

# Chief Constables' Council Minutes

## Minutes of the meeting held on Wednesday-Thursday, 20-21 April 2016 in Doncaster, UK

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**Author:** Rose de la Cuesta  
**Force/organisation:** National Police Chiefs' Council (NPCC)  
**Date created:** 27 April 2016

### ATTENDANCE

#### Present

CC Sara Thornton  
CC Andy Marsh  
CC Jon Boutcher  
DCC Alan Baldwin  
CC Simon Byrne  
Commissioner Ian Dyson  
T/CC Iain Spittal  
DCC Michelle Skeer  
CC Mick Creedon  
CC Shaun Sawyer  
CC Debbie Simpson  
DCC Stephen Watson  
T/DCC Liane James  
DCC Matthew Horne  
CC Suzette Davenport  
CC Ian Hopkins  
CC Jeff Farrar  
CC Olivia Pinkney  
CC Andy Bliss  
CC Justine Curran  
CC Alan Pughsley  
CC Steve Finnigan  
DCC Roger Bannister  
CC Neil Rhodes  
CC Sir Jon Murphy  
Commissioner Sir Bernard Hogan-Howe  
AC Mark Rowley  
CC Simon Bailey  
CC Simon Edens  
CC Mark Polin  
CC Steve Ashman  
CC Dave Jones  
CC Chris Eyre

### 20 APRIL 2016

NPCC Chair  
Avon and Somerset  
Bedfordshire  
Cambridgeshire  
Cheshire  
City of London  
Cleveland  
Cumbria  
Derbyshire  
Devon and Cornwall  
Dorset  
Durham  
Dyfed Powys  
Essex  
Gloucestershire  
Greater Manchester  
Gwent  
Hampshire  
Hertfordshire  
Humberside  
Kent  
Lancashire  
Leicestershire  
Lincolnshire  
Merseyside  
Metropolitan  
Metropolitan  
Norfolk  
Northamptonshire  
North Wales  
Northumbria  
North Yorkshire  
Nottinghamshire



CC Peter Vaughan  
CC David Crompton  
CC Jane Sawyers  
T/CC Gareth Wilson  
T/CC Nick Ephgrave  
CC Giles York  
CC Francis Habgood  
CC Martin Jelley  
CC David Shaw  
CC David Thompson  
CC Mark Gilmore  
T/CC Dee Collins  
CC Mike Veale  
CC Paul Crowther  
DCC Adrian Hanstock  
ACC Will Kerr  
CC Phil Gormley  
CC Mike Griffiths  
CC Alfred Hitchcock  
CC Alex Marshall  
Colonel David Neal  
Group Captain Kevin Bailey

South Wales  
South Yorkshire  
Staffordshire  
Suffolk  
Surrey  
Sussex  
Thames Valley  
Warwickshire  
West Mercia  
West Midlands  
West Yorkshire  
West Yorkshire  
Wiltshire  
BTP  
BTP  
PSNI  
Police Scotland  
Civil Nuclear Constabulary  
Ministry of Defence  
College of Policing  
Royal Military Police  
Royal Airforce Police

**In attendance for specific items**

Sonya Gransden  
Ian Drysdale  
ACC Martyn Bates  
DCC Richard Morris  
Liz Mattock

Kent  
Kent  
Derbyshire  
ESMCP  
Norfolk

**In attendance**

Ms Mary Calam  
Mr Paul Lincoln  
DCC Simon Chesterman  
ACC Chris Shead  
Supt. Tim Metcalfe  
Inps. Ben Gasson  
Ms Nicole Higgins  
Ms Rose de la Cuesta  
Mr Richard Hampson  
Ms Georgie Wade  
Mr Luke Mackenzie  
Ms Sherry Tracquair  
Mr Matt Peck

Home Office, Director General for Crime and Policing  
Home Office  
CNC  
NPoCC Strategic Lead  
NPCC Chief of Staff  
NPCC Staff Officer  
NPCC Strategic Planning and Risk Manager  
NPCC Business Manager, Minutes Secretary  
NPCC Business Officer  
NPCC Communications Officer  
NPCC Communications Office Manager  
NPCC FOI and Decision Maker  
College of Policing Chief of Staff

**ATTENDANCE**

**Present**

CC Sara Thornton  
CC Andy Marsh  
CC Jon Boutcher  
CC Alec Wood  
CC Simon Byrne  
Commissioner Ian Dyson  
T/CC Iain Spittal  
DCC Michelle Skeer  
CC Mick Creedon

**21 APRIL 2016**

NPCC Chair  
Avon and Somerset  
Bedfordshire  
Cambridgeshire  
Cheshire  
City of London  
Cleveland  
Cumbria  
Derbyshire

CC Shaun Sawyer	Devon and Cornwall
CC Debbie Simpson	Dorset
DCC Stephen Watson	Durham
T/DCC Liane James	Dyfed Powys
DCC Matthew Horne	Essex
CC Suzette Davenport	Gloucestershire
CC Ian Hopkins	Greater Manchester
CC Jeff Farrar	Gwent
CC Olivia Pinkney	Hampshire
CC Andy Bliss	Hertfordshire
CC Justine Curran	Humberside
CC Steve Finnigan	Lancashire
CC Simon Cole	Leicestershire
CC Neil Rhodes	Lincolnshire
CC Sir Jon Murphy	Merseyside
Commissioner Sir Bernard Hogan-Howe	Metropolitan
AC Mark Rowley	Metropolitan
CC Simon Bailey	Norfolk
CC Simon Edens	Northamptonshire
CC Mark Polin	North Wales
CC Steve Ashman	Northumbria
CC Dave Jones	North Yorkshire
CC Chris Eyre	Nottinghamshire
CC Peter Vaughan	South Wales
CC David Crompton	South Yorkshire
CC Jane Sawyers	Staffordshire
T/CC Gareth Wilson	Suffolk
T/CC Nick Ephgrave	Surrey
CC Giles York	Sussex
CC Francis Habgood	Thames Valley
CC Martin Jelley	Warwickshire
CC David Shaw	West Mercia
CC David Thompson	West Midlands
CC Mark Gilmore	West Yorkshire
T/CC Dee Collins	West Yorkshire
CC Mike Veale	Wiltshire
CC Paul Crowther	BTP
Director General Lynne Owens	NCA
ACC Will Kerr	PSNI
CC Phil Gormley	Police Scotland
CC Mike Griffiths	Civil Nuclear Constabulary
CC Alfred Hitchcock	Ministry of Defence
CC Alex Marshall	College of Policing
Colonel David Neal	Royal Military Police
Group Captain Kevin Bailey	Royal Airforce Police

**In attendance for specific items**

Mr Jack Comey	Director of FBI
HMI Mike Cunningham	HMIC
Mr David Etheridge	CFOA
Supt. Simon Verrall	South Yorkshire Police
CI Jenny Lax	South Yorkshire Police
Mr Simon Dunker	South Yorkshire Fire and Rescue
Ms Laura Koscikeiwz	Cambridgeshire
DCC Andy Frost	Northamptonshire

**In attendance**

Insp. Ben Gasson	NPCC Staff Officer
Ms Nicole Higgins	NPCC Strategic Planning and Risk Manager
Mr Richard Hampson	NPCC Business Officer
Ms Rose de la Cuesta	NPCC Business Manager, Minutes Secretary
Ms Georgie Wade	NPCC Public Affairs Officer
Mr Luke Mackenzie	NPCC Communications Office Manager
Ms Sherry Tracquair	NPCC FOI and Decision Maker
ACC Chris Shead	NPOCC Strategic Lead
Mr Matt Peck	College of Policing Chief of Staff

***20 April 2016 at 10:00 hrs in Doncaster, UK***

**OPEN SESSION**

**1. ATTENDANCE AND APOLOGIES**

1.1. The Chair welcomed those present to the meeting of Chief Constables' Council, especially Ms Mary Calam and her successor Mr Paul Lincoln. Ms Calam was thanked for her collaborative work with the NPCC Chair and chief constables in her role as Director General for Crime and Policing Group.

1.2. The following tendered their apologies for the 20 April 2016 session of Council:

Mr Wood, Mr Graham, Mr Barton, Mr Prince, Mr Kavanagh, Mr Cole, Mr Hewitt, Mr Hamilton and Ms Owens.

1.3. The following tendered their apologies for the 21 April 2016 session of Council:

Mr Barton, Mr Graham, Mr Prince, Mr Kavanagh, Mr Pughsley, Mr Cole, Sir Jon Murphy, Mr Hamilton and Mr Hewitt.

**2. MINUTES**

2.1. The Minutes of the previous meeting held on 20-21 January 2016 were agreed.

**3. MATTERS ARISING**

3.1. Chiefs were advised of the following:

- Casualty Bureau arrangements were progressing on schedule.
- Operation Hydrant would be considered as part of agenda item 6.
- A gold group has been established to support law enforcement's engagement with the Undercover Policing Public Inquiry and the response to the issues raised by it. Two meetings have been held so far.

3.2. Chiefs noted the contents of the Council Action Log.

#### **4. STANDING ITEMS**

##### **4.1 Chair Update**

- 4.1.1 April 1 marked the first anniversary of the NPCC and the delivery plan provided a good indication of the activities being conducted by the organisation. The delivery plan was focused upon operational coordination and appropriate stakeholder engagement.
- 4.1.2 Quarterly meetings were being held with the Independent Police Complaints Commission (IPCC), Her Majesty's Inspectorate of Constabulary (HMIC), Home Secretary and the Policing Minister. Chiefs were encouraged to contact the Chair with regards to relevant developments in their individual forces or coordination committees to ensure proper representation.
- 4.1.3 The Prince of Wales' office had made contact with the Chair and indicated that the Prince was keen to engage with policing. They indicated an interest in cadets, diversity and community issues.
- 4.1.4 The Police Reform and Transformation Board (PRTB) had its inaugural meeting on 23 February, wherein the broad direction of travel for policing and the Police Vision 2020 were discussed. The Vision was out for consultation with Police and Crime Commissioners (PCCs) and will be considered with the newly elected PCCs prior to finalising. It has also been shared with the Police Federation, Superintendents' Association and UNISON.
- 4.1.5 On 1 July, the NPCC and APCC are hosting a joint capabilities summit. This event will cover specialist capabilities, technology and counter-terrorism work.
- 4.1.6 From 1 April, NDORS transitioned to UKROEd Limited. ACPO Crime Prevention Initiatives (CPI) has now moved across to MOPAC governance.
- 4.1.7 A national approach to file quality was being developed and piloted in four or five forces led by the Criminal Justice Coordination Committee. Chiefs were asked to ensure implementation if pilots proved to be successful.
- 4.1.8. Chair requested volunteers for the bail portfolio as it was important to have representation at a time when changes to bail are being proposed in Policing and Crime Bill.

##### **Action: Chief constables**

- 4.1.9 Mr Marsh and Ms Pinkney were congratulated on their recent appointments as chief constables.
- 4.1.10 Mr Cole and Mr Finnigan were re-elected to lead on their respective coordination committees and Mr Barton has been elected as new chair for Crime Operations Coordination Committee. Mr Hitchcock has stepped down from his post as chair of the Equality, Diversity and Human Rights (EDHR) Coordination Committee and has been succeeded by Mr Wilson. A new lead was required for the Information Management Coordination Committee and the post has been advertised.
- 4.1.11 An update was provided on the views of the IPCC about the changes in the Police and Crime Bill. The IPCC has agreed to share their policy positions around some of the recommendations in the

Bill and it was suggested that the Chair of the IPCC be invited to a future meeting of Council to discuss some of the issues.

**Action: Chair**

#### 4.2 College of Policing Professional Committee Update

4.2.1 Chiefs were updated on the recent activities of the Professional Committee, including the new routes of entry into policing and the higher apprenticeship entry route (forces will be required to pay an apprenticeship levy which can be used to fund the scheme). Chiefs were encouraged to read the briefing note on this area of work. A questionnaire on chief officer appointments has also been circulated and the results will help to inform potential changes that would widen and improve the recruitment process for chief officers.

4.2.2 Some of the difficulties for aspiring chief officers were discussed, including relocation expenses and disclosure of personal information. Mr York undertook to consider the issue of remuneration and expenses in his capacity as NPCC lead for Workforce Development and circulate a position and advice to chiefs. Mr Metcalfe would approach Mr Readhead with regards to establishing an FOI view on the disclosure of personal information, particularly for ACCs and DCCs.

**Action: Mr York/ Mr Metcalfe**

4.2.3 The forthcoming Continuous Professional Development (CPD) event on 3 May would provide an opportunity to discuss some of the cross sector thinking around attracting future candidates and the broader issue of supporting potential candidates would be further discussed in the July meeting of Council.

**Action: Mr Marshall**

4.2.4 The issues relating to undercover CHIS online training would be discussed outside the meeting.

**Action: Mr Creedon/Mr Marsh**

4.2.5 The College of Policing was reviewing the selection process throughout the whole of policing. The Police National Assessment Centre (PNAC) was considered to be one of the best formats for selecting executive level officers, but the College was also open to considering other gateways for potential chief officers.

4.2.6 Defining and Assessing Competence (DAC) would be conducted in the autumn and chiefs were asked to ensure they knew the specific point of contact (SPOC) for their particular force and that they were enforcing annual appraisals and Personal Development Reviews (PDRs) in their individual forces.

**Action: Chief constables**

#### 4.3 Pre-circulated papers

4.3.1 The funding for the wildlife crime unit was supported at the previous Council meeting and it was further agreed that continued funding would be provided for the next four years. Mr Readhead would be approached to clarify the ACRO administration costs.

**Action: Ms Pinkney**

- 4.3.2 The review of email circulations on sensitive issues raised three areas of concern: marking documents correctly both in terms of classification and dissemination; treating materials correctly in our offices; and applying sensible judgement. Chiefs were asked to ensure their staff were aware of the policy.

**Action: Chief constables**

- 4.3.3 Chiefs were advised that ChiefsNet went live earlier that day. Further research had been conducted on video conferencing solutions and chiefs agreed to sign up to the individual force requirements to ensure compatibility. Coordination Committee Chairs were also asked to ensure that their staff officers received training on ChiefsNet.

**Action: Coordination Committee Chairs**

## **5. NATIONAL CHILD SAFEGUARDING ACTION PLAN**

- 5.1 The status of the action plan was discussed and it was noted that there was an expectation that national leads would develop action plans, particularly on complex issues. Chiefs were not legally obliged to comply with the action plan, but were required to inform the NPCC should they decide to derogate from it in the future.
- 5.2 Council supported the adoption of the National Child Safeguarding Action Plan 2015/16 on the recommendation of the NPCC lead for CSA. Chiefs also noted that the HMIC was aware of the document and could potentially make references to it in their inspections.

## **6. TACKLING ONLINE CHILD SEXUAL EXPLOITATION UPDATE**

- 6.1 Each force should now be connected to the Child Abuse Image Database (CAID) and be able to upload images. Significant effort was being placed in streamlining investigations, prosecutions and trials.
- 6.2 The CPIA are working with NCA to explore the most efficient and effective means of targeting offenders who abuse children online or share child abuse imagery. This work is supported by academics.
- 6.3 Some forces reported difficulties in accessing the Child Abuse Image Database (CAID) and Mr Bailey agreed to look into resolving any issues.

**Action: Mr Bailey**

- 6.4 In addition to the interim guidance that has been developed to address welfare of staff viewing IIOC, the project team are scoping new functions that could be added to the CAID to negate the need for those investigating IIOC cases to view so many images.
- 6.5 Guidance on the threshold for successful charging was being developed and judges have been briefed on the CAID for their awareness.
- 6.6 A further paper detailing the number of cases being investigated and the activities being conducted in the Pursue, Prepare and Prevent Boards would be submitted to the next Council meeting.

**Action: Mr Bailey**

- 6.7 Chiefs agreed the recommendations articulated in the paper, which included support for the adoption of one of the three enforcement models and an application for police transformation funding.
- 6.8 Chiefs viewed a video produced by Leicestershire Constabulary to raise awareness and educate young people in particular about the risks of the online threat. The video would be made available through the College of Policing should chiefs decide to use it.
- 6.9 The CPS had recently produced guidelines on CSA cases involving high profile people who are deceased. Mr Byrne and Mr Bailey were asked to locate and circulate the guidelines to chief constables.

**Action: Mr Byrne/Mr Bailey**

- 6.10 It was reported that Sir Richard Henriquess has been asked by the Commissioner to conduct an independent review the Metropolitan Police handling of cases involving claims of historical child abuse by public figures. The report would be used as a basis for discussion at the next meeting of Council.

**Action: Mr Creedon**

**7. NATIONAL ARMED POLICING UPLIFT PROGRAMME/CT LARGE SCALE MILITARY SUPPORT TO THE POLICE - SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**

**8. APOLLO PROGRAMME**

- 8.1 Chiefs were updated on the recent developments around the APOLLO programme. The programme aimed to provide common intelligence applications and common intelligence rules across CT policing, which would enable police officers in London to share that intelligence with forces across the country. The programme has now been rolled out in Scotland as well as the North West.
- 8.2 Chiefs agreed the recommendations contained in the paper, which included support for sharing information across the CT/DE networks and an agreement to release CT resources to assist national preparations.

**9. NATIONAL COLLABORATION AGREEMENT REGARDING PROPERTY AND WIRELESS TELEGRAPHY INTERFERENCE**

- 9.1 Legal advice has been sought to support the development of a national collaboration agreement regarding property and wireless telegraphy interference, with appropriate safeguards. The legal advice would be made available to chiefs upon request.
- 9.2 Chief constables supported the development of a national collaboration agreement under S22a PA96 in respect of any property and wireless telegraphy interference across forces in England and Wales.

**10. DELIVERY PLAN 2015/16 UPDATE**

- 10.1 Chiefs were advised that the majority of the actions had been marked complete and those actions which remained amber or red were mainly due to issues surrounding funding, staffing or interdependencies between programmes.
- 10.2 There were a substantial number of dependencies detailed in the risk assessment. Mr Richard Thwaite has been commissioned by the Home Office to look into that landscape of risks and

dependencies and the work that Mr Sedwill was conducting in the Strategic Capabilities Board, which, although looked beyond law enforcement and security, was also tied in to some of those risks and inter-dependencies.

10.3 Chiefs noted the contents of the report.

## **11 DRAFT DELIVERY PLAN 2016/17**

11.1 The draft delivery plan 2016/17 differed from the previous year as its focus was now organised around the five strands of the draft Policing Vision 2020, instead of the six objectives of the role of the NPCC as laid out in the S22a Collaboration Agreement.

11.2 Chiefs agreed that the plan would benefit from the inclusion of migration issues and the movement of people across communities, particularly vulnerable people and unaccompanied children. Mr Sawyer would liaise with Mr Metcalfe to ensure the inclusion of this key area in the delivery plan. It was added that the forthcoming changes to bail should also be more prominent in the plan with additional objectives included.

**Action: Mr Sawyer/Mr Metcalfe**

11.3 The discussion that followed raised the following points:

- Consideration should be given to how information on local policing objectives would be gathered from multi-agency teams across 43 forces and how success would be measured.
- The APCC should be kept informed of objectives, as they were often doing some of the activities highlighted in the plan in parallel, particularly in terms of looking at the governance or the strategic aspect.
- The public may not necessarily understand some of the wording used around local policing and caution should be exercised in ensuring that this was not interpreted as an urban-centered approach to policing.

11.4 The draft delivery plan 2016/17 was agreed subject to the comments raised by chiefs. The document would be published on ChiefsNet after the meeting, but its wider circulation to the public would be postponed following presentation to the Audit and Assurance Board.

**Action: Mr Metcalfe**

## **12. MANAGEMENT OF CHIEF CONSTABLES' COUNCIL**

12.1 In light of the volume of papers being considered at Chief Constables' Council, chiefs were presented with three options to ensure that Council papers were receiving proper scrutiny: regional pre-Council meetings; Chief Constables' Council Joint Coordination Committee and the use of ChiefsNet.

12.2 In reference to the media and public communication responses laid out in the draft operating model, it was emphasised that chiefs needed to be clear of their role when speaking about operational matters and their role as corporation soles. There was a need to be cautious about expressing personal opinions and to be clear on whether the position was national or local, as this may cut across locally appointed Police and Crime Commissioners (PCCs). Reference should also be made to the College when speaking about guidance, policies or standards.

- 12.3 A process for the development of guidance documents was presented and it was highlighted that only the College of Policing could produce national guidance materials. If coordination committees identified the need for guidance, then this would need to be shared with the College prior to the further development of the guidance.
- 12.4 Chiefs were keen not to replicate the ACPO Cabinet approach as more value would be derived from debating issues at a regional level. Chiefs therefore supported a regionally based model that mirrored the national structures for the future management of Council.
- 12.5 The proposed NPCC operating model was agreed subject to the inclusion of the regional meeting structures.
- 12.6 The approach to the development, approval and publication of guidance materials with the College of Policing was agreed; however, it was highlighted that chairs of professional communities needed to work more closely with chairs of coordination committees and Mr Marshall undertook to look into resolving any issues, particularly around crime operations. Chiefs further requested that a similar approach be produced for Chief Constables' Council.

**Action: Mr Marshall/Ms Higgins**

### **13. STOP AND SEARCH**

- 14.1 Chiefs were advised of the Home Secretary's suspension of a number of police forces from the best use of stop and search scheme (BUSS) without prior notice and the Home Secretary's request for the HMIC to *"review other powers that the police can use to stop people, such as section 163 of the Road Traffic Act 1988, in order to establish that they are being used effectively and fairly"*.
- 14.2 There were risks which needed to be considered if BUSS were to be extended to S163 of the Road Traffic Act. The following considerations were raised:
- Public perception and the impact this would have on the public's relationship with the police.
  - Change of cultural approach and policing style.
  - Proportionality and civil liberty issues.
  - The significant increase in bureaucracy for roads policing officers might lead to reluctance to exercise the power, which in turn might lead to more deaths on the road.
  - The current lack of a data collection system specifically for S163 data and the need for investment.
  - The need to clearly define a 'stop' and to be clear on the research questions that the police should be addressing.
- 14.3 Ms Davenport, in her capacity as NPCC lead for Roads Policing, agreed to work with John de Souza at the Home Office in order to clarify the data sets required and better understand the reasoning and evidence for the proposal.

**Action: Ms Davenport**

- 14.4 Ms Collins offered to assist Ms Davenport in data collation. Mr York and Mr Hanstock also agreed to assist nationally on this area of work.

**Action: Ms Collins/Mr Hanstock/Mr York**

- 14.5 Chiefs agreed for the roads policing portfolio within the operations coordination committee to take this work forward.

#### **14. REFORM AND TRANSFORMATION**

- 14.1. The five elements of the draft policing vision were agreed at the January meeting of Council, namely local policing, specialist capabilities, digital policing, workforce and business enablers. The vision currently out for consultation with PCCs.

- 14.2. The Police Reform and Transformation Board (PRTB) meeting held on 23 February agreed the membership of the Board. The NPCC Chair had since had a meeting with the Police Federation, Superintendents' Association and UNISON and they have requested to be added to the membership. This will be put to the PRTB in May.

#### **15a. Finance Coordination Committee Update**

- 15a.1 Chiefs were informed of the work being conducted by the coordination committee following the recent change in national leadership and were given an update on reform of business enablers

- 15a.2 The CLEP Programme was delivering good work but needed to be repositioned, subject to consultation with Police and Crime Commissioners (PCCs). A further paper would be submitted to Council.

**Action: Mr Thompson**

- 15a.3 Chiefs noted the update and endorsed the proposal for the workforce coordination committee to work with the Home Office on the strategy for apprenticeships, particularly on issues surrounding levy payments.

#### **15b. Specialist Capabilities Paper**

- 15b.1 Briefings had previously been circulated to chiefs regarding the three areas of work that the specialist capabilities programme would be focusing on: governance and communication, concept development and using the Demand, Risk and Resource (DRR) methodology.

- 15b.2 Chiefs noted the contents of the report.

- 15c. Police Approach to Home Office Programmes - SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED

#### **15. PERFORMANCE**

- 16.1 Forces' approach towards performance management has changed over the last couple of years as increased focus now lay with risk, threat, harm and vulnerability.

- 16.2 The HMCIC had previously criticised the service for not sharing good practice, not offering peer support, and focusing too much on capacity, not capability. Further work had since taken place to address these areas. Templates were also being developed for informal offers of support to more formal offers of support for peer reviews as agreed by chief constables and Police and Crime Commissioners (PCCs).

- 16.3 Chiefs were advised of the contents and recommendations contained in 'The use of targets in policing' review produced by Chief Supt Irene Curtis. It was pointed out that people and well-being did not feature as prominently in the report.
- 16.4 In terms of the HMIC's monitoring and inspection process, the importance of context – particularly with regards to austerity and the changing nature of demand – and the need for proportionality and a risk based approach were emphasised.
- 16.5 The attached presentation on Kent Police Performance and Culture was delivered. This highlighted the difficulties of a target driven culture and the importance of empowering and valuing police officers and staff in changing the culture of an organisation.
- 16.6 Chiefs commented that league tables for forces were not particularly helpful and that there was a space for chiefs to fill in the Crime Policing Monitoring Group (CPMG) in terms of providing support to forces.
- 16.7 Chiefs supported the proposal for the performance management coordination committee to develop a common framework in partnership with the College of Policing, Home Office and HMIC, for the measurement, management and delivery of performance in policing.

**16. POLICE MEMORIAL VIDEO**

- 17.1 Chiefs viewed a video regarding the establishment of a new UK police memorial. Chiefs were encouraged to contribute an hour's pay per month towards the £4 million target required to design, build and maintain the new memorial. A letter from CC Thornton and Sir Hugh Orde would be circulated to chiefs after the meeting.

**Action: Chair**

## ***21 April 2016 at 09:00 hrs in Doncaster, UK***

### **OPEN SESSION**

#### **17. MISCONDUCT AND DISCIPLINE MATTERS**

18.1 John Beggs QC delivered a presentation regarding complaints and discipline. He outlined the legal responsibilities of the Appropriate Authority and urged chiefs to ensure that their Professional Standards Departments were professionally and effectively staffed.

18.2 In discussion the following were highlighted:

- No other professional bodies were asked to delay their retirement to sustain a misconduct process and the general employment rule was that authorities could not compel an individual to work.
- The proposal in the Policing and Crime Bill was that police officers would be allowed to retire, but that they could be pursued as retired officers. In practical terms, there could be some difficulties in ensuring the attendance of retired officers at future hearings.
- CPOSA would be holding a 'friends' training event and were reliant on volunteers to come forward. A workshop was also being arranged between CPOSA, APCC and chief executives to better understand their roles in IPCC cases.
- Chiefs were asked to ensure that new PCCs were sighted on the protocol between CPOSA and the APCC around the use of S38.

18.3 Chiefs were advised that DCC Craig Guildford has agreed to lead on conduct matters and that DCC Steve Watson would be leading on counter-corruption on behalf of the NPCC.

#### **19. GOING DARK**

19.1 Director Comey advised on how the law enforcement and national security establishments in the United States were dealing with the difficulties around encryption and an update was provided on the FBI strategy.

19.2 The term 'going dark' encompassed a variety of challenges connected with law enforcement and national security investigations and the increasing difficulty in obtaining information that sat in digital form on devices or were moving across fibre optic cables as communications. The main feature of going dark was the lawful process surrounding the increasing difficulty of being unable to read the content of communications in motion and to unlock and then decipher so to be able to read the content in devices – otherwise known as the 'data at rest' or 'data in motion' problem.

19.3 It was reported that after Edward Snowden's disclosures, encryption moved from being available on a device to a default encryption. The FBI would often approach the court to obtain orders to search a device or gather data in motion, but be unable to have that order executed due to this switch to default encryption. Apple, for instance, had moved their devices to default locked and encrypted and the Director had since expressed his concerns over advertising such products as being warrant proof and resistant to judicial authority.

19.4 The FBI's strategy this year involved working with law enforcement agencies to gather examples to evidence the ways in which this was affecting their work. The findings so far showed that

this was overwhelmingly a law enforcement problem, not so much a national security problem. This was more likely to affect cases involving kidnapping, pedophiles, drugs and domestic violence. The vision next year would be for law enforcement agencies and companies to have a discussion about 'collision in values' in terms of public protection. On the one hand, strong encryption helped to protect the public to be more secured on the internet. On the other hand, in order to achieve public safety goals, law enforcement agencies were increasingly being confronted with a widespread default use of encryption, which in turn was making it difficult for law enforcement agencies to do their jobs to better protect the public.

- 19.5 The San Bernardino case was cited by way of example as it involved an Apple 5c phone with IOS9. The phone had two features which acted as obstacles to the investigation: it had an auto encrypt function after a certain number of passcode guesses and it also required an increased delay between each successive guess. Apple was directed by the Court to disable those two features, but did not cooperate as they did not want to undermine the security features of their products. The FBI therefore had to purchase a software tool in order to bypass those features to open the phone. The lawsuit was subsequently dropped as its main purpose was essentially to proceed with the investigation.
- 19.6 The law enforcement should not dictate how the public governed themselves, but neither should companies. There was currently a seductive notion in the United States around absolute privacy and the FBI's role was to initiate a discussion informed by the costs of that notion.
- 19.7 There has been an increased velocity of anxiety in the United States as a result of a terrorist attack in November and the San Bernardino case in December. The FBI has therefore been approaching investigations differently by spending more time talking to the public about their work in order to provide necessary assurance and address that velocity of anxiety.
- 19.8 The discussion that followed highlighted that there was merit in sharing data and gathering case examples between the NCA and FBI, particularly in cases involving firearms importation. It was also pointed out that the banking sector was more mature in dealing with communications, in terms of securing it, whilst also ensuring the retention of data.
- 19.9 The majority of US law enforcement agencies had agreed to the development of an FBI database to collect information pertaining to the police use of firearms in communities in order to build greater transparency on the use of force by police officers.

## **20. HMIC PEEL MONITORING PROCESS**

- 20.1 A presentation was delivered on the five stage monitoring process and chiefs were advised that the HMIC acknowledged forces' focus on threat, harm and risk and recognised that further consideration needed to be given on what this might mean for deployment of assets and performance management. HMIC was keen to work with the service in establishing how this might translate to a meaningful performance regime.
- 20.2 As part of the HMIC change programme, its focus now has changed from inspecting on the public interest to helping forces improve to make people safer. It was therefore in the interest of the HMIC and the service to assist forces, particularly those in stage three.
- 20.3 Chiefs raised the following in discussion:
- Further discussion was required on partnership working and recognition of the responsibility and accountability of partners.

- The HMCIC may have a mediating role in cases where relationships have broken down between chief constables and HMIs or PCCs and HMIs.
- Further work was being conducted on the Peer Review process to harmonise with the HMIC process.
- The status of recommendations should be clarified as they were often interpreted as standards.
- The role of the CPMG was to assist and support forces and its membership should understand their role in those meetings.

20.4 Chiefs were advised that joint working was required to ensure a professional relationship between the service and HMIC to help forces to improve with fair and proportionate reports and processes. The work of the HMIC was in some respect complimentary to the work of the College. It was highlighted that the HMIC would also identify where forces were good and at times outstanding. The CPMG must be more focused on what could be done to support forces.

20.5 Chiefs were broadly supportive of the direction of travel and requested that the HMCI be invited to a future meeting of Council and to meet with regional representatives.

**Action: Chair**

## **21. POLICE AND FIRE SERVICE INTEGRATION**

21.1 A presentation was delivered outlining a series of principles to guide collaboration between the services.

21.2 The discussion that followed raised the following:

- Identifying the operational, organisational and financial benefits should be prioritised.
- Although there was a statement of intent, there was a requirement to have a debate with Police and Crime Commissioners (PCCs) locally that had varying levels of commitment to collaboration.
- There was a momentum for collaboration but this should not be tied to just the fire service.
- In addition to exploring the appointment of chief fire officers to chief police officer roles there should be a wider consideration of eligibility for those in related roles.

21.3 Chiefs were advised of the national work being done which would assure the Home Office that combination of resources would deliver better value for money. It was acknowledged that it was premature to have a conversation about having one organisation, but consideration as to what this might look like would lead to greater collaboration. It was added that collaboration with health colleagues would broaden the benefits to public safety.

21.4 It was reported that the Policing Minister was keen to ensure that future innovation and transformational funding would be given to PCCs for allocation to collaborative projects, which would appear to place the fire service collaboration in good stead.

21.5 Chiefs noted that the position would be clearer after the May PCC elections and supported joint working with the Chief Fire Officers' Association. Those present were also encouraged to provide ideas, identify best practice, operational benefits, and highlight developments and activities. Comments and feedback should be sent to Mr Frost.

**Action: Chief constables**

**22. IMPLEMENTATION OF THE CYBERCRIME STRATEGY: ROLES, TASKING AND CAPACITY PLANNING - SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**

**23 INFRASTRUCTURE POLICING PROJECT UPDATE**

23.1 Chiefs were advised that a review of policing infrastructure was being undertaken in the Home Office. There were two infrastructure models currently being considered:

- Transport Infrastructure Constabulary
- Armed Infrastructure Constabulary (to include MDP and CNC)

23.2 There were concerns that impact on Home Office forces was not properly reflected in the work so far and that proposals for motorway policing and airport policing needed more consideration from the perspective of Home Office forces.

23.3 Mr Rhodes agreed to be a representative on the project team. He further undertook to invite a Home Office official to the July Council meeting and to find a superintendent that could be seconded to the project for six months.

**Action: Mr Rhodes**

23.4 Chiefs noted the update and agreed to ensure that the views of Council were reflected in the report before it was finalised in July.

**Action: Chair/Ms Davenport/Mr Rhodes**

**24. SPR/NPR – PROCESS TO ESTABLISH NATIONAL MINIMUM CAPACITY LEVELS**

24.1 The position articulated in the paper has altered since the paper was circulated. A further submission would therefore be presented at the next meeting of Council.

**Action: Mr Vaughan**

24.2 Council decided that Mercury should be used to capture the capacity across the service, which meant that this should apply to all roles, but adequate safeguards for individuals in sensitive roles should also be put in place.

24.3 The College held registers of covert communities and it was suggested that the legal position around such registers would be discussed outside the meeting.

**Action: Mr Marshall/Mr Creedon/Mr Eyre**

**25. ANY OTHER BUSINESS**

25.1 Vetting of HMIs - **SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**

25.2 National Crime Agency Cases

25.2.1 A year ago, two NCA cases failed, and this led the NCA to review all its warrants and orders. The review involved 326 operations and 3000 documents. 51 of those cases had discrepancies, whilst in three of the cases CPS had advised that they be disclosed to the lawyers of the cases.

At present none of those 51 cases had failed. The review also found that 200 other cases had minor discrepancies. Chiefs were therefore advised to conduct quality assurance.

25.2.2 The HMIC has been contacted with the request that they re-inspect the NCA in 18 months' time and it was likely that the HMIC would look at this as part of PEEL. The College has also been approached to see whether training and guidance materials could be produced. The Lord Justice clerk has also been contacted to ensure lessons were learnt, especially given that all the warrants were authorised by the Magistrates or members of the Judiciary.

25.2.3 Details of the judgement and recommendations would be emailed to chiefs.

**Actions: Mr Hampson**

25.3 CPOSA

25.3.1 The premiums for insurance and memberships have been circulated to chiefs early to allow early discussions with Police and Crime Commissioners and thus to ensure payment.

25.3.2 CPOSA had made submissions on the Police and Crime Bill, in terms of fire and police collaboration, provisions on whistle blowing and independent investigations of IPCC.

25.3.3 Police National Assessment Centre (PNAC) – Chiefs were asked to encourage Chief Officers to take on the role of assessors and to support the PNAC process. Service assessors currently represent a lower proportion than non service assessors.

25.4. Pensions - **SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**

25.5 APP Undercover Policing

25.5.1 APP undercover policing would be formally launched between the 6 and 8 May.

25.6 Collection of data by HMIC

25.6.1 There were four forces, Thames Valley Police, Derbyshire Constabulary, Greater Manchester Police and West Yorkshire Police, that have been working with the HMIC on collecting data relating to local policing. The HMIC was keen to roll that out to 43 forces and concerns were raised over data burden. There was a suggestion that this was a replacement to iQuanta and further concerns were raised regarding the cost of the server and how data would be used.

25.7 IPCC

25.7.1 Chiefs were advised of some of the referrals that had been passed to the IPCC for investigation suggested that staff in force control rooms were feeling vulnerable in deciding when to deploy. Chiefs were encouraged to look how their forces may be dealing with such cases.

25.8 Chief Constables' Council- **SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**