

**POLICE AND CRIME  
COMMISSIONER FOR  
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND  
COMPLAINTS COMMITTEE**

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Report of	<b>CHIEF CONSTABLE</b>
Subject	<b>DIP SAMPLING OF COMPLAINT FILES</b>
Date	<b>FRIDAY 24 JUNE 2016 – 2:00 p.m.</b>
Author	<b>ANGELA PERRY, HEAD OF GOVERNANCE AND ASSURANCE, OPCC SIMON HURST, PROFESSIONAL STANDARDS DEPARTMENT</b>

**Purpose of Report**

1. The purpose of this report is for discussion on the findings from members dip sampling of complaint files undertaken on Monday 16 May 2016..

**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. Since taking up office on 12 May 2016, Lord Bach has indicated that he would like to undertake dip sampling of some complaint files himself to understand the process and be familiar with the files. As such it is planned for the Commissioner will receive a briefing on the complaints system and inspect files on Friday 5 August 2016.
5. The Committee undertook their dip sampling on Monday 16 May 2016. The outcome of the dip-sampling is as follows:-

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<u>Complaint Ref. No.</u>	<u>Category of Complaint</u>	<u>Issues and comments from members</u>	<u>Force Response to issues raised</u>
CM 49/15	Authority, Respect & Courtesy	I am happy with the process and outcome	Noted
CO 145/15	Discreditable Conduct	I am happy with the process and outcome.	Noted
CO 531/15	Lack of Service	Happy with process and outcome	Noted – thank you
CO/181/14	Mishandling of property	I am happy with both the process and outcome.	Noted – thank you
CO/464/15	Discriminatory Behaviour	Proportionate investigation has taken place.  No issues of conduct or concerns raised in regard to how matters were dealt with.	Noted – thank you
CO/525/15	Neglect of Duty	Releasing body of victim to suspected murderer before investigation concluded.  Family Liaison Officer informed nothing police can do – incorrect information.  Happy that complaint was dealt with at Local Resolution. Reinforced by considerable time span from investigation, the conviction and complaint.  There is no evidence to say that family pursued getting correct information or enquired further.  Question: Where is it recorded any further action for FLO (Training or UPP)?	Matter is subject of appeal re: disapplication. Issues re training or UPP will be addressed as required as part of appeal assessment process.

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CO/579/15	Failure in Duty and Corrupt Practice	<p>Officers breaking into home whilst complainant is in Custody. Possible mental health issues from complainant. Followed correct procedure to refer to IPCC.</p> <p>No outcome to see from IPCC.</p> <p>Satisfied at this stage.</p>	Noted.
CO 532/15	Neglect of Duty/Harassment	<p>In regards to reference number by police – complainant disabled – restricted mobility and transgendered.</p> <p>Disclosure of private information without consent.</p> <p>I am satisfied that this complaint had been dealt with in accordance with police procedure. Correct information had been given. There are <u>no</u> signs of discrimination by Leicester Police or West Mercia.</p>	Noted.
CO/395/15	Neglect of Duty	<p>The paperwork here is insufficiently completed. Such that only by looking at the complainants email (4.10.15) do I get <u>any</u> clear idea of the nature of the complaint.</p> <p>Complaint about anti-social behaviour of Atherstone Hunt in September 2015.</p> <p>Activity log 20/11/15 suggests this was not a formal complaint. Sign off on this by complainant at police station not however gained despite repeated attempts.</p> <p>Observation: Early use of PCSO to visit complainant for discussion may have avoided all this and an improved public perception of the Force.</p>	Noted. Again with introduction of service recovery support to Appointed Officer will help to prevent/reduce issues such as this in future.
CO/611/15	Neglect of Duty	Appropriate action taken.	Noted.
CO/477/12	Neglect of Duty	Appropriate action taken.	Noted.

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CO/787/14	Unlawful Arrest/Incivility	Allegation – excessive to arrest over stolen football? Why was arrest necessary – was it lawful?	Arrest was lawful but disproportionate – officer and T/Sgt advised to receive management action. PC learning and development and T/Sgt advice re: level of support.
CO/219/14	Neglect of Duty	Dealt with appropriately.	Noted.
CO/573/15	Neglect of Duty	Length of time to resolve disproportionate. Dealt with in accordance with complaints procedure.	Noted re timeliness. Implementation of service recovery will improve timeliness.
CO/507/15	Lack of Fairness/Impartiality	Complaint about threats and contact from ex-partner. Complainant required meeting with police about concerns. Complaint that a biased approach taken to concerns raised.  Local resolution – some investigation and latter acceptance by complainant that action could not be taken due to lack of supporting evidence.  I suspect a complaint would not have been made here if a clearer and fuller explanation had been offered during interview.	Noted and accepted.
CO/544/15	Incivility	Complaint about driving and attitude of officer in uniform and on duty. Dashboard camera footage reviewed. Shows officer did not indicate when pulling out (as complainant alleged) and record of later conversation between officer and complainant is available.  Officer accepts error (lack of indication) and that he could have been calmer and more professional with complainant. Complaint will stay on officer's file for the	On reflection that is an option which will be considered for future cases.

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		<p>remainder of his career. Local resolution used appropriately. Email sent to complainant and resolution.</p> <p>Question: Should officer have offered to meet with complainant and to apologise directly?</p>	
CO/142/14	Other	<p>Traffic Survey Complaint. Complaint about timing of survey (rush hour a.m.) which made complainant late for work by 1 hour.</p> <p>Lots of blank forms in the file.</p> <p>Explanation given. No further redress needed.</p> <p>Looks like a frustrated member of the public using the complaints system as a mechanism for 'ventilation' rather than any serious 'mis-deed' on the part of the force.</p>	Agreed and noted.
CO/53/13	Confidentiality	<p>Allegations against two police officers in regards to conduct and breach of court rules in recordings.</p> <p>Very detailed investigation. Correct and detailed outcome which I am satisfied with.</p>	Noted.
CO/299/12	Irregularity in Evidence	<p>Page 7 and 10 of investigating officer's report unclear. This initial investigation which then went to appeal, appears to have been well handled and proportionate. It does highlight the difficult position officers are in when medical help and social services are and in this instance where they could not get a doctor to attend. When paramedics leave the scene the officers are in a very difficult position. There needs to be more help from mental health services.</p>	<p>Agreed/noted.</p> <p>HM Gov are now aware of MH issues. In short term likely to experience more cases of this nature.</p>
CO/402/15	Neglect of Duty	<p>Complaint about theft. Complainant unhappy about receiving no update as to progress of investigation and return of seized property. Complaint latterly withdrawn.</p> <p>Complainant had moved home in the period. Several attempts made to update via hone/email etc. Officer away on leave for brief period.</p> <p>Evidence of good investigation and process. No concerns raised about conduct of officers directly. Well or appropriately dealt with.</p>	Noted.

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CO/417/13	Oppressive Conduct	Complainant feels warning is unwarranted and has not been allowed to 'prove' innocence. Feels victimised by police. Local resolution – correct procedure. Misunderstanding on behalf of complainant about PIN. Appropriate safeguarding checked out with regard to the complainant's partner. At one point on BC21 a wrong name is referred to.	Noted. Administrative error which should have been identified.
CO/839/14	Neglect of Duty	Complaint dealt with appropriately and feedback given to complainant. Action taken consistent with complaint	Noted.
CO/485/15	Oppressive Conduct	Dealt with appropriately – no escalation required.	Noted.
CO/254/12	Oppressive Conduct/Harassment	Dealt with appropriately. Timescales excessive for level of investigation.	Noted.
CO/749/14	Neglect of Duty	Why was a welfare check not considered when no phone response.	Noted. Phone/email – accepted. Good practice to circulate.
CO/365/14	Neglect of Duty	Complaint investigation does not mention assault being witnessed by police dog handler – no statement - appears to be missing investigation into allegation 2 & 3.	Noted. Proposed interview conducted. One officer subject of Management Action. No appeal to IPCC.
CO/554/15	Neglect of Duty	Complaint about criminal damage to vehicle – reported to police and complainant unhappy with response. Local resolution – whilst it is clear that officers and control room staff who took part in responding to notification of criminal damage have been spoken with. It is not clear: <ul style="list-style-type: none"> <li>- What the nature of the 'lack of antipathy' shown by the officer actually was; and</li> <li>- Where this matter now stands e.g. has the matter been communicated back to the complainant and is this accepted by her?</li> </ul>	Email responses from complainant 21/3 accepting/pleased with response. Letter to complainant advising of outcome sent on 29 March. No appeal made. Apologies provided.

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CO/662/15	Harassment/Oppressive Conduct	<p>Complaint about report of suspicious actions observed. Police called but response did not directly deal with suspicious action reported i.e. police car attended, slow drive by but did not stop.</p> <p>Local resolution – investigation suggests officers involved spoken with and some ‘breakdown in communication between themselves and control’. Complainant directly spoken to by investigating officer. Happy with explanation and that ‘words of advice’ given to officers concerned.</p> <p>Question: Why was there a ‘breakdown in communication’ here between officers on scene and control? It is not evident that this aspect of the matter was investigated.</p>	<p>Noted. Agreed. Appointed Officer to confirm breakdown of communication matter to Appropriate Authority.</p>
CO/236/14	Neglect of Duty	<p>Complaint that police officer did not take sexual assault seriously, failed to act. I am satisfied with the outcome and investigation process.</p> <p>Can’t see evidence of an apology to the victim – more a statement of facts. Good that suggestions in training are made.</p> <p>It says in investigating officer’s report there is no evidenced documentation but if he had been asked a question about the DV group the victim had attended potentially more harm could be caused. His response might have indicated a lack of awareness of the impact of DV and the escalation of impact of a sexual assault</p>	<p>Noted. Officer subject of disciplinary meeting. 15 Feb 2015. Outcome received written warning – 12 months.</p>
CO/31/15	Perjury/Irregularity in Evidence	<p>Misconduct – officer supplied character reference for partner without revealing that relationship. Left ‘relation to applicant’. When chased up by prospective employers about this, lied. Gave police station address rather than home as mechanism to hide the fact that he shared the same address as applicant.</p> <p>Clear evidence of deception on the part of both concerned in misrepresenting their relationship through reference in job application.</p> <p>Would seem appropriate to refer matter to misconduct hearing which is clearly done.</p> <p>Question: Outcome of hearing?</p>	<p>Staff member resigned of own violation and accepted – 22/2/16 prior to outcome of hearing.</p>
CO/247/15	Assault	<p>Given that the complaint was recorded in a formal interview, was it really appropriate to discontinue the investigation when the complainant did not respond to written requests for information.</p>	<p>Given lack of response both by complainant and legal representatives to letter – in line with IPCC statutory</p>

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			guidance 4.18, as it not possible to progress without further communications with complainant discontinuance is appropriate.
CO/438/15	Traffic Irregularity	I am happy with process and outcome	Noted.
RN/RT/658 CM/155	Discreditable Conduct	Misconduct – final written warning issued. Complaint about breach of professional standards via inappropriate comments and numerous photographs. Inappropriate use of Facebook and texts. Unwanted attention from an officer toward women staff. A consistent pattern of behaviour evidenced. Evidence of full and proper investigation. Well evidenced and well recorded. Clear evidence trail with respect to allegation 1 & 2 that there is a case to answer. Question – Is redeployment to duties that do not include possibility of frequent or protracted contact with young females in reality actually possible – what alternatives are considered?	The redeployment in this instance to the surveillance team prevented direct contact with witnesses involved in the case. The objective being to allow the investigation to proceed in the officer's absence. It was not to prevent contact with young females.
CO570/14	Traffic Irregularity	I am happy with the outcome but somewhat concerned as to the time taken to investigate a rather simple matter.	Noted. Matter was slightly protracted due to request from Appropriate Authority for completion of more detailed report. Going forward such matters are reviewed at an early stage due to proactive support via PSD.
CO/557/15	Incivility	Complaint about conduct of PCSO and use of Facebook PCSO accepts her behaviour was improper (implicitly that she did make derogatory comment about the complainant). PSCO spoken to by officers from PSD re:	Right to private life. Insufficient capacity to proactively monitor appropriate



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		<p>consequences and lack of professional behaviour.                  After investigation email sent to complainant.                  Question: Inappropriate use of Facebook etc. Here only because ex-wife reported inappropriate behaviour that this came to the attention of PSD. What proactive work (if any) is being done to check police officers appropriate use of social media.</p>	<p>use of social media.                  Intelligence led approach to inappropriate use of social media.</p>
CO/196/14	Neglect of Duty	<p>Circumstances around arrest of man in breach of bail conditions at his mother's house.                  Son had broken into mother's home in breach of bail conditions*.                  Officer attending reluctant to immediately arrest and from complainant's perspective pressured her into an alternative to arrest. Also was 'dismissive/discourteous'                  History of DV from son*.                  Clear that mum was the complainant.                  Investigation relates to risk assessment of officers making decision and timing of arrest but that this handled insensitively – management action.                  Risk to complainant of DV from son appears to have been insufficiently taken into account.                  *These two facts should have pointed the second officers involved that swift detention and arrest would/should have been first choice of action.</p>	<p>Noted.                  1. Commit Risk Assessment or ND                  2. Management Action for officer                  3. Reinforce Domestic Violence policy – Appropriate Authority                  Agreed</p>

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## IPCC Non-Referral Register

6. At the time of dip-sampling one member of the Committee also undertook an examination of the Independent Police Complaints Commission Non-Referral Log. The outcome is as follows:-

<u>Log No.</u>	<u>Comments from member</u>	<u>Force Response</u>
MI 470/15	I would like, as is suggested, for this decision to be reconsidered after the post mortem.	Noted and agreed.
MI 474/15	I am happy with the non-referral decision	Noted.
MI 492/15		
MI 475/15		
MI 426/15		
MI 425/15		
MI 422/15		

## 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

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