

**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**

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Report of	OFFICE OF THE CHIEF CONSTABLE
Subject	CIVIL CLAIMS
Date	FRIDAY 15 MARCH 2019 – 2:00 p.m.
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Purpose of Report

1. To provide information concerning civil claims against the Force as at the date of this Report.

Background

2. East Midlands Police Legal Services (EMPLS) are currently dealing with a total of 108 live or threatened civil actions from members of the public.
3. In the last four quarters, 129 new claims have been received (66 in Jan-Mar 18; 36 in Apr-Jun 18 and 10 in Jul-Sep 18; 17 in October-December 18).
4. New claims are reviewed to assess whether they contain allegations which are capable of representing misconduct; if it is considered that there may be a basis for investigation, the claim will be referred to Professional Standards for assessment and, as necessary, investigation.
5. In the quarter October – December 2018, a total of £117,248.57 was paid in damages.

Large Reserve Cases - Summary

6. Set out below are brief summaries of those cases presently being dealt with where reserves of £50,000 or above are being held:

JW

JW was a resident at a local authority home and was sexually abused by a known sex offender called T at T's home address

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T was in prison custody until September 2007, when he was released on licence to a probation hostel in Leicester. He was appropriately managed as MAPPA level 3 offender.

After leaving the hostel, he was given the tenancy of a flat in the community. The address was risk assessed by Leicestershire Police but not visited. It had previously housed another sex offender without incident.

JW came in to contact with T when he visited another resident of the complex.

Between August 2009 and November 2009, T groomed and eventually abused JW.

Throughout the time T lived in the community, he was monitored by his Public Protection Management Team Key Worker. This monitoring took the form of unannounced meetings with T at his home address, as well as investigating any reports that T may have been in contact with children. In addition, local police also monitored T's address to ascertain if any children were present.

JW was not identified as being in contact. The first time JW disclosed offences in relation to T to the staff of the childrens' home was the 15th December 2009; T was arrested on the 17th December.

JW brought claims against the local authority and Leicestershire Police for breach of his Human Rights and of generally phrased duties of care. After a trial, the court found against both the Force and the Council, awarding JW a total of £52,000.00 in damages, but making the Force 80% liable. An appeal has been submitted to the Court of Appeal.

Damages and costs on account totalling £123,434.39 have been paid and a reserve of £70,000 is being held for the balance of costs.

NP/RP

Ms P and Mr P were unlawfully arrested due to the arresting officer's mistaken belief that she had a power to enter their house to check on the welfare of their child.

Damages have been paid in the sum of £15,500 and £6500 respectively, but a reserve of £65,000 is held against costs.

DH

DH attracted the attention of security staff at the Download festival, because he appeared incongruously dressed and was photographing random objects around the site. Police officers at the festival were made aware and two of them stopped and spoke with DH, producing their warrant cards to prove they were officers. They completed checks on his ticket (which was not in his name but the name of a female).

DH was not forthcoming with his details; he could not remember his vehicle registration details and could not provide any information about the bands playing.

NOT PROTECTIVELY MARKED

Security officers asked asked for DH to be escorted to the ticket office and the officers left him with security.

The DCI was then requested by the event commander to speak with DH and verify his reasons for attending the event. DH was not at any time detained or searched.

DH has made a claim for false imprisonment and breach of Article 5 (right to liberty) Article 10 (freedom of expression) and Article 8 (private life). The claimant claims that there was an interference with his article 8 rights when his PA was contacted, when a safeguarding adult referral was made, when a contact with NHS England was made to establish the identity of his GP and when a further referral was made to West Yorkshire Police.

The matter is proceeding to trial.

The claim is currently reserved at £10,000 for damages and £60,000 for costs.

DR

DR was the victim of an acid attack by his former partner. She had a history of instability and some information was received from an associate of hers that she had fantasies of pouring acid over someone and that she had bought sulphuric acid. However, the threat was non specific and there was nothing to suggest she might carry it out and who the target might be.

She did pour acid over the Claimant while he was sleeping.

A claim has been made for breach of his Art 3 rights, citing a failure to take steps to prevent the attack.

The claim has been denied.

The claim has been reserved at £50,000 for damages and £150,000 for costs.

LV (as Insurers of N)

N was a man suffering from dementia who drove his car the wrong way along the M42/A42 to the M1 where it was involved in a collision with a van. N was killed as was the van passenger.

Leicestershire Police had received calls about the vehicle, but were not able to get to it before it reached the M1.

At an inquest, no criticism was levelled at the Force.

N's insurers have paid out a number of claims in relation to the accident and are seeking to recover against the Force by way of indemnity. The claim has been denied.

Damages have been reserved at £210,000 and costs at £50000.

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CP

CP was a victim of childhood sexual abuse. As an adult, she found the courage to make a complaint and the matter was passed to an officer to investigate.

The investigation was not carried out appropriately and, eventually, the proceedings that were eventually brought were discontinued because of the investigating officer's failings. The officer left the Force.

A settlement of £45,000 was agreed and paid. A reserve of £100,000 is held against costs.

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