

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

1. Purpose

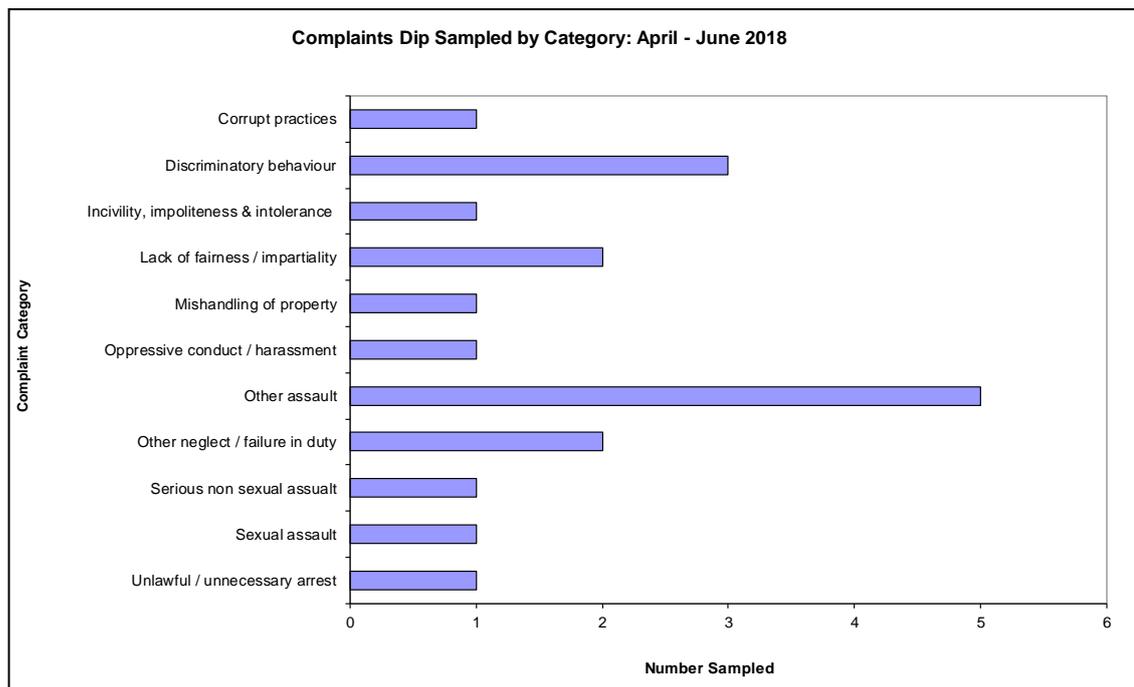
The purpose of this report is to update members on the complaints dip sampling process.

2. Dip Sampling Sessions

Since the last report, 3 monthly dip sampling sessions were completed in April, May and June 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 April - June. The complaint categories were as shown below:



Please note, the figures in the chart may exceed 18 as 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 25 live independent investigations with the IOPC. This is an increase of 5 investigations compared to the end of the last quarter (3 new investigations in May and 2 new investigations in June).

Suspended Officers and Staff

There are currently 3 suspended officers (an increase of 1 compared to the previous quarter) and 4 suspended members of staff (a decrease of 1 compared to the previous quarter).

There are currently 7 officers/ staff on alternative duties (no change).

Police Appeals Tribunal

West Mercia: Members were previously briefed on an appeal from a former West Mercia Officer. The Legally Qualified Chair (LQC) dismissed the appeal in April 2018.

Warwickshire: A PC is appealing the findings and outcome of a Gross Misconduct Hearing where he received management advice. This is being progressed by Warwickshire OPCC.

Standards of Investigation into Allegations of Discrimination

PSD are working on the alliance response to a number of PSD related findings outlined in the 2017 HMICFRS PEEL Legitimacy Inspection report in particular abuse of power for sexual purposes and standards of investigation into allegations of discrimination.

Concerns related to the handling of allegations of discrimination have been raised nationally and has also been scrutinised by the IOPC in their report on Police Handling of Discrimination (involving 3 large forces in England). At the April dip sampling meeting it was agreed that the TIE members would include discrimination cases within their monthly dip sampling process (to include at least 1 from each force each month).

Due to issues extracting the data in May, the inclusion of discrimination data was only possible from June (3 cases reviewed at the June meeting).

Counter Corruption Working Group

Abuse of power for a sexual purpose is an area of priority for the Anti-Corruption Unit (ACU). A counter corruption working group has been set up to progress work in this area.

The group met for the first time in April and includes representation from a number of departments including HR, PSD, Vulnerability teams and Learning & Development (whole-organisation approach). An action plan has been produced and reflects both the national plan and local demands and recommendations from the 2017 HMICFRS Legitimacy Inspection. A communication plan is being developed to educate and empower the wider workforce.

Staffing in PSD

The new internal PSD structure went live on 04/05/18. There were a no. of changes to line management as a result of this restructure including:

- New Vetting manager now in post.
- Chief Inspectors realigned, with one Chief Inspector managing reactive PSD and one Chief Inspector managing the ACU.
- A Detective Sergeant (DS) from the reactive PSD team has been moved to the complaints team to manage the complaints managers.
- The existing investigation manager post (separate from the DS) will act as a second line manager for the complaints team.

ACU

There are currently 2 vacancies in the ACU. 1 DC post has been recruited for, with the new candidate due to start in July. Recruitment is ongoing for the intelligence role.

The ACU tasking process is being reviewed with the goal to become more proactive and preventative. Weekly operational management meetings are taking place to ensure better allocation of work to release capacity.

Complaints Team

The Complaints Team is sufficiently staffed to meet demand. 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 reactive teams at this time and they are now fully staffed having previously had 2 vacancies. The 2 reactive teams based at Stratford and Hindlip are aligned under 2 DS's.

4. Gross Misconduct Cases

4.1 Gross Misconduct Hearings

There have been no gross misconduct hearings during the last quarter.

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:

April Briefing

- Police Officer – allegations of an inappropriate relationship during the course of duties.

May Briefing

- Police Officer – allegations of excessive use of force reported by colleagues.

June Briefing

- Retired police officer – allegations regarding off-duty conduct. The officer has been placed on the advisory list.
- Police officer – allegations regarding off-duty conduct. The officer has been suspended.
- Police staff – allegations related to inappropriate use of police systems.

APPENDIX A: FILES DIP SAMPLED

April 2018

| No. | Complaint Type | Date Received | Date Recorded | Date Finalised | Comments from OPCC | Additional information requested/ lessons learned |
|-------------|--|---------------|---------------|----------------|--|---|
| CO/00532/17 | Other neglect or failure in duty | 20/06/17 | 20/06/17 | 12/03/18 | <p>Complainant was subject to a criminal investigation for sexual offences against children. At court, 5 years after the initial arrest, police present no evidence in court. He complains his life has been ruined. Whilst the complaint names two officers it relates to the police operation in its entirety.</p> <p>Complaint has 4 strands: 1) bail conditions over 4 years 2) statements referred to in the interview were dated after the interview date 3) final outcome was 'not guilty' due to evidence or lack of 4) number of officers present for the initial arrest.</p> <p>This was a very complex investigation in which the complaint was 'part upheld' in relation to bail conditions and effect on family life.</p> | |
| CO/00644/17 | Oppressive conduct or harassment | 18/07/17 | 2/08/17 | 14/03/18 | A vehicle was driven badly on a roundabout and the driver has ten held up a police badge and indicated towards the complainant in an aggressive manner that they were in the wrong – misuse of police ID. This complaint was converted to a recordable conduct matter. | |
| CO/01119/17 | Incivility, impoliteness and intolerance | 18/12/17 | 19/12/17 | 14/03/18 | <p>Complainant had issues with the way a visit from an officer was conducted. She felt the PC smirked and was patronising when interviewing her regarding breaching the conditions of a behaviour order. She accepted being spoken to but not in the way it was done. This led to a relapse in her mental health culminating in her walking in the middle of the road and police / ambulance being called.</p> <p>This complaint went to local resolution. Letter and redacted</p> | Officers appraised of 'how complainant felt' following visit. |

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|-------------|----------------------------------|---------------|---------------|----------------|---|---|
| | | | | | report sent to complainant. | |
| CO/00144/17 | Other assault | 01/02/17 | 13/02/17 | 15/10/17 | <p>On arrival at a hospital the complainant stated that the hospital staff had requested her to be searched. She alleges she was compliant but was handcuffed by a female police officer. She alleges that she was assaulted by the officer carrying out the search, causing bruising to her head. She further alleges that the search caused her to lose £20 and some of her belongings which were thrown onto a sofa.</p> <p>On investigation it was demonstrated that the complainant had severe mental health issues which on occasion turned to violent behaviour, this was confirmed by the hospital staff.</p> <p>After an intensive investigation it was determined that there was no case to answer. The complainant did not appeal.</p> | |
| CO/00086/17 | Corrupt practises | 16/01/17 | 19/01/17 | 09/06/17 | <p>The complainant alleges that a telephone call received for a police officer into an allegation was accusatory and inappropriate. After investigation it was determined that the complainant thought that he was told he had a criminal record as a result of alleged inappropriate contact with a girl on social media (he is a teaching assistant).</p> <p>It was determined that the police officer's main intention was to advise caution and not to put himself in a compromising situation and that the police phone call was essentially trying to help him.</p> <p>The complainant did not wish to take the matter further</p> | |
| CO/0050/17 | Lack of fairness or impartiality | 05/01/17 | 11/01/17 | 08/07/17 | <p>The complaint alleges that he was forcibly removed from the KFC in Hereford on the grounds that he was thought to be acting suspiciously around the town centre.</p> <p>He alleges that his vehicle was searched for no give reason. He further alleges that he attempted to make a complaint to</p> | |

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|-----|----------------|---------------|---------------|----------------|---|---|
| | | | | | Hereford police station but said that the sergeant on duty refused to accept the complaint. After a lengthy investigation it was determined that there was no case to answer and the complainant chose not to appeal | |

May 2018

| No. | Complaint Type | Date Received | Date Recorded | Date Finalised | Comments from OPCC | Additional information requested/ lessons learned |
|-------------|---|---------------|---------------|----------------|---|---|
| CO/00882/17 | Mishandling of property | 14/10/17 | 17/10/17 | 08/01/18 | The complainant is the managing director of a company who was in dispute with an ex-employee regarding the return of a phone used in the course of employment. The allegation is that the subject officer did not secure the property for return as he was requested to do by the complainant. It was determined that the officer admitted that he failed to respond to the complainant quickly and effectively. It was agreed that there was no criminal intent and should be dealt with by local resolution. | |
| CO/00691/17 | Other assault | 27/07/17 | 14/08/17 | 27/11/17 | The complainant approached a speed enforcement van to challenge the operation within. The operator pushed the complainant away from the window and closed the window which resulted in the complainant having a cut arm. Despite repeated requests for the complainant to contact the investigating officer, none were returned. In any event an investigation was carried out and the officer was found not to have acted in the manner suggested by the complainant. | |
| CO/00189/17 | Unlawful/ unnecessary arrest or detention | 15/02/17 | 24/02/17 | 22/01/18 | The complainant alleged that his arrest was not necessary as the officer did not take time to ascertain the facts. He further alleges that during his arrest, he was subject to | |

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|-------------|-----------------------------------|---------------|---------------|----------------|--|---|
| | | | | | <p>excess force. When in custody, he declared he was not read his full rights and was refused a request for a solicitor.</p> <p>The officer was called to a public house to help the eviction of the complainant and his wife who were both very drunk. They were both arrested and taken into custody. Both appeared in court.</p> <p>Despite repeated attempts to contact them regarding the complaints, nothing was heard and the investigating officer discontinued the case.</p> | |
| CO/01116/17 | Lack of fairness and impartiality | 14/012/17 | 19/12/17 | 01/03/18 | <p>Solicitor writes on behalf of complainant regarding conduct of an officer acting outside of victim review team saying she is not attached to this unit; yet responded to request sent to the website link for rights to review sighting 'matters subjudice' which was clearly not the case.</p> <p>Solicitor believes officer's emails demonstrated targeted malice. Following a detailed review of the factors, confusion was propagated because complainant has left with the understanding that there is an actual team for the 'victim right to review'. This is not the case and was avoidable.</p> <p>The officer did not establish that the incident report had not been raised as a crime (and which therefore logically cannot be considered under any notice of 'victim right to review'.) but rather mistakenly understood that a) the matter was subject of an open criminal investigation, and b) already linked to an existing complaint being managed by an Inspector.</p> <p>IO discussed this with the officer concerned and advice was given. No misconduct found, no targeted malice found. Complaint upheld due to a situation that could have been</p> | |

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| | | | | | handled better by the officer concerned. | |
| CO/00502/17 | Other assault | 21/05/17 | 08/06/17 | 22/03/18 | <p>Following an animal abuse incident the complainant put in a complaint about the officers conduct, tone and attitude. The complaint was reassigned to a new IO in August and there was a 28 day review in December.</p> <p>Somewhere along the timeline the complainant ceased to cooperate and the file was closed in February 2018.</p> <p>It is difficult to determine whether timescales affected the individual's confidence in the review.</p> | |
| CO/00001/18 | Serious non-sexual assault | 02/01/18 | 02/01/18 | 24/07/18 | <p>Originally recorded as potential gross misconduct on 02/01/18. This was re-assessed as not misconduct following the IO viewing body worn video of 2 officers.</p> <p>Following a struggle, the complainant was moved from the bonnet of a police car to the ground in order to gain control. The complainant continues to struggle and PAVA spray was use to effect the arrest.</p> <p>The use of force forms were correctly completed and nothing in the evidence supported the complainant's assertions.</p> | |

June 2018

| No. | Complaint Type | Date Received | Date Recorded | Date Finalised | Comments from OPCC | Additional information requested/ lessons learned |
|-------------|--------------------------|---------------|---------------|----------------|--|--|
| CO/00930/17 | Discriminatory behaviour | 25.10.17 | 27.10.17 | 08.01.18 | <p>The complainant has moved into a flat from a traveller's site and was known to the police. On the evening of 24.10.17 he was in bed and responded to a knock on the door and was confronted by 2 PCs who advised him they were looking for a man and a woman.</p> <p>The complainant told them they lived in another part of the building. He believed that the officers only knocked on his door because they knew him from the traveller's site and felt that he was being harassed and a form of hate crime.</p> <p>The investigation concluded that the officers had visited all of the flats and that the complainant's was included in the search.</p> <p>After an excellent final letter he chose not to appeal.</p> | |
| CO/00854/17 | Mental health (racism) | 29.09.17 | 09.10.17 | 28.02.18 | <p>On 09/07/17 in Stratford-upon-Avon, the complainant was dealt with by the subject officer in respect of mental health issues where he claimed to be suicidal. The complainant is subject to a risk management plan and has reported his allegations to the victim management unit on 29/09/17.</p> <p>He claims that during the incident the officers were racist to him.</p> <p>De-recorded 10/10/17, withdrawn by complainant 01/02/18.</p> | No details recorded as to why complaint was withdrawn. |
| CO/00279/14 | Sexual assault | 27.06.14 | 27.06.14 | 03.05.18 | <p>Complainant is related to a serving Warwickshire officer. She alleges she was abused 20 years ago when they were children. This is an extremely long case starting with Gross Misconduct, being referred to IPCC, then referred back to force.</p> | |

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| | | | | | <p>One trial gave 2 not guilty verdicts and 6 undecided charges. A second trial went into charges and evidence of the charges that had been found not guilty, and was ordered to be a re-trial.</p> <p>Upon the final trial, the officer was found not guilty on the other 6 charges and is now back on duty following a very difficult 4 years of being under suspicion, suspension and pressure.</p> <p>With hindsight it appears that due process was followed and correct decisions made throughout the process.</p> | |
| CO/30054/12 | Gender /Race / Other assault | 18.07.12 | 24.07.12 | 03.07.13 | <p>Complainant alleges that officers were uncivil and aggressive towards him. He was threatened with arrest. The Inspector pushed him and later frustrated his attempt to make a complaint.</p> <p>8 allegations in all covering 8 officers. One Inspector was subject of management action, other 7 officers were not found to have behaved incorrectly.</p> <p>The only complaint upheld was in relation to civility when dealing with the complaint initially.</p> | |
| CO/00013/18 | Neglect or failure in duty | 02.01.18 | 10.01.18 | 06.04.18 | <p>The complainant alleged that officers visited his home in relation to an allegation of harassment. He argued that without investigation he was warned not to visit another address; that without an investigation the warning was not accepted and justified.</p> <p>He also complained that the visit was recorded on BWV on a private premises without his permission.</p> <p>The investigation showed that the complainant was advised</p> | |

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| | | | | | <p>in the BWV recording that it was being used and he made no complaint at the time.</p> <p>The complainant chose not to appeal after this time.</p> | |
| CO/00135/18 | Other assault | 24.02.18 | 08.03.18 | 29.03.18 | <p>The complainant was arrested by an armed response unit and held at gun point, handcuffed and put into a police car.</p> <p>It was determined that the complainant's car had been stolen and used by armed robbers in another location, hence the need for the armed response unit for the arrest.</p> <p>The complainant accepted a full apology and chose not to appeal.</p> | |