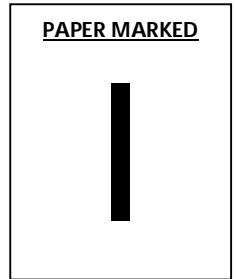


**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**



Report of: **CHIEF CONSTABLE**

Subject: **DIP SAMPLING OF COMPLAINT FILES**

Date: **FRIDAY 20 MARCH 2020 – 2:00 p.m.**

Author: **ANGELA PERRY, EXECUTIVE DIRECTOR
RICH WARD, PROFESSIONAL STANDARDS DEPARTMENT**

Purpose of Report

1. The purpose of this report is for members discussion on the findings from the dip sampling of complaint files.

Recommendation

2. It is recommended that members:-
 - (a) discuss the outcome of the dip sampling of complaint files; and
 - (b) consider a theme for the next dip sampling session.


Background

3. The Police and Crime Commissioner has a responsibility for ensuring that the Chief Constable is applying police regulations in the handling of complaints. The Police and Crime Commissioner fulfils this statutory responsibility by receiving reports from the Chief Constable to the Strategic Assurance Board and by the members of the Ethics, Integrity and Complaints Committee dip sampling of complaint files and reporting on their findings.
4. Dr Peel, Ms Richards and Lois Dugmore, undertook dip sampling of complaint files on Tuesday 4 February 2020 in preparation for the March meeting of the Committee. The outcome of the dip-sampling is as follows:-

Office of Police and Crime Commissioner

Ethics, Integrity and Complaints Committee - Dip Sampling of Complaints Files

Tuesday, 4 February 2020

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by member of Ethics, Integrity and Complaints Committee</u>	<u>Force Response</u>
Corrupt practice Theft Fraud	CO/404/18	Have proposals made by CSI Manager to improve Leicestershire Police Property Management Procedure (P12) been adapted?	The Force policy was amended back in October to reflect this complaint. Attached is the updated version of the procedure. 3.10 refers to the changes.  Property Management Proceec
Other assault	CO/454/18	No further comment.	Noted - thank you
Oppressive conduct Harassment Discriminatory behaviour	CO/186/19	Agree with Investigating Officer that things could have been done better in the first instance, and then may well not have escalated to the extent it did.	Noted – thank you

<p>Lack of fairness/impartiality</p> <p>Unlawful arrest</p> <p>Abuse of Authority</p> <p>Oppressive conduct</p> <p>Discriminatory behaviour</p> <p>Neglect of duty</p>	<p>CO/73/19</p>	<p>General Question: A patrol and resolution Sergeant records that he gets a lot of calls for general advice from Officers. [These are not recorded unless necessary on storm or niche] – How is this kind of learning captured? Fed back to training department for example.</p> <p>Management action – appropriate</p> <p>Very well document investigation.</p>	<p>The AA has interpreted this remark from the Sergeant as a general comment on his daily role. In that he regularly provides broader and general advice to Officers along with more specific incident related advice which is recorded on the relevant IT system. This is incident specific and not necessarily individual/organisational learning. The expectation would be that any supervisor who identified organisational learning would raise that through their appropriate directorate commanders.</p>
<p>Individual against staff</p>	<p>CO/4/18</p>	<p>Investigation dealt with appropriately, apology issued for error in name on arrest warrant. Medication issue need to be addressed. If healthcare is not available, should policy allow GP contact regarding medication?</p>	<p>This was looked at by Chief Inspector [REDACTED] of the Criminal Justice Department and it was determined that:- The HCP timescales and resources that MITIE are contracted to provide have been agreed by medical professionals taking into account demand, risk and medical intervention who set the guidelines for the provision of medical assessment and intervention.</p> <p>The HCP performance is monitored on a monthly basis and generally sits at 98% compliance. If any issue is identified that is considered to be a breach of the contract, poor performance or is a risk and threat, this will be identified and discussed on a case by case basis at that meeting.</p> <p>Given all of the above it was not felt that any further intervention is required at this time.</p>

<p>Use of force</p>	<p>CM/31/19</p>	<p>On the balance of probability, outcome appropriate. Learning points needed to explore risk if person is requesting the toilet, they may exacerbate behaviour if refused. No verbal warning about spray. Breaches protocol and is a training issue as is repeated spray.</p>	<p>The IO confirms that the action taken was appropriate in terms of both the use of incapacitant spray and refusal to allow the DP to use the toilet and whilst not in line with training, the officer fully justified their actions. This was corroborated by Body Worn Video which showed a particularly violent and vile individual who presented a continued risk to officers and healthcare professionals. Regarding the request to use the toilet, and possible learning points arising from the refusal to allow this; the individual was clearly violent and abusive for an extended period prior to his request. The officers were not able to supervise use of the toilet as this would present a risk to them as the detained person would have to be closely supervised. There would be a risk of infection, risk of assault, risk of escape and more importantly intrusion into his privacy.</p>
<p>Duties</p>	<p>CO/381/18</p>	<p>Clarity around children’s safety in the vehicle is unclear.</p>	<p>Appropriate.</p>
<p>Oppressive Conduct or Harassment Other Neglect or Failure of Duty Breach Code C PACE</p>	<p>CO/314/18</p>	<p>Complaint around arrest of male as part of a rape investigation. Management action appropriately taken with regards to 1 (of 5) allegations around record keeping and review of mobile phone data. Organisational learning also reported back to complainant. Excellent overall.</p>	<p>Noted – thank you</p>

Other Neglect of Failure of Duty	CO/177/19	Appropriately resolved via local resolution.	Noted – thank you
Oppressive Conduct/Harassment	CO/163/19	Resolved under local resolution. Apology offered in respect of one aspect of the complaint (sending away a possible witness) and case closed.	Noted – thank you
Other Neglect of Failure of Duty Unlawful Arrest Other Assault Failures in Duty Code C Corrupt Practice	CO/45/19	<p>4 allegations made, with conclusion 3 NFA, 1 upheld. The allegation upheld relates to “the length of time between being arrested and then officially being told I was under arrest was excessive and unreasonable”.</p> <p>But it is recorded that the complainant was both ‘clearly intoxicated and aggressive at point of arrest/search’.</p> <p>Question: Is there any leeway here for Officers with regard to the degree to which it is likely that a person arrested will understand the formal caution if under the influence of alcohol etc?</p>	<p>Paragraph 3.3 Code G PACE requires a person to be informed of their arrest. Paragraph 3.4 Code G is the requirement of the need for the caution to be given.</p> <p>Paragraph 3.4 (a) (b) gives provision to delay the caution due to the condition or the behaviour of an individual. On this occasion the complainant was compliant and allowed to smoke before being provided with details as per points 3.3 and 3.4. The IO has made a judgement that the delay was not justified in these circumstances and as such the arresting officer has been asked to reflect on the matter accordingly.</p>

<p>Improper Disclosure Disclosure of Information Misuse of Force Systems</p>	<p>CO/316/18</p>	<p>Complaint re: PCSO inappropriately accessing and passing on personal information from Police IT system.</p> <p>I do not agree with conclusions reached here that with regard to allegations 1 and 2, there is not a case to answer for misconduct, as 'on balance of probability' I do feel there is a case to answer here. And that misconduct would be the appropriate mechanism for this.</p> <p>Given my feeling that the 'explanations' offered by the PCSO is highly implausible, this would seem to compound their clearly inappropriate use of Police information.</p> <p>In conclusion it is my view that dealing with this matter via 'professional discussion' is disproportionate and inappropriate.</p>	<p>The AA notes the comments and perspective of the Ethics Committee. Assessments of this nature are subjective.</p> <p>Allegation 2 - There is no evidence of PCSO [REDACTED] accessing the complainant's records. A review of IT systems has confirmed this, along with witnesses confirming there has been no disclosure of information.</p> <p>Allegation 1 - The circumstances around access to records have been explored and verified by the Investigator. The AA agrees that there has been learning but remains of the view that the threshold for misconduct has not been met.</p> <p>The AA would also ask the committee to note that this decision is in line with the Force procedure for dealing with computer issues.</p>
<p>Incivility Abuse of Authority</p>	<p>CO/224/19</p>	<p>Appropriately resolved via local resolution. It is clear that both Officers involved here indeed did act in a professional manner.</p>	<p>Noted – thank you</p>
<p>Other Assault Abuse of Authority Neglect of Duty</p>	<p>CO/318/18</p>	<p>Pre-authorized Taser incident. Sole issue relates to need/requirement to capture such incidents on BWV for one officer. A highly detailed and competent investigation is presented with clearly evidenced conclusions. PSD to be commended.</p>	<p>Noted - thank you</p>

<p>Neglect of Duty Lack of Fairness Impartiality Corrupt Practice</p>	<p>CO/194/19</p>	<p>NFA as no good reason for delay on part of complainant. This would appear to be the most appropriate outcome.</p>	<p>Noted – thank you</p>
<p>Honesty & Integrity Duties & Responsibilities</p>	<p>CM/28/19</p>	<p>Possible breach on part of 2 Officers in respect of Professional Standards around honesty and integrity. A clear investigation is presented evidencing no case for misconduct and an opportunity to learn from mistakes identified here through time at CAIU for both Officers.</p>	<p>Noted – thank you</p>
<p>Discreditable Conduct Confidentiality Orders & Instructions</p>	<p>CM/20/19</p>	<p>A clear and comprehensive investigation with conclusion supporting case for misconduct. I would agree with this outcome.</p>	<p>Noted – thank you</p>
<p>Orders & Instructions Discreditable Conduct</p>	<p>CM/11/19</p>	<p>Inappropriate speed whilst driving marked Police vehicles. Appropriate action taken. I agree with the conclusion of the Investigating Officer.</p>	<p>Noted – thank you</p>

Duties and Responsibilities	MI/230/19	<p>Question: Whilst 15 year old complainant did not know fathers 'exact' address, she had been picked up by her mother on 14/10/19 from that address. So I do not understand why initially alternate addresses were checked as this could have been very easily confirmed by matter.</p> <p>Other than this, I concur that referred to IOPC was not required in this instance.</p>	<p>DS [REDACTED] ran the investigation at the time. She has confirmed that the child who was raped left her Father's house and was collected by her mother around the corner at a local shop. This is the reason for the other address checks and his address being found through Experian and the delay in him being located.</p>
-----------------------------	-----------	--	--

IOPC Non-Referral Register

5. The IOPC non-referral register was not examined on this occasion.

Implications

Financial :	None.
Legal :	The Police and Crime Commissioner has a statutory duty to ensure that the Chief Constable is applying Police Regulations.
Equality Impact Assessment :	None.
Risks and Impact :	The Commissioner requires assurance that complaints from members of the public.
Link to Police and Crime Plan :	None.
Communications :	Media releases before and after the discussion will be drafted.

List of Appendices

None.

Background Papers

Members reports from dip sampling.

Person to Contact

Angela Perry, Executive Director, (0116) 2298980

Email: angela.perry@leics.pcc.pnn.gov.uk