

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

Report of: CHIEF CONSTABLE

Subject: DIP SAMPLING OF COMPLAINT FILES

Date: FRIDAY 18 JUNE 2021 – 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. Ms Pringle, Mrs Chouhan and Ms Richards undertook dip sampling of complaint files on Tuesday 4 May 2021 in preparation for the June meeting of the Committee. The outcome of the dip-sampling can be found in Appendix 1.

IOPC Non-Referral Register

5. 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, 4 May 2021

Category of Complaint	File No.	Comments by Member	Force Response
Indirect racial discrimination	CO/00818/20	Complainant should have been contacted in a more-timely way which has been acknowledged.	Noted Thank you.
Inappropriate search sexual assault	CO/00189/20	Not sure of the outcome – is it still ongoing? BWV deleted? Homophobic comments but no evidence of Covid threats	The matter has been finalised. The matter was subject to final assessment by the Complaints and Discipline Manager on the 18 th January 2021 and determined that in relation to Allegations 1 & 2 the Service was acceptable, therefore no officer has a case to answer for misconduct, there are no concerns of unsatisfactory performance and no further action is required. The relevant appeal body is the IOPC Details of the outcome and right of review were emailed to the complainant on the 20 January 21.

Bias	CO/00295/20	Service acceptable – agree – need to follow up the safeguarding.	The matter was finalised on the 26 October 2020 and the complainant notified in writing of the outcome and his right of review. The complainant was also supplied with a copy of the complaint handler's plan which outlined the individual learning provided by the Sergeant together with details of the right to review via the OPCC.
Searches of Premises and Seizure of Property	CO/00521/20	Service not acceptable as the IT system failed to pick up that the driver did have a license – not officer' fault. Full apology appropriate – no activated BWV allegations of "showing off" cannot be disproved.	Noted Thank you.
Misuse of Storm	CM45/20	Not reasonable to say that the officer did not know the person was de-arrested 10 minutes later and so looking at the database was justified. Officer already given a recent warning about the use of Storm. Not clear why the person was arrested and then de-arrested in the first place. Agree not gross misconduct, what can he do on restricted duties? Why not dismissal.	The case was subject to final assessment on the 6 th January 21, Having carefully considered the full facts of the case the Head of Professional Standards determined that on the balance of Probabilities the officer does not have a case to answer for misconduct and no further formal action should be taken. The Officer concerned is a Probationary Officer and as a consequence the Professional Development Unit were updated as to the outcome of this investigation, with a requirement that the key principles of the Data protection Act and the practical

			application of the legislation is reiterated to the Officer to ensure that he is no doubt as to his responsibilities.
Harassment - abuse of position	CO/00260/20	Plain clothed Officer should have shown his ID as a matter of course. Not sure why this could not have been discussed over the phone or why he had to make an unannounced visit. Agree no case to answer re child abuse or relationship with other Officer.	Officer concerned felt it was more appropriate to discuss the issues Face to Face as opposed to over the phone given that needed to explain that matter may have needed to be sent to the CPS to review. Officer did apologise to complainant, Officer did have his Warrant card in his hand and did offer to write his details down however this was declined by complainant. Noted Thank you.
Use of Police vehicle Overbearing/harassing behaviour x2 Abuse of position x2	CO/00133/20	Is it routine for an Officer to ring subjects' employer to complain about his driving and behaviour? This, and emails to follow. Subsequently led to subjects' dismissal. Subject not issued with a penalty at the time, nothing else followed incident, e.g. summons/traffic officer report. No risk assessment done or incident report. Data protection breach – as no corroborating paper work etc / no evidence of reacting 'urgent pressing social need' requirement before disclosing information to employer. Please explain how 'practice requiring improvement' is dealt with in terms of recording / decisions improvement is met? Lucky not to face misconduct.	Matter was subject to final assessment on 18/12/20 by the Complaints and Discipline Manager, who having considered all the facts of the case determined neither officer had a case to answer for misconduct. He did however determine that both officers should be subject to the Reflective Practice Review Process. To include; Understanding of the Common Law Police Disclosure Scheme Policy, identify further training requirements in respect of the Data Protection Act, explain the

			impact of the decision making on the complainant, to ensure understanding of the Electronic Pocket Book procedure . An apology provided to the complainant within the complaint closure correspondence.
Lack of fairness Stop and search Power to arrest and detain Use of force Race	CO/00385/20	No further comment.	Noted Thank you
B/B1 Stop and search x2 H/H2 Impolite and intolerant actions	CO/00604/20	No comment.	Noted Thank you
H/H2 Impolite and intolerant x2 A/A4 general level of service	CO/00720/20	Matter resolved by recovery – no further comment.	Noted Thank you
Decisions Detention in Police Custody	CO/00029/20	Commendable actions by officer who recognised vulnerabilities and de-arrested. Case dealt with appropriately, however I am shocked by yet another incidence of officer not wearing PPE when they should have been.	Noted.
Use of Police Vehicles	CO/00552/20	Dealt with appropriately	Noted Thank you.
Use of Police Vehicles	CO/00552/20	Dealt with appropriately	Noted Thank you

IOPC non-referrals	MI/00404/20	Agreed as non-referral	Noted Thank you
IOPC non-referrals	MI/00416/20	Agreed as non-referral	Noted Thank you
IOPC non-referrals	MI/00432/20	Agreed as non-referral	Noted Thank you
General Level of Service	CO/00657/20	Concluded and resolved satisfactorily	Noted Thank you.
Searches of Premises and Seizure of Property	CO/00609/20	Concluded and resolved satisfactorily. However, the complaint does highlight the importance of knowing about EU licences as this lack of knowledge by officers led to a feeling of being targeted because the complainant was eastern European. Again, remarkable that PPE was not used.	Noted.
Race	CO/00230/20	I have learnt about section 18/20 of Offence Against Persons Act (OAPA) via this case. I wasn't aware that 'racially aggravated' couldn't be added to section 18. I'm not surprised that the complainant found it hard to understand why the 'lesser' sec 20 was applied (with racial aggravation added) when he had suffered such serious GBH. I think there could have been more attempts to explain properly to the complainant, or it seems as if it's not being treated as a serious GBH case. Also do not understand why "the racist element could not be broken" when it has already accepted that it was? Much more communication needed throughout the investigation.	Matter is currently subject of review by the IOPC. One person Charged with Section 18 OAPA subsequently pleaded guilty to lesser charge of GBH Section 20 and was sentenced to imprisonment. Additional sentence added by the Court due to racially aggravating factors. Ultimately CPS decision to accept the plea having been informed by the Officer that the complainant

			<p>was not happy with proceeding with a lesser charge.</p> <p><i>The only legal distinction between Sec 18 and Sec 20 Grievous Bodily Harm is the specific intent of the suspect not the injury itself.</i></p> <p><i>Given matter is currently subject of review it would be prudent to await the outcome prior to offering any further details.</i></p>
Unprofessional Attitude and Disrespect	CO/00606/20	Quite remarkable that PPE wasn't worn. But this has been picked up as unacceptable. Still unclear about what the person stopped was supposed to have done. This could be clearer. Otherwise dealt with appropriately.	Noted Thank you.
Bail, Identification and Interview Procedures	CO/00671/20	Resolved satisfactorily	Noted Thank you.