

Complaint Dip Sampling and Learning the Lessons Trust, Ethics and Integrity Committee

1. Purpose

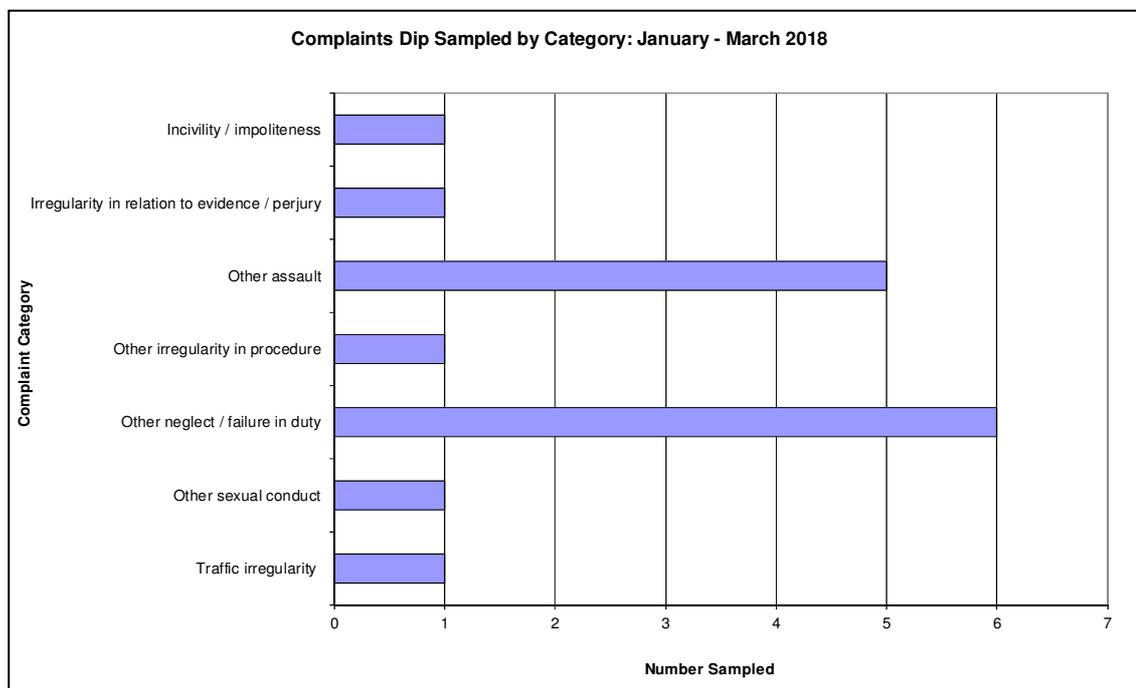
The purpose of this report is to update members on the complaints dip sampling process.

2. Dip Sampling Sessions

Since the last report, 3 monthly dip sampling sessions were completed in January, February and March 2018 by TIE members Chris Cade (CC) and Col. Tony Ward OBE (TW). This document provides a written report on those sessions.

All sessions include briefings on live misconduct cases and an update on cases previously briefed on. Each dip sample includes at least two complaints files classified as 'other assault', which relate to police use of force.

18 complaint files were viewed as part of the dip sampling process in January - March. The complaint categories were as shown below:



Please note, a complaint can fall under more than 1 complaint category depending on the allegations made.

Appendix A provides details of the files dip sampled.

3. Observations / Comments

IOPC Investigations

There are currently 20 live independent investigations with the IOPC (a decrease of 2 compared to December).

A continued theme across dip sampling visits has been the impact of IOPC-directed misconduct hearings and the costs associated with these hearings. It is hoped that the recent changes to the IOPC structure will lead to streamlined decision-making and greater efficiencies.

Suspended Officers and Staff

There are currently 2 suspended officers (decrease of 4 compared to December) and 5 suspended members of staff (increase of 2 compared to December). A number of officers returned to work (alternative duties) in February following a review and reassessment of suspensions.

There are currently 7 officers/ staff on alternative duties.

Police Appeals Tribunal

There is currently 1 live appeal to the Police Appeals Tribunal (former West Mercia officer). A Legally Qualified Chair (LQC) has been appointed by the West Mercia OPCC and is in the process of determining whether the appeal should be heard. It is anticipated that the final determination will be made early April 2018.

Regional PCC / PSD Meeting to discuss LQCs

A regional PCC / PSD meeting has been organised for April 2018. The meeting will enable OPCC and PSD leads to discuss training, working arrangements and indemnity issues in relation to LQCs used for gross misconduct hearings.

The Warwickshire Policy Officer lead for PSD will be representing both OPCCs. Previous feedback from TIE committee members in respect of hearings they have attended has already been noted. Any additional comments are welcome.

Staffing in PSD

The PSD management team are beginning to look at internal structures and resources in relation to the complaints / reactive teams. This is a work in progress and a business case will be developed. An update on current staffing is provided below:

ACU

The unit is now fully staffed. 1 DC is due to retire, and a recruitment process has already started to ensure a smooth hand over. ACU processes and staffing levels are being reviewed and developed to promote proactive capability.

Complaints Team

The Complaints Team is sufficiently staffed to meet demand. 1 complaints manager who has been off on long-term sick is now back on a phased return to work. The PSD inbox is back down to manageable incoming complaint numbers, which means the department can meet national recording requirements.

Reactive PSD

There are no issues in the 3 reactive teams at this time. There is currently 1 vacancy within the team however a preferred candidate (internal) has been identified.

4. Gross Misconduct Cases

4.1 Gross Misconduct Hearings

- PC Chana (Warwickshire) – a misconduct hearing took place on 13/03/18. The officer received management advice.

4.2 Upcoming Gross Misconduct Hearings

All Police Misconduct Hearings will be held at Leek Wootton and will normally start at 10 am. A public notice will be published on the Warwickshire Police and West Mercia Police websites 5 working days prior to a hearing. Public seating is available. Anyone wishing to attend is encouraged to register to ensure they have a seat.

- There were no new misconduct hearings planned at the time of writing.

4.3 Live Gross Misconduct Cases

During this period briefings were provided on misconduct cases not previously briefed on, summarised as follows:

January Briefing

- No new cases to be briefed on.

February Briefing

- Police Officer – allegations relating to data protection and a misconduct investigation. The investigation is in its early stages.
- Police Officer – allegation relating to fraud. This has been assessed as criminal.
- Police Staff – allegation relating to data protection and disclosure of information.
- Police Staff – allegation relating to fraud.

March Briefing

- As of March 2018 there were 39 live gross misconduct cases. However, there were no new cases to be briefed on. There were 5 cases waiting for assessment which could feature in future briefings.

APPENDIX A: FILES DIP SAMPLED

January 2018

No.	Complaint Type	Date Received	Date Recorded	Date Finalised	Comments from OPCC	Additional information requested and force response
CO/00304/17	Other irregularity	24/03/17	29/03/17	28/12/17	<p>Complainant states he gave a witness statement re. a sexual assault case. He alleges the statement was manipulated and distorted. Stated significant parts were removed and he was not asked to sign his statement until 2 months after it had been given.</p> <p>Complainant alleges officer hung up the phone on him when he wanted to complain.</p> <p>The case was discontinued due to complainant refusing to co-operate. Public interest decision to convert complaint to a recordable conduct matter.</p>	
CO/00371/17	Other assault	13/04/17	19/04/17	29/09/17	<p>On visiting the local hospital, the complainant believed that he was not being treated correctly and offended the staff and refused to leave. The police were called by the hospital staff and arrested him for causing a disturbance.</p> <p>The complainant alleged that he was not aggressive but in the course of his arrest he said that excessive force was used to restrain him.</p> <p>After a detailed investigation it was demonstrated that reasonable force was used in making the arrest and that there was no case to answer.</p>	
CO/00282/17	Other sexual assault	16/03/17	22/03/17	20/09/17	<p>A police officer visited the complainant's house to interview him about fraud. During the interview, the complainant alleges that the officer asked him inappropriate questions of a sexual nature. The complainant reported this to his mother.</p>	

No.	Complaint Type	Date Received	Date Recorded	Date Finalised	Comments from OPCC	Additional information requested and force response
					<p>Since making the complaint neither the mother nor the complainant have cooperated with the investigation. It was determined that the complainant was a cocaine addict and was not therefore able to make subsequent statements.</p> <p>The officer was determined to have no case to answer.</p>	
CO/00795/18	Traffic irregularity	12/09/17	19/09/17	24/10/17	<p>A traffic enforcement vehicle was checking out an enforcement site for subsequent use. The complainant alleges that the vehicle had parked in a dangerous area and that the occupant was taking photographs.</p> <p>The enforcement officer was then subject to abuse from the complainant and to avoid further confrontation, the officer made off.</p> <p>After investigation, the office was determined to have acted in a proportionate and sensible manner.</p>	
CO/00658/17	Breach of code C	04/08/17	07/08/17	19/12/17	<p>Complainant was not allowed to urinate and was made to feel intimidated. Alleges he was taunted and laughed at and told "big boys don't wet themselves". There was no corroboration of this allegation.</p> <p>Complaint went to local resolution. Public interest decision to convert complaint to recordable conduct matter.</p>	
CO/00906/17	Incivility / impoliteness	18/10/17	23/10/17	20/12/13	<p>Lone female complainant was stopped on M6 at 6am near Rugby by unmarked police vehicle. Complainant was reluctant to stop as she felt the unmarked vehicle might not be police and she did not feel safe to stop.</p> <p>When stopped by police, complainant was so shocked at the demeanour was perceived by the lone female. Hopefully any further incidents will be handled more sensitively.</p>	

February 2018

No.	Complaint Type	Date Received	Date Recorded	Date Finalised	Comments from OPCC	Additional information requested and force response
CO/00996/16	Other neglect / Failure in duty	06/12/16	16/12/16	16/01/18	<p>Complainant is complaining about a previous complaint CO/03/16 letter 18/5 and the contents of senior officer's letter which disclosed information to the complainant's children. She further complained that she had not received replies to two other letters (dated 29/03/16 and 18/05/16) and that some information did not relate to her complaint.</p> <p>PSD upheld the complaint and officers accepted that this matter could have been handled better.</p> <p>A quality assurance check would have resolved this issue earlier and saved time and effort.</p>	
CO/00444/17	Other assault	09/05/17	24/05/17	10/10/17	<p>The complainant alleged that during the course of the arrest of her daughter, officers used excessive force causing bruising and made inappropriate remarks whilst the daughter was placed in the police vehicle.</p> <p>The arrest was made because the daughter was abusive and aggressive towards the police officers and to prevent a further breach of the peace, she was taken to Hereford Police Station.</p> <p>Despite numerous attempts to contact the mother and daughter for statements, no contact was made. Investigation showed that the officers had behaved in an exemplary manner.</p>	
CO/00827/17	Other neglect / Failure in duty	02/10/17	02/10/17	26/01/18	<p>Complaint that after police investigation and a not guilty verdict, that property seized had been destroyed by police. This complaint was upheld by PSD – it was found that property reference was set against the wrong item and the wrong property had been destroyed. Simply an error of referencing.</p>	

No.	Complaint Type	Date Received	Date Recorded	Date Finalised	Comments from OPCC	Additional information requested and force response
CO/00950/17	Other assault	30/10/17	31/10/17	25/01/18	<p>In the early hours of 25/10/17, the complainant alleges he was stopped by police on A46 in Warwickshire. They state that once his vehicle had stopped, he was forcibly removed from the vehicle by the officers and, whilst offering no resistance, he was placed in a headlock, pinned against the ground, grabbed by the throat, and his head banged twice against the tarmac.</p> <p>The officers were said to be overbearing, rude and abusive. This complaint was withdrawn by the force as “no evidence to substantiate”. There was no BWV or CCTV to back up the complaint</p>	
CO/00930/17	Discriminatory behaviour	25/10/17	27/10/17	08/01/18	<p>The complainant states that having recently moved from a traveller’s site into a flat and was known to the police, his was the only flat that was investigated in the search for a man and a woman. He therefore felt that he was being discriminated against because he was known to police from a traveller’s site, he believed it to be a hate crime.</p> <p>Investigation showed that the officers had no prior knowledge of the complainant and therefore could not uphold the complaint.</p>	
CO/01019/16	Corrupt practices	12/12/16	21/12/16	29/01/18	<p>A managing director of a company was subject of a drink driving prosecution that was heard in court in November 2016. The complainant, a friend of the director, alleged that a former employee who is now a police officer spread rumours of the arrest to her mother, a current employee with malicious intent.</p> <p>It was also alleged that the arresting officers had lied in their statements and that officers had conspired against the company director.</p>	

No.	Complaint Type	Date Received	Date Recorded	Date Finalised	Comments from OPCC	Additional information requested and force response
					After a very detailed investigation resulting in a misconduct hearing and further advice from the IOPC, it was found that there was no case to answer.	

March 2018

No.	Complaint Type	Date Received	Date Recorded	Date Finalised	Comments from OPCC	Additional information requested/ lessons learned
CO/00555/17	Other neglect or failure in duty	20/06/17	03/07/17	22/09/17	<p>The complainant alleged that the police failed to conduct an effective investigation and keep her updated into matters she reported including assaults and the safeguarding of her son.</p> <p>The police response was that the matter was dealt with expeditiously by the partner agencies engaged with and the decision was correct for the investigation to be carried out by Children's' Services and was determined to be a proportionate outcome.</p> <p>The matter was therefore dealt with by local resolution.</p>	
CO/00788/17	Other neglect or failure in duty / Irregularity / Perjury	15/09/17	18/09/17	02/02/18	<p>Complainant alleges officer did not take care in establishing the facts of his case and catalogued allegations of poor admin, maliciousness, obsessive behaviour, relying on hearsay, laying false evidence, and misrepresenting photographic evidence.</p> <p>Complainant alleges that this case demonstrates exactly how not to put a case in relation to the officer's abuse of procedure in respect of use of emails, lack of proper interview and stonewalling.</p> <p>Complainant wrote to Warwickshire Police but subsequently refused to cooperate with the investigating officer so a non-consensual local resolution was put in place and letter issued so that complainant can appeal if he so wishes.</p>	Difficult to judge this lengthy complaint, but potentially a review by the original officer might serve as a training aide.

No.	Complaint Type	Date Received	Date Recorded	Date Finalised	Comments from OPCC	Additional information requested/ lessons learned
CO/00128/17	Other assault	31/01/17	08/02/17	14/09/17	<p>The complainant was arrested on 22/08/17. He does not recall the circumstances leading up to his arrest and suffers from PTSD. He complains that excessive force was used in arrest. His rights were not adhered to. He alleges he was denied access to a solicitor and not allowed the services of an appropriate adult. He alleged his treatment in custody was degrading.</p> <p>The complainant was arrested outside a public house from which had been ejected after failing to persuade him to go home. He was placed in detention until fit to be interviewed.</p> <p>The custody record shows he was offered the opportunity of a solicitor present and to identify the name of an appropriate adult; he refused both.</p> <p>The complainant withdrew his complaint.</p>	
CO/00892/17	Other assault	15/10/17	19/10/17	07/02/18	<p>Complainant called police to her home address regarding concerns over her male partner who has suicidal tendencies and was in possession of a knife.</p> <p>Allegations are that excessive force was used by officers namely that they kicked and stamped on her partner, punched the dog and punched her partner so hard that they had grazes on their knuckles.</p> <p>Assessed as misconduct initially. Allegation was subsequently withdrawn in a statement and no further action taken.</p>	
CO/01140/17	Other neglect	29/12/17	04/01/18	15/02/18	<p>Complainant received a hand delivered letter from police stating that "Miss X does not wish to pursue a formal complaint against you, she simply wishes for you to be spoken to regarding your conduct and posts on social media. This behaviour will not be tolerated, a crime has</p>	

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					<p>been recorded”.</p> <p>Complainant records they have not been spoken to, a one sided allegation, and that they were so distressed by receiving the letter that they attended Stratford police station the following day to discuss the matter and was advised to complain.</p> <p>The complainant has significant history which police are aware of her having been abused domestically, sexually, emotionally and financially over a 13 year period from her husband.</p> <p>The “Miss X” who has allegedly complained about her is a past sexual partner of her husband, and she sets out that any complaint from “Miss X” is likely to be malicious.</p> <p>Stratford Police suggested that it was up to the complainant what she wrote on social media after she told them that her post was expressing sadness that her marriage was not what she thought it was.</p> <p>Complainant feels that she should have been spoken to rather than receiving said letter. Local resolution was put in place including a memo to subject officers.</p>	
CO/00563/17	Other neglect or failure in duty	22/06/17	03/07/17	19/09/17	<p>An incident occurred near to the family home of the complainant which she alleges put her family in danger. She alleges that it was not taken seriously by the police sergeant and has raised the complaint formally to help her family to get out of the situation and help move house.</p> <p>The complainant found a laptop outside her house which had disturbing images and therefore handed it to the police. Subsequently she noticed unsavoury characters looking for the laptop which alarmed her and gave her concerns for her</p>	

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					<p>family's safety.</p> <p>Whilst best efforts were made to identify the name of the sergeant none was forthcoming. The complainant accepted that all efforts had been made on her behalf and acknowledged that the matter could be closed.</p>	