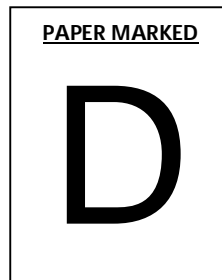


**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**



Report of: **CHIEF CONSTABLE**

Subject: **DIP SAMPLING OF COMPLAINT FILES**

Date: **FRIDAY 21 JUNE 2019 – 2:00 p.m.**

Author: **ANGELA PERRY, EXECUTIVE DIRECTOR
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, Ms Chouhan, Dr Peel and Ms Richards, undertook dip sampling of complaint files on Tuesday 7 May 2019 in preparation for the September meeting of the Committee. The outcome of the dip-sampling is as follows:-

| <u>Category of Complaint</u> | <u>File No.</u> | <u>Comments by Member</u> | <u>Force Response</u> |
|---|-----------------|--|-----------------------|
| Inspection of IOPC Non-Referral Register | MI/349/18 | I am happy with the decision. | Noted – Thank you. |
| | MI/356/18 | I am happy with the decision and with the recommendations that lessons be learned from the incident. | |
| | MI/382/18 | I am happy with the decision. | |
| | MI/406/18 | I am happy with the decision. | |
| | MI/414/18 | I am happy with the decision. | |
| | MI/461/18 | I am happy with the decision. | |

| <u>Category of Complaint</u> | <u>File No.</u> | <u>Comments by Member</u> | <u>Force Response</u> |
|--------------------------------------|-----------------|--|-----------------------|
| Neglect of duty/ corrupt practice | CO/6/18 | I am happy with the investigation of this complaint and the outcome. | Noted Thank you |
| Duties & Responsibilities. | CO/385/17 | I am happy with the investigation of this complaint and the outcome. | Noted Thank you |

| <u>Category of Complaint</u> | <u>File No.</u> | <u>Comments by Member</u> | <u>Force Response</u> |
|---|-----------------|---|--|
| Other irregularity in procedure/Neglect of duty | CO/324/18 | Local Resolution. No comment | Noted Thank you |
| Oppressive Conduct/Harassment/Neglect of Duty. | CO/353/18 | Complaint handled well. Local resolution with consent. | Noted Thank you. |
| Failure in Duty Code C PACE/Incivility | CO397/18 | Local resolution with consent. No further comment. | Noted Thank you. |
| Corrupt Practice | CO84/18 | It is not clear from the investigation why no officer activated their BWV during the vehicle search (5 officers) even though it is Force Policy to do so and is compulsory for person and vehicle searches. Following investigation and on the balance of probabilities I agree with the complaint not being upheld but I don't understand why BWV was not used in this case. | Noted. Confirmed with IO & F/Assessment, that Officers were subject to Management Action for the failure and all officers were reminded re activation of BWV via Force Briefing from ACC. In this particular case, the actual search was recorded via the Traffic vehicles on board recording equipment, and the search of the individual concerned was also recorded on the vehicles recording equipment. |
| Other Assault/Traffic Irregularity/Incivility | CO/128/18 | Conclusions make sense, especially organisational learning, policy and practice, around use of Airwaves whilst driving. | Noted Thank you. |
| Abuse of Authority. | CO/328/18 | Complaint dismissed as 'out of time'. QUESTION: Part of complaint relates to female officer needing to be present whilst complainant dressed at time of arrest. Is this in line with Force policy or is there discretion available to officers taking into account nature of charges and circumstances directly. | Noted. Essential to remain with an arrested person to prevent escape, harm to themselves / others, loss of or damage to evidence and or property, to prevent the concealment of evidence/weapons etc. Dynamic risk assessment by arresting officer. |

| <u>Category of Complaint</u> | <u>File No.</u> | <u>Comments by Member</u> | <u>Force Response</u> |
|------------------------------|--|--|-----------------------|
| Failure in Duty Code A. | CO/228/18 | A seemingly vexatious complaint from a singularly petulant young man! | Noted Thank you |
| Confidentiality | CM/56/18 | Investigation of improper use of the Prevent Case Management (PCM) reporting system. A really good example of an excellent and proportionate investigation with 'good sense' applied re: potential criminal offence and motivation of two individuals directly concerned. | Noted Thank you. |
| Neglect of Duty | CM412/18 | Complaint made and swiftly withdrawn. | Noted Thank you. |
| Other Assault | CO/295/18 | Simple errors made at point of arrest of a driver of a stolen car resulted in a police dog getting loose and biting the complainant. A wholly appropriate investigation and response to the complaint. I do hope the police dog has also been given a good talking to! | Noted Thank you. |
| Unlawful Arrest | CO151/17 | A very thorough and clear investigation of an incident involving a court appointed bailiff. Appropriate use of management action with regard to two officers. | Noted Thank you. |
| Neglect of Duty | OPCC/12479/18 (co003/18) & CO/307/18 | Complaint to the PCC re: Chief Constable's use of twitter to comment on social references e.g. Rugby/tv/events etc. Appropriately investigated. Explained and dismissed. From my perspective, a spurious and time-wasting complaint from a member of the public with too much time on their hands! The PCC is quite correct to suggest that the CC and DCC hold 'unique positions' where engagement with the public is essential. A great shame the force cannot charge the complainant for time spent in investigation this nonsense. | Noted Thank you. |

| <u>Category of Complaint</u> | <u>File No.</u> | <u>Comments by Member</u> | <u>Force Response</u> |
|---------------------------------------|-----------------|---|--|
| Corrupt Practice Sexual Misconduct | CO/302/17 | <p>Complaint leading to referral of serving officer to a Gross Misconduct Disciplinary Hearing Re: Discreditable Conduct. I agree with the position taken by the decision maker that a member of the public does not have to be vulnerable for the definition of abuse of a position for a sexual purpose to be made out, although there are clear aspects of vulnerability here.</p> <p>A strong and clear investigation with an appropriate outcome. The case highlights movement between 'follow up professional contact via email to inappropriate 'friending' through wholly social/non-professional media platforms such as snapchat.</p> | <p>Noted Thank you.</p> <p>Noted Thank you.</p> |
| Oppressive Conduct | CO/386/17 | A wholly appropriate response to a complaint re: the search of a premises. Use of AFO's at search again, wholly appropriate given circumstances. | Noted Thank you. |
| Abuse of Authority | CO/335/18 | Complaint re: alleged unlawful arrest and made use of force. The complaint then very quickly withdrawn by complainant. No issues detected. | Noted Thank you. |
| Oppressive Conduct | CO/149/18 | Local resolution appropriate used. A thorough investigation completed. | Noted Thank you. |
| Unlawful Arrest | CO/533/17 | Appropriate learning opportunity identified. I understand the point made by the (10) that it would have been more appropriate for all 3 males to have been arrested at the same time but as the 2 not immediately arrested were taken up the very next day it may be that 'management action' in respect of the 2 PCs is harsh and disproportionate. | Noted; However the objective here is to highlight learning opportunities. Consider options available in order to prevent escape loss / concealment of evidence/ weapons etc and limit collusion between offenders. |

| <u>Category of Complaint</u> | <u>File No.</u> | <u>Comments by Member</u> | <u>Force Response</u> |
|------------------------------|-----------------|---|---|
| Confidentiality | CM/57/18 | Agreed with outcomes. Balanced and fair consideration of misconduct. | Noted Thank you. |
| Failure in Duty Code C | CO/277/18 | Agreed that local resolution was correct course of action and that the outcome was fair. | Noted Thank you. |
| Unlawful Arrest. | CO/17/18 | Overall I agree that the outcome of the investigation was fair and correct. However when reading the letter from the grandfather of the boy arrested it seems that there are also allegations of harassment and of a 'revenge motive'. I think those statements could have/should have also been addressed. | Noted; However the SOE taken from Complainant identifies the actual allegations complainant wanted to raise as his complaint. SOE obtained by IO on 24/04/18 superseded complainant's letter of 09/04/18. |
| Neglect of Duty | CO/152/18 | Agree with investigation outcomes and am pleased that the 'incorrect' procedures and recording and actions were picked up by police supervisors themselves. The safeguarding issues here were potentially immense so absolutely correct that officer was retrained. | Noted Thank you. |
| Discreditable Conduct | CM74/18 | Agreed outcomes and action taken. | |
| Oppressive Conduct | CO/236/18 | Agreed mainly. However would like more information on BWV and retention of footage. In this case date had been deleted from ???? at 6 months – this wasn't material to the outcome as other footage had been retained. Also there is confusion about names in this case – whether male for female. | Noted. – 'The Server 'Copy of Page of IO report attached for clarification. |
| Discreditable Conduct | CM/19/18 | I can understand why the messages from the complainant undermine | |

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|--|--|---|--|
| | | <p>her case and why no case to answer was concluded. However, I am concerned at the comment right at the end about the previous case concerning another woman. Does this indicate more work to understand why other women have accused him?</p> | <p>No evidence to implicate the officer in any further allegations. The reference to the previous case, relates to an allegation by an associate of the estranged partner in this conduct matter. On examination of the mobile phone of this associate, the traffic between her and the officer completely undermined her allegation. Confirmed with IO.</p> |
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IPCC Non-Referral Register

5. The IPCC non-referral register was not examined on this occasion.

Implications

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|---------------------------------|--|
| 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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