

**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE
ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**

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Report of	POLICE AND CRIME COMMISSIONER
Subject	ETHICAL SCENARIOS
Date	FRIDAY 25 SEPTEMBER 2015 – 2.00 P.M.
Author	ANGELA PERRY HEAD OF GOVERNANCE AND ASSURANCE

Purpose of Report

1. The purpose of this report is to seek members' views on two ethical scenarios outlined within the appendix to this report.

Recommendation

2. It is recommended that members consider the two ethical scenarios and provide their views.

Commentary

3. The Terms of Reference provide for the Committee to be a forum for debate concerning professional standards and make recommendations about ethical dilemmas facing the Force. As such a standing item of 'Ethical Scenario's' will be included on all future agenda for members to discuss and provide their views.

Implications

Financial : None.

Legal : None.

Equality Impact Assessment : None.

Risks and Impact : The scenarios provided are anonymised in order that no individual can be identified. The views of the Committee will be taken into account on any future similar incidences.

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Link to Police and Crime Plan : Links to the Nolan Principles and Code of Ethics contained within the Plan.

Communications : Communications Plan will be approved by the Committee at this meeting.

List of Appendices

Two ethical scenarios

Background Papers

None.

Person to Contact

Simon Hurst, Detective Superintendent, Head of Professional Standards
Tel: 0116 2485201 Email: simon.hurst@leicestershire.pnn.police.uk

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Scenario 1

Introduction

Within this scenario, I would invite the Ethics Committee to consider the extent of private life considerations to police officers, in particular where they are alleged to have misconducted themselves whilst off duty and in circumstances where it is not apparent that they are police officers. I would also ask that some consideration is given to whether or not the rank or status of the officer has any bearing upon decision making in this case. Finally, is it the view of the Ethics Committee that the officer concerned has a case to answer for misconduct?

Legislation / Guidance

Police (Conduct) Regulations 2012 (Schedule 2)

Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Discreditable Conduct: Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Article 8 European Convention on Human Rights

Right to respect for private life

Code of Ethics

9.3 It is recognised that the test of whether behaviour has brought discredit on policing is not solely about media coverage and public perception but has regard to all the circumstances.

5.1.4 All officers, staff and, **particularly, supervisors and managers** have a duty to act where a concern is raised about any behaviour, level of performance or conduct which may amount to a breach of the Code. (Emphasis added)

College of Policing

Avoid any activities that may compromise you **or any colleague's position** in policing (Emphasis added).

Circumstances

Inspector A was off duty when he attended a football match in a neighbouring police Force area. He was accompanied by a friend who was not a serving police officer and, during the period of the football match, Inspector A was not identified as a police officer, nor did he provide an indication or act in a manner which would lead someone to draw this conclusion.

Police Officers responsible for patrolling the football match considered Inspector A to be less than co-operative during the period of escort within a police cordon to the ground. The degree of conduct was such that police evidence gatherers were directed to film Inspector A and his friend (although this footage does not add any detail of relevance to this enquiry).

Specifically, the evidence of three police officers later indicated that:

Inspector A and his friend had to be physically moved back to the intended (police escorted) route after they persistently refused to follow reasonable directions.

Inspector A delayed the passage of the cordon and intentionally stepped outside the perimeter, and on each occasion scolded the police officer who was attempting to advise him

The wilful refusal of Inspector A to cooperate with the directions of police officers may have led to the escort becoming elongated, fractured and more difficult to manage; thereby increasing risk to those within it and making the role of the police officers more difficult.

An escorting police officer was unfortunate enough to walk into a streetlamp whilst on duty at the football match. Having filmed this incident, Inspector A uploaded the footage onto a public social media platform in a way which was calculated to embarrass and humiliate the officer.

The conduct was only reported after the police officer who had been filmed by Inspector A discovered the social media footage and conducted his own enquiries. The footage had been viewed by such a large population as to be considered 'viral' and Inspector A was heard to refer to the officer as a "twat" and laugh with glee at his accident. He identified that the officer uploading was in fact a serving police Inspector. **It is believed that no action would have been taken against the Inspector had they not been identified as a serving police officer.**

During the subsequent investigation, Inspector A declined to provide details of the person they had been with at the time of the incident. He denied that he had been within the police escort, taking the view that he and others were beyond this perimeter and unescorted. He refused to accept that he had been moved back into the escort after persistently refusing police direction. He alleged that an officer had pushed him onto the pavement, and he had considered this to be unreasonable. He had chosen to film the police officer as he believed that he might be assaulted by

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him or the officer would further misconduct himself. He denied any intention to humiliate the officer by his subsequent uploading of the footage, describing it as a light hearted incident. He explained that he would not have uploaded such footage had the officer received injury from the incident.

Contended issues were therefore whether or not Inspector A was in fact within the escort, whether his refusals to cooperate were reasonable or not, and whether his video footage was uploaded with a view to embarrass and humiliate a colleague.

Simon Hurst
Detective Superintendent

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Scenario 2

Introduction

Within this scenario, I would invite the Ethics Committee to consider the organisational tolerance for homophobic words, language or behaviour used in this case by a police supervisor within the confines of a police station. In particular, the Ethics Committee may wish to balance this behaviour against the counterargument from the supervisor that they were unwell at the time, specifically consider the severity of the conduct, whether the defence offered by the supervisor entirely excuses the alleged conduct, reduces its severity or is purely mitigation? The Ethics Committee will be sighted on the fact that this particular conduct was reported by other police officers, and the implications of this.

Legislation / Guidance

Police (Conduct) Regulations 2012 (Schedule 2)

Equality and Diversity: Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police (Conduct) Regulations 2008

Equality and Diversity: **Police managers** have a particular responsibility to support the promotion of equality, and by their actions, to set a positive example (emphasis added).

Article 14: European Convention on Human Rights

Prohibition of Discrimination

Code of Ethics

3.1 According to this standard you must:

- uphold the law regarding human rights and equality
- treat all people fairly and with respect
- treat people impartially.

Circumstances

Police Sergeant A attended their police station prior to their duty time commencing and joined a number of subordinate police officers within the station canteen. The police officers were discussing a member of the public who had just attended the police station front enquiry desk to discuss a crime investigation. The member of the public was known by the officers to be homosexual and had since departed the station.

Police Sergeant A overheard the conversation between the police officers and said, "*Oh, God, he's a right sausage jockey.*"

He then went on to say, "*Well I'm not in uniform and haven't started work yet, so I can say what the fuck I like. They can't do anything.*"

Police Sergeant A then left the canteen and commenced duty. His comments were subsequently reported by the police officers present, to the Professional Standards Department (PSD). The officers all found the comments of Police Sergeant A to be unacceptable and provided witness statements to the PSD. The matter was also referred to the IPCC due to the allegation of discriminatory conduct.

During the investigation, Police Sergeant A provided a written response in which he claimed to have documented mental health issues originating from a failed relationship. He had been diagnosed with depression and could not recall saying the words alleged. The solicitor acting for Sergeant A in this matter, argued that their health issues went beyond mitigation and should excuse the conduct alleged in its entirety, although fell short of demonstrating why the particular health condition of Sergeant A caused him to say comments of a homophobic nature in the presence of others.

Contented issues were therefore whether or not Sergeant A should be entirely excused of the alleged conduct or should be referred to a misconduct hearing (Gross Misconduct), meeting (Misconduct) or receive management action.

Simon Hurst
Detective Superintendent

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