

NOT PROTECTIVELY MARKED



An inspection of Nottinghamshire Police regarding Intelligence and
Witness Protection

25 – 27 January 2010

1. INTRODUCTION

1.1 In the matter of the inquests into the deaths of John Stirland and Joan Stirland, the Lincolnshire Deputy Assistant Coroner Karon Monahan QC has requested a report from DCC Nicholas Gargan (her appointed independent expert ACPO witness) regarding the management of Intelligence and Witness Protection provision within Nottinghamshire and Lincolnshire Police.

1.2 The terms of reference for the report by DCC Gargan, as set by the Deputy Assistant Coroner, contained a series of questions. Having received the questions DCC Gargan received clarification from the Coroner's office that he was to have no contact with either Nottinghamshire or Lincolnshire Police Forces. This had the consequence of reducing the amount that he was able to contribute in relations to two questions:

Intelligence

- Have changes been made by the Nottinghamshire and Lincolnshire Police and, if so, having regard to those changes, have the risks of similar mistakes (as those seen in the Stirland case) been adequately managed?

Witness Protection

- Have changes been made by the Nottinghamshire and Lincolnshire Police and, if so, having regard to those changes, have the risks of such occurring again been adequately managed?

1.3 Her Majesty's Inspectorate of Constabulary (HMIC) has the duty and authority to inspect police forces in the public interest. HMIC decided that it would assess whether Nottinghamshire Police and Lincolnshire Police now offer the appropriate levels of protection to the public; specifically in respect of intelligence sharing and witness protection. This is likely to be a matter of significant public interest during the inquest and subsequent to the delivery of the verdict.

2. TERMS OF REFERENCE

2.1 The terms of reference for the inspection are:

- To inspect Nottinghamshire and Lincolnshire Police to ascertain whether necessary changes have been made by the force and that risks are now adequately managed.
- To inspect the force responses to the recent inspection of major crime and serious and organised crime capability and capacity.

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- To alert the Chief Constable of either force of any issue that may impact upon the conduct of a live investigation.
- To deliver a report to HMI Zoe Billingham covering these issues. The report may be shared with DCC Nicholas Gargan so that he might provide additional independent expert evidence to the Deputy Assistant Coroner.
- To deliver a report for the attention of Her Majesty's Chief Inspector of Constabulary.

3. INSPECTION METHODOLOGY

- 3.1 HMIC focused upon the relevant processes and procedures of major crime and serious and organised crime investigations, drawing upon ACPO standards and the criteria used by HMIC in its inspection of these aspects of policing in 2008. It is not within the remit of HMIC to comment on investigations, operations or lines of enquiry.
- 3.2 The methodology for the inspection included analysis of written documents supplied by both forces; interviews with key staff and police authority members and focus groups with police officers and police staff members. HMIC recognised the inspection was a "short notice" visit and therefore reflects an accurate picture of current force practice.
- 3.3 The inspection team comprised current subject matter experts and HMIC staff officers. The on-site inspection activity was conducted from 25 to 27 January 2010 in Nottinghamshire Police and 28 to 29 January 2010 in Lincolnshire Police. It therefore provides an up to date assessment of the effectiveness of the current arrangements in each force. This report has been shared with both forces and their comments on factual accuracy have been incorporated.
- 3.4 The findings of HMIC's inspection for each force are set out under the headings; Intelligence, Witness Protection, Threats to Life and Critical Incidents.
- 3.5 To acknowledge the different terminology used, Witness Protection includes any local reference to Protected Persons, Vulnerable Witnesses and Witness Management.

4. INTELLIGENCE

- 4.1 Nottinghamshire Police has a force intelligence system, known as Memex. The force has direct access to Lincolnshire and Derbyshire Force Intelligence systems. The force has introduced Genie, an IT facility that can search several databases and has seen benefits in linking intelligence and subject data quickly and effectively.

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4.2 The force possesses an increased analytical capability. Together with the introduction of new IT systems this uplift has enabled an increased understanding of the criminal intelligence picture of major, serious and organised criminality.

4.3 Fast time access to intelligence is available through Force Intelligence structures during office hours and outside these through the Force Control Room.

5. WITNESS PROTECTION

5.1 The force has a Witness Protection unit with willing and committed staff. At the time of the inspection two constable posts were vacant. During the course of HMIC's inspection, and as a result of raising this as an issue, management and oversight of the Witness Protection unit was enhanced by the addition of a Detective Inspector.

5.2 The force has a Protected Persons policy. However, a lack of clarity existed amongst managers as to the gateway criteria for entry to the Witness Protection scheme. When tested, managers had different interpretations as to what constitutes a protected person. Initial determination of entry to the scheme was left to the sergeant in charge of the Witness Protection unit. The force has stated that it has introduced immediate control measures to address this issue.

5.3 The unit manages a number of clients, which broadly accords with the national average given the size of the force and population of Nottinghamshire. The number of staff in the unit, experience and skill levels align with current recorded demand and risk, and is broadly in line with similar forces facing similar risks. Feedback from partner agencies highlighted the commitment of the police officers.

5.4 HMIC found no evidence that the unit operates outside current ACPO guidelines.

5.5 The force has representation on ACPO's National Witness Protection Advisory Group. This gives the force the opportunity to keep up to date with national developments which could be exploited more readily.

5.6 Nottinghamshire are the nominated lead force within the East Midlands region (comprising Nottinghamshire, Lincolnshire, Derbyshire, Leicestershire and Northamptonshire). The East Midlands is a Home Office demonstrator site receiving funding to assist in the early implementation of regionalised witness protection arrangements. These will include a Detective Inspector to provide added management resilience.

5.7 The East Midlands Regional Collaboration Crime Team has produced a regional Protected Person policy and procedure. This is awaiting ratification by the respective Chief Constables across the East Midlands Region which will provide added consistency of approach.

6. THREATS TO LIFE

- 6.1 The Force has a 'Managing Threats/Risk to Life and Vulnerable Witnesses Procedure' which was introduced in 2006 and has been regularly reviewed. It provides a standardised framework for decision making and a template through which threat and risk can be assessed. However the procedure also refers to a "Policy on Managing Threats and Risk to Life" which at this time does not exist. HMIC would have expected to see an overarching policy for such an important procedure.
- 6.2 The Force procedure is available through the intranet. It identifies the levels at which risks will be managed:

Risk	Level Managed
Low	Inspector
Medium	Superintendent
High	ACPO

- 6.3 Nottinghamshire Police introduced a new IT system COBRA in November 2009 for the management of Threats to Life which is accessible via the intranet, and which has been well received by those interviewed during the course of the inspection.
- 6.4 The visibility of case progression to senior managers has improved monitoring and oversight at force and local level. It has also improved the visibility to all trained supervisors and managers of Sergeant rank and above with the appropriate levels of system access where necessary.
- 6.5 Training in the use of COBRA has been delivered on courses for decision makers. A computer based e-learning facility is also available for staff. There were however some identified gaps and some key staff have yet to be trained.
- 6.6 The force recognises the need to prioritise those posts requiring training on the management of Threats to Life. The force is taking steps to standardise the approach with more effective corporate oversight.
- 6.7 A regional policy and procedure awaits ratification by the East Midlands regional Chief Constables.
- 6.8 The inspection noted that the new force command and control system Vision had the capability to flag vulnerable victims which was seen as a positive step.

7. CRITICAL INCIDENTS

- 7.1 The force has a documented critical incident procedure, introduced during 2008, which accords with the Managing Threats/Risk to Life, Homicide and Major Crime Investigation Procedures and NPIA Practice Advice on Critical

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Incident Management 2007. All staff may access this via the force intranet.

- 7.2 A training programme in relation to critical incidents is in place. To date, 129 out of 220 managers have been trained, prioritising those in front line operational roles. This progress must be closely monitored to ensure staff in the identified key posts have received the necessary training. All newly promoted Sergeants are due to receive critical incident training commencing February 2010.

8. CONCLUSION

- 8.1 It is evident that the force has made enhancements and improvements to its management of intelligence and the protection of witnesses. Nottinghamshire Police comply with the current ACPO guidance on witness protection.
- 8.2 Real improvements have been made. The introduction of the Cobra IT system to support the management of Threats to Life and the existence of a dedicated Witness Protection unit reduce the risk of harm to the public. In relation to the question of whether the risks of similar mistakes (as those seen in the Stirland case) have been adequately managed, HMIC found that the force had taken necessary steps to manage those risks but further improvements could be made. During the course of the inspection an additional level of management was added to the Witness Protection unit. This corresponds with the intended structure for the new regional Witness Protection arrangements. The force has also embarked on an intensive training programme for managers regarding threats to life (week commencing 1 February 2010) with Inspectors and those in key operational posts being prioritised.
- 8.3 The regional arrangements and procedures currently in draft form and awaiting ratification must provide absolute clarity to the levels of responsibility in relation to the management of Threats to Life of individuals.
- 8.4 The force has the opportunity, given its regional lead force status for Witness Protection, to establish itself as a Centre of Excellence.