

# **Her Majesty's Inspectorate of Constabulary**



## **Inspection of South Wales Police**

### **Professional Standards**

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# CONTENTS

## A – INTRODUCTION AND METHODOLOGY

1. Introduction
2. Inspection scope
3. Methodology
4. Baseline grading

## B – FORCE REPORT

1. Force Overview and Context
2. Findings
  - **Intelligence** - *what a force knows about the health of professional standards*
  - **Prevention** - *how the force tries to improve and prevent the abuse of standards*
  - **Enforcement** - *its effectiveness in dealing with emerging problems*
  - **Capacity and Capability** – *having the resources and skills to address reactive and proactive challenges (including timely and proportionate response to lapses in professional standards)*

## C – GLOSSARY

# INSPECTION OF PROFESSIONAL STANDARDS 2005

## A – INTRODUCTION AND METHODOLOGY

### 1. Introduction

'Professional standards' within the policing context has evolved significantly in recent years, following the HMIC thematic 'Police Integrity' (1999), the establishment of an ACPO Presidential Taskforce to tackle corruption and the introduction of the ACPO Professional Standards Committee. Since 2000, virtually every force in England and Wales has significantly expanded the activities of pre-existing Complaints and Discipline Departments to include an element addressing anti-corruption, including covert investigation. These larger units are generically known as Professional Standards Departments (PSDs).

The issue of complaints holds a unique importance for HMIC in that legislation<sup>1</sup> creates a responsibility on Her Majesty's Inspectors (HMIs) to 'keep themselves informed' as to the handling of complaints in forces. Traditionally this has involved inspection of individual forces on a rolling programme. The advent of HMIC's annual Baseline Assessment (from 2003/04), the establishment of the Independent Police Complaints Commission (IPCC) in 2004, and a series of public inquiries have changed the professional standards landscape significantly. In view of this, HMIC decided to carry out a simultaneous programme of inspection of professional standards in all 43 English and Welsh forces to provide a comprehensive picture of current performance and identify any issues of national importance.

### 2. Inspection scope

While this national programme of inspection of 'Professional Standards' has focused primarily on the operation of the PSDs, and their sub-sections, it has also examined issues of professional standards in the wider policing context, and therefore touched on other departments and areas of responsibility, for example Human Resources (HR). The core elements identified nationally for examination were:

#### **Professional Standards Department**

- The umbrella department within which all 'professional standards' activities are delivered, including the investigation of complaints and misconduct and proactive anti-corruption work.

#### **Complaints and misconduct unit**

- Responsible for reactive investigations into public complaints as well as internal conduct matters.

#### **Proactive unit**

- Responsible for the intelligence-led investigation of vulnerability to or allegations of corruption.

#### **Intelligence cell**

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<sup>1</sup> Section 15(1) of the Police Reform Act 2002

- Responsible for:
  - Overall intelligence management
  - Analysis
  - Field Intelligence
  - Financial Investigation
  - Managing risks and grading threats

**Handling of civil claims, security management and personnel vetting**

- Individuals or units responsible for identifying risks to the integrity of the police service manifested within civil actions, civil claims, employment tribunals, breaches of security and infiltration of the service by inappropriate personnel.

**Handling ‘Direction and Control’ Complaints**

- Processes for handling complaints relating to:
  - operational policing policies (where there is no issue of conduct)
  - organisational decisions
  - general policing standards in the force
  - operational management decisions (where there is no issue of conduct)

**Impact of unsatisfactory performance and grievance**

- Relevant personnel within HR and operational departments, to establish that processes exist to identify any conduct issues or organisational lessons.

NB: The above list is not exhaustive nor does every force have each of these units or responsibilities as separate functions. The inspection sought to examine as many of the identified activities as are relevant to each force.

### 3. Methodology

Since 2003/04, HMIC’s core methodology for assessing force performance has been Baseline Assessment (BA), which consists of a self-assessment process supported by visits to forces for validation and quality assurance. BA assesses performance annually across 27<sup>2</sup> areas of policing via a framework of questions for each area. The mainstream BA process for 2004/05 was completed during spring 2005 and the results published in October 2005.

Professional Standards is one of the BA frameworks and would normally have been included in the mainstream BA activity. With the full programme of professional standards inspections scheduled for October and November 2005, however, the assessment of this framework was deferred to await their outcome.

The programme of inspections has been designed to:

- Provide a full inspection of professional standards in all England & Wales<sup>3</sup> forces;
- Gather evidence for Baseline Assessment reports and grading of professional standards in all forces; and
- Identify key issues, trends and good practice that may have implications for professional standards on a national basis.

The standard format for each inspection has included:

- The completion of self assessment questionnaires by all forces;

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<sup>2</sup> Number of frameworks in the 2004/05 assessment

<sup>3</sup> Also including British Transport Police and Ministry of Defence Police

- Examination of documents;
- Visits to forces with group and individual interviews;
- Consultation with key stakeholders; and
- Final reports with grade.

#### 4. Baseline Assessment grading

HMIC applies a qualitative grading to the inspection of Professional Standards. These grades are:

- Excellent
- Good
- Fair
- Poor

In allocating individual force grades, HMIC assesses all the available evidence and identifies how well the force matches an agreed set of Specific Grading Criteria. To ensure fairness and transparency in the grading process, HMIC worked with key partners in the APA, IPCC, the Home Office and ACPO to develop and agree these Specific Grading Criteria for Professional Standards.

The criteria set out expectations for a “Good” force. Grades of Fair, Good and Excellent all represent acceptable performance levels but indicate the degree to which the force has met the grading criteria. An Excellent grade indicates ‘benchmark’ performance including significant implementation of good practice.

The full grading criteria are set out in HMIC’s website at:  
[www.inspectorates.homeoffice.gov.uk](http://www.inspectorates.homeoffice.gov.uk).

The key elements appear under four headings, namely:

- **Intelligence** - *what a force knows about the health of professional standards*
- **Prevention** - *how the force tries to improve and prevent the abuse of standards*
- **Enforcement** - *its effectiveness in dealing with emerging problems*
- **Capacity and Capability** – *having the resources and skills to address reactive and proactive challenges (including timely and proportionate response to lapses in professional standards)*
- The remainder of this report is set out under these headings, for ease of reference to the evidence presented.

## B – Force Report

### Force Overview and Context

The South Wales Police area comprises some 812 square miles which, though comprising only 10% of the land mass of Wales, is occupied by 42% (1.2 million) of the principality's population. Its two major cities, Cardiff and Swansea, are both expanding significantly. The annual budget for the Force for 2005/06 is £227.44 million, an increase of £10.8 million (4.99%) from the previous year.

The force headquarters is in the town of Bridgend, which forms one of seven basic command units (BCUs) or divisions that centre on Bridgend (population of 129,878), Cardiff (population of 315,116), Merthyr Tydfil (population of 55,385), Neath and Port Talbot (population of 135,332), Rhondda Cynon Taff (population of 231,600), Swansea (population of 224,642), and Vale of Glamorgan (population of 121,235). Each BCU is coterminous with their unitary authority and their community safety partnership (CSP).

The chief officer team is based at headquarters and comprises the Chief Constable, Barbara Wilding, Deputy Chief Constable (DCC) Paul Wood, Assistant Chief Constable (ACC) (Communities and Partnerships) David Francis, Assistant Chief Constable (Corporate Intelligence) Stephen Cahill, Assistant Chief Constable (Crime and Operations) Giles York, and the non-police Director of Finance, Administration and ICT, Paul Wade. The Chief Constable was appointed in January 2004, and the ACC (Crime and Operations) in January 2005, with ACC Stephen Cahill switching from ACC (Crime and Operations) to ACC (Corporate Intelligence) at that time.

### Professional standards

An ACC holds portfolio responsibility for professional standards (PS). The professional standards department (PSD) consists of a detective chief superintendent – head of department, a detective superintendent as the deputy head, assisted by detective chief inspectors for proactive and reactive. There is a dedicated proactive team that is supported by an analyst. The complaints team consist of experienced detective officers who are in the main, SIO qualified.

<b>GRADING : GOOD</b>
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## Findings

**Intelligence** – *what a force knows about the health of professional standards*

### Strengths

- The Force has adopted the principles of the National Intelligence Model within the professional standards department, with tasking and co-ordinating meetings being held and a document called 'The Way Forward' providing the control strategy for the department. The Model does drive activity within proactive investigations and, as an example, the proactive team is able to analyse its intelligence in a co-ordinated manner allowing them to conduct their investigations in line with NIM.
- The professional standards department has one analyst that conducts analytical work in compliance with the National Intelligence Model for proactive

investigations. This individual will prepare target and problem profiles and attend the tactical tasking and co-ordinating Group (TCG) meeting.

- The Force has a risk management group, chaired by the DCC, which is a formal mechanism for identifying and managing risk in the organisation. A risk assessment of the force's vulnerability to corruption has been completed and forwarded to NCIS. The main vulnerabilities of the organisation are in respect of leakage of information, substance misuse, criminal associations and vetting.
- The professional standards department has a standalone, dedicated intelligence database called I-Base. Intelligence is derived from a number of sources including the public, solicitors, officers, staff, staff associations, informants (CHIS) and the confidential reporting line. Intelligence is prioritised using the 5x5x5 system.
- There is a good cross section of skills within the professional standards department with most investigating officers being former CID officers. Investigating officers have undergone 'PEACE' interview training and some have done vulnerable witness interviewing training. A number of staff are trained to SIO level.
- The department has one full-time dedicated analyst whose role is to receive, analyse and develop information and intelligence relating to unethical and dishonest conduct. This role holder also produces performance management information for the department.
- The head of PSD and his deputy are fully trained as authorising officers under the Regulation of Investigatory Powers Act (RIPA) for surveillance applications. However, in compliance with the recent recommendations of the surveillance commissioner, RIPA authorities have devolved to the force authorisation officer. This ensures that policies for making applications prevent PSD staff from being selective and levels of account and scrutiny remain outside of PSD. The Force has taken the decision that executive authority will not be used to replace RIPA authority and will be used only when all other avenues have failed and the investigation relates to serious misconduct issues.
- The professional standards department takes an active part in the force's race equality scheme, having responsibility for all policies and procedures. Further, the department liaises with the minorities support unit (MSU) for advice and assistance when dealing with complaints of racially discriminating behaviour. A system has been developed in respect of informing the MSU of such complaints whilst maintaining officer confidentiality.
- The force has a civil claims review group that the head of professional standards department attends. The force solicitors' department identifies possible misconduct issues arising from civil claims and brings these to the attention of the professional standards department using established processes. An assessment is then made in accordance with the National Intelligence Model.
- The ACC speaks to all new recruits (police officers and police staff) in an effort to promote a culture of integrity. There are regular visits to divisions by professional standards and issues are discussed with divisional commanders. Professional standards staff also attend induction courses and provide input to promote



integrity. Newly promoted sergeants and inspectors also receive a personal briefing by the chief constable and are issued with a booklet explaining in clear terms the values and ethos of the Force and the responsibility of supervisors to challenge under performance and unethical behaviour by employing intrusive supervision techniques. This may be evidence of good practice.

### **Areas for Improvement**

- There is scope to bring in better use of the National Intelligence Model throughout all professional standards processes. Tactical tasking tends to be around proactive work and there could be better assessments made of the other tactical work that professional standards have to conduct and divert resources accordingly. For example, the legacy cases which are subject of criminal investigations at present, could impact on the future work of professional standards and the Force should deploy the National Intelligence Model and its products to analyse what the likely impact will be.

#### **Recommendation 1**

**Her Majesty's Inspector of Constabulary recommends that the professional standards department makes better use of the National Intelligence Model and its associated products, across the range of professional standards activity, particularly reactive investigations.**

- There is no analytical support for reactive investigations and investigating officers have to analyse data and systems themselves in such cases. The analyst supports proactive investigations and is also responsible for collating statistical and performance data for the department. This reduces the efficiency of the analyst in preparing the necessary products under the National Intelligence Model.
- There has been no weeding of the professional standards department intelligence database, with some intelligence reports being over six years old.
- There are few processes in place that allow for checking of misuse of Force information technology systems. The Force accepts that there is a need to be better equipped to fulfil this function and to use an intelligence-led approach to covert investigation of staff suspected of misusing the systems.

#### **Recommendation 2**

**Her Majesty's Inspector of Constabulary recommends that the Force sets up efficient auditing processes for information systems and conducts regular integrity checks to ensure compliance with legislation and regulations.**

- The analyst within the professional standards department has multi-

responsibilities and the Force may need to consider using this qualified analyst for NIM purposes and employ a statistical analyst/researcher for other administrative tasks. A business case has been submitted for consideration of this additional post.

## **Prevention – *how the force tries to improve and prevent the abuse of standards***

### **Strengths**

- The ACC (corporate intelligence) is the chief officer lead for the professional standards department and he provides the strategic direction for the department through the professional standards strategic plan. The department works within the force control strategy and has produced its own strategic assessment and control strategy that is reviewed every six months.
- There are regular meetings between the ACC and the head of professional standards (at least weekly) where key issues such as complaints, suspensions and timeliness of investigations are discussed. The ACC takes an active interest in professional standards and further regular meetings are held with legal services, Federation and other staff associations, Police Authority and human resources department.
- The force solicitor meets with the ACC on a weekly basis to discuss any emerging issues from misconduct, complaints and civil claims. He, and the deputy force solicitor, attend the Police Authority personnel and complaints group and produce a quarterly report for the benefit of Police Authority members, which is scrutinised for learning and development issues.
- The Force has a confidential reporting line that goes direct to professional standards, but this is not used to any significant extent. There are, however, examples of officers and staff contacting professional standards direct and who are willing to give their details and pass on quality information and intelligence about alleged or suspected wrongdoing by members of the Force.
- The department readily accepts third party reporting, e.g. from solicitors and support groups. This has been particularly apparent amongst members of minority ethnic groups within the Cardiff and Swansea areas of South Wales. The department continues to seek new improved ways of dealing with complaints and an example is the hate crime form which has been used for the reporting of inappropriate behaviour by staff.
- The department has adopted a 'case conference' approach to the handling of complaints, which assists with an early assessment of the situation and ensures any response is proportionate. A case conference will gather together key contributors to the investigation and consider what the possible outcome is to be, thus making sure that investigations are not heavy handed or too lengthy in proportion to the desired outcome.
- The Force has an information security board chaired by the head of professional standards that brings together the information security function and professional standards. There is an information security policy that is currently under review.

## Areas for Improvement

- The outcomes of misconduct hearings are no longer published in weekly orders but are on the force information system (FIS) and are quite difficult to find. Potentially, this is a missed opportunity to cascade lessons learnt from misconduct cases to the wider organisation, as weekly orders are well read and the FIS site is not.
- The Force does not have an external provider for its confidential reporting line and currently such messages are left on a tape recorder located within the professional standards department. The integrity of this process is questioned by a number of staff, as there is the perception that 'whistle blowers' will be identified. It is known that the confidential reporting line is not widely used. The Force has however, signed up with 'Safecall', who will be providing this service from December 2005 or January 2006. There is no facility for online reporting of a complaint via the force website.

### Recommendation 3

**Her Majesty's Inspector of Constabulary recommends that the Force should consider a marketing initiative to launch 'Safecall' and provide reassurances regarding the confidentiality of information or intelligence received. There is also the opportunity to develop better reporting methods for external customers at the launch of 'Safecall'.**

- A strategic meeting of support network heads is now held on a quarterly basis. However, there is no direct link between the staff support networks and the PSD. The link between the PSD and the support networks is normally via the diversity manager. (Note: HMIC is aware that since the inspection, the Force has started to address this issue.)
- Cases are monitored and managed by means of the 'Centurion' computerised case management system; a national system which also allows the IPCC to draw statistical information from it. There are improvements to the Centurion system that the Force would like to make, but the computer server does not allow this. As a result, data in respect of issues such as ethnicity is difficult to obtain and monitor.
- There is no vetting unit and a recent bid for resources for such a unit was turned down. The Force has yet to develop its vetting policy and the current vetting function lies with human resources, who carry out vetting in relation to recruitment only. The vetting of other staff needs to be centrally co-ordinated within professional standards and resourced accordingly.

## Recommendation 4

**Her Majesty's Inspector of Constabulary recommends that the Force establishes a vetting unit within professional standards and develops a vetting policy in line with ACPO guidance.**

- The auditing of intelligence and command and control systems is the responsibility of ICT and not the information security officer. There is little auditing of such systems and no direct line of responsibility between the ISO and ICT.

### **Enforcement - *its effectiveness in dealing with emerging problems***

#### **Strengths**

- The Force has a specific policy in respect of direction and control and civil complaints. The force legal services department and the professional standards department meet weekly, where emerging issues are identified and high profile cases reviewed. The area of direction and control complaints is also addressed in this forum.
- The civil claims litigation unit is housed within the PSD complex, which allows full consultation and liaison and ensures a timely response to claims. The DCC liaises with the head of legal services to decide on policy regarding civil claims and payment is authorised at chief officer level in consultation with the Police Authority.
- The professional standards department, now embraces the information management unit, major crime review team and a policies and procedures unit. These additional areas of responsibility have been absorbed with no increase in middle management or administrative staff. The department has a NIM analyst who prepares packages (e.g. target profiles) for proactive investigations and also prepares performance and statistical data for the department
- The proactive unit has the capacity to undertake basic surveillance, e.g. from static observation points, but they do not have the capability of full surveillance. Surveillance teams are sourced from outside forces and collaborative arrangements are in place between South Wales, Dyfed Powys and Gwent police forces to share specialists or provide mutual aid for specific inquiries.
- A system for the early assessment of complaints has been developed. Cases are categorised from A to D where 'A' is a full investigation, 'B' is intelligence being developed, 'C' is low level and will be looked at if more intelligence comes in or the situation changes, and 'D' is retained for intelligence only. In some cases a limited investigation is undertaken to ensure a proportionate response. This has been endorsed by the IPCC as good practice.
- The decision to suspend a member of staff will be made by a chief officer. The circumstances will be presented, usually by the head of the professional standards department or his deputy. All options will be considered, such as placing the member of staff on restricted duties, with suspension being the last resort.

- The Federation are notified when an officer is to be arrested, to enable them to make welfare provisions. This does not compromise the investigation, as officials will merely be told to be at a certain place at a certain time when an arrest is to be made. When police officers or police staff members are arrested as part of investigations, they are taken to a remote custody site at Port Talbot, which is opened specifically for the PSD enquiry. Access to details of detainees in these circumstances is restricted on the force custody system by members of professional standards department.
- The professional standards department complies with the Human Rights Act and 'lancet' principles. As an example, the department has introduced a procedure whereby if a member of staff receives more than three complaints within a twelve month period the details of the complaint will be highlighted and a proforma letter will be sent to the divisional/departmental commander to speak to the officer and to develop any action plan as required.
- There is a Police Authority committee that oversees personnel and PSD issues. Its main role is to provide effective monitoring of complaints and to review suspensions of officers.
- There is a good relationship between professional standards and the Police Authority. The chair of the Police Authority PSD committee and the chief executive and clerk of the Authority are invited to meetings between the force PSD and the IPCC. This gives them a more in depth insight into the complaints situation and facilitates the sharing of information. Further, some training has been provided by professional standards to Police Authority professional standards committee members in file examination. This assists the committee in their scrutiny role.
- The Force enjoys an excellent relationship with the IPCC in Wales and due to current high profile cases, the ACC meets with the IPCC commissioner every two weeks. This has allowed a formal, professional relationship to develop.
- There are strong links to human resources, particularly in the way the Force manages unsatisfactory performance procedures. There is a dedicated HR manager within the professional standards department who has personally moved forward issues relating to unsatisfactory performance. There are regular meeting between the heads of professional standards and HR, where information is shared, e.g. some grievances may be misconduct and vice versa.

### **Areas for Improvement**

- A review of the professional standards department by the Independent Police Complaints Commission prior to its inception shows that the allocation of resources is commensurate with similar/family forces. However, the IPCC proposed that a force vetting unit be located within the management structure of the professional standards department; a recommendation the Force has not yet implemented.
- There is no evidence to show that professional standards has adopted a citizen-focused approach to managing complaints. As an example, complainants are kept informed by the investigating officers in respect of the status of any

investigation, but there are no formal meetings or contact that allows the Force to focus more on the needs of the complainant; needs which may have changed since the initial assessment of the complaint.

- There is currently no formal process in place to ensure an increase in public confidence and address community concerns in respect of complaints. The professional standards department does little activity in promoting community engagement and there is scope to develop this using established force contacts, particularly when dealing with complainants, victims or members of staff who are from BME or other diverse backgrounds.

### **Recommendation 5**

**Her Majesty's Inspector of Constabulary recommends that the Force engages the community better in its professional standards processes and adopts a more formal approach to its communication with complainants, particularly with those members of the community who are part of hard to reach groups. This should be achieved by extending the established processes that already exist within the Force.**

- Whilst there is an early assessment of complaints to ensure a proportionate response, matters that fall within the 'limited investigation' category are decided upon by the investigating officers, who decide on this option following their own early assessment of the case. There is scope to formalise this process to ensure any decision is equitable and stands scrutiny.
- The welfare of suspended staff is the responsibility of divisional commanders or heads of department. There is inconsistency in the approach to welfare across the divisions with some members of staff alleging they are not visited or contacted often enough.

### **Recommendation 6**

**Her Majesty's Inspector of Constabulary recommends that the professional standards department reinforces its policy on dealing with suspended staff and details the approach each division or department must take and monitors staff to ensure adequate contact is maintained.**

**Capacity and Capability** – *(Having the resources and skills available to address the reactive and proactive challenge and providing a timely and proportionate response to lapses in professional standards)*

## **Strengths**

- The Force is of a medium size and is capable of managing current workloads, both proactive and reactive. Some operations do call for additional resources and there is common agreement between the Force and others within Wales for mutual aid in respect of professional standards investigations.
- The Force has appointed divisional liaison officers (of inspector or chief inspector rank) who manage local issues on behalf on professional standards and act as the communication channel between headquarters and divisions. Liaison officers are trained in their role and hold regular meetings with the head of the professional standards department. They are also experienced in managing local resolutions and provide advice to colleagues on division in dealing with complaint and misconduct matters. This investment in the role of liaison officers is recognised as good practice.
- Professional standards has a dedicated HR advisor within its establishment and the role holder has developed systems that assist in dealing with unsatisfactory performance procedures (UPP) across the Force. There is activity in the use of UPPs and the Force is managing performance-related issues through these processes rather than misconduct procedures, with support being given to divisions by the HR manager. The HR manager has also attended supervisor's training days at divisions to promote the use of UPPs. This programme is ongoing.
- Within the professional standards department a training gap analysis has been completed with staff receiving mandatory and complimentary training. Examples of courses undertaken are: Senior Investigating Officer; Regulation of Investigatory Powers Act (RIPA); Investigative Interview (Witness and Suspect); Excel; Senior Leadership Development; Centurion (Complaints Computerised Recording); Springboard; Deaths in Custody and Discharge of Firearms.
- The professional standards department HR advisor undertakes training days for sergeants and inspectors in professional standards issues. All newly promoted officers receive an input and there is an ongoing programme to train all supervisors, with some 50% of officers having received a half day of training. In addition, training/development is given to police staff managers in professional standards issues.
- The force has a policy whereby any staff or officer having three complaints recorded within twelve months, will be flagged up on the system and decisions will be made as to how to deal with the situation. This also allows for early assessment of complaints that may be part of a trend to ensure a timely, proportionate response by professional standards.
- For the year ending 31 March 2005 the percentage of local resolutions (LRs) was 55% of all complaints, demonstrating the Force has a proportionate and timely response to local issues.

## **Areas for Improvement**

- There are still training issues around the use of UPPs on division, with managers trying to shortcut the process by missing out some of the stages. PSD become

involved at the third point of the UPP process, and this is considered unhelpful as it leads to staff becoming defensive, and the process is seen as punitive and not developmental.

- There is some disproportion in the way unsatisfactory performance procedures are used for staff and officers. As an example, some twenty members of police staff have been dismissed from the Force as a result of unsatisfactory performance, but not a single police officer.

### **Recommendation 7**

**Her Majesty's Inspector of Constabulary recommends that, although there is evidence of some supervisors receiving training in respect of unsatisfactory performance procedures, further development training should be introduced for managers and the Force should consider the appropriateness of professional standards becoming involved in the third stage of the process.**



## Glossary

ACC	Assistant Chief Constable
ACPO	Association of Chief Police Officers
ACPO PSC	ACPO Professional standards Committee
BA	baseline assessment
BCU	basic command unit
BME	black and minority ethnic
CHIS	covert human intelligence source
CID	criminal investigation department
CMU	complaints and misconduct unit
CPS	Crown Prosecution Service
DCC	deputy chief constable
FIS	force information system
HMI	Her Majesty's Inspector
HMIC	Her Majesty's Inspectorate of Constabulary
HoD	head of department
HQ	headquarters
HR	human resources
liP	Investors in People
IO	investigating officer
IPCC	Independent Police Complaints Commission
LR	local resolution
MSU	minorities support unit

NCIS	National Criminal Intelligence Service
NIM	National Intelligence Model
PA	police authority
PDR	performance development review
PEACE	a national police model of interviewing
PNC	Police National Computer
PS	professional standards
PSD	professional standards department
RDS	Research, Development and Statistics
RES	race equality scheme
RIPA	Regulation of Investigatory Powers Act, 2000
SGC	specific grading criteria
TCG	tasking and co-ordination group
UPP	unsatisfactory performance procedure