

**WEST MIDLANDS POLICE  
AND CRIME  
COMMISSIONER**

NON-CONFIDENTIAL

**NOTICE OF DECISION**

022/2013

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Title: **Mutual Aid – complaints arrangements**

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**EXECUTIVE SUMMARY**

The Policing Minister, the Rt Hon Damian Green MP, has written to all police and crime commissioners seeking their signature to an agreement which would enable the Police Ombudsman for Northern Ireland to investigate complaints against officers who work in Northern Ireland under mutual aid arrangements.

**DECISION**

I agree to sign an agreement between the Police Ombudsman for Northern Ireland and myself.

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**West Midlands Police and Crime Commissioner**

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the West Midlands Office for Policing and Crime. Any interests are indicated below.

Signature.....Bob Jones.....

Date.....14 May 2013.....

## **FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER**

### **INTRODUCTION AND BACKGROUND**

Attached at **Annex A** to this decision report is a copy of correspondence from the Policing Minister, the Rt Hon Damian Green MP in which he requests all police and crime commissioners to sign an agreement which would enable the Police Ombudsman for Northern Ireland to investigate complaints against officers from the West Midlands serving in Northern Ireland under mutual aid arrangements. Once officers from the West Midlands are on duty in Northern Ireland they are under the direction and control of the Chief Constable of the Police Service for Northern Ireland. They are no longer straightforwardly subject to the complaints system in England and Wales. Nor are they automatically under the auspices of the Police Ombudsman for Northern Ireland.

The Minister believes that for logistic, political and public reassurance reasons, should there be complaints made against the actions of any officers, it would appropriate for the matter to be dealt with under the complaints arrangements that cover Northern Ireland.

By virtue of section 60 (1) of the Police (Northern Ireland) Act 1998, to enable such an arrangement to be put in place, it is necessary for an agreement to be made between the Commissioner and the Ombudsman. The agreement which is proposed is attached at **Annex B**.

The terms of the agreement have been drafted in consultation with the chief officer leads for misconduct and complaints and public order.

The Minister has asked for the agreement to be signed by 17 May 2013.

### **FINANCIAL IMPLICATIONS**

There are no direct costs associated with the signing of the agreement. It is unclear at this time what costs might fall to the Force or the Commissioner should there be complaints made and investigated. However it is assumed that the costs for investigation will be borne by the Ombudsman for the handling of any complaints in the same way that those costs are borne by the Ombudsman for complaints against members of the Northern Ireland Force.

### **LEGAL IMPLICATIONS**

The statutory background to the requirements for an agreement are set out in this decision report.

The Commissioner has power under paragraph 14 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 to anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.

### **EQUALITY IMPLICATIONS**

There are no direct equality implications associated with this decision.

### **Schedule of Background Papers**

Copy of correspondence from the Policing Minister and proposed agreement as outlined above.

### **Public Access to Information**

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.

