

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

PAPER MARKED

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Report of	CHIEF CONSTABLE
Subject	ETHICAL SCENARIO
Date	FRIDAY 16 DECEMBER 2016 – 2:00 p.m.
Author	SGT J HEGGS, STAFF OFFICER TO THE CHIEF CONSTABLE

Purpose of Report

1. The purpose of this report is to seek members' views on one ethical scenario outlined within Appendix 1 attached to this report.

Recommendation

2. It is recommended that members consider the ethical scenario 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 Scenarios' 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 :	<ul style="list-style-type: none">• 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.• Public perception and reputational issues for the Force.
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

Appendix 1 – Recall to Prison

Background Papers

None.

Person to Contact

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RECALL TO PRISON

Introduction

Within this scenario, I would invite the Ethics Committee to consider a situation and whether it could have been dealt with differently, accepting the risks a different decision may inherit.

Legislation / Guidance

Criminal Justice Act 2003

Ministry of Justice – Recall Review and re-release of recall offenders.

Issued 11 July 2013

Pages 6 – 8 refer to responsibilities

Page 21, paragraph 8 refers to rescind of recall decision

Page 25, paragraph 13.2 – 13.5 Apprehending a recalled offender and returning them to custody

Circumstances

Mrs X is a prolific and well known shoplifter, currently managed under IOM 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 Sgt requested an assessment by a Police Dr due to concerns with her health; The Dr 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 NFA the offence and she was immediately arrested for the recall. At this point Mrs X was no longer a 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 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 HMP.

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 LRI 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?

Police Sergeant Jenni Heggs
Staff Officer to Chief Constable Simon Cole QPM