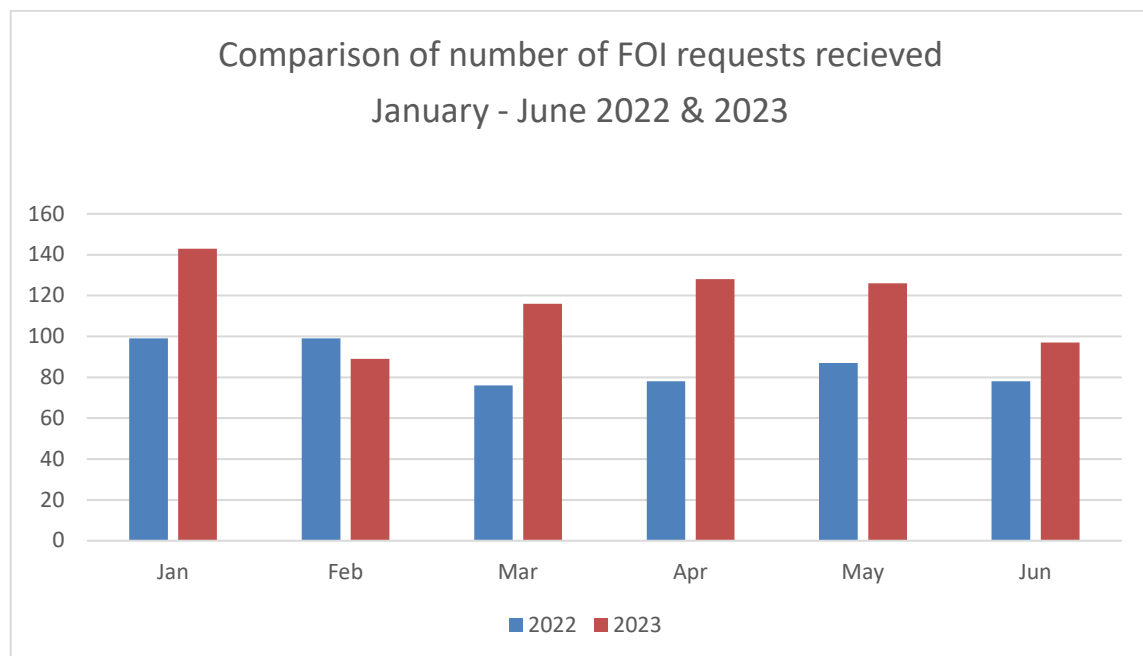
1.4 The Information Management Team, which forms part of the Digital, Data, and Technology Command, is responsible for receiving, recording, collating internal responses, and responding to freedom of information and subject access requests received by the Constabulary.

## 2. Issues for Consideration

### 2.1 Freedom of Information Requests (FOI)

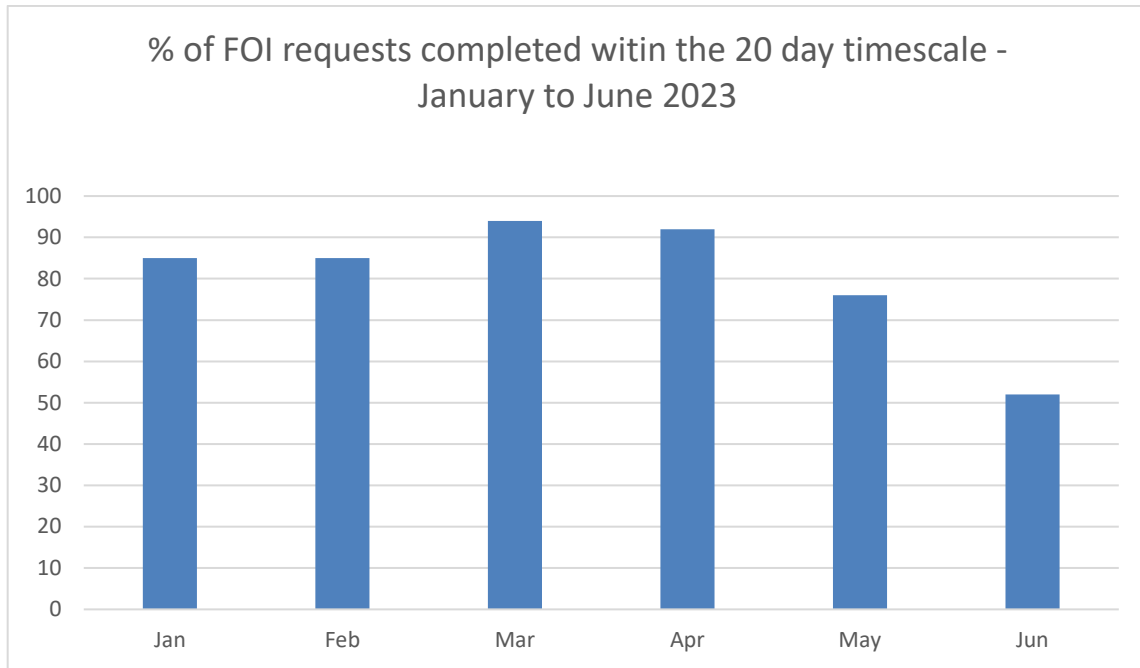
2.1.1 In the six-month period between January 2023 and June 2023, 699 freedom of information requests were received, compared with 517 the previous year. This reflects an increase of 182 requests compared to the same period last year.

2.1.2 The chart below shows the number of FOI requests received by month for the same period (Jan – Jun) for years 2022 and 2023.



2.1.3 A total of 1001 Freedom of Information requests were received in 2022. Should the above trend continue, the Team is likely to see an increase in requests for 2023 of around 352 compared to the previous year, i.e. a projected total of 1353.

2.1.4 Compliance to the 20-day timescale has fluctuated over the six-month period, as is reflected in the below chart.



2.1.5 The percentage of FOI requests completed in time has generally been good for this period, rising from 85% in January and February to 94% in March, but then falling to 76% in May and then again to 52% in June.

2.1.6 For comparison purposes, the mean compliance rate for all police forces in England and Wales for the months January to June 2023 is 76% of requests closed within 20 working days.

2.1.7 The increase in FOI requests during this period is largely attributed to an increased interest in information relating to police misconduct, particularly in January, and reports of 'violence against women and girls' (VAWG). This has resulted in increased work for the Professional Standards Department. Late internal responses from departments required to provide the necessary information have contributed to a backlog of work within the FOI Team, which in turn has impacted latterly on compliance rates.

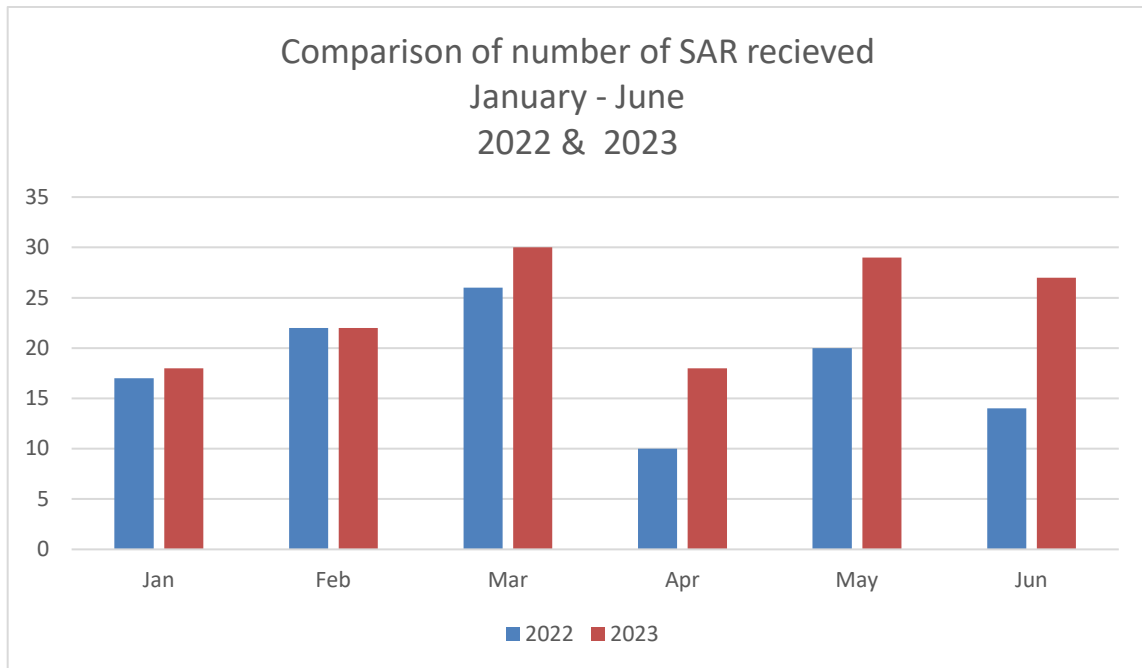
2.1.8 The FOI Team and management have met with relevant departments to identify solutions to improve response times and, hence, compliance rates. Some overdue internal responses have recently (July to date) started to be returned to the Team, but it may be until August or September that compliance rates begin to improve due to the backlog of work that has built up. There will also be some staff abstractions due to annual leave over the summer.

2.1.9 The constabulary has introduced an Early referral procedure. The purpose of this is to ensure that Chief Officers are notified of all FOI requests that are identified as having a potential impact on public confidence and reputation at the earliest opportunity. The aim of this process is to improve the accuracy and timeliness of information released and to facilitate a proactive and collaborative post disclosure response. In addition to this a record of all FOI requests is provided weekly for Chief Officer Group

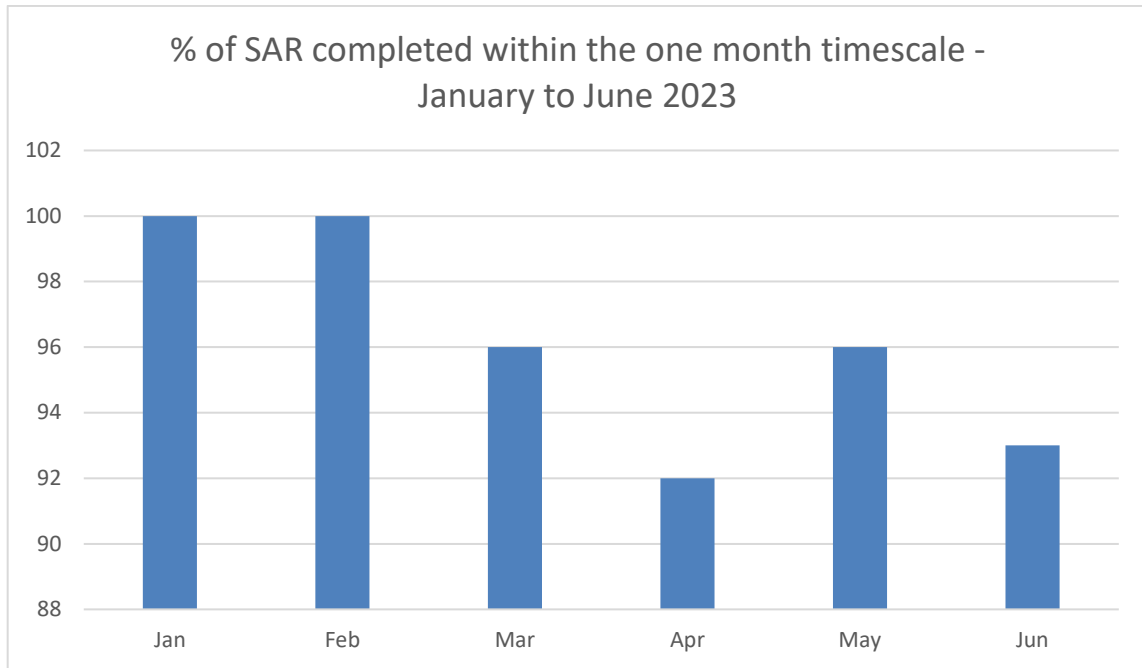
## 2.2 **Subject Access Requests (SAR)**

2.2.1 In the six-month period between January 2023 and June 2023, 144 subject access requests were received, compared with 109 the previous year. This reflects an increase of 35 compared to the same period last year.

2.2.2 The chart below shows the number of SAR requests received by month, for the same period (Jan – June) for the years 2022 and 2023.



2.2.3 The chart below indicates Cumbria Constabulary compliance to the one-month timescale over the six-month period.



2.2.4 The mean compliance rate for all police forces in England and Wales for the months January to June 2023 was 68% of requests closed within the statutory period. In contrast, the compliance for Cumbria Constabulary has been very good over this period, starting with 100% in January and February, dipping slightly to 92% in April and 93% in June.

2.2.5 As previously reported, the Constabulary continues to receive requests from officers and staff. Even though the number of these requests remains relatively small, the time taken to process them is generally high. Such requests tend to be more time-consuming and complex than requests from members of the public. Requests for access to video and/or audio recordings (such as body-worn videos) can also take a disproportionate amount of time to process.

2.2.5 The goal of the Publication Scheme, which the Constabulary is required to implement, is to notify the public of the information that is easily accessible and make it simple to obtain.

We now have an effective service for the general public to make a SAR/FOI request via the redesigned website. This is being used effectively and is more efficient for staff and customer.

Ongoing recommendations and improvements include proactive website disclosure of FOI compliance as well as publication of datasets and material as required by the Publication Scheme to improve compliance with s19 of the FOIA.

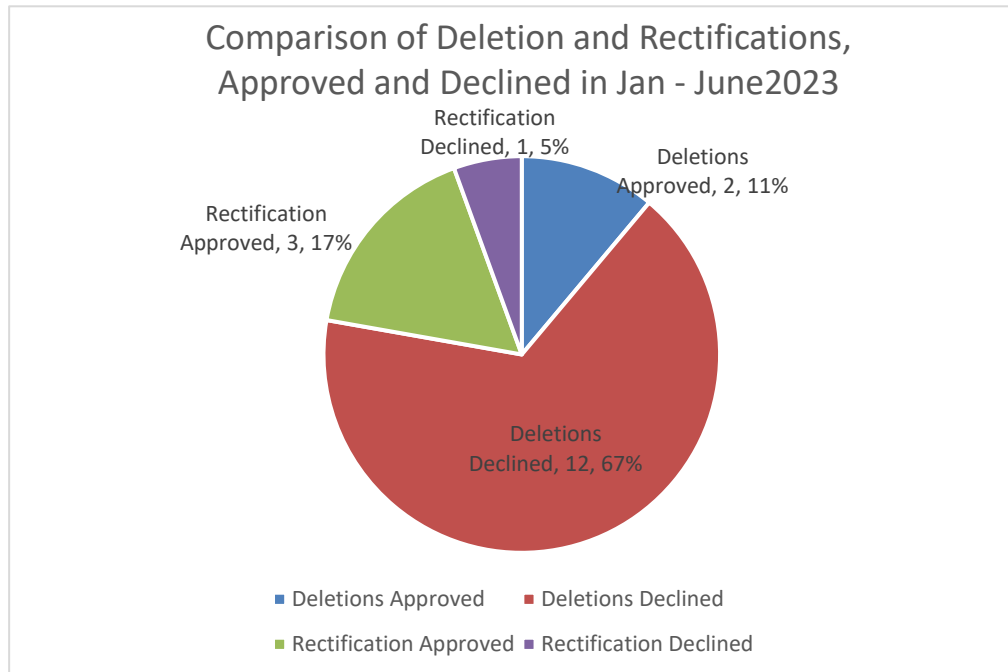
A 'gap analysis' exercise has recently been undertaken to identify gaps between what **should** be published and what **is** and **is not** currently available. Work is ongoing with other departments regarding their responsibility to upload relevant information for publication. This project is expected to be finished within six months.



### 2.3 Other Data Subject Rights

2.3.1 In the six-month period between January 2023 and June 2023, there have been 18 requests under the Right to Erasure and Right to Rectification where individuals can request to have inaccurate personal data rectified, or request for its deletion.

The majority of the requests relate to the deletion of records from National Police Systems (PNC, NDAD (DNA) and Ident1 (Fingerprints) and also custody images. The Constabulary, however, is seeing an increase in requests from data subjects from local systems. Like the other data subject rights there is a calendar month compliance period.



2.3.2 The Data & Information Improvement team are currently holding a number of Rectification and Deletion workshops to process map each type of request and to understand where there are gaps in an attempt to smooth line the process, for example, where there is an inability to physically delete or amend a record in a legacy system as the functionality doesn't allow it.

### 3. Other Considerations

#### 3.1 Police Information and Records Management Code of Practice

3.1.1 On 20<sup>th</sup> July 2023 a new Statutory Code of Practice was published by the College of Policing setting national principles for police information and records management. The report of the Hillsborough Independent Panel (HIP) in 2009 and the report on the experience of Hillsborough families in 2017 expressed concerns that the management of police records and information was variable and inconsistent. This, in turn, had affected their ability to fully investigate the matters under consideration. This Code seeks to address the issues relating to the management of police information and records identified in the above reports.

3.1.2 The Code replaces the Management of Police Information (MoPI) Code of Practice 2005. It broadens the applicability of the original MoPI Code beyond records that contain police operational information to include police corporate information. It also updates the

Code in light of related legislative and other developments. The Code also seeks to ensure consistency in the way forces archive records in the public interest.

# Ethics and Integrity Panel



## OPFCC INFORMATION MANAGEMENT COMPLIANCE

**Date:** 21 July 2023

**Agenda Item No:** 11b

**Originating Officer:** Joanne Head, OPFCC Governance Manager

**CC:**

### **Executive Summary:**

As a public authority, the Office of the Police, Fire and Crime Commissioner is required to process information in an appropriate manner including complying with the Freedom of Information Act 2000 and the Data Protection Act 2018. Both Acts entitle an individual to request information from a public authority and as such public authorities must comply with requests under this legislation. The Acts clearly identify how a request should be processed including timescales in which an individual should be provided with the requested information or advised why an exemption is being applied.

### **Recommendation:**

That, the members of the Panel note the report.

### **1. Introduction & Background**

- 1.1 This report is to provide information to the Panel, acting on behalf of the Commissioner, so the Panel can assure the Commissioner that the OPFCC are complying with the Freedom of Information Act and the Data Protection Act.
- 1.2 The Chief Constable and the Police, Fire & Crime Commissioner (the Commissioner) are required to comply with the Freedom of Information (FOI) Act, the Environmental Information Regulations where applicable and the Data Protection Act. Set out within the legislation is how a request is to be processed and within what timescales.
- 1.3 On an annual basis the Commissioner agrees a "Funding Arrangement" with the Chief Constable. This arrangement sets out the terms and conditions under which the Commissioner will provide funding to the Chief Constable during the Funding Period. Detailed within Section 17 of the Funding Arrangement the Chief Constable will comply with their obligations detailed within the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) effective from 25 May 2018. Where appropriate the Chief

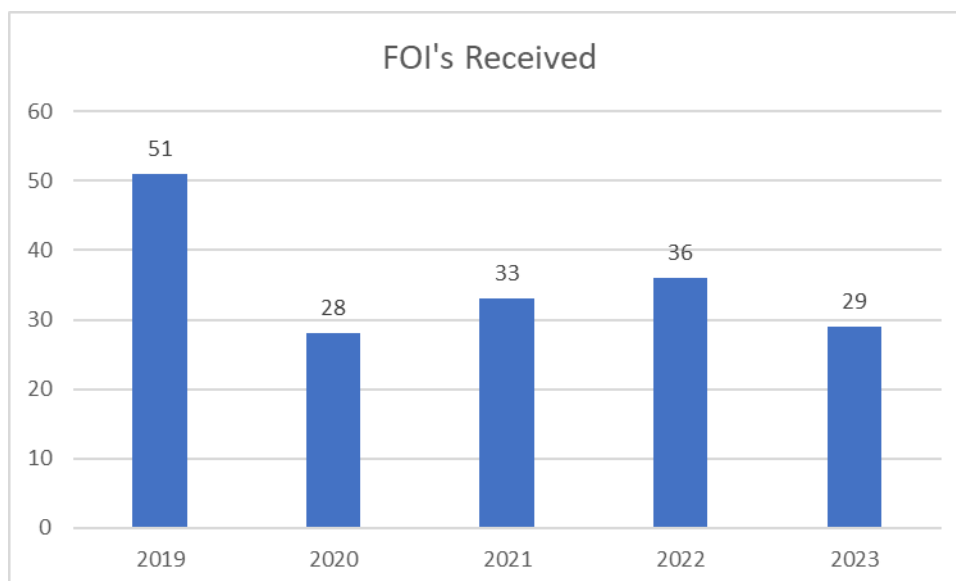
Constable must notify individuals that their personal data may be transferred to the Commissioner as required under the funding arrangement. They should ensure this is carried out via a secure means of transmission.

- 1.4 The Chief Constable agrees to assist and cooperate with the Commissioner, where necessary, to enable the Commissioner to comply with their obligations under the FOI Act and the Environmental Information Regulations whenever a request is made for information.
- 1.5 In the event that a request received by the Chief Constable under the FOI Act or the Environmental Information Regulations includes a request for information, either (i) provided to the Chief Constable by the Commissioner, or (ii) where a reasonably objective observer would consider that disclosure of that information would be likely to have a prejudicial impact on the Commissioner's priorities and responsibilities, the Chief Constable shall in good faith take account of any representations submitted by the Commissioner about the applicability of any exemptions under the FOI Act or exceptions under the Environmental Information Regulations.

## 2. Issues for Consideration

### Freedom of Information Act

- 2.1 In order to have assurance that the OPFCC and the Constabulary are complying with the Freedom of Information Act, the Police, Fire and Crime Commissioner has delegated authority to the Ethics and Integrity Panel to monitor this area of business. This report is to provide assurance to the Panel that the OPFCC are complying with the Freedom of Information Act.
- 2.2 The chart below shows the number of FOI requests that the OPFCC has received from over the past 4.5 years (up to 30/06/2023).



- 2.3 The Act requires that requests for information are dealt with within 20 working days. This timescale commences the day after the request is received. The table below illustrates the number of requests received by the OPFCC and how they were dealt with.

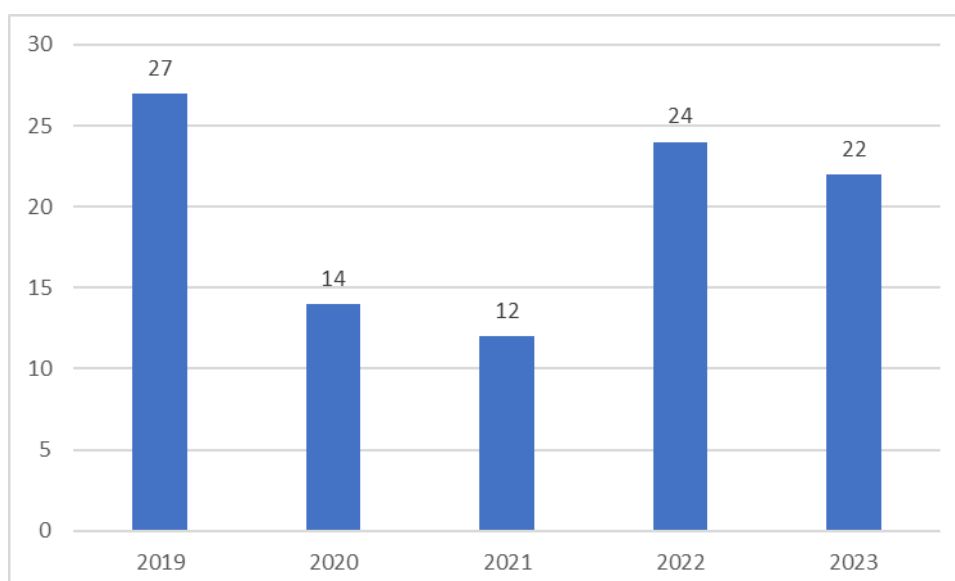
YEAR	N° of Requests Received	Within 20 working days	Over 20 working days	Request withdrawn	Internal Reviews	ICO Appeals
2018	51	48	3	0	0	0
2019	51	48	3	0	0	0
2020	28	26	2	0	0	0
2021	33	29	4	0	0	0
2022	36	33	3	2	1	1
2023	29	25	4	0	0	0

- 2.4 There are a number of reasons why a request cannot be dealt with within the 20-working day timescale. In cases where the request is taking longer to process, under Section 10 of the Act where a qualified exemption is being applied a public authority may extend the deadline for consideration of public interest tests for a time which is reasonable. In 2024 three of the four cases which were over 20 days were dealt with within 21 days, one is still ongoing.

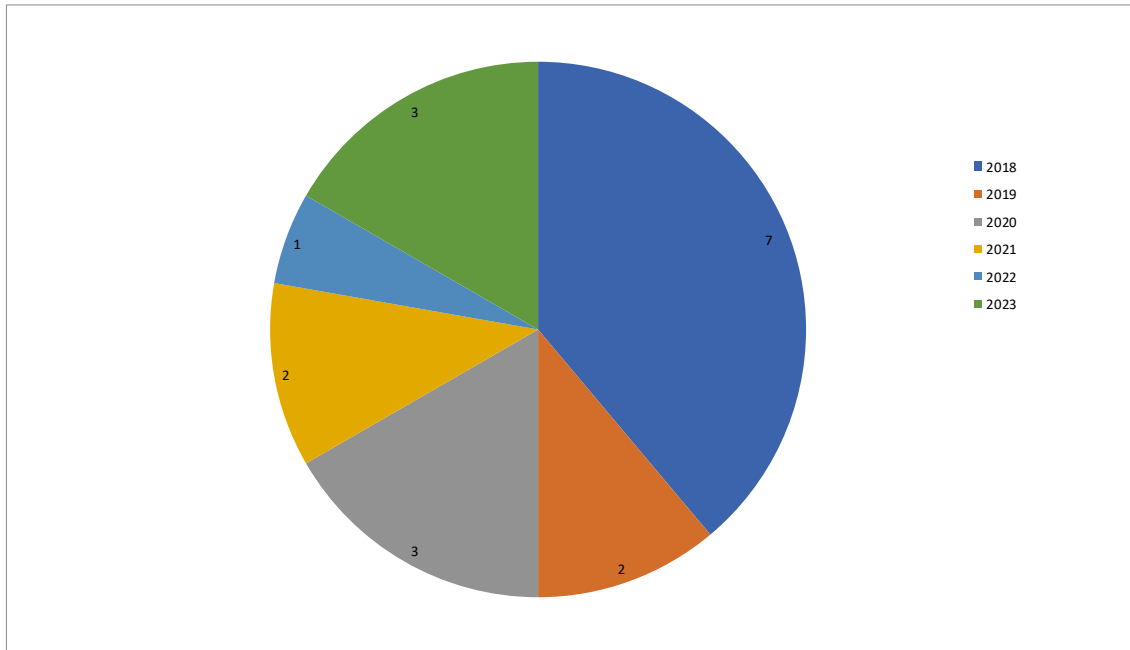
2.5 Information Provided:

Where information was provided it mostly related to OPFCC office costs/budgets and Victim Services.

- 2.6 Having received a request, where the OPFCC does not hold the information as the information requested relates to the Constabulary; the requestor is advised of this and where appropriate provided with the contact details of the Constabulary. Figures included below:



- 2.7 The chart below illustrates the number of requests where information was not disclosed due to an applied exemption.



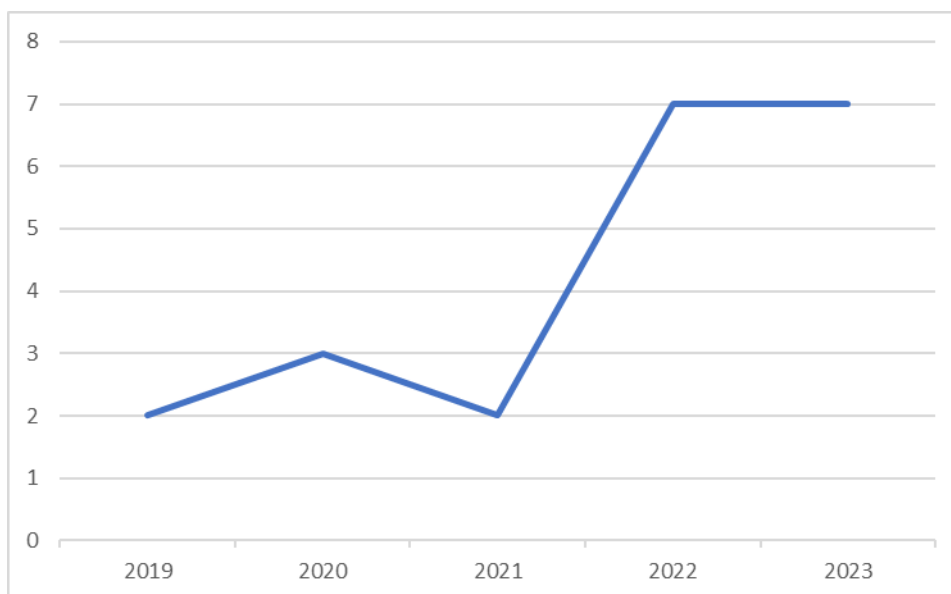
- 2.8 The Commissioner is required under the Elected Local Policing Bodies (Specified Information) Order 2011 to publish information in relation to the following:

- Who they are and what they do
- What they spend and how they spend it
- What their priorities are and how they are doing
- How they make, record and publish their decisions
- What policies and procedures govern the operation of the office of PCC
- Public disclosure of a register of interests

- 2.9 The OPFCC endeavours to be as open and transparent as possible with regards to the work it and Commissioner carries out. By taking this approach it also enables members of the public to access such information and therefore negate the need for the public to request information via the FOI Act.

### **Data Protection Act – Subject Access Requests**

2. 10 Below is a chart detailing the number of requests received since 2019. As can be seen, the OPCC does not as a matter of course receive or deal with large quantities of SAR's.



- 2.11 The Act requires that Subject Access Requests for information are dealt with within one month. This timescale commences the day after the request is received. The table below illustrates the number of requests received by the OPFCC and how they were dealt with in comparison with previous years.

YEAR	N° of Requests Received	Within 1 month	Over 1 month	Request withdrawn	ICO Appeals
2018	2	2	0	0	0
2019	3	3	0	0	0
2020	0	0	0	0	0
2021	4	4	0	0	1
2022	7	7	0	2	0
2023	7	7	0	0	0

- 2.12 To date in 2023, no Data Protection breaches have been identified.

### 3. Joint Data Protection Officer

- 3.1 With the introduction of the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) on 25 May 2018, the OPCC was required to appoint a Data Protection Officer. Their role is to inform and advise the Data Controller of their obligations under the UK GDPR and other relevant data protection laws; and be the first point of contact for the Information Commissioner.
- 3.2 A Data Protection Officer monitors compliance with data protection laws, including managing internal data protection activities, advise on data protection impact assessments, train staff and conduct internal audits. To enable them to carry out this role they must

have professional experience and knowledge of data protection law proportionate to the type of processing carried out by the organisation.

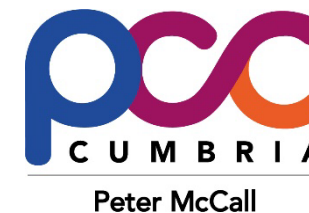
- 3.3 The legislation allows for an individual to be appointed as a Data Protection Officer by more than one data controller, taking into account of their organisational structure and size. With this in mind, the Office of the Police, Fire and Crime Commissioner agreed that they would have a Joint Data Protection Officer (JDPO) with the Constabulary.
- 3.4 This arrangement has worked well since its introduction with the OPFCC receiving professional support and guidance from the appointed JDPO. It has also enabled oversight of both organisations to identify any issues or trends.
- 3.5 A Personal Data Breach guidance document was developed to allow all members of staff to be aware of the requirements when reporting a breach. Any breaches in relation to information once identified must be notified to the Joint DPO within 72 hours, who will then deal with them appropriately.
- 3.6 On a six-monthly basis the OPFCC Deputy Chief Executive, the Joint DPO and the OPFCC Governance Manager meet to discuss any identified issues, emerging trends and themes. It also ensures knowledge and processes are up to date.

#### **4. Implications**

- 4.1 Financial - failure by the OPFCC to comply with legislation could lead to financial penalties up to 20m Euros.
- 4.2 Legal – Freedom of Information Act, Data Protection Act and the General Data Protection Regulations are statute and the OPCC is thereby required to comply with them. Failure to do so could lead to financial penalties or legal proceedings.
- 4.3 Risk - should the OPFCC fail to ensure that it processes and stores data in line with legislation it risks heavy financial penalties, adverse publicity and potential litigation.
- 4.4 HR / Equality - the new legislation has increased the rights of individuals to have their information processed fairly and where necessary removed.
- 4.5 I.T – the OPFCC website has been updated to ensure that it complies with legislation.



# Ethics and Integrity Panel



## Title: OPCC Complaints & Reviews

**Date:** 17 July 2023

**Agenda Item No:** 13a

**Originating Officer:** Joanne Head

**CC:**

### Executive Summary:

In accordance with the Police Reform and Social Responsibility Act 2011 the Police, Fire and Crime Commissioner (Commissioner) has a responsibility in relation to conduct and complaints. The introduction of the Policing and Crime Act 2017 and subsequent complaint and misconduct regulations mandate Commissioners to deal with public complaint appeals now known as reviews.

The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable only. The Chief Constable is the appropriate authority for any complaints regarding police officers (below the rank of Chief Constable) or police staff conduct whilst carrying out their work/duties under the Direction and Control of the Chief Constable.

### Recommendation:

That, the Panel notes the current position in relation the number of complaints received by the Office of the Police, Fire & Crime Commissioner.

## 1. Introduction & Background

1.1 The Office of the Police, Fire & Crime Commissioner (OPFCC) receives telephone calls and emails from members of the public who wish to make complaints about police officers and/or police staff under the rank of Chief Constable. As this is a matter for the Chief Constable to

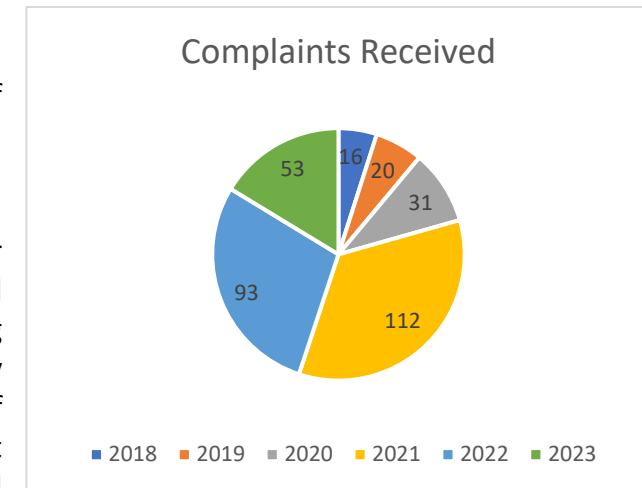
deal with a process has been developed with the Constabulary to forward such complaints onto the Constabulary's Professional Standards Department, advising the complainant accordingly.

- 1.2 Some issues which are brought to the attention of the OPFCC do not constitute a complaint but are regarding quality of service issues. Again, a system has been developed with the Constabulary to pass on the issues to the Chief Constable's Secretariat. The issues are then raised at a local level with the OPCC being kept updated as to progress and advised of either a final solution which has been agreed or a final response which the Commissioner will then send to the author. A separate report is provided to this meeting.

## 2. Issues for Consideration

### Complaints received by the OPFCC

- 2.1 This chart details the number of complaints which have been received by the OPFCC up to 30 June 2023. The complaints received were all regarding police officers below the rank of Chief Constable and the Commissioner has no statutory responsibility to deal with such matters.
- 2.2 There is a noted increase in the number of members of the public who are writing to the Commissioner regarding complaints about the Constabulary. This can be attributed to the visibility and increased awareness of the Commissioner's role; and a noted increase in the number of complaints being process by PSD. Where this occurs the OPCC will explain that the Commissioner does not have any statutory authority to investigate such complaint, and it is the overall responsibility of the Chief Constable. Contact details are provided for the Constabulary's Professional Standards Department (PSD) who are the appropriate body to deal with such complaints. If requested, the OPFCC will forward the correspondence to PSD on behalf of the complainant.



**Commissioner Complaints**

- 2.3 Complaints made regarding the Commissioner are dealt with by the Police, Fire and Crime Panel (PFCP). This Panel has statutory responsibility for holding the Commissioner to account for the work that he carries out and they are therefore the logical body to deal with any complaints. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 details the role of the PFCP.
- 2.4 Any complaint regarding the Commissioner is sent to Westmorland and Furness Council's Monitoring Officer to assess and consider its severity. If it does not meet the above criteria an agreed protocol is in place whereby the Monitoring Officer will correspond with the Commissioner/ OPFCC Monitoring Officer to ascertain the circumstances surrounding the complaint and provide the complainant with an explanation. If the complainant is satisfied with the explanation such a complaint would be finalised as an informal resolution.
- 2.5 If the complaint cannot be dealt with by informal resolution the PCP will then consider the complaint and may decide to establish a subcommittee to consider the findings of the initial investigation of the Monitoring Officer and consider whether to undertake a more detailed investigation.
- 2.6 Detailed below are the number of complaints regarding the Commissioner, Mr Peter McCall, whereby the OPFCC has been requested to provide information to the Police, Fire and Crime Panel.

YEAR	N° of Complaints Received	Complaint not about the PCC	Dealt with by informal resolution	Police & Crime Panel investigation
2019	0	0	0	0
2020	0	0	0	0
2021	2	2	2	0
2022	2	0	0	0
2023	0	0	0	0

- 2.7 There are currently no active complaints being dealt with by the Police, Fire and Crime Panel.

## 2.8 Chief Constable Complaints

The Commissioner is the appropriate authority for complaints and conduct matters relating to the Chief Constable. Members of the public may write to complain about the Chief Constable when in fact they are unhappy about the way in which policing is provided or regarding a policy or procedure rather than her personal conduct.

- 2.9 Changes in regulations mean that where it is apparent that the complaint is not in relation to the conduct of the Chief Constable and may in fact relate to that of officers below this rank, they are then automatically sent to the Constabulary's Professional Standards Department to deal with the issues raised. This would mean that the complaint is not in fact logged with the OPFCC. As of 30 June 2023, the OPFCC received two complaints against the Chief Constable. Neither complaint was logged as they did not relate to the conduct of the Chief Constable, rather they referred to officers below that rank. They were subsequently re-directed to the Professional Standards Department to be dealt with. The complainants were provide with full details leading to the decision.

YEAR	N° of Complaints Received	Not Logged	Logged	Dealt with by NFA	Investigation	PSD to deal with	IOPC Appeal
2020	4	1	3	4	0		0
2021	4	0	4	2			1
2022	2	2	0	0	0	2	0
2023	2	2	0	2	0	2	0

## 2.10 OPFCC Staff Complaints

During the 6-month reporting period no staff complaints have been received.

## 2.11 Complaint Reviews

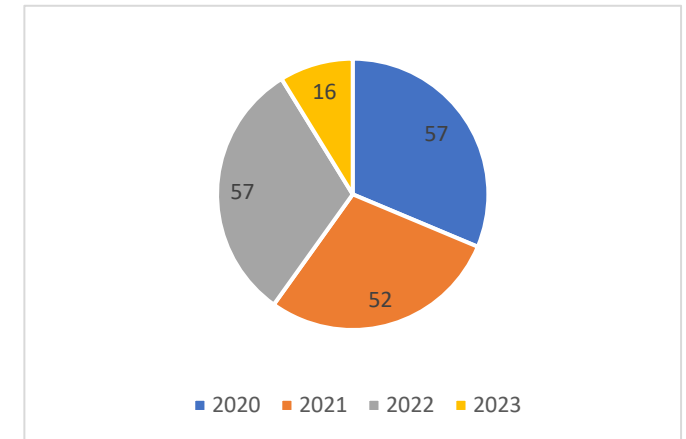
From 1 February 2020, the Local Policing Body became the appropriate authority to deal with complaint reviews relating to cases dealt with as Recorded – No Investigation. The reviews are undertaken by an independent review officer to provide additional independence and transparency to the process.

2.12 During the first six months of 2023, the OPFCC received a total of 16 complaint review requests, of which two (14%) were upheld. Two reviews have been withdrawn and two upon receipt identified that the OPCC was not the Relevant Review Body (RRB).

2.13 Upon the completion of a review the independent review officer will provide a written determination for the OPFCC Appropriate Authority to consider. This outlines what they have reviewed, taken into consideration and their final decision. A copy is provided to the complainant upon the conclusion of the review.

2.14 Where the review is upheld, they may provide recommendations for the Constabulary's Appropriate Authority to consider. Within the legislation and statutory guidance, the Appropriate Authority must advise the OPCC and the complainant within 28 days of whether or not they will carry out the recommendations. The Commissioner, nor the OPFCC, have any authority to direct or instruct the Constabulary to carry these out. However, as the ethos of the new process is to learn and improve, the recommendations are generally accepted and implemented.

2.15 On average complaint reviews take between 10- 20 days from receipt to finalisation, however this will depend upon the complexity of the matter and staff availability to carry out and administer the review process.



### 3. Implications

3.1 Financial - with the added statutory responsibility for undertaking complaint reviews there is an additional cost for the independent review officer. This is seen as value for money as they are only paid for the work that they carry out, there are no ancillary costs as there would be if they were an employed member of staff.

3.2 Legal – none identified.

3.3 Risk - None identified, beyond that to the OPFCC's reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.

3.4 HR / Equality - none specifically identified.

# Ethics and Integrity Panel



Peter McCall

## Title: Quality of Service issues – Policing & Fire

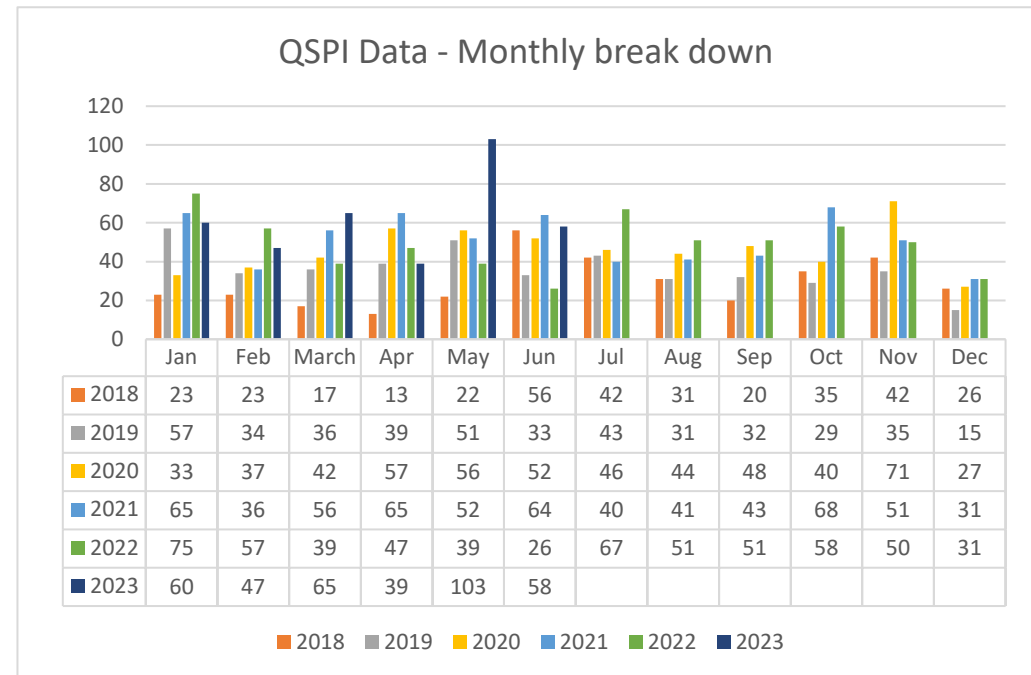
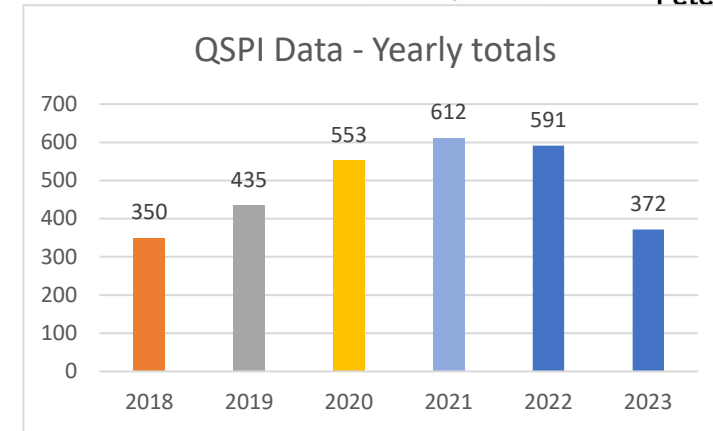
Date: 21 July 2023

Agenda Item No: 13b

Originating Officer: Lisa Hodgson, Governance Officer

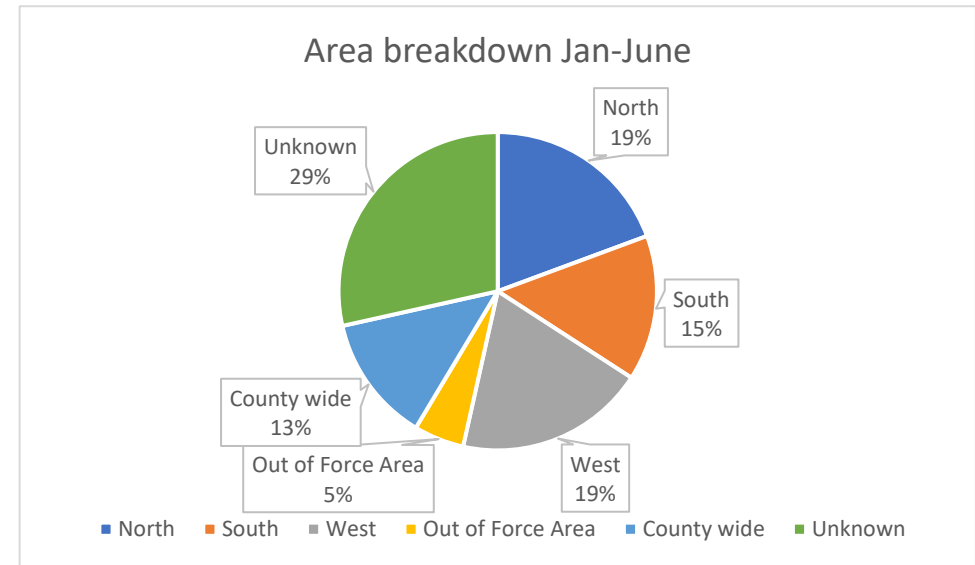
### 1. Introduction & Background

- 1.1 This report focuses on QSIs received between 01/01/2023 – 30/06/2023, in this period a total of 372 QSIs were received.
- 1.2 The OPFCC receives a number of telephone calls, letters and emails from members of the public who wish to raise issues or dissatisfaction about some element of the policing service they have experienced, or concerns they have within the community. These are regarded as Quality of Service and Policing Issues (QSI).
- 1.3 Figures shown in 'Yearly totals' are based on full calendar years up to 2022, therefore the projection for 2023 based on what has been received to date is 700-750.
- 1.4 51 separate pieces of correspondence have been responded to by the Office of the Police, Fire and Crime Commissioner that are not logged as QSIs.



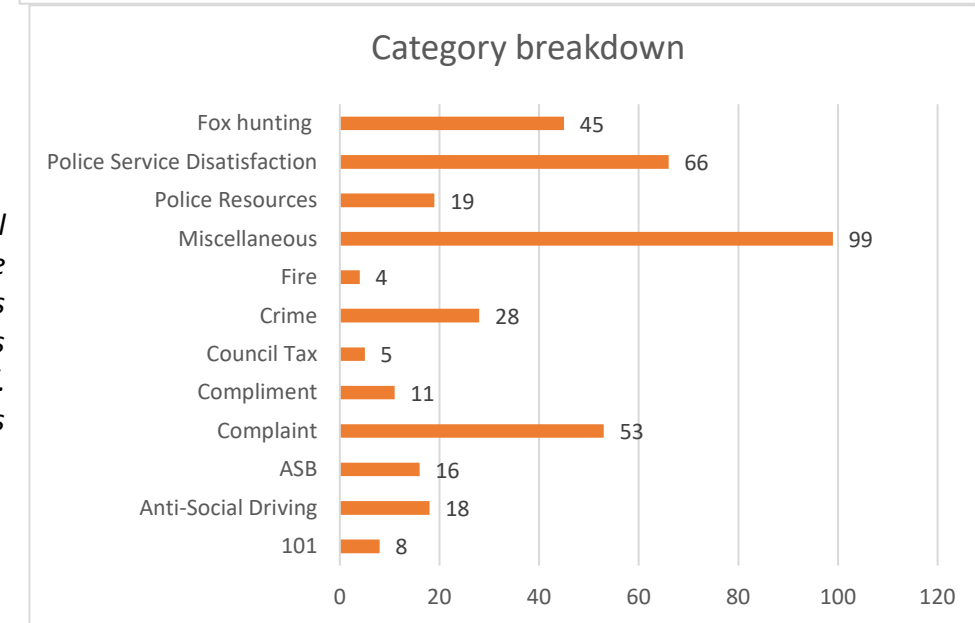
1.4 Shown here is an area breakdown of where the complainant is based in Cumbria. When contacting the OPFCC an individual may not always provide their location which is recorded as 'unknown'.

1.5 Members of the public will contact the OPFCC regarding a broad range of issues. The Governance Officer has weekly meetings with the Staff Officers within the Chief Constable's Office to discuss the correspondence received and determine the most appropriate action. Following further information received (from OIC's/ subject matter experts etc.) the Commissioner will write to each individual using information provided by the Constabulary, within the OPFCC or other partner organisations. Shown here is a breakdown of the issues raised, as can be seen from this chart, the top 4 issues raised were:



1. Miscellaneous – 99 QSIs were received
2. Police Service Dissatisfaction – 66 QSIs were received
3. Fox Hunting – 45 QSIs were received
4. Crime – 28 QSIs were received

**Complaints** - *When members of the public write to the OPFCC to make a formal complaint about the police service received/ conduct of police officers/staff, these are recorded by the OPFCC in the same way. The OPFCC write back to all complainants advising that their complaint must be dealt with by the Professional Standards Department, and if we receive consent, we will forward this to PSD on their behalf. Further information specifically in relation to complaints is detailed in the complaints report.*



## **2. Identified Issues**

### **2.1 Miscellaneous**

The OPFCC has received 99 QSIs recorded as 'Miscellaneous'. Alone, the QSIs recorded as 'Miscellaneous' would not be statistically significant; however these do need to be captured in some way.

QSIs in this category include cases such as: Appleby Horse Fair, cases that are being dealt with via Legal Services, funding requests, Collision Investigations and the length of time taken, correspondence from members of the public suffering from mental health episodes, that require a multi-agency approach. These QSIs are dealt with in exactly the same way being provided with a detailed response where appropriate to the query/concern raised.

### **2.2 Police Service Dissatisfaction**

During the reporting period, 66 concerns were raised in relation to the level or standard of policing service received

The concerns logged within this category indicate that the individual is unhappy with the level of policing service they have received and/or the outcome of the investigation. A number of these concerns are triggered by the lack of communication or updates received from the Police during an investigation. When a response is provided to these cases, we include details of what has happened during the investigation and why. If appropriate we also include contact details for the officer in the case (OIC) to enable the individual to make direct contact, should they require any further updates. In some cases, we arrange for an appropriate officer to visit or telephone the individual to provide clarity regarding the investigation and advise of any other action that can be taken by the individual.

As mentioned above, weekly meetings take place with the Governance Officer and the Chief Constable's Staff officers to discuss each case received. Cases such like this are fed to either the appropriate officers to engage with the author, or to supervisors (depending on the matter raised). Where potential conduct issues are raised, the author is provided with details of how to make a complaint to PSD.

### **2.3 Fox Hunting**

45 identical QSIs have been received by members of the public in relation to Fox Hunting, and the police response, this is a relatively recent case therefore is not yet finalised. The correspondence has been shared with the appropriate policing teams and the OPFCC is currently awaiting an update. A fuller update will be provided in the next report.

### **2.4 Crime**

The OPFCC received 28 QSIs in relation to ongoing crimes. With assistance from the Chief Constable's office, each individual case was looked into to determine the best course of action. In some instances, the author may not have reported the issue to the police, therefore this would be sent to CCR for a log to be



created and allocated to an officer. The author would be updated with this information and advised that they would be contacted directly by an officer to progress.

## **2 Compliments**

The OPFCC has received 11 forms of correspondence thanking the Commissioner and/or individual Police Officers for the service provided, these are always shared with the individual officers, and the Chief Constable.

## **3 Making a difference**

Correspondence from members of the public highlight to the Commissioner issues that are concerning local communities. The OPFCC acts as a point of contact to the public to allow them to make contact regarding any concerns relating to policing in Cumbria. In addition to individuals receiving a response with an update and/or explanation, the information gathered is used to look at how assistance or changes can be provided throughout Cumbria. As mentioned earlier in the report, weekly meetings are held with the Chief Constable's Office and feedback is provided where appropriate offering learning to individual officers. Furthermore, each individual letter is signed off by the PFCC, and any additional feedback/questions are provided to the Constabulary.

Many QSIs are dealt with directly with the appropriate Neighbourhood Policing Team (NPT) to ensure that local teams are aware of the concerns received, to enable either direct contact be made in a timely manner, and/or plans to be put in place to assist with the concerns.

The OPFCC also links in with PSD when correspondence is received from members of the public regarding delays in updates and responses. The OPFCC provides updates to those complainants to ensure they understand that there is a delay, but they will be contacted by PSD regarding their complaint.

Meetings between the OPFCC and Chief Superintendent Bird have been set up to discuss issues and trends identified by members of the public who write to the PFCC regarding policing issues and police service provision. These will ensure that the Constabulary are utilizing the information held by the OPFCC to inform policing in local areas.

In September 2022, the Commissioner appointed a Victims' Quality Champion to seek assurance that the needs of victims of crime and anti-social behaviour were being supported in Cumbria. The Commissioner leads an annual review of compliance of the Victims' Code of Practice which includes looking at how the Police and other Criminal Justice Agencies adhere to providing the entitlements of the Victims Code to our victims and witnesses of Crime. This compliance involves completing a dip sample of anonymised cases by the Police and other Criminal Justice Agencies, a report is completed in the form of the "Quality Assessment Framework". The Quality Assessment Framework report for 2022/23 was completed earlier this year, there was a good level of compliance by all agencies in the framework. The Office of the Police, Fire and Crime Commissioner is working with the Cumbria Victims' Charitable Trust to enable an Independent Scrutiny of Violence Against Women and Girls. The VAWG Scrutiny Panel has now held its fourth Scrutiny Panel meeting, it has proved to be very

useful in scrutinising crimes involving VAWG and the feedback to the Constabulary has provided excellent learning and has encouraged greater consideration to specific cases. The Scrutiny Panel has covered crimes including Stalking and Harassment, Spiking, Ethnic Minority incidents involving Black Females and most recently Domestic Abuse using weapons and objects. Each meeting includes a presentation by a Subject Matter Expert from the Force to give the panel a greater understanding of the specific crime type they will be scrutinising. The panel have found these presentations both enlightening and extremely useful in helping to understand the many aspects of the various crimes.

The PFCC continues to commission services for victims and witness affected by crime, and to offer a range of support. This includes practical support and signposting, advocacy and emotional help through Victim Support. There are also specialist services available for victims of domestic and sexual abuse and violence through a range of providers. The OPFCC works with the Women's Centres across the county to assist them to develop a range of services to support victims including those persons who have been victims of domestic and sexual abuse.

### **Driving Issues**

The OPFCC's Communications Officer attends Cumbria Road Safety Partnership (CRSP) meetings, that have replaced the previous CRASH meetings, to receive updates on how the Constabulary and partners are tackling road offences, promoting road safety and to identify areas where the OPFCC can assist. The new CRSP strategy focusses on killed and seriously injured (KSI) rates in the county, using a unique Road Harm Index (RHI) to identify the most dangerous roads in the county and work with partners to proactively reduce KSIs in these areas.

Anti-social driving (ASD) is a national priority for PFCCs and is a key focus for Cumbria OPFCC. The OPFCC have an annual communications strategy to promote the rules of the road and raise awareness on how members of the public can stay safe on the road. In 2023, the OPFCC have promoted and supported campaigns focusing on:

- The Fatal Four
- The launch of CRSP
- Pilot programme that sees National Highways take guardianship of A-roads for the first time to help reduce ASD.
- Drug driving

Going forward in 2023, the OPFCC will also promote pedestrian safety as daylight hours reduce, drink/drug driving during the festive period and keeping cars safe during cold and dangerous driving conditions.

We work with partners, specifically Cumbria Police, to promote these campaigns and to produce media opportunities. Safer Streets Fund Round Five will also focus on ASD and reducing this across the county. The OPFCC is currently drafting their proposal to submit for funding from this Government fund.

## **Safer Streets**

The Partnerships & Commissioning Team continues to secure funding from the Home Office Safer Streets Fund and lead on the delivery of projects to help neighbourhoods feel safer, reduce crime and anti-social behaviour, help the local communities feel heard and build confidence in the Constabulary and partner agencies. Safer Streets Fund Round 4 is underway, with the projects in Barrow and Carlisle designed to tackle the rising rates of anti-social behaviour being reported in the town centres, mainly attributed to young people. Detailed below is what has been achieved as at 30th June 2023:-

- Street lighting schemes are complete in Carlisle and Barrow.
- ANPR cameras installed and operational.
- Enforcement officers in Carlisle and Barrow have been trained in conflict resolution, received radios, received body armour and in Barrow have received bodywork cameras.
- Youth outreach is ongoing and has received 47 separate referrals.
- Youth ASB caseworkers have offered support to 29 victims of ASB, with 20 engaging. Of those that have completed the intervention 100% of victims are satisfied, have increased feelings of safety and increased feelings of wellbeing and would recommend the service to others.
- Your Life You Choose has been booked for 18 schools, and delivered to 9 (1300 pupils) with positive reviews by pupils and staff.
- Be Safe Stay Safe has been booked for 4 colleges and delivered into 3 with positive feedback from staff and young people.
- 18 PCSOs have received Level 3 crime prevention training.
- 1 CPO has received Level 4 crime prevention training.
- 80 multi-agency staff have received training in best practice for ASB Case Review.
- Media campaigns including bus interiors are ongoing.

## **Property Fund**

The Property Fund redistributes funds by offering small grants to community groups to support activities which offer positive opportunities to young people and the community area to prevent crime and to make the community safer.

In March 2023, the Property Fund opened, inviting many communities and organisations to apply for funding. After careful consideration, funding was provided to 27 successful applicants - offering £52,107.72 between local groups and clubs across Cumbria. Various sports clubs were given funding across Cumbria – which remains to be an effective way to keep youth away from crime (particularly anti-social behaviour). It is also effective in developing life skills, people skills and self-motivation/confidence. The Deputy PFCC also granted funding to a ‘family fun day’ out in Workington overseen by the organisation Coastal Communities. The incentive being that it helps bring families in the community together and provides a financial relief for those families too (offering food, drinks, fairground rides etc). The Deputy PFCC also Funded educational initiatives, such as Carlisle Youth Zone’s Natural High assemblies; a 90-minute interactive assembly addressed to a whole year group in which encourages young people to tap into their natural talents to give a natural high rather than a fake high from drugs, alcohol etc.

## **Consultations**

The OPFCC continuously carry out surveys at events where we ask the public to highlight their top three policing priorities.

## **Keep Safe**

The Office of the Police, Fire and Crime Commissioner continues to develop and manage “Keep Safe” which is the service available free of charge to all victims of crime and anti-social behaviour across Cumbria. This service provides crime prevention advice to victims, and where necessary target hardening measures to their homes so they can feel safer in their day to day lives. For the period 1st January 2023 – 30th June 2023 351 individuals received support from Keep Safe, compared to 244 cases from the same period in 2022. Dip samples are conducted monthly to ensure the victim is satisfied with the service they have received.

## **4. Implications**

- 4.1 Financial - there are no additional financial costs associated with dealing with these complaints, quality of service issues as these tasks form part of staff roles.
- 4.2 Legal – none identified.
- 4.3 Risk - None identified, beyond that to the OPFCC’s reputation if it does not deal with the issues raised appropriately and proportionately according to the merits of the individual case.
- 4.4 HR / Equality - none specifically identified.