

**POLICE AND CRIME
COMMISSIONER FOR
LEICESTERSHIRE**

**ETHICS, INTEGRITY AND
COMPLAINTS COMMITTEE**



Report of: **CHIEF CONSTABLE**

Subject: **DIP SAMPLING OF COMPLAINT FILES**

Date: **FRIDAY 23 SEPTEMBER 2016 – 2:00 p.m.**

Author: **ANGELA PERRY, HEAD OF GOVERNANCE AND ASSURANCE, OPCC /
SIMON HURST, PROFESSIONAL STANDARDS DEPARTMENT**

Purpose of Report

1. The purpose of this report is for discussion on the findings from members dip sampling of complaint files undertaken on Monday 8 August 2016.

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. Three members of the Committee, Ms Linda James, Dr Mark Peel and Dr Steven Cammiss undertook their dip sampling on Monday 8 August 2016. The outcome of the dip-sampling is as follows:-

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Complaint Ref. No.	Category of Complaint	Issues and comments from members	Force Response to issues raised
CO/519/15	Oppressive Conduct Neglect of Duty Direction and Control	I am happy with the process and outcome of this investigation.	Noted Thank you.
CO/634/14	Unlawful arrest Incivility Other assault Other irregularity in procedure	<p>There is evidence that considerable effort has been put into this investigation, especially with respect to attempting to contact the complainant to not avail.</p> <p>The legal right of the officers involved to detain the complainant and retain his vehicle for further investigation is clearly shown.</p> <p>There is no evidence, other than in the complaint, of any cautioning issues, of verbal abuse or of improper use of handcuffs. The complainant did not raise any of these issues at the time directly.</p> <p>The van was released on proof of ownership.</p> <p>Seemingly a vexatious complaint.</p>	Noted Thank you.
CO/694/14	Corrupt practice Direction and Control	<p>Issue around to what extent a 'textual reward' provided by Leicestershire Police demonstrated to the Judge the prior assistance offered by the complainant i.e. degree of mitigation insufficient.</p> <p>Amended text – provided for appeal. Possible first draft but as requested at short notice.</p>	

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		<p><u>Question 1</u></p> <p>Complainant says he has a recording of conversation with the officer– has this latterly been provided? Also was the discussion taped by the officer – if so where is this?</p> <p>Question 2</p> <p>Is there an agreed template for ‘textual reward’ provided by the police for those who have provided assistance? If not I would suggest this be considered.</p>	<p>Q.1 To date No recording has been provided by the Complainant. The officer did not make a recording.(Confirmed: 22/08)</p> <p>Q.2 There is an agreed generic template for such matters as per National and Force Guidelines which are prepared by the Admin Registrar within the Cover Authorities Bureau. These matters are overseen by the Director of Intelligence.</p>
CO/351/15	Improper disclosure Direction and Control	<p>An example of local resolution. Around delays with FOI request, refused to release information and advice around gaining a court order for release of same.</p> <p>There is evidence of full explanation for non-disclosure in email from FOI officer – 4 Sept 2015.</p> <p>This contextualises the need to get a Court Order to obtain the requested information.</p> <p>No further action is required here.</p>	Noted Thank you.
CO/665/15	Oppressive conduct Harassment	<p>Historic issue and a sexual offence from 27 years ago.</p> <p>No further action on complaint as matter to be investigated as a crime.</p>	

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	Neglect of Duty	<p>This seems proportionate and appropriate.</p> <p>In section of recording and Allocation Decision form headed Assessment Rationale stated "The complainant has provided no good reason for the delay in submitting her complaint against the police within 12 months".</p> <p>Given the sensitivities around historic abuse presently this comment would seem unnecessary – and perhaps is more generally with regard to sexual offences/CSE etc.</p>	<p>Noted Thank you. Comment highlighted to Complaints & Discipline Manager to review current process.</p>
CO/204/14	Neglect of Duty	<p>IPCC referral re: complaint about potential corrupt relationship between Leicestershire Police and Rutland County Council.</p> <p>Clearly if the complainant will not co-operate further with this investigation the complaint is properly brought to a conclusion.</p> <p>BUT serious issues around the nature of the relationship between Leicestershire Police and Rutland County Council are raised. Have these been investigated other than under the auspices of a complaint?</p>	<p>Noted. There are ongoing separate complaint enquiries being conducted as a direct result of this case. These additional cases are yet to be finalised, and do in part relate to the nature of the relationship between Leicestershire Police and Rutland CC.</p>
CO/577/15	<p>Neglect of Duty</p> <p>Oppressive Conduct/Harassment</p> <p>Incivility</p>	<p>Local resolution refused by complainant.</p> <p>Difficult to read the initial complaint as the margin have been lost in copying.</p> <p>If the allegation of sexual assault was upheld here then to deal with the complainant on the basis of her 'justifiable explanation' to flee from the scene by car when intoxicated as the prime/initial issue is unjustifiable. It is no surprise therefore that the complainant refused local resolution.</p>	

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		<p><u>Question</u></p> <p>Officer has subsequently retired but what is the force procedure/policy around dealing with reports of sexual assault/rape?</p>	<p>Dealing with reports of and the investigation into Offences of Rape & Serious Sexual assault are subject to Force Policy & Procedure as outlined in the Rape Investigation Procedure; Policy PR062.1 refers. Policy published and maintained by the Detective Chief Supt for the Crime & Intelligence Directorate.</p> <p>(Legislation; Sexual Offences Act 2003)</p>
CO/638/15	Traffic irregularity	<p>This complaint dealt with appropriately.</p> <p><u>Question</u></p> <p>Is it normal practice on a standard response (driving school) exercise for there to be four officer in a ca?</p>	<p>Noted Thank you.</p> <p>Mr Andrew Diggle the Driving Training Team Leader has been consulted in relation to these questions. Taking them in order;</p> <p>'It is considered, depending on the type of driver training event, abstractions, and the course Aims and Objectives, to use all the seats efficiently & economically. It is best practice to have three driving students with one trainer in the car.</p>

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		<p>Unless there is need to 'rotate' drivers such that three can be observed by the instructor in one journey, this would seem to have some potential weaknesses. Perhaps to be reviewed?</p>	<p>Vicarious learning takes place in the car whilst the trainer leader instructs, coaches, briefs & debriefs the driver at the time. Often similar points regarding the application of the 'system of car control' and safety are raised and rehearsed, with group debriefs taking place. Good & developmental driving performance can be observed.</p> <p>Mr Diggle raises the question; What might a weakness be? Reviewed on what basis?</p> <p>Mr Diggle extends an open offer to any interested party to spend some time with the Driver Training Team, together with a member of PSD, and have a two way conversation in relation to the issues raised.</p>
CO/682/15	Dishonesty	<p>Happy that this has been dealt with in accordance with procedure. Police advise that due to the nature of complaint it would be formal and investigated. However due to complainant withdrawing complaint no further action.</p>	<p>Noted.</p>

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CO/529/15	Improper disclosure. Lack of impartiality	<p>Happy with the conclusion of this complaint.</p> <p>Comments made by police in regards to member of public and other female police not wanting to work with him.</p> <p>All officers investigated in terms of what was reported/notes.</p>	Noted.
CO/384/15	Use of force	<p>Reasonable force? Is it a justifiable decision to handcuff, given the level of complaint? Risk factors? Efforts to minimise the embarrassment of suspect?</p> <p>My view this should have been dealt with appropriately although legislation may have been adhered to. Could have been dealt with better, There is a definite need for justifiable performance & training.</p>	Noted Thank you. It is the case that both officers are subject to management action in relation to this matter. Both officers in terms of advice on completion of search forms; Bespoke training in the use of Handcuffs for PC Day.
CO/283/15	Failures in Duty; Code B.	<p>Missing property. All property seized was accounted for.</p> <p>Happy with outcome.</p>	Noted Thank you.
CO/400/15	Use of force	<p>Allegation around excessive use of force.</p> <p>CCTV and statements do not establish this was indeed the case.</p> <p>I can think of no further action that could reasonably be taken here to further add to the evidence and give better ability to reach a conclusive determination.</p> <p>I therefore support the no further action/no case to answer conclusion.</p>	Noted Thank you.
CM/51/15	Authority, Respect,	Management action to be taken around conduct of an officer likely to cause offence	

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	Courtesy	<p>to another.</p> <p>Whilst it is inevitable that there will sometimes be a degree of 'friction' between officers. There must be a backdrop of professional mutual respect at all times. Issues around stereotypical sexist behaviours and attitudes have no place here, and it is the recourse of the 'bully' to contextualise this as inappropriate humour. If the police are to be role models to the public this must start with their attitudes and respect for one another as officers.</p>	Duly Noted & agreed.
CM/20/15	Dishonesty	<p>Providing/submitting course work that is not one's own (plagiarised). Questions honesty, integrity.</p> <p>I believe this is misconduct.</p>	Noted. Officer was found blameworthy of Misconduct.
CM/28/15	<p>Honesty & Integrity</p> <p>Discreditable conduct</p>	<p>Officer committed sexual assaults against half sister. Didn't disclose as was never convicted or reported to the police until reported in 2015. Was found/pleaded guilty of sexual offence.</p> <p>Happy with decision made by Leicestershire Police.</p>	Noted Thank you.

IPCC Non-Referral Register

5. At the time of dip-sampling an examination of the Independent Police Complaints Commission Non-Referral Log was undertaken. The outcome is as follows:-

Log No.	Comments from member	Force Response
MI37/15	I am happy with the non-referral decision	Noted Thank you.
MI123/16	I am happy with the non-referral decision	Noted. Thank you
MI56/16	I am happy with the non-referral decision	Noted. Thank you
MI57/16	I am happy with the non-referral decision	Noted Thank you
MI54/16	Having discussed this as a group we are happy with the non-referral decision. We wondered if it would be possible to see any cases that are referred to the IPCC so as to compare referrals and non-referrals.	Noted Thank you. For discussion / consideration.

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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