

**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 22 JUNE 2018 – 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. Ms Linda James, Ms Karen Chouhan, Ms Lynne Richards, Dr Steven Cammiss and Dr Mark Peel undertook dip sampling of complaint files on Thursday 22 February 2018 in preparation for the March meeting of the Committee. Due to adverse weather conditions on the day of the meeting, the meeting itself was cancelled. As a result of this, the report files inspected for that meeting are incorporated within this report at Appendix 'A'. Subsequently, on Tuesday 22 May, Ms Karen Chouhan, Dr Steven Cammiss and Dr Mark Peel, undertook a further dip sampling session, the results of which are outlined in Appendix 'B' The outcome of the dip-sampling is as follows:-

<b>Category of Complaint</b>	<b>File No.</b>	<b>Comments by Member</b>	<b>Force Response</b>
Lack of Fairness/Impartiality/Neglect of Duty	CO/00227/17	<p>Satisfied that the complaint was handled appropriately in difficult circumstances however, I have a couple of observations:</p> <ol style="list-style-type: none"> <li>1) I do not understand this sentence (repeated in a couple of places) Form BC21 Action Plan Step 1 'this call is received at 20.28 hours and the officers arrived within 15 mins designated response time and result. The attempted break at 20.51 hours. This sentence is repeated in a letter to the complainant on 25.09.17. I don't understand it, I don't think she would have.'</li> <li>2) It appears that the complainant in presenting spurs of anxiety and stress, and the 'vexatious' nature of her contact complaints maybe underpinned by mental health issues. She also states she is a victim of DV. I am just wondering if there is any scope for referral to support audiences and practicality to check at the DV claims.</li> </ol>	Noted – thank you. Details passed to the relevant support agencies, however, the complainant has since withdrawn her consent to engage with any referrals. 170000447422 refers.

<b>Category of Complaint</b>	<b>File No.</b>	<b>Comments by Member</b>	<b>Force Response</b>
Traffic Irregularity	CO/00001/17	<p>Satisfied with procedure and outcome. Just need to check holdup on PS last para before last line:          'He states that he and his wife were really shook up by the incident however he was very clear in stating that he see it as dangerous driving and did not want an officer supplied out. Should this read 'that he did not see...' or that 'he did see it... ?'</p>	Noted – thank you. Having sought clarification it should read "that he did not see it as dangerous" (Inspector Williams IO). Consequently he did not want the officer singled out.

<b>Category of Complaint</b>	<b>File No.</b>	<b>Comments by Member</b>	<b>Force Response</b>
Neglect of Duty	CO/00235/17	<p>Satisfied with handling and outcome of the complaint that the address of the complainant is London but presuming she was in Leicester at the time of the incident.          I am a little unclear about@</p> <ol style="list-style-type: none"> <li>1) Why the victim thought no photos were taken, when there were</li> <li>2) Why a statement was taken at Mansfield House Police Station and how this related to a delay in attending the suspects address (see action plan step 1 form bc 21)</li> </ol>	Noted – thank you. Photographs were taken, albeit not immediately. Statement obtained from the complainant before visiting the suspects address, to ensure all details/evidence had been obtained.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Neglect of Duty	CO/324/17	Allegation of inappropriate/incorrect use of D.P Act by PPPTCJ. Question – see action plan step 2. What is the outcome of your review as to whether PSD can accept logging of complaints by phone? What would be the reason for NOT doing this?	PSD can take complaints via the telephone, there is no reason not to – other than we are not, of course, a 24 hour operation. Therefore, PSD always signpost people towards the website/writing in to ensure complainants can submit their complaint quickly.
Neglect of Duty	CO/222/17	Neighbours despite with threats to kill. Appropriately resolved sig local resolution. Action Plan is present, with clear steps through a forward plan for the neighbourhood policing team to address the 'threats' and other issues. JAG informed and supervisors made aware. Misunderstanding with Sgt explained and contextualised.	Noted – thank you.
Neglect of Duty	CO/00177/16	Complaint at treatment in Police cells and dirty protest. Having read the report I would agree NO case to answer here at misconduct. The performance issues identified for officers are proportionate and the organisational pursuing excellent. As APP provides broad guidance with respect to dirty protest this heads area specific procedural guidance for officers. Question - has this guidance been issued?	This is an ongoing matter with significant issues to address. Chief Inspector Cockerill is currently overseeing.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Irregularity in Evidence	CO/00618/16	Agitated callers, unhappy with manner in which she was dealt with on the phone. Local resolution used appropriately. Police call taker evidently did an excellent job here and I consider the complaint to be largely vexatious. Not a waste of time however, as afforded an opportunity 1) check quality of call response and 2)	Noted –thank you

Traffic Irregularity	CO/00459/16	offer support and positive feedback to officer confronted with agitated/vexatious caller.  Alleged Police car turning right through RED TRAFFIC LIGHT, good evidence of investigation using IR3 data, reference to Law and Force Policy around emergency observation of traffic signals. Performance issues raised along with referral to Force Driving School. General issue if complainants feel they have been harshly/unfairly dealt with by Police re driving offences. They could be greatly irritated to witness poor driving standards by Police.	Noted and agreed – thank you.
Improper Disclosure	CO/0079/17	Address given without due regard for consent. In this case a wider matter and appropriately investigated via local resolution. This would not have been so if address disclosed related, say, to a refuge. Does the Force have policy to assure consent is withheld with regard to personal information unless expressly given and recorded?	Noted. Yes, personal information should not be disclosed unless consent is given, that is of course unless dissemination is required for intelligence purposes or for the purpose of saving lives.
Improper Disclosure	CO/00132/17	Disclose via CP Case conference complaint resolved via local resolution and upon consideration is complaint against CPS and not the Police. Good work is evident throughout the investigation paperwork.	Noted – thank you.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Authority, Respect & Courtesy	CO/00615/17	I agree that allegations five and seven were upheld – maybe further ongoing training although online course was completed. I felt that whilst Force has acting in best interest given previous and current Mental Health that request. Should have been prioritised.	Noted.
Oppressive Conduct	CO/00078/17	Agree with not upholding complaint, clearly acted suspicious enough to be stopped and when didn't stop as asked even though Police identified themselves he ran 'further down.' I am happy with this response.	Noted.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Incivility Oppressive conduct Neglect of Duty Failure in Duty Code	CO576/16	No further comment	Noted –thank you.
Incivility Other Assault Traffic irregularity	CO/00139/17	Challenging and volatile situation – outcome appropriate. Allegation 1-3 not upheld. Allegation 4 upheld – management action. Comment on page 9 – 5 <sup>th</sup> para, a comment is noted on log – whilst on surface this is requesting clarification on which rape allegation this refers to, this could be read as undermining confidence in allegation made, which causes concern that new allegation is not being treated with open mind.	Noted - thank you.  Noted – thank you.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Incivility & Other Assault	CO/642/16	Content, clearly tricky case for officers, response of Force and guidance given appropriate.	Noted – thank you
Unlawful Arrest	CO/307/16	Content – some inconsistencies in relation to dates.	Noted – thank you.
Neglect of Duty	CO/322/17	Content	Noted – thank you.
Incivility & Other Assault	CO/326/17	Content	Noted – thank you.
Incivility	CO/052/17	Content	Noted – thank you.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Discreditable Conduct	CM/05/15	Not obvious to me that there is no case to answer. Witness who missed trial has indicated willingness to attend disciplinary training, witness statements also available. In my line of work, we would see this as sufficient to proceed and make a decision on the civil standard of proof.	Noted – however, paragraph 12 of the final assessment does outline and provide the rationale for the decision.
Honesty & Integrity	CM/38/16	Content with decision and case to answer.	Noted – thank you.
Authority, Respect & Courtesy	CM/59/16	Content with decision and case to answer.	Noted – thank you.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
IPCC non referral	MI/250/17	I am happy with this decision	Noted – thank you.
	MI/307/17	I am happy with this decision	Noted – thank you.
	MI/510/17	I am happy with this decision	Noted – thank you.
	MI/343/17	I am happy with this decision	Noted – thank you.
	MI/346/17	I am happy with this decision	Noted – thank you.
	MI/358/17	I am happy with this decision	Noted – thank you.
	MI/363/17	I am happy with this decision	Noted – thank you.
Irregularity	CO/96/17	I am happy with the decision to disapply this complaint	Noted – thank you.
Misconduct	CM/16/17	I am happy with the outcome.	Noted – thank you.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
IPCC Non Referral	MI401/17	I am happy with the decision.	Noted – thank you
IPCC Non Referral	MI413/17	I am happy with the decision.	Noted – thank you
IPCC Non Referral	MI419/17	I am happy with the decision.	Noted – thank you
IPCC Non Referral	MI423/17	I am happy with the decision and agree that the actions of the PCSO should be appropriately recognised.	Noted – thank you
IPCC Non Referral	MI447/17	I am happy with the decision.	Noted – thank you
IPCC Non Referral	MI502/17	I am happy with the decision.	Noted – thank you
IPCC Non Referral	MI525/17	I am happy with the decision.	Noted – thank you

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Multiple	CO/532/16	This is an extensive investigation of a previous complaint. I agree with the outcome – a misconduct hearing and would appreciate it if the committee could be informed of the final outcome of the hearing. The main officer concerned seems to have very little understanding of the Code of Ethics or the legal basis of his powers.	Noted Final outcome being an extension to the Final Written Warning for 18 months.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
	CO/00480/16	<p>Complaint with regard to the treatment at arrest and whilst in custody of a BSL using dead man.</p> <p>With respect to Allegation 3 – partially upheld by 10+ decision maker.</p> <p>There is widespread ignorance and misunderstanding generally about communication with dead people, that I do not feel is fully addressed here. That proportion of the dead population using sign language are usually those with the most significant level of hearing loss, who may have learnt BSL through specialist educational provision. The ability of dead people to lip-read is variable and negatively impacted by stress. There is a consequent need for dead people to gain access to interpretation as a priority if detained by the police. It is inappropriate and unacceptable for any more than the most basic of information to be requested of a BSL using dead person by written notes, and this should <b>never</b> be a basis for fraud investigation. It is unacceptable that this person was misled as to how long he would have to wait before an interpreter arrived.</p> <p>I would suggest there is evidence for this allegation to be fully upheld or further evidence for wider police training and awareness in respect of deafness.</p>	<p>Noted – thank you.</p> <p>The Final Assessment and Disclosure Letter attached. Final Assessment outlines the rationale for the decision and appeal right to the IOPC. No appeal received. Will bring comments to the attention of the AA. The issue of use of BSL Interpretation to be disseminated via the Learning the Lessons forum.</p>

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
	CO/00034/17	<p>Allegations with regard to unlawful detention etc.</p> <p>This is an almost forensic investigation around six allegations made with respect to the treatment of a person involved in a complex family situation with aspects of alleged burglary and possible fraud.</p> <p>I would agree that only 2 of 6 allegations hold any substance (3x4) and that these both relate to minor issues with respect to recording in accordance with the Home Office Counting Rules(HOCRs).</p> <p>In this light management action with regard to the officer involved is clearly appropriate and proportionate.</p>	<p>Noted – thank you</p>



<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
	CO/0059/17	Complaint from woman detained drunk and disorderly and has treatment whilst restrained with handcuffs in police van and in the cells later. I would suggest this is very largely a vexatious complaint. There is no evidence for any of the allegations made and clear evidence that officers involved acted (1) lawfully (2) with sensitivity and (3) with due regard for the safety and dignity of the complaint and (4) safety of the officers. A clear and concise investigation of high standard.	Noted – thank you

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
	CO/00062/17	3 allegations with respect to an acting Police Sergeant (APS) with regard to (1) harassment (2) illegal use of the Police National Computer and (3) unprofessional conduct in use of social media. This is a really well conducted investigation with clear evidence and opinion presented. I would agree that the APS <b>does not</b> have a care to answer for misconduct/gross misconduct and that management actin is therefore appropriate for dealing with the factual inaccuracy uncovered. New relationships where emotional tension from ex-partners is high – combined with the potential pitfalls of social media is a circumstance in which officers should take great care!	Noted – thank you  Agreed

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
	CO/00391	<p>Road rage incident complaint raised by disabled man regarding the manner in which he was dealt with or spoken to when attempting to raise complaint. Complaint latterly withdrawn due to ill-health of complainant – finding the process stress provoking.</p> <p>I would agree with investigation officer Aimee Ramm who concludes complainant received a ‘poor level’ of service and noted staff members involved to be spoken to. One would hope that these used to dealing with complaints would be understanding of stress or certainly remarks like ‘I can’t deviate from policy’ whilst accurate are insensitive and likely to ‘stock-up’ stress levels. It is not a good outcome for a complaint to be withdrawn because the complainant finds the process too stressful!</p>	Noted – will feed comments back to the AA for future consideration.

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Police conduct	CO/0009/17	<p>I am satisfied that the complaint and allegations have been appropriately and thoroughly investigated and concluded.</p> <p>This was a correct deployment of Forces which were then not discharged and so served this purpose of a successful arrest without incident.</p>	Noted – thank you
	CO/00057/17	<p>I am satisfied that the complaint has been appropriately and thoroughly investigated and concluded.</p>	Noted – thank you

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
	CO/00195/17	<p>I am satisfied that there was an appropriate and thorough investigation of 5 allegations one of which was rightly upheld.</p> <p>In terms of learning an issue is identified in regard to a missed opportunity to view CCTV recordings. Another has already been corrected in relation to CAIU systems. I think it also important to note that perhaps if his complaint of abuse had been followed up more swiftly than his subsequent aggressive behaviour may not have manifested for someone with mental health issues and alcohol problems possibly due to the abuse suffered. This delay would have increased his anxiety and poor mental health.</p> <p>I am unclear as to the points being made about timing on pages 14, 18 and 20 – some statements suggest officers believe it 'out of time;/ but on page 18 it states 'there is nothing in regard of timescales.' On page 14, the officer refers to at as 'common assault'. But this has been referred to CAIU so surely it is more than common assault? And no timescales apply?</p>	<p>Noted – thank you.</p> <p>Agree, however, I am of the view that the Final Assessment has addressed the issues that you have raised. Procedures have now been updated and addressed accordingly.</p>

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
Conduct	CO/00586/16	<p>I am satisfied that the complaint was thoroughly and correctly investigated and that the outcome was appropriate.</p> <p>The use of body worn cameras was helpful in this instance to assess the extent of force used. This was minimum and proportionate as the investigation report says it should have been recorded on a use of force pro-forma.</p>	<p>Noted and agreed – thank you.</p> <p>Officers to be subject to management action in relation to use of force pro forma.</p>
	CO/00528/16	<p>I am satisfied that the complaint has been appropriately and thoroughly investigated and conducted correctly.</p> <p>The only question I have is how she (Ms Ishfaq) came to make the complaint as she didn't want to make a statement and didn't want to get PC Dada in trouble.</p>	<p>Noted – thank you.</p> <p>Given the matter was raised with another Officer and subsequently referred to PSD, the matter was assessed and determined to be a public complaint given the nature and seriousness of the allegation.</p>

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
	CM/35/17	Courier employed by LP speeding and going home at periods he should have been working. The decision makes here agreed with the 10 that matters relating to speeding would best be dealt with through management action and I would agree with this as proportionate and in line with the evidence presented.	Noted – thank you
	CM/29/17	Investigation into alleged inappropriate use of police equipment by s/insp. The investigation is clear and well evidenced. No corroborating evidence was found in respect to any of the 3 allegations made. I would therefore agree entirely that there is no care to answer here.	Noted – thank you
	CM/36/17	Inappropriate and juvenile sexual behaviour with respect to an officer and female PCSO. This event occurred some several years ago. Whilst I would agree with the finding that this matter be dealt with through management action, I feel this is also because the matter occurred so long ago and was dealt with initially very differently. Had this matter been more recent or were it to occur again, I think misconduct would be the appropriate outcome.	Noted and agreed – 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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