

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

PAPER MARKED

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Report of	CHIEF CONSTABLE
Subject	ETHICAL SCENARIOS
Date	FRIDAY 23 SEPTEMBER 2016 – 2:00 p.m.
Author	D/SUPERINTENDENT NEIL CASTLE and INSPECTOR MARK CHELL

Purpose of Report

1. The purpose of this report is to seek members' views on one ethical scenario outlined within Appendices 1 and 2 attached to this report.

Recommendation

2. It is recommended that members consider the ethical scenarios and provide their views.

Commentary

3. The Terms of Reference provide for the Committee to be a forum for debate concerning professional standards and make recommendations about ethical dilemmas facing the Force. As such a standing item of 'Ethical Scenarios' will be included on all future agenda for members to discuss and provide their views.

Implications

Financial :	None.
Legal :	None.
Equality Impact Assessment :	None.
Risks and Impact :	<ul style="list-style-type: none">• The scenarios provided are anonymised in order that no individual can be identified. The views of the Committee will be taken into account on any future similar incidences.• Public perception and reputational issues for the Force.
Link to Police and Crime Plan :	Links to the Nolan Principles and Code of Ethics contained within the Plan.
Communications :	Communications Plan will be approved by the Committee at this meeting.

List of Appendices

Appendix 1 – Domestic Violence Protection Notice (DVPN)

Appendix 2 – Mental Health

Background Papers

None.

Person to Contact

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Domestic Violence Protection Notice (DVPN)

Background

Domestic Violence Protection Notices (DVPN) were introduced in June 2014 as a tool to combat domestic violence and give people in volatile relationships a chance to seek help and break a chain of events.

In essence the main points to note are:

- A DVPN is the initial notice issued by the police to provide emergency protection to an individual believed to be the victim of domestic violence
- This notice, which must be authorised by a police superintendent, contains prohibitions that effectively bar the suspected perpetrator from returning to the victim's home or otherwise contacting the victim.

A DVPN may be issued to a person aged 18 years and over if the police superintendent has reasonable grounds for believing that:

- the individual has been violent towards, or
- has threatened violence towards an associated person, and
- the DVPN is necessary to protect that person from violence or a threat of violence by the intended recipient of the DVPN
- The associated person mentioned above does not have to consent to the issuing of a DVPN or DVPO.

A magistrate can then issue a DVPO which can be effective between 14 and 28 days. Following an alleged breach of the DVPO, the police may arrest the individual without warrant and hold that person in custody pending the magistrates' court hearing of the DVPO application; this hearing must take place within 24 hours of the arrest for the alleged DVPN breach.

Initial guidance was a DVPN would be considered if;

- Suspect In custody
- Where the Domestic Abuse, Stalking and Honour Based Violence (DASH) risk assessment is **HIGH**
- Where the police have received 3 or more DV incidents/crimes in the last 365 days
- Where the professional view of the officer is that a DVPN will benefit the victim/children

This has now changed to "Consider in all cases involving DV".

Dilemma

DVPN's are being requested when there has only been one reported incident of Domestic related violence between 2 people and often very low level.

In many cases the victim does not wish to pursue a criminal investigation, neither do they support the issue of a DVPN on the suspect. These type of incidents are usually rang in by third parties or in the heat of an argument.

Investigating officers are faced with lack of evidence to obtain a charging decision from CPS and therefore revert to the consideration of a DVPN as a positive outcome.

There is no requirement for us to find the suspect alternative accommodation; therefore we can often create more problems.

Question

Should we as authorising officers, remove someone against their partners will from their place of residence for a period of up to 28 days when there is limited intelligence/history to indicate a risk of further incidents?

D/Superintendent Neil Castle

MENTAL HEALTH

Introduction

Within this scenario, I would invite the Ethics Committee to consider what can be done to improve the service provided to Leicestershire Police and the care of detainees who may require mental health crisis care.

Legislation / Guidance

Mental Health Crisis Care Concordat, Part 5B, Urgent and Emergency Access to Crisis Care.

Mental health services need to be available 24 hours a day, 7 days a week.

Mental Health Act 1983 Codes of Practice, Section 16.32, Police Powers.

Prompt assessment, admission for treatment and transport, preferably not by the police.

Circumstances

Mr X was arrested for a public order offence outside Melton Mowbray police station. The officers knew Mr X and were aware of his vulnerability and that he was due to see the mental health care crisis team that morning.

His detention at Keyham Lane started at 9.40am on Thursday 25th August 2016. He was seen by a mental health practitioner at 11.04am who deemed he required a mental health assessment and at 2pm the crisis team saw Mr X and determined he should be moved to the Bradgate unit for urgent care. The public order offence was not pursued and Mr X was then detained purely for his own safety and prompt transport.

Mr X remained in custody whilst a bed was arranged for him at the Bradgate unit. Despite numerous phone calls a bed did not become available until the next day and he finally left police custody at 6.15pm on 26th August. Totalling just over 32 hrs detention. 28hrs since the crisis team determined he should be admitted to the Bradgate Unit. He had been assessed as not being fit to release, so in his best interests we had no choice but to care for him until alternative arrangements were provided.

The circumstances were exceptional, the initial police detention was necessary, but the delays in arranging care, a bed and transport were not.

Question: What might be done to improve the service provided to Mr X and Leicestershire Police in these circumstances?

Inspector Mark Chell, EMCJS.