

SPECIAL SCRUTINY BOARD

DATE Monday 3 July 2017

TIME 1.00pm

VENUE Commissioner's Conference Room, Clemonds Hey, Oakmere Road, Winsford, CW5 2UA

Agenda

	<i>Page</i>
1 HMIC CRIME DATA INTEGRITY	2

For further information about this Agenda, please contact Ben McCrorie on 01606 364013

Cheshire Constabulary:

Crime Data Integrity inspection 2017

Overall judgment

 Inadequate

Cheshire Constabulary has made efforts to improve crime-recording accuracy which has led to some improvements since HMIC's [2014 Crime Data Integrity inspection report](#). We found that:

- the majority of officers and staff have made progress in placing the victim at the forefront of their crime-recording decisions;
- the constabulary has worked hard in bringing about improvements in the knowledge and understanding of the crime-recording requirements for modern day slavery crimes among officers and staff; and
- its victim support team ([Cheshire Cares](#)) is well-established, providing victims of recorded crime with access to support services to which they are entitled.

Much work remains to be done, however. The constabulary is yet to complete all of the recommendations for improvement made in our 2014 report, and has made only limited progress against a national action plan developed to improve police crime-recording. This is seriously undermining the effectiveness and efficiency of its crime-recording arrangements.

Based on the findings of our examination of crime reports for the period 1 June 2016 to 30 November 2016, [we estimate that the constabulary fails to record over 11,600 reported crimes each year](#). This represents a recording rate of 83.6 percent (with a confidence interval of +/- 1.79 percent). The 16.4 percent of reported crimes that go unrecorded include serious crimes such as sexual offences, domestic abuse and rape. The recording rate for violent crime is a particular cause of concern at only 80.9 percent (with a confidence interval of +/- 3.00 percent). This means that on too many occasions, the constabulary is failing victims of crime.

Improvements must be made in many areas. In particular, we consider that there are too many failures to make the correct crime-recording decision at the first opportunity. These failures are often due to poor crime-recording processes and an insufficient understanding of crime-recording requirements by officers and staff, compounded by limited supervision to correct these decisions at the earliest opportunity.

Summary of inspection findings

The constabulary has made some improvements in its crime-recording arrangements since our 2014 report. However, we found that:

- some progress has been made against the action plan developed by the national policing lead on crime statistics following the 2014 report, and which all forces have been asked to implement. This includes improvements to the constabulary's use of [out-of-court disposals](#) (e.g. cautions and community resolutions); and
- the constabulary has made good progress in developing an understanding of modern day slavery offences among officers and staff.

Despite these advances, the constabulary's performance in respect of crime-recording is unacceptable in the following areas:

- The constabulary is currently under-recording too many reports of crime, including:
 - violent crimes;
 - reports of rape; and
 - other sexual offences.

The constabulary needs to act promptly to improve the accuracy of its recording of these reports and to provide all victims with the service to which they are entitled and deserve.

- The constabulary has made insufficient progress with implementing changes recommended in the 2014 report.
- Incidents which have been disclosed directly to public protection teams as part of multi-agency safeguarding arrangements, and which amount to a crime in law, are not always recorded as such. Delays to the recording of a reported crime are leading to delays in the referral of victims to the constabulary's in-house victim care unit (Cheshire Cares), letting down those victims who need the early support this team can provide.
- The constabulary must improve the extent to which it collects information regarding the effect of criminality on identifiable groups within communities.

Some of these failings are a consequence of insufficient progress having been made to ensure officers and staff understand their crime-recording responsibilities. In addition, there is limited supervision of the crime-recording decisions taken by officers and staff and crime-recording processes are applied inconsistently in different areas of the constabulary.

Cause of concern

In Cheshire Constabulary there is a failure of officers and staff to make correct crime-recording decisions at the first opportunity. This is due to deficiencies in the constabulary's crime-recording processes, insufficient understanding of crime-recording requirements and limited supervision to correct the decisions of officers and staff and improve standards from the outset. This means that the constabulary is letting down many victims of crime.

The constabulary is failing to ensure it adequately records all reports of rape, other sexual offences and violence, including domestic abuse crimes and crimes reported directly to its public protection department. In addition, on most occasions, it is incorrectly using classification [N100](#).

Recommendations

- Immediately, the constabulary should decide who has responsibility for making crime-recording decisions, update its policy and communicate this to all staff involved in the crime-recording process.
- Immediately, the constabulary should take steps to identify and address gaps in its systems and processes for identifying and recording all reports of crime. This work should include a review of the means by which the Occurrence Management Unit (OMU) identifies crimes needing to be recorded, and also provide a consistent and structured approach to call-handling quality assurance processes that is compliant with the [National Crime Recording Standards](#).
- Within three months, the constabulary should review the operating arrangements of its force control centre, including the use of appointments, and ensure that these arrangements secure the recording of all reported crimes at the first point of report when sufficient information exists to do so and in any event within 24 hours of receipt of the report.
- Within three months, the constabulary should develop and implement procedures for the effective supervision of crime-recording decisions throughout the whole constabulary.
- Within three months, the constabulary should put in place arrangements to ensure that:
 - **At the point of report**, greater emphasis is placed on the initial account of victims;;
 - where more than one crime is disclosed within an incident record, or is identified as part of other recorded crime investigations; that these are recorded.

- Within six months, the constabulary should design and provide training for all staff who make crime-recording decisions. This should include training in regard to:
 - the extent of the information required to provide for a crime-recording decision to be made;
 - the expectation that reported crime is recorded at the first point that sufficient information exists to record a crime, which in the majority of cases will be at the point of report;
 - the importance of believing the first account of the victim, particularly where victims suffer with mental health problems;
 - the proper use of classification N100 for reports of rape and recording crimes of rape involving multiple offenders and from third party reports;
 - offences involving the public order act, malicious communications, harassment and common assault; and
 - the additional verifiable information required in order to make crime-cancellation decisions.

Areas for improvement

- Within three months, the constabulary should ensure sufficient audit capacity and capability is available to the FCR to provide reassurance that the constabulary is identifying and managing any gaps in its crime-recording accuracy. This is particularly important for vulnerable victims and those crimes where the risk to the victim is greatest, such as rape, modern slavery and violence.
- The constabulary should immediately improve how it collects diversity information from victims of crime and how it uses this to inform its compliance with its equality duty.
- Within 3 months the constabulary should review and update its approach to the identification and recording of reports of modern slavery, to include Niche custody records, to ensure that such reports are accessible and suitable for audit, and that all reported crime and incidents of this type are recorded within a suitable database.
- The constabulary should immediately put in place arrangements to improve the process for informing victims when their recorded crime has been cancelled.

How effective is the force at recording reported crime?

 Inadequate

Overall crime-recording rate

83.6% of reported crimes were recorded

Over **11,600** reports of crime were not recorded

The constabulary has considerable work to do in order to ensure it records all reports of crime in accordance with the [Home Office Counting Rules](#) (HOCR). We examined reports of crime which the constabulary received, and for which an [auditable record was created](#). The constabulary informed HMIC that all crime that is recorded (excluding fraud) came through an auditable crime reporting route.

We found that the constabulary recorded 83.6 percent of these crimes (with a confidence interval of +/- 1.79 percent). [We estimate that this means the constabulary is not recording over 11,600 reports of crime each year](#). Those failings are depriving many victims of the services to which they are entitled and are a cause of concern.

Of a total of 1,580 reports of crime that we audited, we found 340 that we assessed to be crimes related to [domestic abuse](#). Of these 340 crimes, the constabulary had recorded 260. The 80 offences not recorded included a serious assault, offences of violence and crimes involving harassment and malicious communication.

We found that many of these reports involved the reporting of a crime at the first point of contact with the constabulary, but these crime reports went unrecorded with little rationale to explain why.

We found no record of safeguarding requirements having been considered in well over half of these cases. This absence of safeguarding included one report of rape, one of stalking and one of threats to kill. We also found that the absence of a crime record resulted in fewer than a quarter of these reports of crime being investigated, thereby increasing the potential risk of harm to the victim.

The absence of understanding of the extent of domestic abuse crime, the under-recording of crimes related to domestic incidents, and the failure to provide safeguarding and a satisfactory service to these victims are a serious concern. This is because domestic abuse often involves victims who are particularly vulnerable to further offences being committed against them.

Factors contributing to the constabulary's under-recording of crime reports are its crime-recording processes, the crime-recording knowledge of its workforce and the limited capacity of supervisors to provide effective oversight of crime-recording decisions.

Deficiencies in the constabulary's crime-recording processes are a concern. In particular, we found that:

- when further offences come to light after the initial deployment or during subsequent investigation, the constabulary does not always record reported crimes;
- incident records that contain multiple reports often result in only one crime report being recorded;
- the responsibility for making a crime-recording decision is unclear. Some crimes are recorded directly at the point of the report by the OMU (the constabulary's crime recording and crime management unit). In these cases the constabulary performs well. However, if an officer is deployed to the reported crime, the crime can be recorded by the attending response officer, a specialist detective or by the OMU. Some officers will make the decision to record a crime and will do so directly onto the constabulary crime-recording system Niche, whereas others will contact the OMU to have the crime recorded. In some cases, the OMU will take the decision-making out of the hands of the attending officer.

We found that call-handlers (who receive reports of crime by telephone), frontline officers and staff working in police station enquiry offices, are not always sure of crime-recording requirements. In particular:

- basic crime-recording principles and knowledge of crime-recording requirements relating to common assault, malicious communications and harassment are not always understood. For example, we found that staff were unsure of the crime-recording rules regarding common assault where there is no physical assault but the threat of one; and
- **at the point of reporting**, on occasion, when assessing whether, on the balance of probability, an offence has been committed, insufficient emphasis has been given to the account of the victim.

A further problem relates to the constabulary's supervision of its crime-recording decisions. We found supervision of its crime recording decisions requires improvement and in particular:

- supervisors do not have the capacity to scrutinise adequately all crime related incidents to satisfy themselves that crime-recording decisions are correct;

- despite call-handling supervisors carrying out regular dip-sampling of call handlers' work, this does not include a check of crime-recording decisions;
- we found that force incident sergeants who are expected to scrutinise crime-recording decisions on every domestic abuse, sexual and anti-social behaviour incident make inconsistent decisions as to when a crime should or should not be recorded; and
- uniformed sergeants who are not authorised to file crime records are doing so, thereby preventing the OMU from identifying those cases where additional crimes have been disclosed and for which a crime record should be created.

We also note, in concluding this section, that the FCR has no deputy and no audit staff, instead carrying out all crime-recording related audit activity himself. He also takes responsibility for training some staff in crime-recording requirements, working regularly alongside staff in the call-centre and OMU to improve crime-recording decision-making. Consequently, the time the FCR has to carry out this important audit work is limited. For example, the FCR does not audit any modern slavery or public protection team records. As these often contain reports of serious crime involving vulnerable adults and children the absence of audit leaves a serious gap in the constabulary's understanding of the effectiveness of its crime-recording arrangements.

Violence against the person

80.9% of reported violent crimes were recorded

Over **3,800** reports of violent crime were not recorded

We found that 80.9 percent of violent crimes reported to the constabulary are recorded (with a confidence interval of +/- 3.00 percent). This is lower than the overall crime recording rate noted above. By our estimate, this means the constabulary fails to record over 3,800 violent crimes that are reported to it each year. As violent crime can be particularly distressing for the victim, this is an area in which the need for improvement is particularly acute.

Many of these crimes involve injury, which can cause even further distress for the victim. These included reports of grievous bodily harm. We therefore find the recording of reports of violent crime by the constabulary to be a serious cause of concern.

In the majority of cases, where violent crimes were not recorded, we found the principal causes to be:

- the processes currently in place for the recording of a reported crime (described earlier);

- officers and staff not understanding adequately the crime-recording rules, particularly around the complexities of some violence offences such as harassment, malicious communications and the more straightforward offence of common assault. This results in the failure to record many such reports of crime; and
- an absence of adequate supervision of crime-recording decisions.

Victims of violent crime and, in particular, victims of more serious violence, often require substantial support. This support should come not only from the reporting and investigating officers, but also, possibly, from the victim support team, Cheshire Cares. Under those circumstances, crime-recording takes on a heightened importance. Failing to record properly a violent crime can result in Cheshire Cares receiving no notification that a person has become a victim of violent crime. That in turn, deprives victims of the support they need and deserve.

Sexual Offences

84.8% of reported sex offences were recorded

Over **280** reports of sex offence crime were not recorded

The constabulary's recording of reports of sexual offences (including rape), is a cause of concern. We found that the constabulary records 84.8 percent of sexual offence crimes that are reported to it (with a confidence interval of +/- 3.10 percent). [We estimate that this means the constabulary fails to record over 280 reported sexual offence crimes each year.](#)

Those failings are significant given the very serious nature of sexual offences and the harm they cause to their victims. We found, for example, that the constabulary failed to record reports of rape (see the next section), sexual assault against both adults and children, sexual activity with a person with a mental disorder and incitement of children to commit a sexual act.

The causes of that under-recording are similar to those described earlier:

- the deficiency of the processes that are currently in place for the recording of a reported crime;
- officers and staff not understanding adequately the crime-recording rules;
- the absence of a clear policy which sets out who is responsible for recording such crimes;
- an absence of adequate supervision of crime-recording decisions; and on occasion, when assessing whether, on the balance of probability, an offence has been committed, insufficient emphasis has been given to the account of

the victim, particularly where the victim does not wish to pursue any prosecution, where the victim is intoxicated or where the person reporting the crime is a professional third party acting on their behalf

Sexual offence victims require significant support from the outset. The failure to record such crimes, to provide appropriate support to the victim, or any delay in attendance or investigation will often result in a lack of confidence in the police and reluctance on behalf of the victim to engage in subsequent stages of the criminal justice system. The constabulary must improve its performance in this respect.

Rape

109 out of 138

**reports of rape audited by HMIC
were accurately recorded**

Rape is one of the most serious sexual offence crimes a victim can experience. Therefore, the accurate recording of such reports is especially important. It helps to ensure the victim receives the service they have a right to expect and deserve, and it allows the police to identify the nature and extent of sexual violence in their local area. In turn, this enables the police to operate with the highest practicable levels of efficiency to identify and deal effectively with perpetrators.

In Cheshire Constabulary we found 138 reports of rape that should have been recorded, but only 109 of these had been recorded. This is a cause of concern. These include reports that originated on the force incident system, reports received directly by specialist officers from third party professionals, and from a review of N100 records (see below). Seven of these missed records of rape had been classified in error as a different crime.

However, we found that although a crime may not have been recorded, Cheshire Constabulary provided support and safeguarding in all but two of these cases, including referrals to partner organisations when appropriate, and carried out an investigation in all but three. The two cases in which safeguarding did not take place included a third party professional report of rape and a domestic incident, during which an historic allegation of rape was made. The level and extent of the service provided in these cases is below acceptable standards.

The causes of the under-recording of these 29 crimes are the same as were identified above in respect of sexual offences. These are:

- the deficiency of the processes that are currently in place for the recording of a reported crime;
- officers and staff not understanding adequately the crime-recording rules;

- the absence of a clear policy which sets out who is responsible for recording such crimes;
- an absence of adequate supervision of crime-recording decisions; and
- on occasion, a lack of belief in the account of the victim, where the victim does not wish to pursue any prosecution, where the victim is intoxicated or where the person reporting the crime is a professional third party acting on behalf of the victim.

There are, in addition, some serious issues surrounding the constabulary's use of the Home Office classification N100. Introduced in April 2015, the N100 is a record created to explain why reported incidents of rape or attempted rapes, whether from victims, witnesses or third parties, have not been immediately recorded as a confirmed crime. This can include instances where additional information confirms the rape did not occur, or where the rape occurred in another force area and was therefore transferred to the relevant force to record and investigate.

We found 29 incident reports for which an N100 classification should have been applied but it was only applied on nine occasions.

Separately, we also reviewed 18 sample records where an N100 classification had been used. Among these, we found four reports that the constabulary should have recorded as crimes of rape. All four involved victims with mental health problems and three of them were third party professional reports.

We found very little understanding of the N100 classification among frontline officers, including those working in the specialist public protection department or the call centre. Awareness was better in the OMU but, even in this team where compliance with HOCR is the fundamental role, there was a lack of full understanding. The constabulary must ensure that it uses classification N100 consistently on all relevant occasions in order to minimise the delay in recording an offence of rape.

As with other sexual offences, the recording of a report of rape is important. Victims generally require significant support from the outset and any delay in providing support can be detrimental to both the recovery of the victim and to any investigation. This, in turn, can negatively influence future judicial proceedings.

How efficiently do the systems and processes in the force support accurate crime-recording?

 Inadequate

Crime reports held on other systems

17 out of 44

**vulnerable victim crimes
were recorded**

In order to be confident that vulnerable victims always receive the support they need, the constabulary must improve its recording of crimes reported directly to its public protection teams.

We examined 50 vulnerable victim records on Niche. Of these, we found that 33 crimes should have been recorded, of which 12 had been. The missing 21 crimes included 2 rapes, child neglect, several assaults and one of inciting a child to perform a sexual act. Moreover, we looked at 20 referrals received by email into the multi-agency referral units from third party professionals (such as health professionals and social services) and found that 11 crimes should have been recorded, of which 5 had been. These missing crime reports included a report of rape and several assaults.

The causes of the under-recording of these 27 crimes are the same as were identified above in respect of sexual offences.

The public protection department holds regular continuous professional development days for all staff. As a result of HMIC's audit, the constabulary will introduce crime-recording training into these sessions. This is reassuring.

Despite this, the extent to which reports of crime received by public protection teams are not being recorded, and the seriousness of the risks associated with the under-recording of these reports of crime, are causes of concern.

Modern slavery

Offences relating to modern slavery are an important and recent addition to the crimes that forces must record and investigate. We, therefore, reviewed the recording of reports of modern slavery offences. We also examined the constabulary's understanding of the origin of such reports.

The constabulary does not currently have a modern slavery database onto which referrals regarding reports of modern slavery are recorded. The constabulary would benefit from creating and maintaining a modern slavery database on which all such incidents and intelligence can be recorded, thus making future audits easier. The constabulary did produce a list of modern slavery incidents for audit. We found no modern slavery crimes in this list, but six other crimes were correctly recorded.

We also examined eleven reports which the constabulary had recorded as modern slavery crimes. From these, we found one modern slavery offence which was not recorded.

The constabulary works regionally, nationally and internationally in its efforts to tackle modern slavery. A dedicated single point of contact (SPOC) for modern

slavery leads on the constabulary response in this area, along with a local SPOC in each local policing area. We found that regular days of action to address modern slavery are carried out under the banner of Operation Libertus, and that there are ongoing investigations currently going to court. This is encouraging.

Officers and staff have a good, basic knowledge of modern slavery offences. We also found that they have a good, basic knowledge of their respective responsibilities in relation to the recording of such offences and where they can find further information.

Timeliness

The HOCR require that reports of crime are recorded within 24 hours of the receipt of the report. We found that, of the reports of crime that had been recorded by Cheshire Constabulary, only 81 out of 103 reports of rape, 406 out of 512 reports of violent crime and 122 out of 199 sexual offences (excluding rape) had been recorded within 24 hours of the receipt of the report.

While some victims may be referred to support agencies by other means, the delay in recording a reported crime also delays the referral of the victim to the victim support team (Cheshire Cares). As some victims would benefit from the early support this team can provide, these delays are unacceptable.

Cancelled crimes

Where additional verifiable information (AVI) is obtained to show that a recorded crime did not occur, the crime record can be cancelled. In this respect we found that the constabulary has made limited progress.

We reviewed 20 cancelled recorded crimes each of rape, violence and sexual offence crimes (excluding rape) and 12 robbery crimes. Of these, we found that the FCR had correctly cancelled 17 out of 20 crimes of rapes. Other crime cancellation decisions are the responsibility of three designated staff, known as designated decision makers (DDMs.) The DDMs had correctly cancelled 17 out of 20 sexual offences, 13 out of 20 violence offences and 10 out of 12 robbery offences. The incorrect decisions in respect of sexual offences, violence and robbery are not acceptable. The incorrect decisions in respect of rape are particularly concerning.

We also found that many officers and staff had a limited understanding of what amounts to AVI for the purpose of cancelling a recorded crime.

Where a crime has been cancelled or transferred to another force for investigation, a victim should always know the status of his or her reported crime. In the case of a decision to cancel a recorded crime, the very least the victim should expect is an explanation of the reason for this decision. On many occasions we found that the victim had not been informed of the decision to cancel their reported crime.

The constabulary's understanding of AVI, the decision making to cancel recorded crimes and the sharing of this decision with the victim are all areas for improvement.

Code of Practice for Victims of Crime

The [Code of Practice for Victims of Crime](#) provides clear guidance to police forces regarding the service that should be provided to all victims of crime. We have concluded that the constabulary is not complying with all of its responsibilities.

Cheshire Cares supports victims of crime who are referred to it once a crime has been recorded. In some cases victims may self-refer. The delays we found in the recording of some reports of crime together with the failure to record a high number of reported crimes means that referrals to the Cheshire Cares unit are either delayed or not made at all.

However, we found that the constabulary, after it records a crime, sends all victims a standard letter which provides them with information about the offence to which they have been subject and directs them to other organisations which can provide them with the support they may require.

Equality

HMIC found that the constabulary must improve in its collection of information regarding crimes affecting identifiable groups within communities.

Protected characteristics, such as gender, sexuality, disability, ethnicity, religion and age do not necessarily increase the vulnerability of an individual to the risk of crime. However, it is important that the constabulary records information regarding the characteristics of victims of crime in order to identify any patterns which may exist between different community groups and their vulnerability to (or their relative likelihood to report) different types of crime. We found that, on occasions, the constabulary does not capture even the basic equality information in relation to the victim such as age and gender.

The constabulary is working to replace its command and control system. We are reassured that this work is considering how the constabulary can record all protected characteristics within the new software.

Importantly, so long as the constabulary fails to record such information, it will be unable to understand clearly whether its crime-recording decisions are consistent across different community groups. This, therefore, is an area for improvement.

Officer and staff survey

We conducted a survey of officers and staff in Cheshire Constabulary of their experience in respect of crime-recording. Some 212 respondents completed the survey. The majority of respondents believe that doing the right thing for the victim is

the aim of the constabulary and this has been reinforced by senior managers. However, some respondents clearly disagree with the recording of some reported crimes and do not agree with the basic crime-recording principle of recording a crime at the first point that the person receiving the report is satisfied that it is more likely than not that a crime has been committed.

How well does the force demonstrate the leadership and culture necessary to meet the national standards for crime-recording?

 Requires improvement

It is clear that the majority of officers and staff are placing the needs of the victim at the heart of their crime-recording decisions. However, the constabulary should ensure that this approach is applied by all officers and staff. We found deficiencies in crime-recording arrangements, together with an insufficient knowledge of crime-recording requirements among officers and staff.

We found good leadership from senior officers with regard to crime-recording expectations. However, the constabulary has achieved only some improvements to the effectiveness of its crime-recording arrangements since 2014 and has far more to do if it is to stop failing victims of crime.

Limited progress has been made against the action plan developed by the national policing lead on crime statistics following the 2014 report, and which all forces have been asked to implement.

The constabulary is yet to complete all recommendations for improvement made within our 2014 report. The limited progress in this regard is not acceptable.

The progress made in out-of-court disposals is notable. Inspectors were impressed with the process in place to monitor all such disposals, including the use of independent scrutiny panels. Procedural documents are clear and concise; these ensure considerations as to the suitability of the use of the disposal for both the victim and offender are very good.

Conclusion

Cheshire Constabulary has made progress in its crime-recording processes since 2014. However, improvements must continue to be made.

The constabulary also needs to address shortcomings in its auditing procedures and improve resilience in this area.

What next?

HMIC expects the constabulary urgently to make progress implementing recommendations we make in this report.

The serious causes of concern found during this inspection are such that HMIC will re-visit the force in early 2018 to assess progress.