



**Commissioner's report following the IPCC
independent investigation into alleged
misconduct by police officers and police
staff working on behalf of the National
Black Police Association from 2003 – 2005**

Introduction

This report sets out the Commission's findings following its investigation into allegations against seconded police officers and staff working on behalf of the National Black Police Association (NBPA) between 2003 and 2005.

The purpose of the IPCC's investigation was to identify whether there was evidence of criminal conduct, or conduct in breach of the Police Regulations/ equivalent police staff codes of conduct by any individual serving police officer or member of police staff.

In doing so, we have identified a number of serious concerns about the management of the NBPA, the effectiveness of its funders and the actions of some individuals who do not serve with the police in England and Wales. These are not within the IPCC's jurisdiction, but we draw the attention of members of the NBPA and the other responsible bodies to these matters.

The NBPA is a registered charity funded by a grant from the Home Office. It was required to make quarterly returns to the Home Office to show how it had spent its funds. In addition, a condition of its charitable status is that it makes a statutory annual return to the Charity Commission.

The Home Office confirmed that the returns submitted by the NBPA during 2003 to 2005 were often late and only just satisfied their requirements. Annual accounts for the period ending 31 March 2004 were not presented to the Charity Commission until October 2007.

There was insufficient evidence to substantiate allegations against any individual.

Home Office funding of the NBPA is now suspended.

Referral

In January 2007, Her Majesty's Inspectorate of Constabulary (HMIC) became aware of concerns about the conduct of officers who had previously been involved in running the NBPA. The concerns had arisen following the circulation of an internal NBPA report dated November 2006 examining the work of the NBPA Cabinet during the period of 2003 to 2005.

Once we had considered the content of the NBPA internal report, representatives of the IPCC met with the then current members of the NBPA Cabinet to discuss its findings. They told us they had asked the Home Office, the NBPA's main funder, to carry out their own audit of the period examined in the NBPA internal report. The Home Office audit was underway and we decided to wait for that report before making any decision about IPCC involvement. The Home Office audit represented an opportunity to obtain an independent view about the management of NBPA finances.

In June 2007, the Home Office completed their report and that confirmed the existence of the concerns identified by the NBPA internal report. The Home Office report specifically drew attention to allegations of potential misconduct that required further investigation.

Once we received the Home Office report, further discussions took place with the forces who had responsibility for the officers and staff involved in the NBPA Cabinet at the time of the audit and that resulted in referrals being made to the IPCC in accordance with the Police Reform Act.

The IPCC received formal referrals in relation to the actions of three police officers and one member of police staff. In addition a retired police officer and a retired police staff member were subject to the investigation. The alleged misconduct occurred while these individuals held roles in the NBPA between 2003 and 2005. The IPCC decided that in view of the seriousness of the allegations, the national leadership roles of the individuals concerned, and the potential wider impact of the case on public confidence, it should carry out an independent investigation into whether any criminal or disciplinary offence had been committed.

IPCC investigation

The IPCC investigation was broadly divided into three distinct areas:

- The recovery and examination of any policies and procedures for financial matters that may have been in existence.
- The recovery, examination and analyses of all accounts and supporting documents for the period 2003 to 2005 – and identification of any areas requiring further investigation.
- The examination of the accounts for the NBPA 2006 International Training Conference held in Manchester and identification of any areas requiring further investigation.

Financial policies and procedures

The IPCC investigation was not able to obtain copies of the relevant NBPA financial policies and procedures, although it found evidence to show that the NBPA did have policies and procedures in place between 2003 and 2005 in relation to many of the key aspects of financial management. We also saw some evidence of these policies being adhered to. However, it is a matter of concern that the policies could not be located and made available to this investigation, or to the internal inquiry team in 2006 and the Home Office audit team. It is possible that the policies were lost when the NBPA moved offices from Horseferry Road, London to new premises in Grosvenor Square. The IPCC found no evidence to suggest these documents had been deliberately destroyed or withheld.

Examination of NBPA accounts between 2003 and 2005

With the assistance of professional forensic accountants (Helm Corporation Ltd), our investigators examined the NBPA's accounts between 2003 and 2005. There were major gaps in the book keeping records and because of this, a considerable amount of expenditure cannot now be properly accounted for.

Of particular concern was the number of transactions carried out without supporting documents. Over the two-year period under investigation, there were 330 such transactions, with a total value of £115,495.99. The majority of these (270) involved the NBPA bank debit card. In addition to this, a number of cheques were written from the NBPA account where the payee details were not recorded.

In general, having considered whether these transactions appeared to be reasonable in the context of the work of the NBPA, I find that none of them is inconsistent with the organisation's activities. On balance, I find that the lack of proper receipts and records is more likely to be evidence of administrative failure than dishonesty.

However, given the lack of supporting documentation, a formal audit trail is clearly not available. The expenditure for the two-year period where records and receipts are missing represents approximately 30% of the total expenditure, and 30% of the total transactions. Such poor accounting is very bad management of public funds. Nonetheless, this does not in itself provide evidence of criminal activity or police misconduct.

There were a number of specific areas where further investigation was required to establish whether any criminal activity or misconduct had occurred.

Practice of NBPA staff off-setting repayments against expenses claims

Our investigation was told that, on occasion, NBPA staff incurred personal expenditure against NBPA funds and off-set money that they needed to repay to the organisation against future expense claims. However, our investigation found examples where records were not available to show that the repayments due had been made in this way.

Examples include personal expenditure incurred by a member of the NBPA Cabinet during a holiday in Zimbabwe, the repayment of a portion of a rail season ticket purchased on behalf of a Cabinet member and payment for personal calls made on NBPA mobile telephones. Evidence by the officers and members of the Cabinet at that time states these monies were repaid in the manner described.

Given the lack of a clear audit trail and the off-setting arrangements described above it was not possible to confirm or refute the assertions that payments were made to cover these personal costs. After considering the evidence relating to this area of the investigation, I have no evidence that money was not repaid and there is no evidence of criminal activity. However, the lack of a clear audit trail for such transactions is another example of unacceptable management of public funds.

Satellite navigation system

The internal inquiry report produced in 2006 identified that a satellite navigation system had been purchased by the NBPA in November 2003. This was fitted in a private vehicle belonging to one of the officer's subject to our investigation at a cost to the NBPA of £1,000.

The officer concerned told the NBPA internal inquiry that the system had been disposed of with the vehicle which he sold 14 months after the system was fitted. However, our investigation found that the officer had the navigation system removed from the vehicle before selling the car in February 2005. We established that the system had a resale value of between £200 and £400 at that time. There was no record of the system or its resale value being returned to the NBPA.

The current President of the NBPA told the IPCC that if any item of equipment purchased on behalf of the NBPA does truly have residual value, it is at the discretion of the prevailing Cabinet to seek the return of the sums involved, and that the current NBPA would not be the complainant in relation to any allegation of dishonesty against the officer connected with the satellite navigation system.

As a result of this, the investigation no longer considered the issue of the satellite navigation system to be a possible criminal matter. Nonetheless, we had evidence that the officer's original written response to the internal inquiry report about the satellite navigation system – which stated that he sold the system along with the vehicle – was not true. The officer subsequently provided a statement to the IPCC investigation. He said that the system was not working properly and becoming obsolete. He had simply forgotten that it was removed from the car. It was not portable and as their policy had changed to primarily using hire cars for NPBA business, it was therefore of no further use. He understood that the equipment was left to him to dispose of. There is no evidence to refute this second account.

International training conference in Manchester

In 2006, the United Kingdom NBPA held a conference in Manchester with its United States counterpart. Greater Manchester Police (GMP) provided a grant of £50,000 for the event as well as a means to enable the UK NBPA to charge

expenses relating to the conference against a GMP cost centre.

Our investigation examined the accounts held by GMP and I am satisfied that the monies have been properly accounted for, with the exception of the provision of a loan to the United States NBPA. This money was paid to an American company called Every Last Detail, which has the same address and telephone number as the US NBPA. The president of the US NBPA describes himself as the Executive Director of Every Last Detail. GMP had asked for an explanation of what this payment was for.

The IPCC investigation was told this loan was to cover existing debts of the US NBPA and it was intended that the loan would be recovered by a conference profit from delegate fees. In the event, the conference made a loss.

Having been made aware that this payment constituted a loan to the US NBPA, a senior GMP officer confirmed in a witness statement that GMP was never made aware of a loan to the US NBPA. The officer further stated that, had GMP known that this payment to Every Last Detail was for anything other than the costs detailed on the associated invoice, it would not have authorised the payment.

I considered the option of extending the investigation and following the money trail to the USA. However, I decided that, in the first instance, we would invite the authorities in the US to conduct their own investigation based on the evidence that our investigation had uncovered. On 6 October 2008, I was informed that the US authorities were not able to do so.

While the circumstances of the loan were a cause for concern, I considered whether it was proportionate to pursue the matter further through enquiries in the US, bearing in mind the cost and time involved in comparison to the value of the loan and the uncertain outcome of such enquiries. GMP subsequently informed the IPCC that three amounts of \$5,000 had been repaid in the last year and the US NBPA has undertaken to repay the loan in full when funds become available. After giving it careful consideration I decided not to pursue the matter further.

The Home Office

Throughout the period we investigated, the NBPA was required to make quarterly returns to the Home Office. There is a distinct shortage of records relating to the management and oversight of the NBPA finances by the Home Office for the period 2003 to 2005. This makes definitive conclusions very difficult.

When approached as part of our investigation, the Home Office policy unit presented a picture where general disorganisation was the norm in terms of their experience of the NBPA's financial management. However, the Home

Office reported that the NBPA did always manage to produce returns that were acceptable, despite not always being prompt. The Home Office had no reason to suspect any dishonesty.

The Home Office has a responsibility to protect public funds. More rigorous supervision of the NBPA's finances would not only have achieved this, it would also have supported the work of the NBPA by preventing the deterioration in the management of its affairs. In 2006 the Home Office suspended its funding of the NBPA until such time as they had implemented the recommendations of the internal inquiry report and the Home Office audit.

Lack of co-operation and delays in the investigation

The delays in the completion of some key phases of this investigation have been significant. While this has been, in part, due to the complex nature of some elements, the main contributory factor has been the unwillingness to co-operate expressed by some members of the NBPA.

This initial failure to co-operate, and some challenges to the legitimacy of an IPCC investigation by certain NBPA members and representatives of the officers and police staff subject to the investigation, hindered our efforts to progress this investigation in a timely manner. This frustrated opportunities at an early stage to understand the roles that individuals played in the management and acquisition of NBPA finances and to determine the extent to which they were involved.

The investigation was also hindered by the poor relationships and mistrust between some NBPA members and officials which affected some individuals' willingness to co-operate fully with our investigation.

Conclusions

The investigation did not find evidence of misconduct by any serving or retired UK police officer or police staff member. However, the record keeping within the NBPA during this period was so shockingly poor it is simply not possible to account for significant amounts of expenditure. Our evidence showed that these accounting failures allowed a culture of extremely poor practice by some individuals. This poor practice involved significant public funds and a registered charity. It could have been stopped at an earlier stage if the Home Office had carried out its responsibilities as the main funder more effectively.

I am particularly concerned about the delays to the investigation caused by the lack of co-operation afforded by some NBPA members.

I applaud those members of the NBPA who were determined that their concerns about the organisation should be addressed and did all they could to ensure we had access to all the available evidence. They now have a further crucial role to play in ensuring that the NBPA can play its vital role in policing in future.

Ms Naseem Malik
IPCC Commissioner
5 February 2009