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Office of Police and Crime Commissioner – Ethics, Integrity and Complaints Committee

Dip Sampling of Complaint Files

Wednesday, 3 May 2017

<u>Category of Complaint</u>	<u>File No.</u>	<u>Comments by Member</u>	<u>Force Response</u>
00462/16		<p>Re: abuse emails and threats reported to Police. Complainant, an ex-Leics Police Officer of 28 years standing. Complaint was that despite promise of service-no officer allocated and apparently no action taken. Subject (the abuser) subsequently died and complainant has not responded to follow up letters. Case closed after 1 year + Looks like complainant expected a much larger police response to threats which were largely by email, perhaps because he was ex-police.</p> <p>Summary: with no specific and immediate direct threat to complainant, this matter was dealt with appropriately</p>	Noted – Thank you

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00496/16		<p>-Multiple allegations of abuse of power/harassment etc. with no evidence whatsoever. Range of complaint in general is <u>FAR</u> outside the remit of PSD.</p> <p>-Complaint does raise one specific issue within the meaning of the 2002 act and hence a personal complaint was raised (13.12.2016)</p> <p>-correspondence passed to CAIU re alleged sexual assault of a six year old child by M. Gamble.</p> <p>Summary: There is evidence of an appropriate and proportionate response to this somewhat rambling and non-specific 'complaint'. Issues under the ambit of PSD have been addressed and either other concerns passed on to more appropriate authorities. Brought to a conclusion after 2 months following no further contact.</p>	Noted – Thank you

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00175/16		<p>Discrepancy alleged in evidence given by officer to Court between trial and re-trial, which may have been material to and later acquitted.</p> <p>From Investigation officers Report – SECTION F notes V.tas checked from 19th June 2014, yet incidents occurred on 15th & 17th June. Has V-tas been checked for the wrong date?</p> <p>Also, if there was no CCTV camera on Leics Rd. Last Fed to Aug 2014 as noted by Charnborough .B Council employee (S.7) now could PC Stroud have checked this as he stated under cross in (S.9?)</p> <p>Without clarification of these two points I cannot support the IO finding that PC Stroud ‘acted in good faith’ – there certainly were performance issues <u>BUT</u> there may be misconduct also.</p>	<p>Noted - Thank you</p> <p>Quite correct that the V-tas was checked for the 19th June and confirmed that there was no footage available. It is also the case that PCSO Tagg undertook a similar enquiry with Charnwood Borough Council on the 15th June 2014 and confirmed that the cameras at the location were out of order and had been for some time, therefore there is no footage available of this incident. It is the case that PC Stroud has got confused in relation to whether there was footage available and/or whether there were any cameras available. It is the case that there were no cameras recording at the time, therefore, the issue remains one of performance/training as opposed to misconduct</p>

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00175/16		<p>I have received this case and have some concerns. I accept the investigating officers conclusion that PC Stroud gave his conflicting evidence under oath, in good faith, having at the time, checked the CCTV situation at Charnborough Borough Council.</p> <p>However, it cannot be professional conduct to turn up for trial, apparently improperly prepared (in part due to his lack of contemporaneous notes) and to answer questions from the defence based on assumption. I note that his evidence in the re-trial was also in-accurate, asserting that the camera showed no footage when in fact the true position was that the camera had been removed. To me, this again refers to poor court preparation and is professional misconduct.</p>	<p>Please see previous answer in relation to CCTV. Poor Court preparation and presentation is, in our submission, a training and development issue, therefore the officer will receive advice and training in relation to these issues in order to prevent a reoccurrence.</p>

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00461/16		Delay in making complaint, unexplained, therefore no case to answer. Summary: Matter entirely appropriately dealt with by PSD	Noted - Thank you

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CO/00446/16		Vulnerable person seeking additional police reassurance in relation to incident at home - Appropriately handled.	Noted – Thank you
Neglect of Duty	00461/16	Disapplication – appropriate.	Noted –Thank you
Irregularity in Evidence	00175/16	Evidence of 19/6/14 visit to Charnwood Borough Council (this comment was crossed out with a note to 'see other sheet').	
Other Assault / Traffic Irregularity	00651/15	Appropriately handled.	Noted - Thank you

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00435/16		<p>Complaint about damage caused to property during removal of motor vehicle from a residential property.</p> <p>BWV confirms complainant being advised that if he refused to hand over the key to the motor vehicle, damage could result from recovery directly from driveway.</p> <p>Complaint as latterly withdrawn</p> <p>Summary: This complaint clearly demonstrates the value of BWV both in relation to criminal matters but also in respect of vexatious complaints, waste of police time and resources and reputational damage to officers resulting from such complaints.</p>	Noted and agreed re BWV – Thank you.

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00651/15		Detention of IP ? with mental health issues. Management action with respect to 3 x PC's appears entirely appropriate and proportionate.	Noted – Thank you.

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Breach PACE Code C	CO/437/16	I am happy that this was suitably investigated and agree it was appropriate for local resolution.	Noted – Thank you.
Failures in Duty PACE Code B	CO/539/16	I am happy with process and outcome.	Noted – Thank you

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Numerous including breach of Code C	CO/247/16	<p>I have three concerns:</p> <p>1) The statement made in section 14 of the form PSD8 V6 seems inappropriate. In particular they bear little relationship to the main issues in the complaint</p> <p>2) Given the clear guidance in code C, I feel it is indefensible that an AA was not called when the suspect disclosed a prior suicide attempt. This is reinforced by the failure of HCP to assess the suspect before interview. The subsequent assessment cannot validate the earlier omission.</p> <p>3) The interpretation in Complaint (1) is arguably. The request for a phone PIN is a request for information that allows for further investigation of suspected involvement of an offence. Given the wide definition of interview in case law, this request should come under Code C (note the Article 6 rights here) and a caution should be given.</p>	<p>1) & 2) Noted – Thank you. Non-disclosure section = sensitive material. Also comment noted re interview, Code C and suggestion regarding a caution.</p> <p>3) Agreed; matter will be disseminated as a learning opportunity via the Learning Lessons/Get it Right First Time Meetings.</p>

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PSD	CO/405/16	Appropriate action taken. Delay in response. Local Resolution appropriate. Was there a training need identified? Few details completed on complainant form	<i>Appropriate action taken</i>
PSD	CO/440/16	Appropriate action taken within the time frame	<i>Appropriate action taken.</i>
PSD	CM52/16	Is advice enough? Is there a training issue regarding these situations? Policy implications for use of body cam and training rather than advice. Review of why cannot be removed if staff want person removed	<i>Appropriate action.</i>
			All the above noted - thank you.

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RCS	CM55/16	Appropriate response	Appropriate response
PPSD	CM/11/16	Slow to react. Grey areas around evidence. Victim not kept up to date. Appropriate response.	Noted - Thankyou

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IPCC Non-Referrals	MI/331/16	I am satisfied with the non-referral decision as it is in accordance with the guidance.	}
	MI/339/16	I am satisfied with the non-referral decision as it is in accordance with the guidance.	}
	MI/357/16	I am satisfied with the non-referral decision as it is in accordance with the guidance.	} All duly noted – Thank you.
	MI/385/16	I am satisfied with the non-referral decision as it is in accordance with the guidance.	}
	MI/429/16	I am satisfied with the decision; it is clearly appropriate for WMP to make a referral decision.	}

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