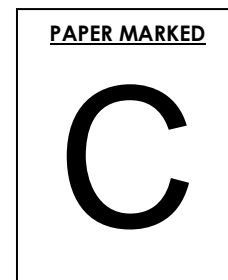


**POLICE AND CRIME  
COMMISSIONER FOR  
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND  
COMPLAINTS COMMITTEE**



|           |  |
|-----------|--|
| Report of | <b>CHIEF CONSTABLE</b>   |
| Subject   | <b>DIP SAMPLING OF COMPLAINT FILES</b>   |
| Date      | <b>FRIDAY 24 MARCH 2017 – 2:00 p.m.</b>  |
| Author    | <b>ANGELA PERRY, HEAD OF GOVERNANCE AND ASSURANCE, OPCC /<br/>MARTYN BALL, 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 2 February 2017.

**Recommendation**

2. It is recommended that members discuss the outcome of the dip sampling of complaint files.

**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.

**IPCC Non-Referral Register**

4. At the time of dip-sampling an examination of the Independent Police Complaints Commission Non-Referral Log was undertaken. The outcome is reported in the attached appendix.

**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.   |

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Link to Police and Crime Plan : None.  
Communications : Media releases before and after the discussion will be rafted.

**List of Appendices**

Appendix A

**Background Papers**

Members reports from dip sampling.

**Person to Contact**

Angela Perry, Head of Governance and Assurance, (0116) 2298980

Email: [angela.perry@leics.pcc.pnn.gov.uk](mailto:angela.perry@leics.pcc.pnn.gov.uk)

Martyn Ball, Professional Standards Department, (0116) 2485202

Email: [martyn.ball@leicestershire.pnn.police.uk](mailto:martyn.ball@leicestershire.pnn.police.uk)

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| Complaint Ref. No. | Category of Complaint                           | Issues and comments from members  | Force Response to issues raised   |
|--------------------|---|---|---|
| CO/489/15<br>P.I.  | Honesty & Integrity<br><br>Stop & Search        | Section 9 – Additional evidence.<br>P.7. text has stopped mid-sentence due to a character limit within the stop search recording system.<br>Q – why is there a character limit? What is it? What negative implications has this had for officers?<br>Complaint not upheld – agreed  | Noted Thank you. Matter will be brought to the attention of our IT Department to liaise with the Information System Section.<br><br>(Email to be sent IT Help Desk)   |
| CO/00306           | Not notified of escalation of risk assessment   | Case correctly forwarded to Warwickshire Police as the appropriate authority to answer  | Noted Thank you.  |
| CM/18/16           | Conduct assessment after criminal investigation | No further comment  | Noted.  |
| CO/00356/16        | Racism<br>Other discriminatory behaviour        | Content with outcome  | Noted.  |
| CO/00384/15        | Stop search                                     | I am concerned that the use of handcuffs was disproportionate. Although the reason given by officer was to stop disposal of any evidence, I do not find this a convincing enough reason. The men showed no resistance and cooperated throughout. There was little chance of them disposing of evidence as they were stopped in their van. Handcuff should have been removed once risk was alleviated.<br>I am concerned that one of the men handcuffed suffered an avulsion fracture which would seem to be evidence of disproportionate force/use of handcuffs. It would also seem that it is a question of who you believe as the two men | The use of handcuffs by officers is determined by the officer protection training officers receive and the Guidance provided by the College of Policing. Officers are taught the five P's in terms of use of handcuffs;<br>Preservation of evidence<br>Prevent escape |

NOT PROTECTIVELY MARKED

|                                 |                     |  |   |
|---------------------------------|---------------------|--|---|
|                                 |                     | stopped agree one of them complained about the pain but the officers do not.   | Protection of subject /officer<br>Protection of the Public.<br>The test is a subjective one and is based on the officer's reasoning given the circumstances. The rationale for their use in this case is fully outlined within the IO report.   |
| CO/00564/15                     | Stop search         | Agree with report findings<br>All dealt with correctly. Thank you  | Noted Thank you   |
| CO/00187/16<br>Local resolution | Individual          | Agree with report findings and actions<br>No further comment   | Noted Thank you.  |
| AC/RN/605                       | Misconduct          | Agree with process and findings<br>No further comment  | Noted Thank you.  |
| CO/00640/15                     | Honesty & integrity | Is it common practice for handcuffing if someone is cooperating??<br>Clarify outcome of police officer for point 2.<br>How was he dealt with as he had already left the force. Unsure ??<br>Clear learning need for procedure – continuity of how things are dealt with, recording. I agree that the missing money couldn't be evidenced by the complainant – therefore I am happy with outcome. | Please see response in relation to 384/15 as above re the use of Handcuffs.<br>In relation to point 2, the matter is dealt with under reference CO/483/15. It was determined that the officer has a case to answer for gross misconduct. However as PC Thompson is no longer serving then in accordance with Reg. 27 Police |

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|                    |                     |   |  |
|--------------------|---------------------|---|--|
|                    |                     |   | <p>(Complaints 7 Misconduct) Regulations 2012 the AA does not have to determine whether disciplinary proceedings should be brought. The case was referred to legal services for consideration of compensation to the complainant.</p>  |
| <p>CO/00658/15</p> | <p>Use of force</p> | <p>BWV- why was this not used:- what is the criteria to decide when switched on<br/>         Unhappy that use of force and no video evidence to demonstrate events<br/>         No forms completed<br/>         What management action was given.<br/>         I agree that further learning for officers is required</p> | <p>The procedure for the use of BWV is outlined in EM BWV Procedure Document V1.6 and should be read in conjunction with The College of Policing (C of P) Body Worn Video Guidance of 2014. Ultimately the decision to record remains with the user. However Forces may dictate that certain incident types should be recorded. For Example, Leicestershire Police have mandated that all domestic violence incidents should be so recorded. <i>This matter has been brought to the attention of the AA – accepted and agreed - and the officers will be subject of additional management action.</i> Management Action in the form of advice via their line manager in relation to their failure to complete the use of force pro forma as in accordance with</p> |

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|   |               |   |  |
|---|---------------|---|--|
|   |               |   | <p>force procedure.<br/>                 This was a report of an assault in a domestic setting, in that the complainant was arrested for assault on his partner, the complainant's partner describes that the complainant was aggressive towards the officers. An officer protection trainer (OPT) has reviewed the officer's statements and confirms that the use of force was reasonable in the circumstances.</p> |
| <b>Inspection of IPCC Non-Referral Register</b> |               |   |  |
| MI/00324/16<br>IPCC Non-referral                | Miscellaneous | <p>I am happy with the response by the police<br/>                 Welfare checks had been made and all health regarding M/H had been investigated<br/>                 No link to policing of this case to the link of death of deceased</p> | Noted Thank you.   |
| MI/00256/16                                     | Miscellaneous | <p>No referral needed as fatal RTA<br/>                 Not linked to police or prior contact with police- happy with outcome</p>   | Noted Thank you.   |
| MI/313/16                                       | Miscellaneous | <p>No referral needed – happy with outcome</p>  | Noted Thank you.   |
| MI/257/16                                       | Miscellaneous | <p>I am happy that the person in question had been treated, assessed fairly in regards to M/H and risk procedures by the police<br/>                 No clear link<br/>                 No referral needed</p>                                | Noted Thank you.   |

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