**Trust, Ethics and Integrity Committee**

**23 July 2015**

**Complaint Dip Sampling Report**

1. **Purpose**

The purpose of this report is to update members on the complaint dip sampling sessions completed since the report to the previous meeting on 30 April 2015.

1. **Dip Sampling Sessions**

This report covers the four monthly dip sampling sessions completed during: April, May, June and July. Each session included a verbal briefing and update on live gross misconduct cases. In total 16 files were dip sampled.

The number of files available to sample at the April, May and June sessions was limited due to problems, which have now been resolved, in accessing the complaints electronic database. It was however, pleasing to note that the majority of complaint files are now electronic rather than held as paper files.

1. **Observations/Comments**
2. **Professional Standards Department** (PSD)

* PSD recognise that what they do and any small errors they make can have a big effect on an individual. They are working hard to smarten up and harmonize working practices across both forces, with a more proportionate response to complaints.
* PSD are now based at Stratford. The move has gone well with the benefit of all being together. A new admin support team, based at Stratford, is being recruited with the first two admin personnel due to start at the beginning of September.
* A new strategy and plan for the department has been developed for consideration by the Command Team. This was discussed at the PSD Performance Group meeting with representatives from the PCC offices at Warwickshire and West Mercia.
* It was seen as good practice that PSD had meet with the Deputy Chief Constable to discuss the force response to a number of complaints that were likely to come to the media’s attention.

1. **Length of Time to Finalise Complaints**

An action plan is in place to reduce the length of time to finalise complaints. This includes:

* A 28 day follow up progress enquiry with an expectation that the complainant will receive an update every 28 days.
* Reducing time taken to make initial contact with the complainant to 2-3 days.
* Reducing the time taken to record the complaint.

1. **IPCC**

The IPCC view of the classification of gross misconduct is that if gross misconduct can be a justifiable outcome, however unlikely, the complaint should be classed as gross misconduct and that if the investigation proves otherwise the case could be downscaled later. It was noted that PSD whilst not necessarily always agreeing, respected this view, which was final.

1. **Management Action and Management** **Advice**

Management action is not a disciplinary outcome and should not to be confused with management advice. The purpose of management action is to deal with misconduct in a timely, proportionate and effective way in order to improve conduct and performance with the intention of preventing a similar situation arising in the future.. Management advice is a disciplinary outcome that can only be imposed following a misconduct meeting or hearing and will go on the officer’s record. If previously dealt with by management action any future similar incident will be deal with by management advice and had the potential to be dealt with as a misconduct case.

It was considered that the term management action on its own is insufficient to satisfy a complainant that their complaint had been taken seriously. It was suggested that it would be better if an explanation of what management action will/has been taken was included in the final letter to the complainant.

1. **Potential Areas for Future Work**

* There had been a number of incidents relating to mishandling of seized property. Whilst it was noted that work was underway to develop more robust practices it was questioned whether there was the potential for Trust, Integrity and Ethics Committee to assist.
* The following areas have been identified as having the potential to cause problems for officers from an ethical perspective: property; cash; relationships - including inappropriate relationships; social media; business interests; notifiable associations.

At the July meeting there was a general discussion as to whether Trust, Integrity and Ethics Committee members could assist PSD with a more detailed focus on some of these areas. It was acknowledged that if not presented sensitively rather than being seen as supportive any additional scrutiny could be seen as a lack of trust in the Police. Also to avoid duplication and ensure that any additional scrutiny would add benefit it was necessary to discuss and develop such processes with the existing leads, such as the Head of Resources and the Audit Committee.

1. **Update**

The following actions have been taken as a result of dip sampling visits:

* The following items included as regular agenda items in dip sampling sessions: 1) Update on misconduct cases previously briefed on 2) Briefing on Lessons Learnt plus 3) briefing on IPCC Focus newsletter items – as an when directed by Col Tony Ward.
* Management action template is being well received by officer and line managers.
* The suggestion that letters of suspension to officers under investigation include the actual date (or time period) by which the ‘next step’ would be concluded has been taken on board and is being implemented.

**Appendix A**

**DIP Sampled Complaint Files April – July 2015**

**April 2015**

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Complaint Type** | **Comments from OPCC** | **Requests for additional information.** |
| CO/00130/14 | Other neglect or failure of duty.  Other irregularity in procedure. | As a result of a serious traffic accident an elderly gentlemen was seriously injured. The accident involved the elderly gentleman and an unmarked police car, which was travelling to another accident. A number of issues were raised by the complainant, all of which took an inordinate amount of time to answer. Whilst the officers involved all received management action I am not persuaded that sufficient explanation was given to the complainant (about management action). | Would like to know if the gentleman received compensation. |
| Co/00316/14 | Oppressive conduct or harassment. Unlawful/unnecessary arrest or detention. | Complaint raised 3 Dec 14, finalised 23 Sep 14. Complaint involved unlawful bail conditions, sexual assault not taken seriously, improper influence executed in taking employer’s side rather than complainants, unlawful arrest on suspicion of breaching restraining order. A very full and detailed investigation took place and the complainant accepted local resolution. |  |

**May 2015**

| **No.** | **Complaint Type** | **Comments from OPCC** | **Requests for additional information.** |
| --- | --- | --- | --- |
| CO/43/15 | Oppressive conduct or harassment | Case opened 3 Jan 14. Case closed June 14.  The ex wife of a police officer was arrested and charged with harassing the current wife of the police officer. The complainant was based on the lack of impartiality in that the investigating officers were from the same station and from the burglary squad and not trained in working with vulnerable people. A number of mobile phones demonstrated that threatening and demeaning texts were sent from phones owned by the complainant’s husband. There was no evidence to support the complaint and the case was closed. |  |
| CO/0003/15 | Other neglect or failure of duty | Complaint raised Aug 14. Finalised 9 Mar 2015. This was made by a persistent complainant. The police officer was accused of not seizing the camera of the complainant to prove he did not make racist comments against the officer. The mobile phone of the complainant’s friend was also not seized. When eventually seized some four months later there was nothing on the camera or phone, which could have been cleared at an earlier date. After appeal to the IPCC they ruled that there was no case to answer. |  |
| CO/283/14 | Discriminatory behaviour | Case opened June 2014. Case closed Apr 2015. This complainant driving on M5 stopped once to have documents inspected, no issues raised. Stopped again 9 minutes later for speeding by the same officer. The complainant believed he was being intimidated and that he was being racially discriminated against by stopping him twice in such a short period. He argues that he was not given a record of the initial stop and was not allowed to check the ticket before issue. Finally ticket states he was speeding (80 mph) when he has the video footage showing he was doing (70 mph). It went to a court hearing and the complainant pleaded guilty and withdrew his complaint. |  |
| CM/0045/14 | Other sexual conduct | This case involves the inappropriate touching of a child. It was noted the case was live and therefore no further comment made. | Why none of the letters of suspension to the officer concerned have given a date (or time period) by which the ‘next step’ would be concluded? |
| CO/00620/14 | Improper disclosure of information | Allegation that Police held information that had been inappropriately disclosed. The case was quickly and very thoroughly investigated. There was insufficient evidence to support the complaint and it was “not upheld”. A good example of a complaint being dealt with in a timely fashion. |  |
| CO/0038/15 | Mishandling of property | Case concerned conversations regarding the return of property. Officer was accused of being deliberately unhelpful. The issue was investigated quickly and completed by local resolution. |  |

**June 2015**

| No. | Complaint Type | Comments from OPCC | Requests for additional information. |
| --- | --- | --- | --- |
| CO/00231/14 | Discriminatory Behaviour | Female complainant of Asian background alleges that the officer concerned discriminated against her on grounds of race. Matter properly investigated and complainant finally agreed that the officer was following proper procedures and did not discriminate. Matter initially received a ‘misconduct’ assessment but was down graded to ‘not misconduct’.  Shame that the excellent final letter began ‘Dear Mr’! |  |
| CO/200/14 | Other Assault | Case opened 24 April 14. Case closed 21 October 2014. Complainant at his home address when an officer arrived to arrest him. During the course of the arrest the complainant alleges that excessive force was used to restrain him and he was roughly treated. The complainant ws being arrested for a non-molestation order. After a full and vigorous investigation the complaint was not upheld and the complainant was advised accordingly. No appeal was forthcoming. |  |
| C0/0093/12 | Unlawful/ Unnecessary arrest or detention | Complainant alleged that he was forced off road and wrongly arrested and that his car was damaged and he incurred injuries. Arrested on grounds of blackmail and threats to kill at gunpoint. Complainant took issue to IPCC and case was ultimately withdrawn by him. Local resolution agreed. An interesting case because officers concerned were armed and I read the meticulous process of authorization. The incident was part of a drugs operation. |  |
| CO/612/13 | Incivility, impoliteness and intolerance | Case opened 31 October 2013. Case closed 8 July 14. The complainant believes that she was unfairly dealt with, officers had lied in their evidence and had made inappropriate comments on her arrest. After a long and detailed investigation and appeal to the Independent Appeals Panel the complaint was not upheld. A difficult case, which was well handled at all levels. |  |

**July 2015**

| **No.** | **Complaint Type** | **Comments from OPCC** | **Requests for additional information.** |
| --- | --- | --- | --- |
| CO/00623/14 | Corrupt Practice | Having received racist and threatening phone calls from an unknown source the complaint felt that he was treated in a dismissive manner during the investigation. He was required to attend a police station far from his home and an inconvenient time and when he arrived he was kept waiting for long periods despite an appointment time being made. After investigation the complainant was given a fulsome letter of apology, which he accepted. |  |
| CO/00066/15 | Discriminatory Behaviour | The complaint purchased a car from a private dealer, which was then recovered (stolen) by a car dealer who demonstrated that it was still subject to finance and could not be sold. The complainant telephoned the Police, an officer attended and the complainant felt that the Officer did not take his concerns seriously and was not treated in a positive way. Regrettably, the car had been stolen in the first instance so recovery was made. The Officer offered a full apology and the matter was dealt with by Local Resolution |  |
| C0/0072/14 | Oppressive Conduct or Harassment | The Complaint alleged that excessive force was used during his arrest. He also alleged that he was incorrectly arrested, as the PC did not investigate effectively at the scene - a domestic incident. Complainant agreed to local resolution and management action was taken. | Was a final letter sent to the complainant? |
| CO/0118/15 | Mishandling of Property | Complaint concerned the mishandling of property ie allegation of theft of property cash totalling £850. Complaint later withdrawn after proper investigation concluded that the allegation was false and no money had been stolen. | Was a final letter sent? |
| CO/0042/14 | Incivility, impoliteness and intolerance | The complaint was by a neighbour of a police officer whose motorbike had tipped over onto the drive of the complainant. It was maintained that the police officer reacted in such a way as to constitute an offence under the Public Order Act. The matter was properly investigated and it was found that the officer did not commit a criminal offence and had not discredited the Police Service. |  |