

**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**



Report of: **CHIEF CONSTABLE**

Subject: **DIP SAMPLING OF COMPLAINT FILES**

Date: **FRIDAY 18 DECEMBER 2020 – 2:00 p.m.**

Author: **ANGELA PERRY, EXECUTIVE DIRECTOR
RICH WARD, PROFESSIONAL STANDARDS DEPARTMENT**

Purpose of Report

1. The purpose of this report is for members discussion on the findings from the 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. 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.
4. Dr Peel, Ms Pringle and Ms James undertook dip sampling of complaint files on Tuesday 3 November 2020 in preparation for the December meeting of the Committee. The outcome of the dip-sampling can be found in Appendix 1.

IOPC Non-Referral Register

1. The IOPC non-referral register was not examined on this occasion.

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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Office of Police and Crime Commissioner

Ethics, Integrity and Complaints Committee - Dip Sampling of Complaints Files

Tuesday, 3 November 2020

| <u>Category of Complaint</u> | <u>File No.</u> | <u>Comments by member of Ethics, Integrity and Complaints Committee</u> | <u>Force Response</u> |
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| Conduct Use of Police Systems | CM 46/19 | No comment – agreed action taken | Noted – Thank you |
| Conduct Discreditable Conduct | CM 47/19 | No comment – agreed action taken | Noted – Thank you |
| Conduct Other | CM 7/20 | No comment – agreed support offer/welfare and re-assess working arrangements | Noted – Thank you |
| Complaint Stops and Stop Search | CO 391/19 | <p>Why was Body Warn Video (BWV) turned off on female search but not on males. Also BWV was switched off before male put into car?? BWV was on for 2 min?? I'm happy with the detailed account and service described is acceptable however without detail of complaint other than officer "unprofessional" – can't make full investigation as do not know what part is being referred to – it states complainant has engaged but doesn't mention attempts made to them? If any to engage or get further information.</p> <p>Already explained (at dip sampling)</p> | <p>Noted – Thank you</p> <p>The Complaint Handlers plan viewed by the Ethics Committee member highlighted a lack of engagement from the complainant. It was explained that the full extent of the attempts made to contact and engage with the complainant were available on the Complaint Handler's Log. This detailed the telephone calls and correspondence sent to the complainant.</p> |

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| Complaint Impolite and Intolerant Actions | CO 39/20 | No comment. Happy with action taken. | Noted – Thank you |
| Complaint Lack of Fairness and Impartiality Breach Code C PACE | CO 66/19 | Quite clear that the incident should have been dealt with as domestic violence case. I am satisfied that this was dealt with correctly and very thoroughly and that the complaint should not be upheld. | Noted – Thank you |
| Complaint Overbearing or Harassing Behaviours | CO 438/19 | The complainant agreed that he was being harassed as he was visited by officers twice in a short period and on the first occasion handcuffed and sustained some bruising. I am assured after reading the investigation and subsequent report that some force had to be used as the complainant was under the influence of alcohol. The officers also were responding to what they felt was a domestic violence incident on both occasions. I am satisfied that the learning points for the officers was a sufficient outcome via a de-brief re-entering and searching the premises. | Noted – Thank you |
| Complaint Race | CO 450/19 | Complaint around response of two officers to parking issues. Allegation of aggressive and racism on part of officers by complainant. BWV reviewed and no misconduct detected and indeed what aggression there was came from the complainant toward the two officers. A good example of value of BWV footage as a protective factor for officers in response to spurious and malicious complaints. | Noted – Thank you |
| Complaint Unprofessional Attitude and | CO 482/19 | Complaint around 'failure' of 2 PCSOs to enforce Covid19 social distancing measures – response that | Thank you for raising this point which is particularly relevant given the challenging times that we find |

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| <p>Disrespect</p> | | <p>PCSOs are not expected to deal with confrontational situations (and must consider) reactions of a member of the public and antagonising potentially more people’</p> <p><u>Question for Force Response:</u> how are PCSO’s trained to intervene in a way least likely to inflame and antagonise?</p> <p>This complaint (and I suspect others like it) is predictable if the Force is <u>not</u> seen to effectively encourage appropriate social distancing – but there is a difficult balance to maintain here which requires both tact and assertiveness on the part of the police. Hence my question above around training in these unique circumstances.</p> | <p>ourselves in. I can confirm that PCSO’s do receive training in relation to ‘Conflict Management’ and ‘Conflict Resolution’ and are issued with appropriate personal protective equipment (PPE) albeit this does not include the issue of handcuffs, Captor spray and batons. They do however have an awareness of the application of the equipment however they are not issued with the items.</p> <p>As with all officers and staff, PCSO’s receive the same briefings on a weekly basis as to the force approach to COVID related incidents which is based on the principle of consent and is based upon the four E’s. Those being Engaging with the public, Explaining the risks and requirements of the restrictions and Encouraging the public to comply with the restriction’s and only implementing Enforcement as a last resort.</p> <p>This approach is reinforced by line managers on their respective neighbourhood policing areas (NPA’s).</p> <p>In these particular circumstances it is apparent that in the normal course of events a group such as described could and should have been approached with the objective being to explain and encourage those present in complying with the restrictions and dispersing accordingly. The reasons why that did not happen in this case are not clear however I note that the Complaint handler has readily accepted and confirmed to the complainant that on this</p> |
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| | | | <p>occasion and in accordance with the IOPC Statutory Guidance that 'Service was not acceptable' , and apologised to the complainant.</p> <p>I can also confirm that weekly briefings continue to ensure officers and staff are fully sighted on our approach and expectations when dealing with potential breaches of the restrictions that we all find ourselves under.</p> <p>As you know the legislation and restrictions in response to the COVID pandemic are continually changing and the force continues to adapt to new regulations and continually brief staff as to the requirement of the restrictions and our enforcement approach.</p> |
| Complaint Disclosure of Information | CO 426/19 | Complaint around inappropriate disclosure of private address (data breach). Appropriate response and action taken. | Noted – Thank you |
| Complaint Impolite Language / Tone | CO 451/19 | Complaint around call made at an inappropriately late time by officer and 'rudeness' of officer. Appropriately investigated. Words of advice offered to officer and apology given to complainant. | Noted – Thank you |
| Complaint Irregularity in Evidence / Perjury | CO 267/19 | Complaint around traffic stop and treatment of young moped rider around Section 59 Notice (Police Reform Act). BWV and electronic pocket book evidence reviewed. Appropriate action taken. | Noted – Thank you |
| | | <u>Question to Force:</u> Can we be re-assured that where | Thank you for your question. I can confirm that this |

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| | | S59 notices are made, they are (i) accurate and (ii) legible. | matter has previously been passed to the Head of the Criminal Justice Unit and has been subject of review and a revised policy which reflects the necessary amendments is due to be signed off this month for implementation which will address the issues raised both in terms of clarity of entry both in terms of location of offence and point of recovery together with additional guidance on the recording of evidence. |
| Complaint Discriminatory Behaviour | CO 200/19 | Complaint around an alleged 'racist comment' from a vulnerable person (Asperger's) with regard to issue of a community resolution. Appropriate investigation evident. Officer spoken about establishing vulnerabilities of all parties when issuing a CR. The specific CR has been removed from Niche as a result. | Noted – Thank you |
| Complaint Abuse of Position for Other Purpose | CO 424/19 | Allegation of potential collision on part of 2 officers with other harassing complainant. Clear evidence of good investigation is presented. | Noted – Thank you |
| Complaint Oppressive Conduct or Harassment | CO 329/19 | Extensive investigation undertaken! All opportunities to ascertain the veracity or otherwise of the complaint were certainly undertaken here. I agree the findings without reservation. | Noted – Thank you |
| Complaint Other Neglect or Failure in Duty Breach Code A PACE Corrupt Practice | CO 458/18 | Complaint around police gaining forced entry to a property with respect to a likely medical emergency. Complaint made by relative objecting to this action. Whilst I understand this was a distressing episode for the relative, there is no doubt that officers acted as a last resort in breaking in, and wholly appropriately in | Noted – Thank you |

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| | | relation to the best interests of the person in medical distress inside. | |
| Complaint Information | CO 411/19 | Complaint around victim support subsequent to burglary. A minor mistake around sending out a duplicate letter noted. A largely spurious complaint made, I would suggest, largely because of a mistaken notice on the part of the complainant that he might be eligible for financial compensation! | Noted – Thank you |
| Complaint Obstruction of Justice | CO 463/19 | Allegations of fabricated information (by officer) or unfair treatment. Timed out due to no subsequent response(s) from complainant. | Noted – Thank you |
| Complaint Discreditable Conduct | CO 157/20 | Complaint around potentially inappropriate use of police systems etc. A clear investigation resulting in finding 'no case to answer'. | Noted – Thank you |
| Complaint Impolite and Intolerant Actions | CO 123/20 | Complaint around 'manner' of officer on phone in respect of stolen firearms investigation. No evidence of any poor behaviour was found. Appropriate communication / additional information given to complainant. | Noted – Thank you |
| Complaint Decisions | CO 452/19 | Complaint around non-response of police with regard to an assault between ex-partners and of excessive delay. 'Words of advice' given to officer and apology offered to complainant. | Noted – Thank you |
| PSD NON-REF | MI 18/20 | Circumstances around direct involvement of Leics and Northants Forces. Clear evidence presented and logical conclusion that the criteria for mandatory ref to IOPC were <u>not</u> met. | Noted – Thank you |

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| | MI 29/20 | Circumstances around missing person with MH and ADHD and subsequent finding of that person (found dead). Clear evidence that no action or inaction as part of Police directly or indirectly led to that person's death. Therefore I agree that criteria for mandatory referral to IOPC are <u>not</u> met. | Noted – Thank you |
| | MI 36/20 | Death of a missing person. Again clear evidence of why no referral to the IOPC appropriate. | Noted – Thank you |
| | MI 79/20 | Death of a person – where police had had some prior involvement. Clear evidence of why no referral to IOPC was necessary is presented. | Noted – Thank you |
| | MI 106/20 | Complex circumstances around a death where police involved prior to death. I agree that no onward referral to IOPC was mandatory in this case. | Noted – Thank you |