



## Visits to Victims, Families of Victims and Others During Police Investigations Policy

The Office for the Police and Crime Commissioner (OPCC) is committed to the principles of equality and diversity. No member of the public, member of staff, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

### Background

1. The Police and Crime Commissioner's oath of office and the *Policing Protocol 2011* require that the work of the Office of the Police and Crime Commissioner (OPCC) should not “fetter” or “interfere” with the operational independence of policing. The definition of “operational independence” is not set but is “fluid and context-driven”.
2. The *Policing Protocol Order 2011* states that, “The establishment and maintenance of effective working relationships between [the OPCC and the Force] is fundamental. It is expected that the principles of **goodwill, professionalism, openness and trust** will underpin the relationship between [the OPCC and the Force], and [we] will do our utmost to make the relationship work.” The OPCC and WMP have, in good faith, sought to work to these principles since the first PCC elections in 2012.
3. The Force and the OPCC must work together to ensure each can fulfil their respective responsibilities and duties. This policy is designed to offer practical guidance on a specific aspect of operational implementation of the requirements of the Policing Protocol, and builds on accepted and agreed practice established in 2013.

### Contact with victims of crime, their families and others

4. The Police and Crime Commissioner is required to obtain the views of victims of crime on policing matters and is responsible for the commissioning of services that are responsive to victims' needs. The Commissioner, and those in their employ or contractors, therefore have statutory grounds for regular contact with victims of crime and their families.
5. There may also be occasions where the Police and Crime Commissioner, OPCC employees and contractors (such as Strategic Policing and Crime Board members) may have reason to have contact with victims of crime, either in the course of their other activities (e.g. as a councillor or other community activity) or in a personal capacity (e.g. by offering spiritual or pastoral comfort).

## **Contact with victims of crime, their families and others in the context of police investigations**

6. The preservation of the operational independence of policing and appropriate contact with victims of crime, their families and others can overlap where a police investigation is underway. As has been recognised for a number of years, *unmanaged* contact with victims of crime, their families and others during a police investigation can risk fettering or interfering with operational independence in contravention of the *Policing Protocol*. It can, and has, brought the OPCC in disrepute by causing confusion and distress to victims, their families and others. In order to enable the police to continue their work efficiently and effectively while at the same time enabling appropriate contact between the OPCC and victims of crime, their families and others, this procedure builds on existing agreed practice and respects these respective roles and responsibilities.

### **Protocol**

7. Before making a visit to a victim, their family or others, permission must be obtained from the Commissioner (or the Chief Executive acting on behalf of the Commissioner). Where a visit to a victim, their family or others is proposed, the Police and Crime Commissioner, staff or contractor (the “visitor”) should brief the Chief Executive of the OPCC before the visit takes place. This briefing will include information on the nature of the visit and the capacity in which it is taking place, either in fulfilment of the duties of the OPCC or in another role. The Chief Executive will then seek guidance from West Midlands Police and discuss with the visitor any issues arising. The Commissioner will agree a plan for the visit, taking into account the briefing provided by the visitor together with advice from the Chief Executive. If appropriate a post-visit debrief will also take place.
8. In determining whether or not this policy applies to a proposed visit, the visitor should adopt a precautionary approach, and they should seek the Chief Executive's guidance.

### **Disciplinary Policy**

9. Failure by employees to follow this policy may be considered a breach of the statutory requirements of the *Policing Protocol* and leave the visitor open to disciplinary action.
10. Such a breach potentially constitutes gross misconduct.