



# PS 143 Misconduct and Criminality Communications Policy

Jan 2016

Version 4.0

## 1. PURPOSE

Everyone who works for Nottinghamshire Police is accountable to the public. They are also ambassadors and representatives of the Force. The standards of behaviour they are expected to adopt and display, both on and off-duty, and the values of the Force (PROUD) they are expected to live and uphold throughout their employment with the Force, are, quite properly, extremely high and when they fall short of these values and standards they dilute the confidence in which the public invests in the service.

To demonstrate that the Force upholds these values and to maintain public confidence in Nottinghamshire Police, the Force must take a consistent, lawful and corporate stance to how we communicate on those occasions when officers or staff are suspected of falling short of our values and standards and face misconduct or criminal proceedings as a result.

This paper sets out the approach the Force will take towards both internal and external communications when any officer or staff member is the subject of misconduct / criminal inquiries and proceedings. This policy takes account of a number of other policies and guiding principles and values including, but not limited to:

- Force Values: **PROUD**
  - ✓ Professional
  - ✓ Respect for all
  - ✓ One team
  - ✓ Utmost integrity, trust and honesty
  - ✓ Doing it differently
- Force Media Policy
- College of Policing Code of Ethics
- HMIC Inspection "Without Fear or Favour"
- ACPO Interim Guidance re Police / Media relations
- ACPO Media Guidance documents
- ACPO Integrity Model
- Data Protection Act
- Contempt of Court Act
- Human Rights Act

## 2. PRINCIPLES

This policy is underpinned by various principles and values, namely efficacy, integrity, consistency, professionalism, transparency, accountability, legality and corporacy.

Additionally, it seeks to balance individual rights against operational, organisational and reputational need.

## 3. AIM OF MISCONDUCT, DISCIPLINE AND CRIMINALITY POLICY

The aims of this policy are to:

- Ensure a corporate, consistent and lawful approach is taken towards communications in the context of allegations of misconduct and criminality relating to Force officers and staff
- Enhance the public's understanding of, and support for, the Force's determination to uphold standards and values and to address misconduct and criminality within the Force
- Demonstrate transparency, integrity and public accountability

#### 4. POLICY CONTEXT

This policy is a component of a suite of Corporate Communications policies which address, inter alia, the Force's approach towards:

- Values and engagement
- Media and relationships
- Social media
- Internal communication
- Stakeholder management

This policy applies to all Nottinghamshire Police employees – officers, support staff, Special Constables and Police Community Support Officers (hereafter known as “individuals”). It does not relate to Community Protection Officers, who are employed by Nottingham City Council.

As a Force volunteer is not an employee of the organisation, they will not be covered by the police staff aspects of this policy. The standard of conduct within the Force remains the same irrespective of rank or status and they would be expected to adhere to the PROUD values. Volunteers cannot be subject to disciplinary procedures but they can be offered training, advised or have their agreement terminated if the situation warrants such action. Any criminal matter will be treated in the same way as any other member of the public. No right of appeal exists against the Force's decision but, in normal circumstances, an explanation would be given and discussed.

#### 5. PROCESS AND NATURE OF INFORMATION

The following sections detail the communications process and nature of information that will be released by the Force, both internally and externally, in relation to misconduct and criminal matters. Each section establishes whether information will be released proactively or reactively in response to specific enquiries.

The information that the following sections establish will be released will be provided to the Corporate Communication Department, checked by the Professional Standards Directorate and, where necessary, the Human Resources Department, and be approved for release by the DCC or any Chief Officer, prior to any public or internal disclosure.

#### 6. CRIMINAL MATTERS

##### Upon Arrest

When a police officer or member of staff is arrested (by Nottinghamshire or any other agency) on suspicion of committing a criminal offence, the Force will prepare a media statement which will contain the following information:

- **confirmation that an arrest has been made**
- **the reason for the arrest (e.g.: “on suspicion of committing assault”)**
- **where the alleged offence is said to have taken place (e.g.: “at a house in Worksop”)**
- **the age and gender of the person arrested and the area in which the individual lives (e.g.: “a 33-year-old man from Worksop”).**

In most circumstances, when the arrest has been made by Nottinghamshire Police, such a statement will not be proactively released to the media but held on file by the Corporate Communication Department and released by its staff only in response to a specific enquiry from a journalist. In the event of a journalist's enquiry, where possible the media statement will be issued internally via the intranet prior to being given to the reporter. The arrested person will not be identified by the Force as an officer or staff member.

If the media become aware of the criminal arrest; the media statement will be shared with HR and the relevant staff association representative (Unison, GMB, Police Federation, Police Superintendents'

Association of England and Wales, CPOSA) and the PCC wherever possible before it is released to the media. CPOSA

If the media outlet is intent on publishing the issued Force statement, to ensure transparency, the Corporate Communication Department will also issue the statement via the Force website. This can also be linked to social media platforms.

There may be exceptional circumstances prevailing which require the proactive dissemination of information to the public via the media and other channels. These exceptional circumstances may include, but are not limited to:

- The gravity of the alleged offence
- The number of individuals potentially subject to the allegation
- The impact of the allegation upon public confidence and the Force's reputation
- The potential for the media to distort or inaccurately report the allegation or to fail to set the allegation within a proportionate context.

In such circumstances, a decision will be taken by the DCC, or in their absence any Chief Officer, about the stance to be taken based upon advice from the Head of Corporate Communication or his / her nominated deputies (see below) and following liaison with others including PSD and HR.

In exceptional circumstances it may also be necessary, depending on the nature of the allegation (s), numbers involved, likelihood of a charge and impact on public confidence, for the DCC or any Chief Officer to request close media management of the issue by the Corporate Communication Department including a scripted and recorded briefing with key journalists, about which reporting is placed under an embargo until the individual (s) is / are charged. This process will help to contextualise reporting, demonstrate that the Force is not attempting to "hide bad news" and so will maintain trust and confidence. In turn this will help manage potential damage to the Force's reputation arising from media reporting of the allegation (s).

If the arrest has been made by another Force or agency, in or outside the Force area, the Corporate Communication Department will liaise with the communications staff of the arresting authority to assess its policy and intended approach, and take this into account when advising the DCC or any Chief Officer as to what stance Nottinghamshire Police will take.

In the event that the investigation into the officer or staff member is being carried out either supervised or independently by the Independent Police Complaints Commission (IPCC), any media comment / statement will be shared and where possible agreed with the IPCC press office in advance of release.

Where a criminal investigation is conducted without the necessity for arrest, and a voluntary interview has been conducted, a decision will be made by the Corporate Communication Department, in conjunction with the DCC or any Chief Officer on a case by case basis, as to whether any information is released either internally or externally. If a media enquiry is received, and a decision is made to publish details, this will be done in line with this policy.

#### Upon charge

Once an individual working for the force has been charged with a criminal offence, a media statement will be produced and released proactively.

The release will contain the following information:

- **The name and age of the individual (s) charged**
- **The offence (s) with which he/she/they has / have been charged**
- **The immediate course of action (e.g.: bailed, remanded in custody, etc.)**
- **The profession and rank / role of the individual (s) charged (e.g.: a Police Constable based at Worksop Police station, a Communications Officer based at Police Headquarters)**
- **Whether the individual has been suspended from duty**
- **The date of the next court appearance**

Neither a photograph nor details of individual's home address will, unless in exceptional circumstances, be released by the Force. However, it is likely, unless restrictions are imposed at court, that the individual's home address will become public knowledge when the case is first heard in court and his or her photograph may be taken by the media as they arrive at court, if on bail. If the individual's photograph is already in the public domain prior the first court appearance, and unless issues of identification are an issue in the case, it will be difficult if not impossible and illegitimate for the Force to try to prevent the publication of that image by the media.

The Corporate Communication Department will send an electronic copy of the media statement to HR and the relevant union (Police Federation, Superintendents' Association, Unison, GMB) and to the PCC to inform its representatives of what is going to be proactively released, wherever possible prior to the release of the statement to the media.

The media statement will be issued on the Force website. This can also link up to social media.

An internal message – containing the same information as that contained in the media statement - will be posted on the Force intranet.

Responsibility for face-to-face communications with those personally affected by the news of a colleague being charged will rest with the line managers of those affected, in liaison, where necessary, with the Professional Standards Directorate and HR.

If someone is reported for summons, as with members of the public, information will not usually be proactively issued. However, if the media become aware of the summons, the same information as to that stated above for someone who is charged will be issued and the same process followed in line with this policy.

In the event that the investigation into the officer or staff member is being carried out either supervised or independently by the Independent Police Complaints Commission (IPCC), any media comment / statement will be shared and where possible agreed with the IPCC press office in advance of release.

#### Upon conviction / acquittal

Once the individual (s) has / have been convicted (at pre-sentence / sentence stage) or acquitted, a media statement will be proactively released which will:

- **Confirm the outcome of legal proceedings**
- **Indicate if any further action (e.g. disciplinary) will now be taken in relation to the individual \***

\* In the event of an acquittal, it is unlikely that a decision will have been made relating to what action, if any, will be taken against the individual. As a result, consideration needs to be given to appropriate wording in any statement, for instance "a decision will be made as to whether they will now face any internal conduct matters.", "He / she remains suspended until the outcome of any internal conduct matters" etc.

This media statement may, subject to the outcome of criminal proceedings and the nature of the offence with which the individual (s) was / were charged, include a comment from a senior officer (to be discussed by the Corporate Communication Department and agreed with the DCC or any Chief Officer).

Whether the Force responds positively to, or declines, any requests for interviews from journalists in these circumstances will be considered based upon a variety of issues including the impact on the individual protagonists, the Force's reputation, public confidence and partner relationships.

The Corporate Communication Department will send an electronic copy of the media statement to HR and the relevant union (Police Federation, Superintendents' Association, Unison, GMB) and to the PCC to inform their representatives about the content of the statement, wherever possible in advance of the statement being released to the media.

The media statement will be issued on the Force website. This can also be linked up to social media.

If the individual is convicted, and subject to the nature of the offence, a photograph of the individual officer or staff member will be released to the media and posted along with the media statement on the Force's website, provided such actions are in line with the ACPO policy on the release of photographs and that of Force policy.

An internal message – containing the same information as that contained in the media statement - will be posted on the Force intranet, together with the individual employee's photograph, provided the release of the photograph is in line with the ACPO policy on the release of photographs and that of Force policy.

In the event of a conviction, and subject to the specific circumstances, the Force is likely to release a further statement following sentencing (if there has been an adjournment between verdict and sentencing) in order to:

- Reiterate the Force's commitment to its values and highlight the importance of integrity
- Defend itself against any criticism or inaccurate reporting
- Reassert the importance of maintaining public confidence
- Announce any further inquiry / action to be taken.

Responsibility for face to face communications with those personally affected by the conviction / acquittal of a colleague will rest with the line managers of those affected, in liaison, where necessary, with the Professional Standards Directorate and HR.

In the event that the investigation into the officer or staff member is being carried out either supervised or independently by the Independent Police Complaints Commission (IPCC), any media comment / statement will be shared and where possible agreed with the IPCC press office in advance of release.

## 7. DISCIPLINARY / MISCONDUCT MATTERS

### At the outset

The Force, and in particular the Professional Standards Directorate, receives in excess of 800 public complaints every year. Many of these are unsubstantiated following an initial investigation; however some are subject to further action.

When an officer is made subject to a disciplinary inquiry likely to amount to gross misconduct and likely to require a meeting or hearing, or where a member of staff is investigated for gross misconduct likely to result in a hearing, Professional Standards staff (for officers and Special Constables) or HR staff (in the case of support staff and PCSOs) will make the Head of Corporate Communications or his/her nominated deputy aware of the detail of the inquiry.

A media statement will then be prepared by the Corporate Communication Department containing:

- **Confirmation that a disciplinary inquiry is underway**
- **An outline of the allegation / complaint against the individual(s) (e.g.: "in relation to dishonesty/neglect of duty, use of force")**
- **The status of the individual (e.g.: "the individual has been suspended from duty / placed on restricted duties")**
- **The role of the individual (e.g.: "an officer based on D Division" / "a member of support staff based at Headquarters")\* (see exceptional circumstances on page 8)**
- **The authority conducting the investigation e.g. "The Professional Standards Directorate" / "the Human Resources Department" / "an outside force" / the Independent Police Complaints Commission (IPCC).**

Routinely, such a statement will not be released proactively, but will be considered for publication if there is a specific request from a journalist or a question asked from our own staff / officers via the intranet. In the

event of a journalist's enquiry, where possible, the media statement will be issued internally via the intranet prior to being given to the reporter.

Should the media become aware of the disciplinary inquiry; the media statement will be shared with HR and the relevant staff association representative (Unison, GMB, Police Federation, Police Superintendents' Association of England and Wales, CPOSA) and the PCC wherever possible before it is released to the media.

If the media outlet is intent on publishing the issued Force statement, to ensure transparency, the Corporate Communication Department will also issue the statement via the Force website. This can also be linked up to social media.

There may be exceptional circumstances prevailing which require a proactive stance to be taken. These would include, but not be limited to:

- The nature, gravity and potential outcome of the alleged offence if proven
- The number of individuals potentially subject to the allegation
- The impact of the allegation upon public confidence and the Force's reputation
- The potential for the media to distort or inaccurately report the allegation or to fail to set the allegation within a proportionate context

Any decision to release such a statement proactively will only be taken by the DCC or any Chief Officer on advice from the Head of Corporate Communications or his / her nominated deputy and following liaison with the Professional Standards Directorate / Head of HR.

Should the investigation relate to the Head of Corporate Communications, PSD will liaise directly with the DCC or any Chief Officer in preparing the statement. Thereafter, the release of that statement and management of media enquiries will, unless in exceptional circumstances, be conducted by the Deputy Head of Corporate Communications or Media Services Manager or, in exceptional cases, by an outside force / agency's communications team.

\*Only in **exceptional circumstances** will the name and role / rank of the individual be contained in such a statement (e.g. if it is the Chief Constable and he / she has been suspended from duty). In such circumstances, the decision to include this detail in any such statement will be taken by the most senior ACPO officer not party to the allegations and, if it relates to an ACPO officer, by the PCC.

#### Decision to charge with disciplinary offences

Should the inquiry result in charges of a disciplinary nature being brought, the statement (above) will be updated to reflect this fact.

#### Decision to charge with criminal offence (s)

Should the inquiry result in a decision to charge the individual (s) with a criminal offence (s), then the policy set out above (Criminal Matters "Upon charge") will commence.

#### Decision not to proceed with disciplinary or criminal action

In these circumstances, a statement will be produced, and only released to the media upon request and in response to a specific enquiry, to the effect that following the investigation no offences have been identified and the inquiry is complete. If a statement has already been released about a misconduct inquiry into an individual, the Corporate Communication Department will notify the relevant media outlet that there is no further action against that individual.

#### Misconduct Hearings in Public

Under Section 36 of the Police Misconduct Regulations 2012 (amended in 2015) all gross misconduct hearings **may** be held in public and as such the Force **may** be required to give notice of such a hearing at least **five** working days before the hearing is due to take place.

Decisions pertaining to the publication of any information, either before or after the hearing, will be made by the hearing chair on a case-by-case basis. (NB As of January 2016 this will be an Independent Legally Qualified Chair).

PSD, along with Corporate Communication, will prepare a proforma entitled Considerations for the Chair which includes representations from interested persons regarding the hearing being held in public, private, part public/private, any conditions to be imposed and details around the publication of the hearing. If statements about the misconduct have been released to media reactively this will be made clear in the proforma.

The proforma, once completed by the hearing Chair with his/her decisions and rationale, will be sent to Corporate Communication within the publishing time frame should a notice be required.

As directed by the hearing Chair the notice **may** include any or all of the below:

- The name of the officer
- The date of the hearing
- The time of the hearing
- The place at which the hearing will take place
- A description of the conduct alleged and how it amounts to gross misconduct
- A decision about whether the hearing will be held in private, public or a combination of the two.

Corporate Communications will be responsible for publishing the notice on the Force Website. The notice will also be shared with HR the relevant staff association representative Unison, GMB, Police Federation, and the PCC wherever possible.

Media agencies will be entitled to attend at any point in the proceedings as long as they register in advance with Corporate Communication. This is on the basis of the proceedings being in public and there being capacity in the room for them to attend.

Materials used in the proceedings will not, as a matter of course, be provided for the media.

The Integrity pages of the website will perennially contain general information on Misconduct Hearings including how members of the public and press can [attend](#) and [conditions](#) of entry.

Throughout the hearing Corporate Communication will monitor media coverage to highlight any media speculation or inaccurate reporting.

A representative from the department will brief media on the language to be used when reporting i.e. found, not found rather than guilty, not guilty.

#### Misconduct Outcomes - Officers

There will need to be allowance made at the hearing for representations in relation to the publication of the outcome. These will likely be made in respect of the initial misconduct hearing notice as there is no requirement to seek further representations post hearing.

At the discretion of the hearing Chair, the outcome notice will be prepared by Corporate Communication and **may** contain the following information:

- **The individual's name, role and place of work / base**
- **Details of the misconduct as set out in the reg 21 notice**
- **The finding of the panel**
- **Any disciplinary sanction imposed**

The Force recognises the Regulation guidance that the outcome notice should be published on the Force's website not before **seven and not later than 12** working days after the hearing and remain on the website for a minimum period of 28 days.

However, at the discretion of the hearing Chair and to ensure transparency, the timeliness of publication may be considered against other factors such as whether the hearing has been in public, whether media have attended and if there is significant public interest.

The chair of the misconduct panels will not be expected to give interviews following the outcome due to necessary impartiality should an appeal be lodged. In the event of media requests the DCC or a nominated representative from PSD may be approached if appropriate.

The same notice, or a variation of, as outlined by the hearing Chair, will also appear on the Force's Intranet page.

The notice will also be shared with HR the relevant staff association representative Unison, GMB, Police Federation, and the PCC wherever possible.

In line with the College of Policing requirements, full details including names, rank and the circumstances of the dismissal will be submitted to them for publication in a national register.

There is an expectation from the College of Policing that finalised anonymised outcomes of hearings and meetings (after any subjected appeal) will be published on the intranet and on the Force website in cases where misconduct involves a finding that falls short of summary dismissal.

#### Misconduct Outcomes - Staff

The outcome of a misconduct hearing / meeting, if it results in an employee being dismissed from the Force, will be published on the Force's Intranet as soon as possible following the hearing but only once any appeal has been heard and only if the decision to dismiss has been upheld.

This intranet article will contain the following information:

- **The individual's name, role and place of work / base**
- **Details of the misconduct**
- **The outcome of the hearing – dismissal**

Similarly, a media statement will also be published containing the detail above but not the individual's name or any information that could lead to the identity of the individual becoming easily known.

In those cases where the outcome of the misconduct involves a finding that falls short of summary dismissal, as a matter of routine no information about the matter will be published proactively externally by the Force.

Should the media become aware of a disciplinary outcome which falls short of summary dismissal, a response only media statement will be shared with the relevant staff association representative (Unison, GMB) and the PCC wherever possible before it is released to the media.

Should the employee resign from his or her post in those cases in which a decision has been taken that the individual will appear before a hearing / meeting, a short update will appear on the Intranet which will state only the name, post and date of resignation.

If, in cases of criminality and depending on the circumstances, the misconduct investigation continues in their absence and a hearing / meeting is held and concludes with a finding of gross misconduct, the following, fuller details will be published:

- **Name**
- **Rank / post**
- **Circumstances of the proven case, confirmation that the individual was found guilty of gross misconduct and date of resignation.**

## **8. MECHANISMS FOR LIAISON & COMMUNICATION**

The Corporate Communication Department will work closely with the Professional Standards Directorate and HR to ensure any information being released internally or externally is factual and accurate and to manage media enquiries which could damage the reputation of the Force if not dealt with correctly.

The Corporate Communication Department will use a range of different mechanisms for disseminating information internally and externally about criminality / misconduct issues, when appropriate and governed by this policy. These may include:

- Email
- Intranet
- Telephone
- Press releases
- Force Website and associated microsites
- Social media platforms (Facebook, Youtube, Twitter etc)
- Neighbourhood Alert
- Broadcast interviews (TV and radio and online sites)
- Face to Face (media briefings, press conferences, one to one meetings)

## **9. PARTNER AGENCIES**

In some cases other agencies may be involved as a result of criminal or misconduct matters. For instance, if the Force officer or staff member is subject to an inquiry / proceedings has been working with a specific organisation, either on or off-duty, and their offence (especially if it is of a criminal nature) may have impacted on or involved others from that organisation or there is potential for further victims / offences.

Wherever practicable and possible, the Force's communications products relating to these matters will be shared in advance, and, when appropriate, approved by, those agencies involved or affected.

## **10. AUDIT**

The Corporate Communication Department will maintain a comprehensive log of information released internally and externally for disclosure and other reasons.

Other police staff and officers who release information to the media about criminal / misconduct issues must keep a written note of what information has been divulged, to whom, and when.

## **11. UNAUTHORISED DISCLOSURE**

The Force will not hesitate to instigate internal proceedings – and potentially criminal inquiries – against any member of staff who deliberately breaches this policy, and engages in the unauthorised disclosure of information relating to misconduct / criminal investigations.

## **12. POLICY REVIEW**

This policy will be reviewed, annually, by the Head of Corporate Communication in liaison with the DCC.

### 13. GOVERNANCE

The Head of Corporate Communication is responsible to the DCC for the governance and review of this Misconduct and Criminality Communications Policy. Specific, day to day responsibility for its governance and implementation rests with the Head of News and Channel Management.

The nominated deputies for the Head of Corporate Communication are:

- Head of News and Channel Management
- Head of Digital, Marketing and Engagement
- Senior Communications Officer

## Administration

<b>Registered Owner</b>	
<b>Owner</b>	<b>Author</b>
Deputy Chief Constable	Head of Corporate Communication

<b>Monitoring and review</b>	
<b>Measure</b>	<b>Date/period and process of review</b>

<b>Version Control</b>	
<b>Section changed</b>	<b>Details of change</b>
1.0	New policy
2.0	Reviewed policy
3.0	Amended policy
4.0	Inclusion of public hearings and independent legally qualified Chair