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Devon and Cornwall Police and Crime Panel

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17 October 2013

DEVON AND CORNWALL POLICE AND CRIME PANEL TABLED PRESENTATIONS

Friday 11 October 2013
10.30 am
Council House (Next to the Civic Centre), Plymouth

Members:

Councillor Croad, Chair.

Councillor Rule, Vice-Chair.

Councillors Barker (Teignbridge District Council), Batters (Cornwall Council), Boyd (Torrige District Council), Geoff Brown (Cornwall Council), Diviani (East Devon District Council), Duncan (Isles of Scilly), Dyer (Cornwall Council), Excell (Torbay Council), Hare-Scott (Mid Devon District Council), Haywood (North Devon District Council), James (Cornwall Council), Penberthy (Plymouth City Council), Saltern (South Hams District Council), Sanders (West Devon District Council), Sutton (Exeter City Council) and Williams (Plymouth City Council).

Independent Members:

Yvonne Atkinson (Devon) and Mike Firbank (Cornwall and Isles of Scilly).

THE ATTACHED PRESENTATIONS WERE TABLED AT THE MEETING UNDER
AGENDA ITEM NOS. 5 AND 7.

DEVON AND CORNWALL POLICE AND CRIME PANEL

**5. TRAFFIC INCIDENT ROAD CLOSURES AND 101 SERVICE (Pages 1 - 18)
- UPDATE FROM SHAUN SAWYER, CHIEF CONSTABLE**

The panel will receive a more detailed response from the Chief Constable to questions raised on 11 July 2013.

7. SCRUTINY OF THE POLICE AND CRIME COMMISSIONERS COMMISSIONING INTENTIONS PLAN 2014/15 TO 2016/17 (Pages 19 - 36)

The panel will consider the Police and Crime Commissioner's Commissioning Plan as its first topic of proactive scrutiny.

ROAD CLOSURES FOR COLLISION INVESTIGATION



Devon & Cornwall Police
Building safer communities together

Shaun Sawyer
Chief Constable

Context

- Loss to UK Plc – estimated £1bn per year
- Community & business development impact
- D&C is largest geographic force in England
- Majority of force boundary is coastal
- Only 3 strategic routes – M5, A38, A30
- Infrastructure & geographic limitations



Investigation of Road Deaths

- ◆ Investigating a death is core police work
- ◆ 1,754 UK road deaths in 2012 (8% down)
- ◆ Devon & Cornwall:

YEAR	KILLED	KILLED + SERIOUS INJURY
2008	81	575
2009	66	454
2010	57	582
2011	43	561
2012	69	554

Diligence

- ◆ Death investigated on behalf of the Coroner
- ◆ Inquest and/or criminal prosecution
- ◆ Deliver answers for the victims or bereaved
- ◆ FLO's provide support and contact for family
- ◆ Balancing competing demands:
 - ◆ Complete the investigation to RDIM standards
 - ◆ Gather all the available evidence required by HR Act
 - ◆ Ensure roads are closed for as little time as possible
 - ◆ Keep the family, victims and public informed

Road Closures (RTC)

- ◆ Roads often blocked not 'closed' by police
- ◆ Average times following a collision:
 - ◆ Serious – 1 to 3hrs (often just physically blocked)
 - ◆ Fatal – 5 to 7hrs (often a police closure)
- ◆ Times from incident to prosecution
 - ◆ Serious – 3 to 6 months (to file submission)
 - ◆ Fatal – 6 to 18 months (to Crown Court/Inquest)



Human Rights Act

- ◆ *“Investigation should be independent and accessible to the victims family... carried out with reasonable promptness ... be effective... lead to a determination... afford a sufficient element of public scrutiny of the investigation or its results.”*

Human Rights Act

- ◆ *“The authorities must have taken reasonable steps... to secure the evidence concerning the incident, including ... eyewitness testimony, forensic evidence and... autopsy. Any deficiency in the investigation which undermines its ability to establish the cause of death, or the person(s) responsible, will risk falling foul of this standard.”*

Consequences & Benefits

- ◆ Judicial review of a prosecution/inquest
 - ◆ Defective inquest process
 - ◆ Unsafe prosecution
 - ◆ Damages claims
 - ◆ Disciplinary action

- ◆ Adheres to national investigative standards
 - ◆ Improves public confidence
 - ◆ Delivers justice to the victim and bereaved
 - ◆ Maintain investigative integrity on road deaths

Western Morning News

The Voice of the Westcountry

**Crash chaos is
just too costly**

Police defend crash road closure policy

ROAD closures following crashes are an inevitable consequence of the need for the police to treat the scene of every road accident as a potential crime scene, a senior Devon and Cornwall officer explained yesterday.

And with the maximum sentence for causing death by dangerous driving to rise from ten to 14 years, police say there is a need for the investigation to be thorough and comprehensive.

Officers were speaking after an eight-hour road closure following a fatal accident on Monday, which business leaders claimed cost the local economy £10 million. They say there have been other long closures following serious accidents which have hit business by causing huge delays.

Yesterday, Chief Insp Ian Aspinall, head of the traffic division of Devon and Cornwall, said: "Once we reopen the road the evidence is gone forever."

MARK CLOUGH

Chief Insp Aspinall said that road closures after crashes were necessary to ensure that the police complied with the law.

"Article Two of the Human Rights Act 1998 states that where someone is denied their right to life the relevant authorities have to carry out an efficient and effective investigation of that person's loss of life," he said.

'Once we reopen the road the evidence is gone forever'

Chief Insp Aspinall said that every road crash scene was treated as the scene of a potential homicide requiring a "high quality criminal investigation".

That duty has to be balanced against Article Eight of the Act which enshrines the right to private

and family life. The article states there shall be no interference with that right except in accordance with the law to prevent a crime.

Other factors which pose a problem for police officers investigating crash scenes include health and safety legislation.

"At the scene of a crash there will be oil, petrol and other chemicals. There could also be body parts and fluids, which have to be dealt with correctly," said Chief Insp Aspinall.

"I have a huge duty of care to be responsible for the health and safety of everyone at the scene. That is why we have to close the road down.

"We have to do it proportionately and as soon as we close the road we review that closure every 30 minutes to make sure officers keep on their toes about the closure."

Chief Insp Aspinall said the police were very aware of the inconvenience that road closures caused and the cost to businesses.

"We are stuck between a rock and a hard place because with many of these closures the Westcountry doesn't have the infrastructure for us to be able to divert traffic very easily," he said.

"We are working closely with other authorities on this to try to reduce the problem. Not only does a closure cause the public a lot of time and inconvenience, of which we are keenly aware, but it also means my police resources are tied up at the scene often for hours on end.

"For the Perch garage murder inquiry at Wadebridge, the A39 was closed for four days and we received no complaints from the public."

A fatal road crash near Landrake on the A38 Cornwall on Monday caused major traffic delays when the road was closed for eight hours. Last week, a fatal accident road closure on the A38 near Plymouth caused huge rush-hour huge delays.

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Moving Forward

- ◆ Investigating road death is a core police task
 - ◆ Safer Roads Support Unit in D&C
- ◆ Innovations in technology
 - ◆ Highways Agency CLEAR initiative
 - ◆ 16 Oct 13 Ministerial Conference on road closures
- ◆ Funding is critical to the business
 - ◆ Increased staff/assets can reduce investigation times
- ◆ Recognise some unique issues to D&C
 - ◆ Geography & road infrastructure

ROAD CLOSURES FOR COLLISION INVESTIGATION



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Chief Constable



**Police & Crime Commissioner
for Devon & Cornwall**

Partnership Commissioning Intentions Plan 2014/15-2016/17

**Sue Howl – Chief Executive
Karen Vincent – Performance Manager**

Today's content

- To explain the context for PCC commissioning
- Set out key principles for Devon and Cornwall
- Clarify current and proposed grant allocations
- Outline next steps
- Answer questions on the proposals

Background

- Government created PCCs to be “centre stage” in relation to “and crime”
- Previous funding streams that went to other organisations now routed to PCC
- PCC required to make grants that will secure crime and disorder reductions
- Clear expectations for the alliance of organisations and structures to work together

Principles of budget allocation

- Utilise the power of the broad alliance of organisations to further the aims set out in the PCC's Police and crime plan
- Utilise existing structures for the delivery and control of grant funding
- Allocating funds on a well developed needs assessment
- Delivery will be subject to accountability and scrutiny
- Police Partnership Fund abolished
- Priorities and funding may adjust during the period

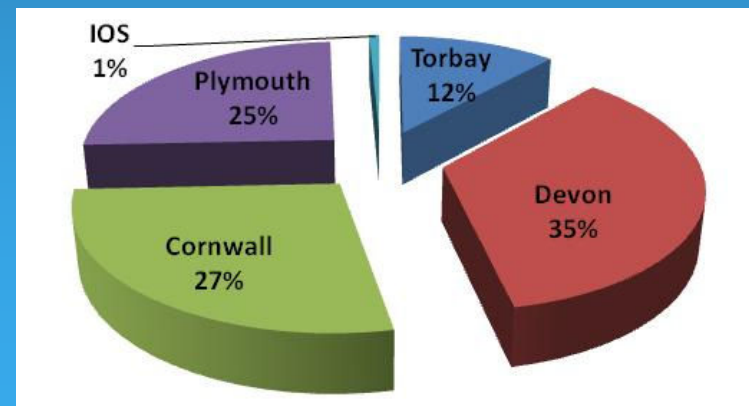
Historic perspective

- Analysis of funding streams to partners identified:
 - Different funding sources for same services across peninsula
 - Local authority funding versus central government grants
 - Pooled budget arrangements
- Concluded 'least disruption' principle should be followed for 2013/2014
- Allowed time to build new commissioning process from the ground up

Allocation 2013/2014

Partner Agency	£
CSPs	£1,418,245
LSCBs	£58,706
LSABs	£20,568
DA	£100,969
DAATs	£152,200
YOTs	£561,499
Street Pastors:	£467
SARCs	£186,980
IOM	£41,786
Contingency:	£31,787
Small Grants	£200,000
Total	£2,773,207

CSP	£
Torbay	165,378
Devon	466,515
Cornwall	389,685
Plymouth	379,680
IOS	16,987



Principles for delivery

- Where possible, use locally delivered services
- Usage across the full range of sectors encouraged - public, private, voluntary, community and social enterprise
- All grants will be linked to a detailed service specification
- Transparent and independent governance will be put in place including in commercial contractual arrangements
- Arrangements will provide a reasonable period of funding certainty

Principles for delivery (continued)

- Majority of funds to be distributed through CSPs
 - Including Drug and Alcohol and Domestic Abuse
 - Managed through scrutiny and accountability
 - Accepted that CSPs are best placed to assess local delivery mechanisms of strategic priorities
- SARC, YOT and Safeguarding Boards directly funded
 - Allows for greater element of direction from PCC
- Central government grant will reduce by 7% overall over the next 4 years
- Commissioning support for victims services will be addressed separately

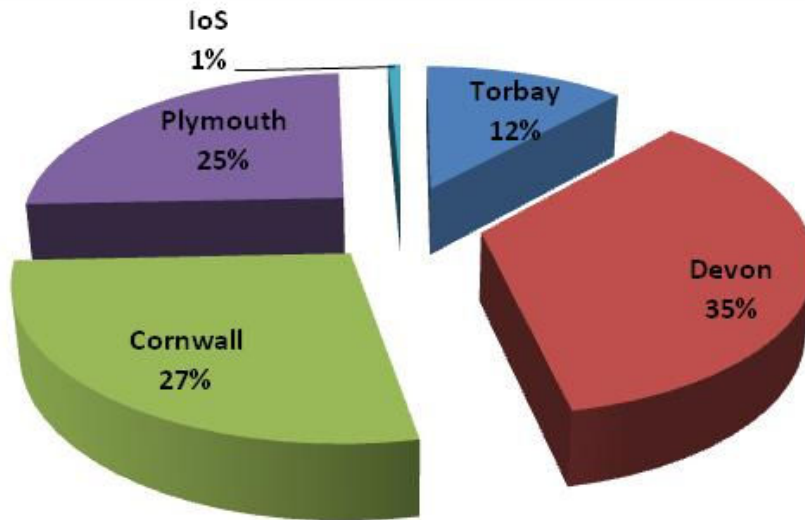
Funding allocation between CSPs

- Introducing a new funding mechanism for CSPs, YOTs and Safeguarding Boards
- Directly linked to the Police & Crime Plan objectives
- 3 elements; the risk that each Police & Crime Plan objective represents, the potential for each objective to affect each CSP and a service delivery element.
- Risk is assessed directly from the Strategic Threat & Risk Assessment (STRA) risk score: i.e. impact x probability.

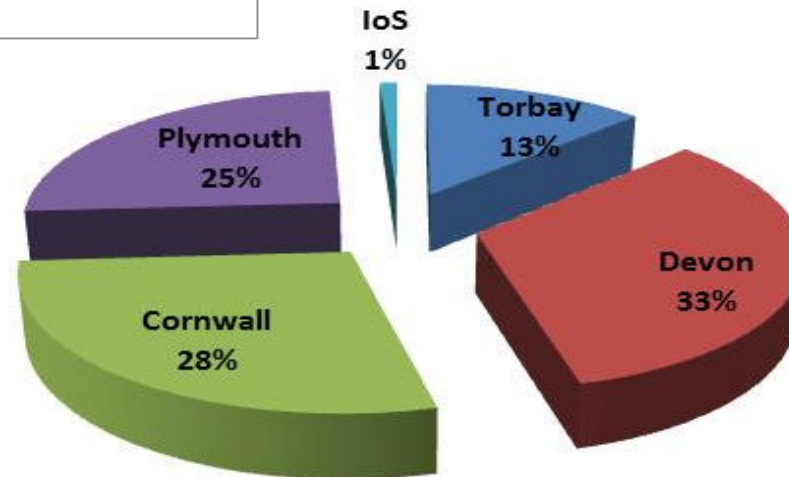
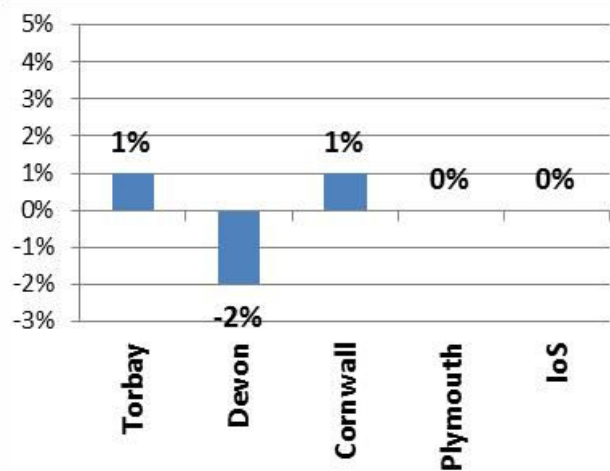
Funding allocation between CSPs

- Population and demographic data selected for relevance to the Police & Crime Plan objectives, including the elderly, young people, household numbers, total hectares, length of roads, disability living allowances claimants and indices of deprivation.
- Additional post-hoc adjustment to account for increased cost of service delivery in rural areas based on number of rural output areas

Allocation change



Current allocation



New allocation

Transition Process

- Transition to new allocations over 4 year period
- Funding to YOTS and safeguarding boards to be reviewed on a similar basis

4 Year Funding Allocation

	Torbay	Devon	Cornwall	Plymouth	IoS	Total
2013/2014	£209,070	£609,786	£470,407	£435,562	£17,422	£1,742,247
2014/2015	£209,514	£583,456	£468,199	£426,071	£17,043	£1,704,284
Year on year change	0.2%	-4.3%	-0.5%	-2.2%	-2.2%	-2.2%
2015/2016	£209,974	£557,781	£467,329	£417,258	£16,690	£1,669,032
Percentage	0.2%	-4.4%	-0.2%	-2.1%	-2.1%	-2.1%
2016/2017	£209,836	£532,660	£451,954	£403,530	£16,141	£1,614,121
Percentage	-0.1%	-4.5%	-3.3%	-3.3%	-3.3%	-3.3%
Total change	0.4%	-12.6%	-3.9%	-7.4%	-7.4%	-7.4%

Ensuring competency and capability pre and post grant allocation

- Self assessment process supported by a framework developed in collaboration with Devon Audit Partnership, led by CSPs and reviewed by OPCC
- CSP spending plans for next year to include how they will meet priorities identified in Police & Crime Plan and range of engagement i.e. voluntary and 3rd sector
- Dialogue between OPCC and CSPs about spending plans prior to PCC approval
- A minimum set of conditions will be applied

Monitoring outcomes

- Ongoing monitoring of outcomes against spending plans by OPCC, supplemented by formal interim 6 monthly reports from CSPs
- Final report April 2015 to quantify performance outcomes against the plan
- PCC reserves the right to reduce or withdraw funding if plan commitments are not being met

YOTS & Safeguarding Boards

- Similar process to be applied to YOTS and Safeguarding Boards
- New funding formula to be agreed
- Spending plans to be submitted and reviewed
- Monitoring of outcomes against the plan by OPCC



**Police & Crime Commissioner
for Devon & Cornwall**

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