

**Minutes of a meeting of the Ethics, Integrity and Complaints Committee**  
**held at Police Headquarters, Enderby**  
**at 2:00 p.m. on Friday 16 December 2016**

**Present**

**Members:**

Professor Cillian Ryan (Chair)  
Dr Steven Cammiss  
Ms Karen Chouhan  
Ms Lois Dugmore  
Ms Linda James  
Dr Mark Peel

**Officers:**

Mrs Angela Perry, Head of Governance and Assurance, OPCC  
Mr Roger Bannister, Deputy Chief Constable (DCC)  
Mr Martyn Ball, Superintendent, Professional Standards Department (PSD)  
Ms Sallie Blair, Communications, OPCC

**38/16 Apologies**

Apologies were received from Mr Paul Stock, Chief Executive, OPCC.

**39/16 Urgent Business**

There were no items of urgent business.

**40/16 Declarations of Interest in Items on the Agenda**

The Chair invited attendees who wished to do so to make Declarations of Interest in respect of items on the agenda for the meeting.

Dr Mark Peel declared a change of interest due to his employment at the University of Leicester ceasing.

**41/16 Minutes of meeting held on 23 September 2016**

The minutes of the meeting held on 23 September 2016 having been tabled at the meeting were agreed as a correct record.

**42/16 Annual Report of the Committee**

The Committee received a report of the Police and Crime Commissioner presenting the Annual Report on the work of the Committee for the period September 2015 to September 2016. A copy of the report marked 'A' is filed with these minutes.

The Chair confirmed that he would write a Foreword for the report and stated that he would provide more focus on efficiency and effectiveness rather than ethics.

Members made the following suggestions for amendments to the report:-

- “*first formed in December 2015*” in the third paragraph on page A-4, be amended to read “September 2015”.
- Missing members’ photographs to be added.
- Key items of next year’s Plan to be added to the back of the Report with the flexibility to include additional items as they arise.

**ACTION: Chair to draft his Foreword, focussing on efficiency and effectiveness.**

It was RESOLVED to approve the contents of the annual report with the above amendments.

**43/16 Dip Sampling of Complaints - results**

The Committee received a report of the Chief Constable presenting the findings from members dip sampling of complaint files undertaken on Thursday 27 October 2016. A copy of the report marked 'B' is filed with the minutes.

Committee members who attended the dip sampling session stated they were happy with the Force's response to outstanding queries. The Chair stated that his view was that in some areas like social media and inappropriate access of data the Force took a very strict approach and other areas like issues of behaviour a less robust approach was taken.

Following a discussion on future 'themes' to dip sample it was agreed that members would discuss following this meeting and provide a themed approach for the next dip sampling session.

It was RESOLVED to note the discussion on the findings of dip sampling.

**44/16 Ethics Issues (One Ethical Dilemma for discussion and decision)**

The Committee received a report of the Chief Constable, with one ethical scenario for the Committee to consider. A copy of the report marked 'C' is filed with these minutes.

**Scenario**

*Mrs X is a prolific and well known shoplifter, currently managed under Integrated Offender Management and Probation. At the time of the event Mrs X was on a Home Office Licence having been released early from HMP for shoplifting offences.*

*Mrs X was arrested for a theft from stores totalling £100. At the time of her arrest it was established that she was also wanted for a recall to prison. The primary offence for which the recall related to was a shoplifting offence; poor compliance and engagement with probation are what triggered the recall*

*When Mrs X was brought to Police Custody, the Custody Sergeant requested an assessment by a Police Doctor due to concerns with her health; The Doctor advised that Mrs X required hospital treatment. She was duly taken to hospital by 2 uniformed officers. Over the next day, Mrs X was diagnosed with pneumonia and transferred to a further hospital for treatment.*

*In relation to the theft offence for which Mrs X had been arrested, a day after being admitted to hospital, a decision was made to No Further Action the offence and she was immediately arrested for the recall. At this point Mrs X was no longer a Police and Criminal Evidence Act (PACE) prisoner and was believed to be the responsibility of the Prison Service.*

*The Governor at HMP was contacted and a request was made for prison staff to take over the bedwatch as Mrs X was no longer required by the police. This was refused on the basis that Mrs X had not been booked in at a prison establishment and she was therefore not their responsibility.*

*It was apparent that Mrs X was likely to be in hospital for several days. Contact was made with Probation to discuss rescinding the recall for it to be acted upon at a later date once Mrs X had been discharged from hospital. There is currently no process that allows a recall to be*

*re-issued once it has been enforced and therefore if Mrs X had been left at the hospital and subsequently walked out, she would be considered to be unlawfully at large. The consensus at that time was that it was within the interests of justice that Officers remained at the hospital on the bed watch due to Mrs X's offending history.*

*Mrs X remained on a bed watch for 8 days, with 2 Police Officers with her at all times, until she was well enough to be released from hospital and returned to Her Majesty's Prison.*

*The timeline of events is as follows:*

*The arrest of Mrs X took place at 1740 hours on 30/10/16 for shoplifting offences. She was transferred to the Leicester Royal Infirmary at 3.44am on 31/10/2016 and a decision was made at 00:46am on 01/11/2016 for Mrs X to be NFA'd for the offences which she had been arrested. Mrs X was immediately arrested for the recall to Prison. Mrs X remained on a bedwatch in hospital with two Police Officers constantly with her until 08/11/2016 when she was returned to Police Custody at 1942 hours. At 1202 hours on 09/11/2016 she was picked up and taken to HMP Peterborough for her recall.*

*Mrs X was released from HMP Peterborough on 18/11/2016 having served 9 days on recall.*

*The circumstances were exceptional, the initial Police detention was necessary but once the decision had been made to NFA for the theft offences and arrest for the recall, was it a Police responsibility to remain on the bed watch at the hospital for a further 8 days, utilising 2 Police Officers at all times at considerable cost to the organisation both financially and resource wise?*

*Although Mrs X is a prolific offender, the shoplifting offences that she commits are considered to be low value and low risk, and she is not an individual who has a propensity towards violence nor are there further factors that would increase the risk around her. She is well known to local officers and locating her for arrest historically has not proven problematic. The Ministry of Justice guidance (attached) does not cater for this situation and therefore the decision taken at the time was to remain with Mrs X in order to fulfil the requirements of the Home Office recall.*

*Question: Ethically, should we just have walked away and left Mrs X at hospital receiving treatment with the risk that she may abscond and be unlawfully at large?*

The Committee felt that having two police officers on hospital bed watch in these circumstances was not the most appropriate or cost effective way of safeguarding this individual. Members were informed that there was no agreed protocol in place with partners for such situations and that the police approach was on an individual risk basis. Members commented that this was a partnership issue and that the impact by the police in this situation seemed to be excessive considering the circumstances. They also acknowledge that the Force had a duty of care as Mrs X had not been handed over to probation.

#### **45/16 Forward Workplan**

The Committee received a report of the Police and Crime Commissioner seeking members' consideration and approval of a forward workplan and training schedule for the work of the Committee and member development for the coming year. A copy of the report marked 'D' is filed with these minutes.

Members requested that visits to departments relative to items on the agenda be included in the morning session.

The Committee asked for their thanks to be passed to individual officers and staff who they had met during their morning tour of Force Headquarters. Members also requested that

future communications on the work of the Committee next year incorporate the wider work like visits to departments.

It was RESOLVED to approve the forward workplan and training schedule for 2017.

**Chair**

**2:00 p.m. – 2:45 p.m.**