

**POLICE AND CRIME  
COMMISSIONER FOR  
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND  
COMPLAINTS COMMITTEE**

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**C**

Report of	<b>CHIEF CONSTABLE</b>
Subject	<b>DIP SAMPLING OF COMPLAINT FILES</b>
Date	<b>FRIDAY 18 MARCH 2016 – 2:00 p.m.</b>
Author	<b>ANGELA PERRY, HEAD OF GOVERNANCE AND ASSURANCE, OPCC MICHAEL GAMBLE, 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.

**Recommendation**

2. It is recommended that members:-
  - (a) discuss the outcome of the dip sampling of complaint files; and
  - (b) consider a theme for the next dip sampling session.

**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. Since taking up office the Police and Crime commissioner has fulfilled this statutory responsibility by receiving reports from the Chief Constable and personally undertaking dip sampling of complaint files. Since the inception of the Ethics, Integrity and Complaints Committee the oversight of complaints and the dip sampling process has passed to members of the Committee and this is included in the Committee's terms of reference.
4. The Committee undertook their first dip sampling session on Friday 19 February 2016. The outcome of that dip-sampling is as follows:-

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<u>Complaint Ref. No.</u>	<u>Category of Complaint</u>	<u>Issues Identified by members</u>	<u>Force Response to issues raised</u>
CO288/13	Other Assault/ Oppressive Conduct or Harassment/Breach of Code C PACE/ Other Neglect of Duty	Background. Circumstances and procedure @ arrest of <u>13 year old</u> boy from home. Q – It would clearly be preferably, when questioning any minor, for the appropriate adult to be a parent if at all possible. In this case it was possible for the complainant to “call in” his ex-wife but if that had not been possible he would have been faced with a choice of either (i) leaving police to search home or (ii) accompanying son to the police station. WHY was consideration <u>not</u> given to delay taking young person to station until search was concluded as this would have been in the best interest of the child.	Verbal response to be given at meeting
CO462/13	Other Neglect of Duty	Observations - Clarity required - Professional Standards Department Victims of Crime are <u>not routinely entitled</u> to a written report. OPCC Office – It is <u>not force policy</u> to provide such reports. Investigating Officers report – Mr X was not entitled to a copy of this report, <u>without written authorisation</u> . Following a Subject Access Request (Section 7(1) of Data Protection Act) information was provided.	Verbal response to be given at meeting
CO166/14	Mishandling of Property/Corrupt Practice/Mishandling of Property/Other/Other	Observation - Inconsistencies in reports – From PC X. P11 PC X stated that he is sure that he was left at the address unattended and the house was insecure when all officers left at 10.50 am. P12/6 PC X stated that the property was left and secured inconsistencies in quality of reporting from officers is apparent. Question – How is learning for the force documented / followed up?	Goes to Get It Right First Time Meeting, Chaired by Head of Crime.

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CO225/14	Lack of Fairness and Impartiality/Breach of Code B PACE/Organisational Decisions	General Comment – Excellent example of use of body worn video footage AND audio recording provided by complainant, being used appropriately. Evidence of an extensive and detailed investigation of the specific issues raised by the complainant, all of which provided to be unsubstantiated <u>EVEN</u> by the recording she herself made. There is no evidence to suggest the complainant was treated poorly or disrespectfully at the point of and following her arrest. Indeed, quite the reverse. There is no evidence in any lack of impartiality on the part of the officers involved, but rather of good and proper conduct.	Verbal response to be given at meeting.
CO276/14	Lack of fairness and impartiality/Other Neglect of Duty/Other Neglect of Duty/Lack of fairness and impartiality	Classification of “Withdrawn by Force”? Court case checked the facts, box ticking? Sign off 16/04/15 letter 29/07/15, three plus months between withdrawal sign off and letter, any particular reason?	The Admin Team have been clearing a significant backlog this has caused the delay, backlog has been cleared.
CO384/14	Unlawful or unnecessary arrest or detention/Other neglect or failure in duty/Other neglect or failure in duty/Other/Other/Other/Other/Other/Other/General Policing standards/General Policing Standards/Operational decisions/Other/Other Neglect of failure in Duty	Handled appropriately.	Force response noted.
CO347/14	Unlawful/Breach of Code C PACE/Organisational Decisions/Mishandling of property	Background – Complaint @ “overzealous” arrest that was withdrawn immediately on CPS decision not to proceed. Good evidence of consultation and clear communication with three individuals involved in this complaint. Appropriate and a proportionate use of local resolution commensurate with this complaint. Good recording of	Verbal response to be given at meeting.

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		meetings and telephone conversations with a degree of precision and focus appropriate to complaint. NO FURTHER QUESTIONS	
CO406/14	Corrupt Practice	Q – Can Police insist a Duty Solicitor is used rather than a “named” solicitor? If there is no evidence around integrity of Solicitor? Not clear how provisions of PACE / Grounds re solicitor are met, from paperwork here. Observation – Interview recorded as from 8.26 am until 9.19 am – But does not reference the same day (P7).	Solicitor provision governed by PACE and legislation ..... to provision of legal advice. “Duty” Solicitor is independent of Police and ..... on a rota.
CO439/14	Other neglect or failure in duty/Incivility, impoliteness and intolerance/Mishandling of property	Ignorance 25/09/14 – 02/07/15 – Both officers spoken to (three in complaint) documents not attached – Can I assess without them? Officers dispute – What if a pattern of complaints one? Two? What if accept, Action Plan, What if repeat? Personal apology ?? Clarity of Action Plan could be better Re Orr and Bingham, Re Freer. Improvement of property handling – Not on Action Plan but appropriately implemented.	Verbal response to be given at meeting.
CO484/14	Other neglect or failure in duty/Corrupt Practice/Breach Code C PACE/Breach Code C PACE/Other neglect or failure in duty/Oppressive Conduct or harassment/Traffic Irregularity	Background – A very complex case, focusing on investigation on child abuse. Complaint involves a large number of different agencies, of whom, LP are <u>only one</u> . Document pack only includes initial complaint letter from the complainant and <u>not</u> subsequent letter from her, referred to by MG in his letter of 19/11/15 where she makes it clear that her complaint is <u>not</u> against individuals. It is difficult to corroborate all the particulars of the decision made re <u>NFA</u> although given none response this would seem appropriate.	Verbal response to be given at meeting
CO521/14	Oppressive Conduct of	The outcome is entirely	Noted.

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	Harassment	appropriate, is this an investigation rather than a local resolution because of the date of the complaint? If not, why was this not locally resolved?	
CO572/14	Incivility, impoliteness and intolerance/Discriminatory Behaviour	Reviewed and no comments.	Noted.
CO657/14	Incivility, impoliteness and intolerance	I am happy with the process and outcome.	Noted.
CO2/15	Irregularity in evidence/perjury	The final outcome (local resolution) seems a sensible outcome, however, the protracted process (on appeal against none recording followed by a first disapplication letter) is regrettable. In particular, this need not have resulted in a complaint, and the interpretation of the Data Protection Act seems a little defensive.	The provisions and regulations are laid down under the IPCC / Home Office and statutory guidance ..... is bureaucratic and gives an appeal opportunity / process at any ..... to close the record.
CO16/15	Traffic Irregularity	Process and outcome appropriate. Comments are made on the complainant's "manner" which are, perhaps, not appropriate.	Noted.
CO47/15	Oppressive Conduct or Harassment	I am happy with the process and outcome.	Noted.
CO104/15	General policing standards/Incivility, impoliteness and intolerance	Complaint due to none attendance of TFUMV. As a policy decision, routine none attendance of low level volume crimes is understandable, however, the call handlers response becomes important. The action here was appropriate, but what steps are in place to learn the lessons? I am not suggesting all such complaints should receive a disproportionate response but this is a complaint that perhaps needs not have been made if the call handler displayed more empathy.	Call attendance is subject to THRIVE procedures and each call is independently crimed as such. Learning the Lessons are through the Get It Right First Time Board, Chaired by the Head of Crime.

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CO135/15	Mishandling of property/Incivility, impoliteness and intolerance/Other Neglect or failure in duty	Good evidence of considerable efforts made by a number of officers, going above and beyond what they needed to do / where required to do e.g. finding and returning complainants possessions. Good evidence of <u>the</u> working of local resolution. From my perspective this would appear to be a largely vexatious complaint. For e.g. it would appear complaints allegation that £28k of possession left at hotel was <u>untrue</u> . Decision to conclude complaint (with rt. of appeal to complainant) is appropriate and proportionate. No further questions.	Noted.
CO150/15	Improper disclosure of information	There is good evidence here of <u>the</u> working of local resolution. A complaint was made as a means of checking the accuracy of records held with respect to the complainant. Once this was concluded, the complaint was withdrawn. <u>However</u> , perhaps as a result of the complaint being withdrawn, the paperwork gives no explanation as to <u>WHY</u> Police were involved with his family in 1 <sup>st</sup> instance <u>HOW / BY WHOM</u> , it was that an inaccurate report of the complainants "violent" past was given to his ex-partner. Q – How have lessons learnt from the incident been communicated back to officers etc?	Verbal response to be given at meeting
CO163/15	Operational Management/Other neglect or failure in duty	I am happy the matter was resolved appropriately. However, I note the complainant which the officers to personally apologise, but they declined. Is there a policy on this?	Noted.
CO167/15	Lack of fairness and impartiality	Reviewed no comments.	Noted.
CO186/15	Mishandling of property	Complaint resulted in property taken from complainant at point of arrest (including i-phone 4S) being found and returned. Whilst complainant had not responded to letters warning him of	Verbal response to be given at meeting

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		<p>impending destruction of items, removed on arrest for evidence – It is clear from documentation that seized property was not stored in such a way as to ensure (i) property was identified and returned to complainant in a timely and proper manner and (ii) property seized could be used effectively in relation to any investigation and prosecution.          Q – Issues at accurate recording and storage of seized property.</p>	
CO203/15	Irregularity in evidence/perjury/other	<p>Background – A follow on complaint from CO411/13          Q – See S14 of (PSD 16 V2) – Answer why given to both prior to working with those working on investigation and knowing those under investigation – but following explanation section not completed. <u>WHY NOT?</u>          Q – Letter to complainant explaining outcome of investigation <u>not</u> included in pack <u>copy needed.</u>          Telephone conversation between investigating officer and complainant not recorded in pack <u>information needed.</u> As a result, whilst it appears matters have been dealt with to the satisfaction of the complainant, there is insufficient data in the document pack to independently confirm this.</p>	Verbal response to be given at meeting
CO207/15	Incivility, impoliteness and intolerance	I am happy this was appropriate for local resolution and with the outcome.	Noted.
CO223/15	Other neglect or failure in duty	Matter not investigated as complainant did not make the complainant, this was appropriate.	Noted.
CO282/15	Oppressive conduct or harassment	This was appropriate for local resolution, as was the outcome. In particular, the opportunity to reflect on dealing with vulnerable suspects was taken and importance action was taken.	Noted.
CO337/15	Lack of fairness and	I am happy with the process and	Noted and note to

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	impartiality/Improper disclosure of information/Oppressive conduct or harassment	outcome. Further, Sgt M took steps over and above that required in responding to the complaint.	be sent by myself highlighting the work by PS M.
CO453/15	Corrupt Practice/Corrupt Practice	I am happy with the outcome and the process.	Noted.
CO473/15	Other neglect or failure in duty/Other neglect or failure in duty	<p><u>Background</u> – Allegation of information breach under the Gender Recognition Act (2004) Section 22. Complainant holds a Gender Recognition Certificate, and alleges breach of the above within an insurance company is a <u>criminal</u> rather than civil offence. Firstly, I must say, this is the first I have heard of such certificates – and indeed the Act in more general terms. So I am not surprised that officers initially contacted were also unsure of this area.</p> <p>Q – Was this a criminal act and if so has it been referred / investigated?</p> <p>Q – Complainant refused local resolution – Do we know why?</p>	Verbal response to be given at meeting
CO484/15	Other neglect or failure in duty	<p><u>Background assault on inmate at Glen Parva YOI.</u> Complaint @ inappropriateness of response given seriousness of assault. Withdrawn at point it became clear to complainant that <u>OIC</u> had not had full facts. Clear evidence that complainant, when in possession of the full facts, realised it would not be fair or appropriate to pursue his initial complaint, and withdrawn his complaint. Thanking LP for their actions in this matter.</p>	Verbal response to be given at meeting
CM53/12	Duties and responsibilities/Honesty and Integrity/Honesty and Integrity	Very professionally handled and appropriate management action taken but why not finalised until 02/10/15. Management Action meeting 03/06/12, Investigation Hearing? Investigation Meetings, Jan 13 M, Feb 13 DB, C, May 13 T, July 13 Y and S, Assessment 20/01/14. Issue about why this took so long to close.	Noted



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CM43/14	Confidentiality	Reviewed no comment.	Noted.
CM59/14	Discreditable Conduct	Drunk and Disorderly behaviour of an off duty special constable including identifying himself as a police officer to the public and police. Appropriately handled via disciplinary process.	Noted.
CM22/15	Duties and responsibilities	Reviewed, no comment.	Noted.
CM23/15	Discreditable Conduct	<p>Clear evidence of consideration as to circumstances being appropriate for <u>gross misconduct</u> via (i) guilty plea and (ii) breath specimen evidence. Matters truncated by virtue of fact that officer had already (prior to offence) tendered his notice. Viz offence on 31 Aug – last day of service 4 Sept. Restriction of duties for v. brief remaining period in post were applied and where fitting.</p> <p>Q – What impact would this circumstance pose for this officer if either (i) requesting a reference from LP or (ii) making application in future to re-join LP.</p>	References dealt with by HR, if under gross misconduct would be on Disapproved Register with College of Policing.

### IPCC Non-Referral Register

5. At the time of dip-sampling one member of the Committee also undertook an examination of the Independent Police Complaints Commission Non-Referral Log. The outcome is as follows:-

<p>MI244/25 MI281/15 MI309/15 MI336/15 MI352/15 MI367/15 MI385/15</p>	}	<p>I am satisfied that all of these cases were dealt with appropriately, in that none were within the referral criteria. It would be useful, at our next meeting, to discuss the force's view on the voluntary referral criteria, and the use (if at all) of voluntary referrals.</p>	Noted.
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## **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
Link to Police and Crime Plan :	None.
Communications :	Media releases before and after the discussion will be drafted.

## **List of Appendices**

None.

## **Background Papers**

Members reports from dip sampling.

## **Person to Contact**

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