

2nd September 2009

K Pryce
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To: The Chairperson and Members of the Inspections Sub-Committee

Dear Sir/Madam

A meeting of the Inspections Sub-Committee will be held on Thursday 10th September 2009 in the Meeting Room, Merseyside Police Authority Offices, 3rd Floor, Mercury Court, Tithebarn Street, Liverpool commencing at 11.00am.

An agenda for the meeting is enclosed.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Johnson', with a horizontal line extending to the right.

Paul Johnson
Chief Executive/Treasurer

To assist in preparation for this meeting, Executive Summaries for each HMIC report were sent to Members on the 20th August 2009.

MERSEYSIDE POLICE AUTHORITY

INSPECTIONS SUB-COMMITTEE

MEMBERSHIP

Elected Members

I Jobling
Ms D Kerrigan
Mrs K Wood

Independent Members

Mrs D Clark (Chairperson)
Mrs F Street

MERSEYSIDE POLICE AUTHORITY

INSPECTIONS SUB-COMMITTEE

10th September 2009

A G E N D A

Apologies

Item		Page
1.	<u>Minutes</u>	
	To receive as a correct record the minutes of the meeting of the Committee held on 26 th March 2009.	1.
2.	<u>DECLARATION OF INTERESTS</u>	
<u>REPORTS OF THE CHIEF CONSTABLE</u>		
3.	Her Majesty's Inspectorate of Constabulary (HMIC) Delivering the Policing Pledge-Interim Findings	3.
4.	Her Majesty's Inspectorate of Constabulary (HMIC) Prevent Thematic Report: Progress & Prospects	9.
5.	Her Majesty's Inspectorate of Constabulary (HMIC) Report Adapting to Protest	15.
6.	Joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System – May 2009	23.
<u>ANY OTHER ITEM(S) WHICH THE CHAIRPERSON DEEMS TO BE OF AN URGENT NATURE</u>		

MERSEYSIDE POLICE AUTHORITYINSPECTIONS SUB-COMMITTEE

At a meeting of the Inspections Sub-Committee held on Thursday, 26th March 2009 in the Meeting Room, 3rd Floor, West House, Mercury Court, Liverpool, the following members were present:-

Elected Member

Ms D Kerrigan

Independent Member

Mrs D Clark (Chairperson)

Apologies

Apologies for absence were received on behalf of Councillors I Jobling and Mrs K Wood and Mrs F Street.

18. Declarations of Interest

There were no Declarations of Interests reported.

19. Minutes

The minutes of the meeting of the Sub-Committee held on 4th December 2008 were received as a correct record and signed by the Chairperson.

20. Her Majesty's Inspectorate of Constabulary (HMIC): Public Order, Civil Contingencies and Critical Incidents – Phase 3 Inspection

The Sub-Committee considered the report of the Chief Constable on the outcome of the HMIC Phase 3 Inspection carried out in November 2008 which examined the areas of Public Order, Civil Contingencies and Critical Incidents

RESOLVED – That the report be noted and the Force be congratulated on the outcome of the Inspection.

21. Temporary Sergeants in the Force

The Sub-Committee considered the report of the Chief Constable on the gender and ethnicity of temporary sergeants in the Force.

RESOLVED – That the report be noted.

22. Sanction Detections

The Sub-Committee considered the report of the Chief Constable on the Force's Continuous Improvement Plan for sanction detections.

RESOLVED-

- (i) That the report be noted and a further report on the progress made against the Improvement Action Plan be submitted to a future meeting of the Sub-Committee; and

- (ii) that the Force be congratulated on the outcome of the findings of the internal Force Audit in February 2009.

23. Her Majesty's Inspectorate of Constabulary (HMIC) Review – Leading from the Frontline – Snapshot Review Update

The Sub-Committee considered the report of the Chief Constable on the current position against the Force's self assessment of the snapshot options in the HMIC Review into 'Leading from the Frontline' and the current action plan in response to the report recommendations.

RESOLVED-

- (i) That the Sub Committee notes the findings from the snapshot review and longer-term recommendations will be overseen by the Assistant Chief Constable Personnel, supported by the Strategic Development Department; and
- (ii) that recommendations outlined in the internal review be considered and progressed where practicable and accountability for action be incorporated into the above meeting structure and 'Hydra' process and reported to the Sub Committee.

Minutes 18 to 23 received as a correct record the xxth day of xxxxx 2009

Chairperson of the Sub-Committee

(The meeting closed at 11.50pm)



To: The Chairperson and Members
of the Police Authority Inspections Sub Committee

Meeting: 10 September 2009

Report of the Chief Constable

Her Majesty's Inspectorate of Constabulary (HMIC) Delivering the Policing Pledge – Interim Findings

1. Purpose

To inform Members of the findings of Her Majesty's Inspectorate Constabulary (HMIC) interim report on progress on implementation of the Policing Pledge.

2. Recommendation (s)

It is recommended that the Police Authority agrees that:

- a) this report be noted; and
- b) upon receipt of the HMIC findings for Merseyside, at which time issues identified within the interim national report can be reviewed against findings locally, a further report be submitted to a future meeting of the Inspections Committee.

3. Background

- 3.1 The introduction of the Policing Pledge follows a report from the Chief Inspector of Constabulary, Sir Ronnie Flanagan, who called for the service to become more "customer-focused". Details of the Pledge are contained in the green paper titled 'From the neighbourhood to the national: policing our communities together', published on 17th July 2008.
- 3.2 The Home Office Policing Pledge sets out minimum standards that service users and communities can expect from their Police Service using a 10-point framework. All 43 police forces in England and Wales have signed up to the Policing Pledge, which was implemented in December 2008.

- 3.3 HMIC are currently conducting a review of Forces and Authorities to assess progress on delivery of the pledge. The first phase of this work consisted of 'central reality testing' primarily from force websites.
- 3.4 The second stage of the process involved a series of fieldwork visits to every force in England and Wales, with a visit to Merseyside taking place week commencing 8 June 2009 (currently awaiting force feedback early September 2009).
- 3.5 HMIC are currently midway through the process and have published a report on interim findings pending publication of the full report due autumn 2009. Seven forces had been visited at the time of writing the interim report: Avon and Somerset, Cumbria, Essex, the Metropolitan Police Force, Northamptonshire, South Wales and West Yorkshire.
- 3.6 The purpose of this report is to update Members specifically on HMIC interim findings and where applicable the force response. A more detailed update on force developments in relation to the pledge was considered by the Performance Scrutiny and Review Committee at its meeting on 16th July 2009.

4. Key Findings

- 4.1 HMI found evidence that forces have started to implement the 10-points outlined in the pledge. However awareness, understanding and the level of implementation was found to vary between forces.
- 4.2 Leadership and Governance:
 - 4.2.1 Strong leadership and commitment was found at Chief Officer and operational level. Delivery of the pledge is recognised as key to improving satisfaction and therefore some form of monitoring progress for each aspect of the pledge is essential (gap analysis/action plan). Within Merseyside there is a comprehensive action plan in place, which is monitored and co-ordinated via Assistant Chief Constable, Citizen Focus.
 - 4.2.2 Police Authorities need to hold forces to account for delivery of the pledge. Within Merseyside there is an identified Police Authority member who acts as link member. In addition, the Police Authority has set up an Inspections Working Group.
 - 4.2.3 The Pledge should not be seen solely for Neighbourhood Policing and Contact Management but should be fully integrated across all areas of business. Within Merseyside it is an integral part of Policing Plan 2009-10 and is recognised as a service wide commitment.

4.3 Key Areas for Improvement

- 4.3.1 Consistent and targeted communications programme for the public. Communication with the public is vital so they understand the minimum level of service they can expect. Merseyside Police have in place a communications strategy, one of the aims of which is to raise awareness of the pledge. The communication strategy will be passed to the Police Authority's Inspections Working Group.
- 4.3.2 Utilisation of reality testing and share of best practice. Merseyside have conducted internal reality testing within the General Enquiry Office (GEO) review utilising mystery shoppers to test standards. Results will be considered by the Resources and Strategy Committee. The force will also take cognisance of all findings from reality testing undertaken by HMIC, as well as best practice highlighted from the inspection.
- 4.3.3 Assessing and assuring 'visibility' within neighbourhoods. The force has an abstraction policy and continues to meet the 80% target for visibility, which is tested as part of the quarterly review process.
- 4.3.4 Improved contact with victims prior to offender being charged. The force is developing a Victim Care and Crime Investigation Booklet, and victim contact will be agreed and outlined within this in the Victim Contact plan.
- 4.3.5 Increased awareness of local priorities, reasons for dissatisfaction where it exists, and feedback on how this will be resolved. Dealing with dissatisfaction is an identified area for improvement for the force, developments are ongoing as part of the Pledge Implementation plan. It will be monitored as part of the satisfaction survey from July 2009. In addition to any feedback from HMIC, areas for improvement will be identified via a self assessment process.

5. Financial and Staffing Implications

- 5.1 All Merseyside employees, areas and departments recognise they have a part to play in delivery of the pledge and that it is a service wide commitment.
- 5.2 There are no specific financial or staffing implications associated with the report, although HMIC recognise the investment that the force and authority have made in the implementation of the pledge and the ongoing commitment to its further implementation.

6. Equality & Diversity Impact Assessment

- 6.1 The Policing Pledge is about recognising and responding to community needs and therefore understanding the diverse nature of the community is a key consideration for implementation of the pledge.
- 6.2 Treating people fairly with dignity and respect (Pledge Point 1) is a core value of Merseyside Police as outlined within the Total Policing Strategy.
- 6.3 The force is continuing to invest and develop customer satisfaction surveys and new questions around respect, keeping people informed and dissatisfaction will form part of the survey from July 2009.

7. Risk Assessment

- 7.1 The pledge outlines the minimum standards service users and members of the public can expect from Merseyside Police and failure to deliver on the pledge could impact negatively on the force and Authority achieving its targets in relation to public confidence.
- 7.2 The force has developed a communication strategy for confidence to ensure a coordinated approach with existing partners. The strategy will be delivered in two phases: local awareness and neighbourhood awareness. The strategy will raise public awareness of the Policing Pledge and further opportunities for community engagement.

8. Environmental Impact Assessment

There are no environmental issues associated with this report.

9. Conclusion

- 9.1 The Policing Pledge is an integral part of the Total Policing Strategy and Plan 2009-2012. It is recognised as a key service-wide commitment, forming an essential part of achieving the single confidence target.
- 9.2 The force is currently awaiting HMIC findings for Merseyside, at which time issues identified within the interim national report can be reviewed against findings locally. The final thematic report is due for publication in autumn 2009. In this regard, a further report will be submitted to a future meeting of this Committee.

Bernard Hogan- Howe
Chief Constable

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Background Papers: None



To: The Chairperson and Members
of the Inspections sub-committee

Meeting: 10 September 2009

Report of the Chief Constable

Her Majesty's Inspectorate of Constabulary (HMIC) Prevent Thematic Report: Progress & Prospects

1. Purpose

The HMIC thematic report 'Prevent: Progress and Prospects' was published on 24 June 2009 and outlines findings and key learning points from the HMIC Inspection of the prevent strand of the Home Office anti-terrorism strategy, Contest.

2. Recommendation

It is recommended that members note the report.

3. Background

3.1 The Prevent Inspection relates to a programme of work being undertaken by HMIC in relation to the Government's Contest Strategy, which aims to combat the threat of counter terrorism and domestic extremism.

3.2 The Contest Strategy has four main strands: Protect, Pursue, Prevent and Prepare. The Prevent strand is concerned with police, partners and the community working together (at a local level) to identify and deal with the causal factors influencing individuals to become involved in extremism or extremist groups. Government is seeking achieve this goal by:

- ñ Tackling disadvantage and supporting reform by addressing structural problems in the UK and overseas that may contribute to radicalisation
- ñ Deterring those who facilitate terrorism and those who encourage others to become terrorists by changing the environment in which extremists operate
- ñ Challenging ideologies that extremists believe can justify the use of violence

- 3.3 HMIC's report, 'Prevent: Progress and Prospects', highlights the critical role played by the police in the delivery of Prevent and provides recommendations for future progress.
- 3.4 All 43 forces in England and Wales were inspected with a visit to Merseyside taking place in December 2008. Visits took place over two days, with a day spent in Police Headquarters and a day spent at the lead Basic Command Unit (BCU) for Prevent, Liverpool South.
4. Key Findings
- 4.1 Despite HMIC being instructed to conduct this inspection relatively early on in the implementation of Prevent, it was found that forces were making good progress, and there were examples of how police, in partnership with other agencies, had started to make progress in delivering Prevent at a local level.
- 4.2 Findings in relation to Merseyside indicated that the force have started to make progress in the implementation of Prevent and had evidenced that plans were in place for its further implementation. The team were particularly impressed with the SHARP system utilised in schools within Liverpool South and how this could be widened for use in Prevent. Schools Help Advice Reporting Page is a web-based interactive tool to engage with young people. This has been nationally replicated and each of the five education authorities has SHARP available within a number of their schools. SHARP gathers information about incidents in school and the local community and is used as an education tool for main types of behaviour, which affect schools – bullying, drugs, anti-social behaviour, weapons and hate crime. It is also a powerful communication tool, where police can send the messages the Force wants to give to young people.
- 4.3 Although the HMIC report is police specific, Prevent cannot be delivered in isolation and partnership working is key. Police and partners need to develop 'mature partnerships' characterised by:
1. Highly developed information sharing
 2. Strong links between Police/Partner management teams
 3. Joint working focused on Prevent
- 4.4 Prevent is a long-term engagement strategy that is closely aligned to Neighbourhood policing. BCU commanders are key contributors to the successful delivery of Prevent and they need to be provided with relevant information that can be shared locally with partners, to enable partners to become fully engaged.

Recommendations from HMIC

- 4.5 Some forces face greater risk than others and those forces facing greater challenges (primarily Metropolitan forces) need to move more quickly to the point of fully integrating Prevent. It is therefore recommended that the Office for Security and Counter Terrorism (OSCT) prioritise additional funding, resources and support to force areas with higher levels of risk, to ensure maximum safety for the public. (Rec 1)
- 4.6 Forces must understand and establish minimum capability proportionate to the level of risk faced, and it is recommended that Association of Chief Police Officers (ACPO), OCST and the National Policing Improvement Agency (NPIA) define minimum standards in relation to what forces should be doing, according to their level of risk from violent extremists, by September 2009. (Rec 2)
- 4.7 All forces to ensure appropriate levels of minimum capability are in place in line with ACPO Protective Services Minimum Standards by March 2010 (Rec 3). Action plans are in place to meet this target within Merseyside and are co-ordinated by the Counter Terrorist Branch of the Intelligence and Security Bureau (ISB), who work with relevant departments and BCUs, as well as the Police Authority and partners, to fully implement and embed Prevent across the force. Overall implementation of the ACPO Protective Services Minimum Standards forms part of the overarching Protective Services Implementation Plan (PSIP) governed by Force Operations. A separate report on progress in relation to Protective Services was submitted to the Police Authority for consideration at its meeting on 20 August 2009.
- 4.8 ACPO and OCST are recommended to issue guidelines on the use of vetting to ensure greater sharing of security information in the interests of public safety (Rec 4). Different levels of vetting for those involved in Prevent and permitted access to Government Protective Marking Scheme (GPMS) information will be considered to allow a share of relevant information.
- 4.9 To improve understanding about what can be done to prevent vulnerable people becoming terrorists it is recommended that ACPO, the Security Service and other partners agree explicit guidelines about the dissemination of information. This will enable a share of good practice and information about 'what works' in terms of Prevent interventions. (Rec 5)
- 4.10 ACPO and OCST to establish mechanisms to measure the success of Prevent activity in order to reassure the public that change has been made (Rec 6)

5. Financial and Staffing Implications

- 5.1 Liverpool South has been identified as more at risk than other areas within Merseyside, which has resulted in the Local Authority receiving Prevent funding and Merseyside police embedding two Counter Terrorist Intelligence Officers within Liverpool South to assist with the collection of PREVENT intelligence. The posts are paid for through central Government Prevent funding.
- 5.2 The recommendations will be incorporated into the Force Prevent plan and their implementation will be managed through the Force Prevent delivery group Chaired by Assistant Chief Constable, Operations Support. This group has close links to the Local Authority Prevent group.
- 5.3 It is not anticipated that there will be any further financial or personnel implications but that may change depending on future guidance produced by ACPO and the OSCT.

6. Equality & Diversity Impact Assessment

- 6.1 Working with, and understanding the diverse nature of the community, is key to the implementation of the Prevent strand. The force, individual neighbourhoods and BCUs are building up a comprehensive understanding of our communities and how to respond to their needs. Working with relevant sections of the community will help protect vulnerable individuals and the community as a whole.
- 6.2 The Counter terrorist Branch, in the form of Counter Terrorism Local profiles, is managing the risk of violent extremism with Merseyside. These profiles are shared with the Local Authority to ensure that identified high risk areas receive support and where appropriate intervention.
- 6.3 The delivery of Prevent will be a joint approach between Local Authorities and the force to ensure that it does not impact on community cohesion and that key messages are given to provide confidence and reassurance.
- 6.4 The Force has now established a Counter Terrorism Independent Advisory Group (CTIAG) to act as a critical 'friend', to assist in the delivery of Prevent. The group comprises of members of the Muslim community and will offer advice and support.

6.5 Liverpool City Council have commissioned a research study through and independent company ICOCO, looking at the demographic relationships between communities within Liverpool South. The results of this research will be used to improve Community engagement and Prevent delivery, across the Area.

7. Risk Assessment

7.1 Meeting minimum levels of capability in line with published guidance will ensure an adequate force response and enhanced public safety.

7.2 By establishing effective measures to engage with and listen to the concerns of the community, the police and partners can work together with the community to address issues, and implementation of Prevent will reduce the risk of members of the community becoming involved in extremism or extremist groups.

7.3 Feelings of isolation can lead to grievances and by taking preventative action to understand and deal with the causal factors influencing individuals to become involved with extremism or extremist groups the risk can be reduced. Proactively and decisively working together will build trust, help encourage community cohesion, and increase public confidence.

7.4 Planned developments to establish performance measures to support the delivery of Prevent (Rec 6) and measure the success, will reassure the public that change has been made.

7.5 The Counter Terrorism Branch is to prepare a document identifying vulnerability within each BCU. This document will be shared with all Area Commanders and Local Authorities.

8. Environmental Impact Assessment

There are no environmental issues associated with this report.

9. Conclusion

9.1 Counter-terrorism (CT) remains a core focus for HMIC and they have already examined several strands of Contest, as part of their inspection programme.

9.2 The thematic report, 'Prevent: Progress and Prospects', highlighted the critical role played by the police in the delivery of the prevent strand and makes recommendations for future progress.

- 9.3 Merseyside will continue with its implementation of Prevent and will consider further development work pending national guidance to recommendations made and developments regarding the individual level of risk faced by forces due September 2009. Development work will feed into the wider Protective Services Implementation Plan (PSIP) co-ordinated and monitored by Operations Support.
- 9.4 Elements of Prevent and Protect will continue to be the focus for the projected inspection in 2010/11, and HMIC built on this work by undertaking a thematic inspection of the Protect strand, strengthening defences against terrorism, during June-July 2009.

Bernard Hogan- Howe
Chief Constable

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Background Papers: None



To: The Chairperson and Members
of the Inspections sub-committee

Meeting: 10 September 2009

Report of the Chief Constable

Her Majesty's Inspectorate of Constabulary (HMIC) Report Adapting to Protest

1. Purpose

The report, Adapting to Protest, was published on 7 July 2009, and considers the lessons learned from the policing of the G20 protests. The HMIC report examines the tactics employed by the Metropolitan Police Service (MPS) in response to the protests, and it makes recommendations for immediate implementation for the wider police service.

2. Recommendation

It is recommended that the Police Authority agrees that:

- a) the report be noted; and
- b) that a further report be submitted to the Inspections Committee when Part 2 of the HMIC Public Order review is published.

3. Background

- 3.1 HMIC have conducted a review of police public order tactics in response to events that took place at the G20 Summit in April 2009.
- 3.2 Adapting to Protest is largely concerned with events that happened at G20. This was one of the largest security operations mounted in the country and was planned within a relatively short timescale (3 months - compared with arrangements already being made for the G8 Summit in 2013). It was therefore an event that was out of the ordinary and would not be the typical experience that would be expected when planning for policing public demonstrations or events.
- 3.3 This is part of a wider review to assess the effectiveness and impact of current public order tactics deployed in response to significant protests involving the policing of disorder or the threat of disorder.

- 3.4 This is an interim report based on findings solely in relation to G20. Work is now ongoing for the second phase of the review, which will consider national and international practice in relation to public order policing. A final HMIC report is due in September 2009.

4. Key Findings & Recommendations

Rec 1: Planning: Forces to demonstrate explicit consideration of facilitation of peaceful protest through planning and execution of operations

- 4.1 The 'starting point for policing protest' is identified as the key issue within the report, which is currently defining protest as lawful or unlawful. The report states that the presumption should rather be in favour of facilitating peaceful protest as a starting point, unless levels of disruption require the police to place legitimate restrictions upon protesters. This will impact directly on planning and communications to ensure that operational tactics are appropriate and proportionate to the level of risk faced. Merseyside Police have incorporated guidance in relation to peaceful protest into Operations such as Operation Pavillion, which was a planned operation around a British National Party (BNP) Protest in April 2009.
- 4.2 HMIC undertook an inspection of public order during 2008, and an action plan has been initiated in response (refer to previous authority updates Phase 3 inspection programme). Nationally, as a result of this inspection, all forces are required to submit a public order threat matrix to ACPO (submitted July 2009). This will enable a better understanding of public order risks nationally, ensuring that adequate plans are maintained and opportunities for collaboration explored.
- 4.3 Merseyside Police undertook a comprehensive public order review during 2007, which was a recognised strength within the HMIC Public Order inspection report. The Public Order Review (2007) was comprehensive and an effective improvement plan was developed and monitored through the Public Order Capability Management Structure, overseen by ACC Ops Support, and monitored through Chief Officer Group chaired by the Chief Constable.
- 4.4 Merseyside Police have been identified as one of only two forces with developing practice nationally, by the ACPO Public Order and Public Safety (POPS) lead, Deputy Chief Constable Sue Simm (Northumbria Police), and visits have been undertaken to Merseyside Police to explore processes and procedures in place for public order.

Rec 2: Seek to improve dialogue with protest groups

- 4.5 Despite the Metropolitan Police Service engaging successfully with at least 10 protest groups, engagement with some groups was difficult and not all groups engaged constructively. The report highlights the need for constructive dialogue prior to an event taking place to gain an understanding of the nature of protest activity and intent. However it is acknowledged that the police cannot succeed in this alone, and where protest groups are not forthcoming, it is suggested that police should consider warning protestors that this may result in restrictions being placed upon them and tactics used to reduce disruption and the threat of disorder. Dialogue with protest groups is part of force policy and is considered as part of any planned public protest. The force seeks to engage any demonstrators in dialogue prior to the event.
- 4.6 As part of development work currently ongoing in relation to public order the force is currently considering the introduction of Dialogue Policing. This is a method of facilitating protest, which allows protesters to reach their legitimate goals, while at the same time avoiding confrontation and conflict. By entering into dialogue, conditions for demonstrations can be explained, assessed and negotiated prior to the event taking place, while during the course of the demonstration communication is maintained between protest organisers and police commanders. Assessment of mood, negotiation and mediation are all key aspects of dialogue policing.
- 4.7 Merseyside Police is well placed in the range of contacts and relationships with locally based protest groups. The force will continue to develop these.

Recs 3 & 4: Improve communication with the media, and agree principles regarding police use of potentially sensitive information

- 4.8 Police Commanders from the Metropolitan Police Service revealed frustration about the media coverage of G20 and the report recommends improved communication to convey the policing perspective. Suggestions from a focus group of journalists and broadcasters included an improved police event website, embedding journalists within frontline police, police briefings at scene, and making frontline officers experience available post event.
- 4.9 The police service has highlighted concerns about releasing potentially sensitive information connected to death or serious injury which may subsequently result in legal proceedings. It is therefore recommended that ACPO in liaison with others agree principles for the release of this type of information.

- 4.10 Within Merseyside Gold and Silver planning processes specifically agree media strategies prior to an event taking place and a media Bronze Commander is deployed as appropriate.

Recs 5-9: Containment

- 4.11 There was considerable public support identified for strategies of containment where necessary, however where it is used, it must be proportionate and time limited. A significant number of Direction and Control complaints related to the apparent indiscriminate nature of the containment, the length of time members of the public and protestors were held, and the limited access to toilets, food and water. An IPCC (Independent Police Complaints Commission) ruling that recently upheld a complaint against MPS about excessive force used (IPCC Report, 6 August 2009), found that the woman complainant was not allowed to leave the Bishopsgate area of the protest for some four to five hours, despite suffering heavy vaginal bleeding.
- 4.12 In some demonstrations, both peaceful and disorderly, protestors intermingle and the police need to develop strategies and tactics within which peaceful members of the public can be identified and released from the crowd. They must also be vigilant to signs of distress and be ready to act accordingly.
- 4.13 Recommendations 5-9 make suggestions to improve containment strategies such as ensuring awareness that it may be used, easy access to information, a release plan for vulnerable persons and clear signposting to amenities.
- 4.14 Within Merseyside a structured debrief takes place after all public order events to review strategies. Key learning points are taken cognisance of and future processes adapted. This is apparent in planning for annual events such as the Grand National, and an example would be were bottled water was provided to animal rights protestors who had to be contained within one area.
- 4.15 Large-scale containment of crowds is not a technique generally used in Merseyside. On occasions where it may be used (e.g. holding fans back after a football match) it is time limited and human rights are fully assessed.

Recs 10& 11: Review of Public Order Training and ACPO Guidance:
Keeping the Peace

4.16

Public order training currently focuses on disorder and unrest and does not consider the full spectrum of public order activity. Officers should be prepared to display a graduation and range of policing styles and tactics, all of which, at different times, may be appropriate for policing protest. It is recommended that current training be reviewed to consider individual use of force, such as distraction, as well as an examination of tactics, such as use of short shields and batons, while consistently taking cognisance of human rights principles (as in officer safety training). Merseyside force policy is to use only nationally approved tactics. Use of short shields is a tactic employed by MPS that is not nationally approved and is therefore a tactic that is not, and would not, be employed within Merseyside.

4.17

Tactics detailed within the public order manual, Keeping the Peace, were formulated in a different era of protest and are centred on organised, planned protest or on dealing with public disorder. The spectrum of activity detailed is insufficient and limited attention is given to policing protest. It is therefore recommended that the manual be revised to ensure consistency and standardisation in advance of the 2012 Olympics. A national working group has been set up to progress this and Merseyside has been chosen as one of the forces to participate due to strengths identified as part of the HMIC Phase 3 Public Order Inspection.

4.18

Public Order training is an identified strength for the force and Merseyside officers have been accredited by NPIA (National Police Improvement Agency) to deliver Silver and Bronze Command Training (Advanced Public Order Commander [APOC] / Initial Public Order Commander [IPOC]). In addition the force is currently developing a peer review process, and ongoing command training and assessment. Assistant Chief Constable Personnel, has recently been appointed as the new regional Public Order lead.

Rec 12: Identification of Officers

4.19

Ensure officers wear numerals or other clear identification at all times. Any lack of police identification may inhibit accountability and prompt questions about control of staff. Merseyside officers wear clear identification at all times and the force Dress and Appearance Policy sets out clear standards of dress and appearance for all employees. In large operations, supervisors are briefed to ensure identification is clearly worn by all their staff and this is checked.

5. Financial and Staffing Implications

There are no financial or staffing implications associated with this report.

6. Equality & Diversity Impact Assessment

6.1 Protestors and protest groups should be treated fairly with dignity and respect, with dialogue taking place to understand the scope and nature of the planned demonstration, in order to facilitate peaceful protest, allowing the rights of individuals to protest, while preserving public safety.

6.2 Throughout the planning stage, protesters and protest groups are considered regarding their impact at any event. The information regarding these groups forms part of the intelligence assessment, which influences the conflict management model at planning meetings. The results of the planning meeting then influence the writing of the operational plans; which always contain a section on human rights / equality / community impact.

7. Risk Assessment

7.1 All forces have been required to assess their individual risk from public order via the threat matrix submitted to ACPO (July 2009).

7.2 The exercise of police discretion in public order policing has become more complex and testing, and the police are under enormous public scrutiny. Members of the public accept that in some instances police use of force is necessary, however media coverage and the perceived police use of force as excessive, has the potential to undermine public trust and confidence.

7.3 The safety of both public and protestors should be the primary concern, and the report highlights the need for police to plan and deliver operations that safeguard the rights of individuals during protests. The facilitation of public protest should be proportionate to the level of threat faced and failure to implement recommendations could negatively impact on the policing of demonstrations within Merseyside.

7.4 HMIC have previously considered public order as part of their Phase 3 inspection programme, with a visit to Merseyside taking place in November 2008. Merseyside was assessed as exceeding the standard for strategic direction and assessing vulnerability for Public Order. The force should ensure that recommendations made in response to the G20 review are considered to ensure this standard is maintained.

7.5 Further HMIC assessment and external validation in terms of public order will take place over the next four years in support of major national events, and in particular in preparation for the 2012 Olympics.

8. Environmental Impact Assessment

There are no environmental issues associated with this report.

9. Conclusion

9.1 The Adapting to Protest report is not intended to be a comprehensive account of everything that happened at G20, but rather an interim report to assist police practitioners who may have to deal with protest in the near future.

9.2 Recommendations made in Adapting to Protest will be taken cognisance of, and where relevant fed into existing improvement activity, such as action plans in place in response to the HMIC Phase 3 Inspection, as well as overarching Protective Services action plans. Monitoring of activity will be co-ordinated by the Strategic Development Department, and overseen via the Operations Support governance structure.

9.3 Part 2 of the HMIC public order review is to be published later this year and will include a systematic review of national and international practice to inform the ongoing debate about how best to police public protest. In the meantime, the force will continue with ongoing developments in relation to public order and will consider further development work in light of published findings and conclusions. A further report will be submitted to this Committee when Part 2 of the HMIC Public Order review is published.

Bernard Hogan- Howe
Chief Constable

Contact: Supt Jon Roy, Force Ops /Jane Dougherty, HMIC Liaison
Telephone: 0151 777 5704 / 0151 777 8547
Background Papers: None



To: The Chairperson and Members
of the Inspections Committee

Meeting: 10th September 2009

Report of the Chief Constable

Joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System - May 2009

1. Purpose of Report

The purpose of this report is to inform Members of the outcome of the Joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System.

2. Recommendation

Members are invited to note this report.

3. Background

- 3.1 In September 2008, a joint Thematic Review of Victim and Witness Experiences in the Criminal Justice System was conducted. The review was led primarily by the CPS Inspectorate, in conjunction with HMIC and HM Courts Administration Inspectorate. HM Inspectorate of Probation played an advisory role in the review.
- 3.2 The inspection was conducted in seven criminal justice areas, including Merseyside. The first stage of the inspection comprised a document review exercise, followed by fieldwork visits. On Merseyside, the inspection focused on cases progressed through Dale Street and Hatton Garden Magistrates Courts and Liverpool Crown Court. Therefore, the principal focus of the inspection was on Liverpool North and South BCUs.
- 3.3 The Criminal Justice Chief Inspectors Group (CJCIG) comprised five Chief Inspectors, one each from the Criminal Justice Inspectorates of Constabulary, Crown Prosecution Service, Court Administration, Prisons and Probation. The CJCIG committed to deliver a streamlined and modern inspection process, as set out in the Government's principles of inspection, strengthening and broadening joint working across inspectorates while retaining single agency inspection where appropriate.

- 3.4 The overall aim of the joint review was to evaluate the effectiveness of services provided to victims and witnesses to ensure that they were properly supported and kept appropriately informed as to the progress of their case. The ultimate goal was to maximise the likelihood of witnesses attending court and improve the confidence of victims and witnesses in the criminal justice system.
- 3.5 The focus on victims and witnesses has been a central theme of a number of changes to the criminal justice system that have been introduced by the government in recent years. A variety of changes have been introduced to support victims and witnesses through the processes within the criminal justice system as well as to ensure that more victims and witnesses are willing to attend to ensure that justice is achieved.
- 3.6 The main developments that related to the scope of this inspection were:
- ñ No Witness, No Justice Scheme (NWNJ)
 - ñ Code of Practice for Victims of Crime
 - ñ Witness Charter
 - ñ Prosecutors' Pledge
 - ñ Direct Communications with Victims
 - ñ Special Measures (eg screening witnesses from the accused, removal of wigs, video recorded evidence, use of an Intermediary)
 - ñ Victim Personal Statements
 - ñ Operation Morewood - a Citizen Focus driven initiative to keep people informed.

4. Key Findings – An Overview

- 4.1 Members should note that the report produced by the Inspectors does not identify any findings that specifically relate to Merseyside Police but refer more generally to the seven areas inspected.
- 4.2 Prior to setting up Witness Care Units (WCUs) pre-trial witness care was limited. Although responsibilities for care at a local level were shared across the criminal justice agencies they were not necessarily co-ordinated and there was no local system wide management of victim and witness care on a day by day basis. Whilst police witness warning teams were responsible primarily for notifying witnesses that they were required to attend court and for the provision of basic information, it was accepted that the level of witness care provided at this time needed to be improved.

- 4.3 The inspection team found that great strides had been made since this time and the general level of service provided to prosecution witnesses had improved significantly. The setting up of dedicated WCUs staffed by the police and CPS had been central to this improvement. These units, together with the implementation of other initiatives to improve victim and witness care both within the individual criminal justice agencies and jointly, had contributed to a shift in attitude. There was now a far greater awareness and appreciation of the need to consider and act on the needs of victims and witnesses by all agencies at each stage of the criminal justice process.
- 4.4 Improving witness attendance and, consequently, reducing the number of ineffective and 'cracked' trials resulting from witness non-attendance were key measures of success for the No Witness, No Justice (NWNJ) initiative. 'Cracked' trials are where the defendant offers acceptable pleas on the trial date or the prosecution offers no evidence before any live evidence is actually heard in court. Since its implementation national witness attendance rates had improved slowly but steadily from the pre-NWNJ baseline of 77.3%. In 2006-07, 83.8% of witnesses attended court, 84.3% attended in 2007-08 and 85.1% up until August 2008, the last month for which figures were available; an increase of around 10%. Currently Merseyside Witness Attendance rates for rolling year to June 2009 are 85% against an initial baseline figure of 65%.
- 4.5 In addition, in the Crown Court there was a 43.9% reduction in the proportion of ineffective trials and a 48.8% reduction in cracked trials due to witness issues. In the Magistrates' Courts there was a 33.3% reduction in ineffective trials due to witness issues. However, the proportion of cracked trials had not decreased and instead increased by 15.2%. Ineffective trials are where expected progress is not made due to action or inaction, on the trial date, by one or more of the prosecution, defence or the court, and a further listing for trial is required.
- 4.6 In 2005-06, 75% of the nearly 23,000 victims and witnesses interviewed as part of the Witness And Victim Experience Survey (WAVES) undertaken by the Office for Criminal Justice Reform (OCJR), stated that they were "completely", "very" or "fairly" satisfied with the contact they had had with the CJS.

- 4.7 The most recent WAVES data, based on 9,012 interviews with victims and witnesses whose cases closed in the first quarter of 2008-09, showed that 81% were “completely”, “very” or “fairly” satisfied with the contact they had had with the CJS. Whilst for a number of technical reasons data from the early surveys was not directly comparable with the more recent figures, and WAVES excludes victims and witnesses of the most serious crimes and children, the results indicate a steady improvement in overall levels of victim and witness satisfaction. It was not possible to evaluate the degree of improvement that was directly attributable to NWNJ and the Victims’ Code, but it is likely that these will have played a major part.
- 4.8 In addition, of the witnesses interviewed as part of this review, 85.7% (72 of 84) were prepared to give evidence should they be a witness of crime in the future, but 14.3% would not (It should be noted that the sample was drawn from witnesses who had decided to attend court in the first place).
- 4.9 This was a good result but still leaves a significant minority who would not be prepared to give evidence again. It was clear from the evidence collected during this review that the level of service provided to victims and witnesses varied from area to area. Inspectors believed that the unwillingness of some witnesses to give evidence again was indicative of their differing experiences and levels of service received.

5. Inspection Recommendations for Police Service

- 5.1 The inspection report listed 19 recommendations, only one of which related directly to the Police Service (see below). It is important to note that this recommendation may not necessarily refer to Merseyside as the joint inspection covered 7 criminal justice areas:

Chief Constables should examine existing IT systems used within their force in order to identify cost effective solutions to provide for routine monitoring of compliance with the requirements of the Victims’ Code. In implementing this recommendation, Chief Constables should also:

- ñ ensure that policies on the recording of details regarding victim contact are standardised and clear;
- ñ heighten awareness of non-specialist staff regarding the statutory requirements of the Victims’ Code;
- ñ consider use of different mediums to maintain contact with victims whilst ensuring policies are in place regarding their use; and
- ñ ensure that requirements in relation to the completion of witness statement forms MG11 are communicated clearly to police personnel and that effective completion forms part of routine supervisory processes.

6. Areas for Improvement for Police Service

- 6.1 In addition to the key findings and recommendations, the inspection made reference to areas for improvement. As with the recommendation detailed above, it is important to note that some of the areas for improvement may not necessarily refer to Merseyside as again the report was not specific in this regard. Indeed, not all areas for improvement related to police forces. In summary, those areas pertaining to the police service comprise the need to;
- ñ Ensure that front line officers can identify vulnerable and intimidated victims (as required by the Victims' Code) and witnesses, and understand the various special measures and how they work in practice
 - ñ Revisit the Victim Personal Statement Scheme to heighten the awareness of staff and emphasise the benefits of this Scheme for victims. They should also ensure clear guidance is in place regarding the format, content, detail and timing of Victim Personal Statements
 - ñ Ensure a support/contact services directory is in place and that its availability is made known to all staff to ensure equality of treatment for all victims and witnesses
 - ñ Ensure police personnel are aware of the services provided by Victim Support and how they fit with service offered by the other support organisations
 - ñ Ensure that Police forces and CPS areas work together to ensure that special measures applications are timely and made at the earliest opportunity.
- 6.2 The report also listed several recommendations and areas for improvement that relate to the joint Victim and Witness Care Delivery Unit (V&WCDU). It is emphasised that the V&WCDU is not a Merseyside Unit, it is a joint ACPO and CPS Unit in London, based within CPS. However, their recommendations have an impact upon our Joint Police and CPS Witness Care Unit based within police premises at Tithebarn House.
- 6.3 All recommendations and areas for improvement detailed within the report (this includes issues appertaining to Merseyside Police and Merseyside Witness care Unit) have been incorporated into an action plan which will be monitored by the Merseyside Criminal Justice Board Victim and Witness Strategy Group. The Corporate Criminal Justice, Citizen Focus portfolio represent Merseyside Police on this group.

- 6.4 A full copy of the inspection report, together with an executive summary can be obtained from the Internet: www.HMCPSI.gov.uk
- 6.5 Finally, it should be noted that, within the inspection report, areas were referred to when good practice was identified. The review highlighted 7 areas of best practice, 6 of which referred to Merseyside, the other related to CPS Direct. In summary, these 6 areas of good practice related to MG11s (witness statement form), victim code dip sampling, and new police officers spending time with the Witness Service.

7. Financial and Staffing Implications

There are no direct financial or staffing implications associated with this report. All training will be incorporated into current training delivery opportunities.

8. Risk Assessment

As previously stated, the overall aim of the joint review was to evaluate the effectiveness of services provided to victims and witnesses to ensure that they are properly supported and kept informed as to the progress of their case. Failure to achieve this goal could reduce the likelihood of witnesses attending court and have an adverse effect on the confidence of victims and witnesses in the criminal justice system.

9. Equality and Diversity Impact Assessment

There are no equality or diversity issues associated with this report.

10. Environmental Impact Assessment

There are no environmental issues associated with this report

11. Conclusions

- 11.1 Figures indicate that, overall, a great deal has been achieved, but equally there is still some way to go if victims and witnesses are really to feel they are placed at the heart of the system as the Government has pledged.
- 11.2 All recommendations and areas for improvement detailed within the report (this includes issues appertaining to Merseyside Police and Merseyside Witness care Unit) have been incorporated into an Action Plan. In the first instance, this will be monitored by the Victim and Witness Strategy Group, chaired by the Chief Crown Prosecutor, who is required to update on progress to the Merseyside Criminal Justice Board.

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Background Papers: None

