

**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**

PAPER MARKED

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Report of: **CHIEF CONSTABLE**

Subject: **DIP SAMPLING OF COMPLAINT FILES**

Date: **FRIDAY 20 SEPTEMBER 2019 – 2:00 p.m.**

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SIMON HURST, 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 Cammiss, Dr Peel and Ms James, undertook dip sampling of complaint files on Tuesday 6 August 2019 in preparation for the September meeting of the Committee. The outcome of the dip-sampling is as follows:-

Category of Complaint	File No.	Comments by Member	Force Response
Non Referral	MI/12/19	I am happy with the decision	Noted Thank you.
Non Referral	MI/42/19	I am happy with the decision	Noted Thank you.
Neglect of Duty	CO/35/19	I am happy with both the investigation and the outcome	Noted Thank you.
Duties & Responsibilities	CM/36/18	I am happy with both the investigation and the outcome	Noted Thank you
Discreditable Conduct	CM/69/18	Allegation of rape on the part of an SPC. Detailed investigation and appropriate involvement of IOPC has concluded that the allegation is not upheld and that therefore NFA is required. Officer placed on restricted duties over period of complaint.	Noted Thank you
Excessive force	CO/348/18	I am happy with both the investigation and outcome	Noted Thank you.
Corrupt practice	CO/445/18	While there is no investigation as the complaint was withdrawn, has the BWV, identified as available, been viewed? Given the severity of the allegation, I hope that it has.	Noted. All the BWV is attached to the Centurion record, and has been viewed given it was a key element of the investigation.

Abuse of authority	CO/469/19	The complaint was withdrawn, but management action was taken. Is it possible to be updated on what this was?	Identified Learning; Management Action – Professional discussion with the officer for him to reflect on his attendance at the Council in uniform whilst off duty, and the perception of third parties. Also reminded of the requirements of the Force Appearance Standards procedure.
Lack of fairness / impartiality.	CO/305/18	Time has elapsed over a 12 month period required therefore no action taken “agreed”. No further action.	Noted Thank you.
Incivility / Neglect of Duty	CO/475/17	I agree with actions taken. Not upheld further learning.	Noted Thank you.
Neglect of Duty	CO/421/18	All attempts to contact complainant had been made – no possible other way to deal with situation. Local resolution “proper outcome”	Noted Thank you.
Duties & Responsibilities	CO/2/18	9 allegations: one upheld – but, given this, opportunity for individual learning through management action recommended for one officer. Allegation 7 around a custody officer wearing bangles has been acknowledged by the officer in question in relation to policy, but did not have detrimental effect on complainant. A strong	Noted Thank you.

		<p>investigation of the complaint is captured in the paperwork. Good use of BWV evidence and creative use of management action for areas in which, whilst no case of misconduct or gross misconduct can be made, areas of individual improvement can nonetheless be found. Indicative of a clear commitment to improvement and of positive use of the complaints system for honest reflection and proportionate action. Excellent!</p>	
Use of Force	CO/265/19	<p>Five allegations made around arrest of complainant. One upheld with resultant management action. Professional discussion and officer safety training. Four dismissed. Papers show clear evidence of excellent investigation of this complaint with appropriate and proportionate outcome.</p>	Noted Thank you.
Authority Respect & Courtesy. Duties & Responsibilities.	CO/531/17	<p>A complex complaint around an arrest made following a serious stabbing incident. 16 allegations made, with 9 subsequently withdrawn. Whilst none of the remaining allegations were subsequently upheld; opportunity for personal learning and development through management action was recommended for three officers in response to allegation 13. Evidence of police learning from complaint which did not meet standard for misconduct or gross misconduct is therefore admirable.</p>	Noted Thank you.
Failure in Duties – Code B PACE	CO/371/18	<p>Concern for wellbeing of complainant who had telephoned to say her boyfriend was threatening her with a knife. Police urgently attended due to possible threat to</p>	Noted Thank you

		life - but no response at address. Police action was proportionate so held no liability for recompense.	
Incivility/ Oppressive Conduct	CO/22/19	Complaint withdrawn. No issues detected.	Noted Thank you
Oppressive Conduct / Harassment	CO/31/19	Complaint withdrawn by complainant after positive discussion with police officer (subject of complaint) had resolved concerns.	Noted Thank you
Oppressive Conduct	CO/39/19	Complaint appropriately resolved via management action with advice to officer around potential conflict of role (professional /personal) and opportunity to consider re-deployment if need be. Excellent evidence of a reminder being given that, even when off duty.	Noted Thank you.
Unlawful Arrest / Corrupt Practice.	CO/227/18	Complaint not upheld – but opportunity for individual learning through management action identified. (2 nd complaint from this complainant looked at today by me in random dip sampling ref back to CO/531/17). An entirely proportionate and patient investigation of a largely vexatious complaint.	Noted Thank you.

IPCC Non-Referral Register

5. The IPCC 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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