

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

CORPORATE GOVERNANCE BOARD

Report of	CHIEF CONSTABLE
Subject	POLICING ELECTIONS / PREVENTING ELECTORAL FRAUD
Date	WEDNESDAY 20 th JULY 2022 - 1400
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Purpose of Report

1. This report provides an overview of how Leicestershire Police prevents electoral fraud and how the force proactively polices and protects the integrity of democratic elections in Leicester, Leicestershire and Rutland.

Objectives

2. In accordance with national guidance, there are six core principles adopted by Leicestershire Police which underpin the successful policing of elections. They are:
 - public confidence in the electoral process
 - prevention is better than prosecution
 - facilitation of campaigning that is free from intimidation and promotes peaceful voting
 - elections should be fair and inclusive
 - elections should be conducted in accordance with the law
 - elections should be effectively policed
3. Leicestershire Police delivers against these objectives proactively through close co-operation with local authorities, developing specialist knowledge to prevent malpractice, local visibility during elections, and by acting on reporting of malpractice or offences in a timely and practical manner. All seek to sustain the public's confidence in the electoral process, including

candidates, agents, returning officers, electoral service managers and observers.

4. Electoral malpractice is rare but can attract considerable media attention and/or challenge public confidence in the electoral process. Leicestershire Police therefore prioritises efforts to maintain good confidence in elections.

Police resources

5. Detailed planning is key to reducing the potential of electoral malpractice or intimidation of candidates or campaigners. It also enhances the ability of the police to respond to allegations and initiate investigations, should they arise.
6. Leicestershire Police see electoral processes as important to sustaining public confidence and therefore devote identified, trained and senior resource to support them. Specifically, this includes leadership by an investigator with several decades of experience, supported by two supervisors who have received national training related to elections.
7. When an election or referendum is announced, an assessment is made by the Elections lead with oversight by a Chief Officer. The response and assessment will vary given the scale and nature of the proposed election – for example, a General Election, parish council election or national referendum. This follows advice from the College of Policing. This assessment is developed with partners. The aim is to lead planning with the objectives of mitigating electoral malpractice, contributing to a non-intimidatory environment for candidates and/or agents, and to facilitate peaceful voting.
8. Leicestershire Police's Single Point of Contact (SPOC) for elections has the following responsibilities:
 - Liaison with the Electoral Commission on behalf of Leicestershire Police
 - Liaison with Local Electoral Services managers
 - Supporting the police operational planning process
 - Providing proactive briefings to local election candidates and agents to ensure they are aware of electoral offences and measures they can take to minimise any offending; also advising on how to recognise and report any incidents of harassment, intimidation or threatening behaviour

- Directing investigation and resources into allegations of electoral malpractice
 - Liaison with Crown Prosecution Office, where relevant, to brief assigned counsel on any offences of note
 - Liaison with local authority returning officers to ensure they have access to police advice / support / updates on investigations when needed
 - Maintaining specialist training (from City of London police)
 - Liaison with College of Policing to ensure the latest advice is followed.
9. The Elections SPOC and its two nominated deputies is able to draw on further resources as required from the force's Economic Crime Unit, Corporate Communications, Force Intelligence Bureau and Special Branch.
10. During elections, officers from neighbourhood policing and response (typically the day and late shifts) are briefed with an Operational Order regarding the elections and receive, for General Elections, an aide memoire from the Electoral Commission. This reminds officers what is required, including legislation related to public order, harassment and electoral fraud.
11. Officers attend polling stations or locations where counting takes place in accordance with risk assessments carried out between the Election SPOC and partners. Where an Amber or Red assessment is given, officers will attend.
12. Officers on duty are encouraged to engage with the Election SPOC with any concerns, questions or issues arising.

Partners

13. Strong liaison with partners in the local authority such as Electoral Registration Officers, Returning Officers and Electoral Service Managers is key.
14. The Electoral Service Managers are in regular contact with the force's point of contact to ensure the police are aware of any potential issues and provide a risk assessment on all polling stations. Polling stations with higher

risk assessments are prioritised for special attention on polling day during polling hours and/or the count. Electoral Service Managers are given a specific incident number to report incidents quickly.

15. Dependent on the scale and nature of the election, the risk assessment, or the issues faced during the election campaign and/or polling day, Leicestershire Police draws on Electoral Commission resources, and engages with the Crown Prosecution Service's dedicated lawyer for elections at its special case work division headquarters in York.

Allegations, reporting and investigations

16. Leicestershire Police takes electoral malpractice allegations seriously. Our election SPOC and supporting team have decades of experience in assessing and prioritising allegations and reporting and taking appropriate action. They proactively consult and advise election officers. Our structures are designed to direct allegations and reporting to our experts. Their expertise covers the offences reported under the Representation of the Peoples Act 1983, as well as other offences, for example, under public order, forgery, and harassment legislation (Appendix A has a list of relevant legislation).
17. With regard to trends or emerging threats, this is monitored closely through regular consultation with the College, local election officers, and the Electoral Commission. There are no notable trends or emerging threats in Leicester, Leicestershire and Rutland. By far the most common type of electoral malpractice offence is failing to include an imprint on election material. Since 2016 Leicestershire Police has recorded a total of 26 allegations of electoral malpractice; half relate to imprint allegations.
18. It is important to note that allegations of electoral malpractice are not confined to election periods. Our specialists in the Economic Crime Unit will assess, evaluate and investigate allegations at any time. Consultations with partners, intelligence gathering and preparations are continuous.

19. Our specialists are deployed on polling day to provide tactical advice and guidance and respond to reports. They carry out their duties in accordance with the principles listed at the start of this overview. Officers may attend scenes to secure and preserve evidence if necessary.

Conclusion

20. Leicestershire Police is proactive in its approach and commitment to prevent electoral malpractice. The force has built and maintains very strong working relationships with all partners involved. Channels of communications continue throughout the year. Allegations are assessed, prioritised and investigated whenever necessary by trained specialists and investigators in our Economic Crime Unit.

21. Our officers and staff adhere to clear principles and operational orders when dealing with election matters.

22. The force's operational commitment in this area delivers against the Commissioner's Police and Crime Plan 2021-2024 (page 22) "The police and OPCC will work to ensure free and fair elections as these are essential to the proper functioning of our democratic society."

Appendix

Relevant legislation

23. The most common electoral malpractice offences reported under the Representation of the Peoples Act 1983 are:

- **Imprints S.110** - Failure to include an imprint on material intended to promote or procure the election of a political party, candidate or groups of candidates.
- **False statement of fact as to candidate S.106** – Illegal for a person to make or publish any false statement of fact in relation to the personal character or conduct (rather than the political character or conduct) of a candidate, before or during an election
- **False registration information S.13** – It is an offence to provide false information to register to vote

- **False application to vote by post or proxy S.62A** – it is an offence to falsely apply to vote by post or proxy with the intention of depriving another person of a vote or gaining a vote or money or property.
- **False statement in nomination papers S.65A** – Makes a false statement in a document furnished to the returning officer.
- **Personation S.60** – Offence to vote as someone else, either in person at a polling station or by post or proxy.
- **Bribery S. 113** – Directly or indirectly given any money, corruptly does any act, makes a gift to procure the return of any person at an election or the vote of any voter.
- **Treating S.114** - Before during or after an election directly or indirectly give or provide, or pay wholly or in part the expense of giving any meal, drink, entertainment for the purposes of corruptly influencing that person to vote or refrain from voting
- **Undue Influence S. 115** – Make use of or threaten force, violence or restraint or inflict or threaten to inflict any temporal or spiritual injury, damage or harm to induce any voter to refrain from voting
- **Secrecy S.66** Every Returning Officer, clerk, candidate, agent or polling agent attending a polling station shall maintain and aid in maintaining the secrecy of voting and unless authorised by law shall not communicate to any person relevant information before the poll is closed.

Other related offences;

- *Perjury – Perjury Act 1911*
- *Forgery and Counterfeiting – Forgery and Counterfeiting Act 1981*
- *Conspiracy to Defraud - Common Law*
- *Harassment – Protection from Harassment Act 1997*
- *Public Order – Public Order Act 1986*

Implications

Financial: None

Legal: None

Equality Impact Assessment: None

Risks and Impact: None

Link to Police and Crime Plan: Yes

Person to Contact

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