

[REDACTED]

QUARTERLY REPORT: COMPLAINTS, MISCONDUCT & OTHER MATTERS

Report of the Chief Constable

Contact: Superintendent Steve Robinson

[REDACTED]

1. Purpose of Report

- 1.2 This report outlines the data and background to Complaints, Misconduct and other matters that have been processed in the quarter 1 October to 31 December 2012 by the Professional Standards Department.

It follows the agreed format required by the Police and Crime Commissioner and informs the PCC of the work being conducted; the paper also provides details of finalised cases.

2. Recommendation

- 2.1 That the Police and Crime Commissioner notes the report.

Chief Constable
Jim Barker-McCardle
Essex Police

[REDACTED]



3.0 COMPLAINTS AND CONDUCT REPORT – CONTENTS

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1. SIGNIFICANT/HIGH PROFILE CONDUCT AND COMPLAINT CASES

CM [REDACTED] IPCC Independent Investigation.

On the [REDACTED] 2012 an officer reported to PSD that [REDACTED] had failed to carry out a proper rape investigation and had allowed the suspect to be NFA'd when in fact the investigation was not complete. The officer admitted lying to [REDACTED] supervisor and the victim in relation to this matter. It was referred to the IPCC who passed it back to Essex Police but after further enquires were made and another investigation was deemed to be poor, it was re-referred to the IPCC who then took on the investigation as Independent.

The officer has been criminally interviewed for offences of Misconduct in a Public Office and Perverting the Course of Justice. The officer has resigned with effect from [REDACTED] 2013. The investigation report has been passed to the CPS for a charging decision.

C [REDACTED] - Circumstances – IPCC Independent Investigation

[REDACTED]

[REDACTED]

[REDACTED]

C [REDACTED] - Circumstances – IPCC Independent Investigation

This case was reported to PSD on [REDACTED] 2012 and relates to the arrest and charge of a male following a domestic related matter where he resisted arrest. He was charged with domestic related matters and assault on police. The case went to court and the four officers gave evidence. The district Judge dismissed the case against the male and also made comment about the four officers in relation to their evidence and the level of injuries sustained by the male at the time of the arrest, he determined that unlawful force had been used in making the arrest.

The IPCC investigation is on-going.

CM [REDACTED] – Circumstances- IPCC Independent Investigation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Misc [REDACTED] Circumstances - IPCC Independent Investigation

The IPCC independent investigation has concluded and the findings have been shared with the PCC. The publication date is to be confirmed.

Misc [REDACTED] - Circumstances - IPCC Independent Investigation

A male was arrested [REDACTED] Whilst in custody he was seen by a Health Care Professional and assessed as fit for detention with the caveat that a further risk assessment be made during/upon release; it appears that this was overlooked when the male was released. [REDACTED] after his release the male was found deceased, hanging in a public place.

As this was a death following police contact it was referred to the IPCC.

Misc [REDACTED] Circumstances - IPCC Independent Investigation

A [REDACTED] contacted police with a concern for welfare regarding [REDACTED] elderly mother as [REDACTED] had not had any contact for a week. An officer attended who states that [REDACTED] checked the address, liaised with neighbours and re-contacted the informant via FCR. A decision was made not to force entry but to await the arrival of a neighbour who was believed to hold a key and the officer left the immediate area. Shortly afterwards, another neighbour checked the property and upon looking through a side door letterbox saw the lady on the floor.

EP and Ambulance attended, entry was made and the lady taken to hospital where she [REDACTED] [REDACTED] The officer who attended has now retired from Essex Police.

CA [REDACTED] PSD Investigation

[REDACTED]

Misc [REDACTED] Circumstances - IPCC Independent Investigation

A [REDACTED] male was arrested for non payment of fine [REDACTED] Whilst being escorted from the boat on which he lived, it is believed he suffered an epileptic fit before falling of the jetty and into the mud and below. Officers applied leg restraints to facilitate pulling him from the mud and gave first aid; however the male was pronounced dead at the hospital. The officers are currently being treated as witnesses by the IPCC.

CM [REDACTED] - Circumstances - PSD Investigation

On [REDACTED] 2012 a dwelling burglary took place at a property in Chelmsford. Following an investigation, a male was arrested on [REDACTED] 2013. After making admissions in interview the male was dealt with by the use of a simple caution, which was authorised by the duty DI, supported by the Custody Sergeant and the OIC. The circumstances and result of this case was reported to the local press by the victim and attracted further media attention. A PSD investigation into this matter has been instigated as it appears the decision to caution was made against the wishes of the victim and in breach of policy.

[REDACTED]

[REDACTED]

2. SUSPENDED AND RESTRICTED OFFICERS AND POLICE STAFF

At the time of this report's submission, 4 members of police staff were suspended and 4 police officers; 4 officers were subject to restrictions of duty.

Officer/Police Staff Type	Date. Suspended	Allegation	Current Status
Police Staff CM/[REDACTED]	[REDACTED] 12	Allegation of breaches of DPA	Further DPA issues identified. Second interview required.
Police Staff CM/[REDACTED]	[REDACTED] /12	Discreditable conduct in relation to call taking	Investigation on-going
Pc CM/[REDACTED]	[REDACTED] 12	Alleged possession of indecent images of children	Investigation commenced. Arrested and on police bail
Pc Cm/[REDACTED]	[REDACTED] 12	Allegation of Rape/Assault	Investigation on-going
Police Staff CM/[REDACTED]	[REDACTED] 13	Alleged honesty & integrity re call taking	Communications Officer has resigned.
Pc CM/[REDACTED]	[REDACTED] 13	Alleged theft and domestic violence	Enquiries commenced
Police Staff CM/[REDACTED]	[REDACTED] 13	Sending emails to a colleague containing obscene images.	Investigation on-going.
Pc C/[REDACTED]	[REDACTED] 13	Allegation of harassment and sexual offences	Investigation commenced. Arrested and on police bail

3. CASES REFERRED TO THE IPCC

There were 6 mandatory referrals during the quarter. There were no voluntary referrals.

Mandatory (may include Serious Assault, Serious Corruption, Death Following Police Contact, Criminal Offences)			
Date Referred	Circumstances of Incident	IPCC Mode of Investigation Decision	Current Status
[REDACTED] 12	When talking to officers a male collapsed (pre-existing medical condition) and was placed in a medically induced coma at hospital.	Local	Finalised
[REDACTED] 12	Death following police contact (suicide).	Local	Finalised
[REDACTED] 12	Death following police contact (suicide).	Independent	Live
[REDACTED] 12	Death following police contact.	Independent	Live
[REDACTED] /12	Break to leg of suspect during arrest	Local	Live
[REDACTED] /12	Allegation of breach of article 3 whilst in custody. Racial comments alleged to have been made.	Local	Live

[REDACTED]

4. APPEALS MADE TO THE IPCC

APPEALS TO IPCC						
Date	Against Full Investigation	Upheld	Against LR Process	Upheld	Against Non-Recording	Upheld
1.1.12 to 31.3.12	22	3	0	0	3	0
1.4.12 to 30.6.12	19	1	1	0	2	0
01.7.12 to 30.9.12	22	0	2	0	11	3
01.10.12 to 31.12.12	18	1	1	0	6	2

The IPCC are currently 27 weeks behind in handling appeals. This means that the appeals received in the period (17) have not yet been allocated to a casework manager. There was 1 appeal upheld in the quarter (IPCC Fast track appeal) this was against a full investigation.

5. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2011		2012		2012		2012		2012	
	1.10.11 To 31.12.11	0	1.1.12 To 31.3.12	0	1.4.12 To 30.6.12	0	1.7.12 To 30.9.12	0	1.10.12 To 31.12.12	0
A	0	0	0	0	0	0	0	0	0	0
B	0	0	2	0	0	0	1	0	1	0
C	29	0	21	0	25	0	28	1	34	0
D	52	5	39	7	49	1	38	1	42	4
E	25	0	19	1	34	3	18	0	38	2
F	7	1	6	0	8	0	12	1	13	1
G	7	1	21	0	54	13	29	2	11	0
H	4	1	4	0	4	0	2	0	1	1
J	8	0	10	0	16	0	8	0	9	0
K	1	0	1	0	0	0	0	0	0	0
L	6	0	9	0	9	0	10	0	13	0
M	31	0	23	0	26	4	25	0	45	1
N	0	0	1	0	0	0	2	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	15	0	16	0	22	1	19	2	19	1
R	1	0	5	0	7	1	5	1	4	0
S	146	11	147	5	147	8	131	6	151	9
T	3	0	6	0	17	2	6	0	4	0
U	41	5	46	2	40	4	58	7	33	3
V	4	1	3	0	0	0	3	0	4	0
W	7	0	6	1	6	0	2	0	3	0
X	10	2	8	1	11	1	4	1	11	1
Y	0	0	0	0	0	0	0	0	0	0
									5**	
Total	397	27*	393	21*	475	38*	401	22	441	23*

* Complaints against Police Staff included in the totals.

** Complaints post 22/11/12 recorded as organisational allegations, not conduct matters.

A	Serious Assault	N	Breach of Code D – Identification
B	Sexual Assault	P	Breach of Code E – Tape Recording
C	Other Assault	Q	Lack of Fairness & Impartiality
D	Oppressive Conduct	R	Breaches not in a specific code
E	Unlawful/Unnecessary Arrest	S	Failures in Duty
F	Discriminatory Behaviour	T	Other Irregularity in Procedure
G	Irregularity in Evidence/Perjury	U	Incivility
H	Corrupt Practice	V	Traffic Irregularity
J	Mishandling of Property	W	Other
K	Breach of Code A - Stop & Search	X	Improper Disclosure of Information
L	Breach of Code B – Search & Seizure	Y	Other Sexual Conduct
M	Breach of Code C – Detention		

6. **FORCE COMPARISON**

This data covers the Home Office and IPCC reporting year to date; 1 April to 31 December 2012. It compares complaint levels to establishment strength, provides a breakdown of complaint finalisation and details the most prevalent complaint codes for each force.

					Essex					
Established										
Police Officers	3365	3774	3499	2066	3485	3770	1457	2337		
Police Staff	2491	2642	2181	1668	1967	2717	1457	1444		
Police Specials	463	448	645	399	550	295	167	195		
PCSO	435	351	359	253	405	378	208	-		
Total Force Strength	6754	7215	6684	4386	6731	7160	3289	3976		
Complaints										
Total Cases	672	642	956	322	685	690	272	320		
Total Allegations	1193	1189	1714	753	1304	977	549	590		
Total Complainants	707	717	1081	370	803	735	293	330		
/1000 establishment	190.79	164.79	287.25	179.03	188.25	152.54	89.08	148.39		
1	S - 371	S - 390	S - 577	S - 191	S - 423	S - 236	S - 171	S - 129		
2	U - 225	U - 167	U - 272	U - 81	U - 131	U - 118	U - 83	U - 106		
3	C - 144	C - 132	D - 156	D - 73	D - 126	Q - 90	C - 40	D - 73		
4	L - 59	D - 100	C - 132	C - 60	M - 96	C - 87	T - 37	C - 64		
5	E/Q - 59	M - 61	Q - 85	E - 52	G - 94	D - 72	W - 35	M - 31		

					Essex					
Completions										
Locally Resolved	380	262	405	257	281	78	152			
Withdrawn	49	63	152	123	73	58	39			
Dispensation	62	38	109	153	53	22	54			
Discontinuance	0	0	3	2	38	5	63			
Unsubstantiated	0	1	1	12	0	0	0			
Substantiated	0	5	2	0	0	0	0			
Upheld - by PSD	32	24	31	11	25	9	11			
Upheld - by Area	62	62	90	53	21	53	54			
Not Upheld - by PSD	92	116	39	55	71	159	98			
Not Upheld - by Area	399	399	584	299	234	199	331			
Others	2	0	1	8	1	0	6			
Total Finalised	1078	969	1417	973	797	583	658			495

7. ALLEGATIONS OF INCIVILITY - COMPLAINT CODE U

There were 33 complaints in this category recorded during this quarter compared to 41 in the same period last year. Allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to Communicate	7
Failure to investigate	9
Arrest/Detention	6

ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 151 complaints in this category recorded during this quarter compared to 146 in the same period last year. The allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to investigate an incident	56
Failure to Communicate	12
Arrest/Detention	17

8. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR

There were 13 allegations made during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Racial	Black African Male	Live
Racial	Black Male	Live
Racial	Black African Male	Live
Racial	Black African Male	Locally Resolved
Racial	Black African Male	Live
Other	White Male	Live
Racial	Not Stated Female	Live
Racial	White Female	Live
Racial	White Female	Live
Racial	Pakistani Male	Live
Racial	Female Traveller	Closed Not Upheld
Gender	White Transgender	Live
Racial	Black African Male	Live

9. PERFORMANCE DATA

9a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Proven/upheld	20	8.2
Not proven/not upheld	58	23.8
Locally Resolved	105	43.0
Withdrawn	49	20.1
Dispensation	12	4.9
Total	244	

9b. SUBSTANTIATED/UPHELD COMPLAINTS

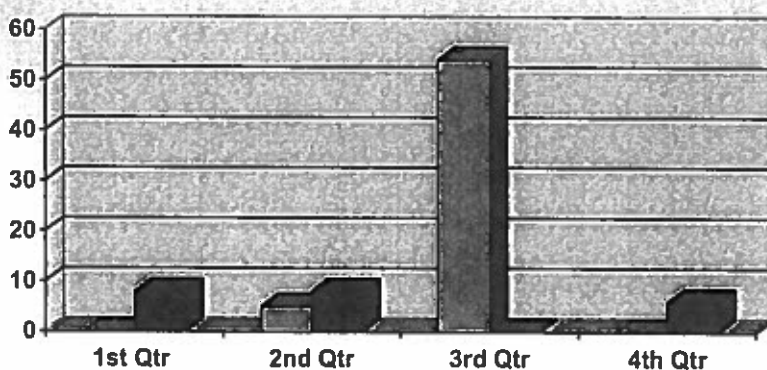
Ref No	Action Taken	HO Code	Rank	Gender	Ethnicity
c/ [REDACTED]	Management Action	S	2 x Pc	M	W1
c/ [REDACTED]	Management Action	S	1 x Staff	M	W1
c/ [REDACTED]	Management Action	S	1 x PCSO & 1 x Ps	M	W1
c/ [REDACTED]	Management Action	T	1 x Pc	M	W1
c/ [REDACTED]	Management Action	1 x S & 1 x T	2 x Specials	M	W1
c/ [REDACTED]	Management Action	S	1 x Ps	M	W1
c/ [REDACTED]	Management Action	M	1 x Ps	M	W1
c/ [REDACTED]	Management Action	M	1 x Insp, 2 x Ps	M	W1
c/ [REDACTED]	Management Action	S	1 x Ps	M	W1
c/ [REDACTED]	Management Action	J	No officers identified.	N/A	N/A
c/ [REDACTED]	Management Action (for Ps) & Written Warning (for Pc)	M C	1 x Pc & 1 x Ps	F & M	W1
c/ [REDACTED]	Management Action	S	1 x Staff	F	W1
c/ [REDACTED]	Management Action	S	2 x Pc	M	W1
c/ [REDACTED]	Management Action	X	No officers identified.	N/A	N/A
c/ [REDACTED]	Management Action	M	1 x Pc & 1 x Ps	M	W1
c/ [REDACTED]	Management Action	S	1 x Pc	M	W1
c/ [REDACTED]	Management Action	U	1 x Pc	M	W1
c/ [REDACTED]	Management Action	M	1 x Ps	M	W1
c/ [REDACTED]	Management Action	U	1 x Insp	M	W1

9c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

None

9d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were no certificates of merit and six Commendations issued in this quarter.



Letters of Congratulation
 Commendations



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It follows the agreed format required by the Police and Crime Commissioner and informs the PCC of the work being conducted; the paper also provides details of finalised cases.

2. Recommendation

- 2.1 That the Police and Crime Commissioner notes the report.

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Jim Barker-McCardle
Essex Police





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1. SIGNIFICANT/HIGH PROFILE CONDUCT AND COMPLAINT CASES

C/ [REDACTED] - Circumstances - IPCC Supervised Investigation

[REDACTED]

C/ [REDACTED] - Circumstances - IPCC Independent Investigation

This case was reported to PSD on [REDACTED] 2012 and relates to the arrest and charge of a male following a domestic related matter where he resisted arrest. He was charged with domestic related matters and assault on police. The case went to court and the four officers gave evidence. The district Judge dismissed the case against the male and also made comment about the four officers in relation to their evidence and the level of injuries sustained by the male at the time of the arrest, he determined that unlawful force had been used in making the arrest.

The IPCC investigation is complete, and has concluded that the use of force in this case was reasonable and proportionate. There is no case for the officers to answer in terms of misconduct.

CM [REDACTED] - Circumstances- IPCC Independent Investigation

[REDACTED]

C/ [REDACTED] PSD Investigation

[REDACTED]

[REDACTED]

[REDACTED]

CM [REDACTED] - Circumstances - PSD Investigation

On [REDACTED] 2012 a dwelling burglary took place at a property in Chelmsford. Following an investigation, a male was arrested on [REDACTED] 2013. After making admissions in interview the male was dealt with by the use of a simple caution, which was authorised by the duty DI, supported by the Custody Sergeant and the OIC. The circumstances and result of this case was reported to the local press by the victim and attracted further media attention. A PSD investigation into this matter has been instigated as it appears the decision to caution was made against the wishes of the victim and in breach of policy.

The Custody Sgt and the OIC have been interviewed and a date has been set to interview the DI.

NO CHANGE SINCE THE PREVIOUS REPORT ON THE CASES BELOW

C [REDACTED] - Circumstances - IPCC Independent Investigation

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Misc / [REDACTED] Circumstances - IPCC Independent Investigation

The IPCC independent investigation has concluded and the findings have been shared with the PCC. The publication date is to be confirmed.

Misc [REDACTED] - Circumstances - IPCC Independent Investigation

A male was arrested on suspicion of [REDACTED]. Whilst in custody he was seen by a Health Care Professional and assessed as fit for detention with the caveat that a further risk assessment be made during/upon release; it appears that this was overlooked when the male was released. [REDACTED] after his release the male was found deceased, [REDACTED].

As this was a death following police contact it was referred to the IPCC.

Misc / [REDACTED] Circumstances - IPCC Independent Investigation

A [REDACTED] contacted police with a concern for welfare regarding [REDACTED] elderly mother as she had not had any contact for a week. An officer attended who states that [REDACTED] checked the address, liaised with neighbours and re-contacted the informant via FCR. A decision was made not to force entry but to await the arrival of a neighbour who was believed to hold a key and the officer left the immediate area. Shortly afterwards, another neighbour checked the property and upon looking through a side door letterbox saw the lady on the floor.

EP and Ambulance attended, entry was made and the lady taken to hospital where she [REDACTED]. [REDACTED] The officer who attended has now retired from Essex Police.

[REDACTED]

[REDACTED]

Misc [REDACTED] - Circumstances - IPCC Independent Investigation

A [REDACTED] male was arrested for non payment of fine in relation to [REDACTED]. Whilst being escorted from the boat on which he lived, it is believed he suffered an epileptic fit before falling of the jetty and into the mud and below. Officers applied leg restraints to facilitate pulling him from the mud and gave first aid; however the male was pronounced dead at the hospital. The officers are currently being treated as witnesses by the IPCC.

2. SUSPENDED AND RESTRICTED OFFICERS AND POLICE STAFF

At the time of this report's submission, 3 members of police staff, 5 officers and 2 specials were suspended and 11 police officers were subject to restrictions of duty.

Officer/Police Staff Type	Date . Suspended	Allegation	Current Status
Police Staff CM [REDACTED]	[REDACTED].12	Allegation of breaches of DPA	Awaiting a misconduct hearing.
Pc CM [REDACTED]	[REDACTED].12	Allegation of Rape/Assault	NFA criminal. Awaiting assessment re misconduct or gross misconduct.
Police Staff CM [REDACTED]	[REDACTED]/12	Discreditable conduct in relation to call taking	Awaiting a misconduct hearing.
Pc CM [REDACTED]	[REDACTED].12	Alleged possession of indecent images of children	NFA criminal. Misconduct enquiries on-going.
Police Staff CM [REDACTED]	[REDACTED].13	Alleged discreditable conduct	Awaiting a misconduct hearing.
Pc CM [REDACTED]	[REDACTED].13	Alleged theft & domestic violence	On bail, second interview to be arranged.
Special Constable CM [REDACTED]	[REDACTED].13	Alleged fraudulent injury claim	On bail, criminal enquiry being carried out by the Economic Crime Unit.
Pc C [REDACTED]	[REDACTED].13	Alleged sexual assault	Interview completed. Bailed pending CPS decision.
Special Constable CM [REDACTED]	[REDACTED].13	Alleged breach of DPA	Interview to be arranged.
Pc CM [REDACTED]	[REDACTED].13	Breach of Confidentiality	Statements being collated. Further enquiries with Norfolk PSD to be carried out.

[REDACTED]

3. CASES REFERRED TO THE IPCC

There were 7 mandatory referrals during the quarter. There were no voluntary referrals.

Mandatory (may include Serious Assault, Serious Corruption, Death Following Police Contact, Criminal Offences)			
Date Referred	Circumstances of Incident	IPCC Mode of Investigation Decision	Current Status
13	A police officer is alleged to have tried to kiss a female detainee, [REDACTED]	Supervised	Live
13	Road Traffic Collision during a police pursuit resulting in a member of the public sustaining a fractured shoulder blade. The suspect, as a result of the incident, received a broken nose.	Back to Force	Live
13	Officers attended a domestic incident where a male was found to holding a piece of glass. The male cut himself, the injury was 20 cm long and described as 'deep and injurious'	Local	Live
13	A male alleged that he was assaulted by a police officer in the rear of a police vehicle causing a cut to his lip requiring stiches and a loss of sensation in the lip.	Local	Live
13	Death following police contact. An epileptic male had a fit after being arrested from which he did not recover.	Independent	Live
13	Allegation that a suspect suffered broken wrist, bruising to her left breast and was punched in her facial area during arrest.	Supervised	Live
13	Death following police contact, a male jumped from the QE2 bridge during a police negotiation.	Back to Force	Live

Voluntary (may include Public Confidence issues and any incidents which do not come under the Mandatory category but where the gravity of the subject matter or circumstances justifies referral).			
Date Referred	Circumstances of Incident	IPCC Mode of Investigation Decision	Current Status
	None this quarter as C [REDACTED] Shown earlier in the report was referred in April. This will appear in the next report.		

4. APPEALS MADE TO THE IPCC

APPEALS TO IPCC						
Date	Against Full Investigation	Upheld	Against LR Process	Upheld	Against Non-Recording	Upheld
1.4.12 to 30.6.12	19	1	1	0	2	0
01.7.12 to 30.9.12	22	0	2	0	11	3
01.10.12 to 31.12.12	18	1	1	0	6	2
01.01.13 to 31.03.13	20	2	1	0	1	0

The IPCC are still 27 weeks behind in handling appeals. This means that the appeals received in the period (20) have not yet been allocated to a casework manager. There were 2 appeals upheld in the quarter (IPCC Fast track appeals) these were against a full investigation.

APPEALS MADE TO THE CHIEF OFFICER

Following the implementation of the Police Reform and Social responsibility Bill (2011), appeals for issues which are not serious in nature, e.g. criminal matters, issues likely to result in disciplinary proceedings or those which have been subject to a mandatory referral to the IPCC are now handled by the Professional Standards Department. The number registered in the last quarter are shown in the table below

APPEALS TO CHIEF OFFICER						
Date	Against Full Investigation	Upheld	Against LR Process	Upheld	Against Disapplication	Upheld
01.01.13 to 31.03.13	6	0	1	0	7	1

5. **TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE**

	2012		2012		2012		2012		2013	
	1.1.12 To 31.3.12		1.4.12 To 30.6.12		1.7.12 To 30.9.12		1.10.12 To 31.12.12		1.1.13 To 31.3.13	
A	0	0	0	0	0	0	0	0	0	0
B	2	0	0	0	1	0	1	0	2	0
C	21	0	25	0	28	1	34	0	23	0
D	39	7	49	1	38	1	42	4	47	3
E	19	1	34	3	18	0	38	2	17	0
F	6	0	8	0	12	1	13	1	5	0
G	21	0	54	13	29	2	11	0	13	1
H	4	0	4	0	2	0	1	1	0	0
J	10	0	16	0	8	0	9	0	7	0
K	1	0	0	0	0	0	0	0	2	0
L	9	0	9	0	10	0	13	0	13	0
M	23	0	26	4	25	0	45	1	24	1
N	1	0	0	0	2	0	0	0	2	0
P	0	0	0	0	0	0	0	0	0	0
Q	16	0	22	1	19	2	19	1	6	0
R	5	0	7	1	5	1	4	0	8	1
S	147	5	147	8	131	6	151	9	128	6
T	6	0	17	2	6	0	4	0	9	0
U	46	2	40	4	58	7	33	3	24	5
V	3	0	0	0	3	0	4	0	1	0
W	6	1	6	0	2	0	3	0	0	0
X	8	1	11	1	4	1	11	1	8	0
Y	0	0	0	0	0	0	0	0	0	0
							5**		10**	
Total	393	21*	475	38*	401	22	441	23*	349	17*

* Complaints against Police Staff included in the totals.

** Complaints post 22/11/12 recorded as organisational allegations, not conduct matters.

A	Serious Assault	N	Breach of Code D – Identification
B	Sexual Assault	P	Breach of Code E – Tape Recording
C	Other Assault	Q	Lack of Fairness & Impartiality
D	Oppressive Conduct	R	Breaches not in a specific code
E	Unlawful/Unnecessary Arrest	S	Failures in Duty
F	Discriminatory Behaviour	T	Other Irregularity in Procedure
G	Irregularity in Evidence/Perjury	U	Incivility
H	Corrupt Practice	V	Traffic Irregularity
J	Mishandling of Property	W	Other
K	Breach of Code A - Stop & Search	X	Improper Disclosure of Information
L	Breach of Code B – Search & Seizure	Y	Other Sexual Conduct
M	Breach of Code C – Detention		

6. **FORCE COMPARISON**

This data covers the Home Office and IPCC reporting year to date; 1 April 2012 to 31 March 2013. It compares complaint levels to establishment strength, provides a breakdown of complaint finalisation and details the most prevalent complaint codes for each force.

						Essex				
Established										
Police Officers	3365	3774	3499	2066	3770	3485	2066	3770	1457	2337
Police Staff	2491	2642	2181	1668	2717	1967	1668	2717	1457	1444
Police Specials	463	448	645	399	295	550	399	295	167	195
PCSO	435	351	359	253	378	405	253	378	208	-
Total Force Strength	6754	7215	6684	4386	7160	6731	4386	7160	3289	3976
Complaints										
Total Cases	897	882	1228	433	962	914	433	962	380	465
Total Allegations	1569	1645	2207	1008	1332	1651	1008	1332	770	902
Total Complainants	954	965	1370	485	1015	1057	485	1015	413	484
/1000 establishment	250.92	227.99	369.87	241.21	208	238.34	241.21	208	234.1	226.86
1	S - 506	S - 550	S - 760	S - 264	S - 302	S - 551	S - 264	S - 302	S - 265	S - 242
2	U - 287	U - 227	U - 345	D - 103	U - 159	D - 172	D - 103	U - 159	U - 110	U - 153
3	C - 184	C - 184	D - 203	U - 102	Q - 124	U - 157	U - 102	Q - 124	C - 58	D - 98
4	D - 83	D - 132	C - 165	C - 83	C - 114	M - 122	C - 83	C - 114	D - 43	C - 91
5	L - 69	M - 86	Q - 115	E - 65	D - 89	C - 108	E - 65	D - 89	M - 37	M - 43

						Essex						
Completions												
Locally Resolved	535	391	596	414	134	367	133	232				
Withdrawn	52	73	177	153	55	104	65	44				
Dispensation	81	47	133	174	76	65	25	30				
Discontinuance	0	0	3	3	0	41	0	13				
Unsubstantiated	0	1	9	12	0	0	0	0				
Substantiated	0	5	2	0	2	0	0	0				
Upheld - by PSD	36	36	42	14	24	31	25	9				
Upheld - by Area	104	83	111	72	60	41	61	29				
Not Upheld - by PSD	135	159	68	72	173	86	219	21				
Not Upheld - by Area	551	532	774	429	432	417	222	319				
Others	10	13	25	61	14	31	2	25				
Total Finalised	1504	1340	1940	1404	970	1183	769	722				

[REDACTED]

7. ALLEGATIONS OF INCIVILITY - COMPLAINT CODE U

There were 24 allegations recorded in this category during the quarter compared to 46 in the same period last year. Allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to Communicate	15
Failure to investigate	11
Arrest/Detention	4

ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 128 allegations recorded in this category during the quarter compared to 147 in the same period last year. The allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to investigate an incident	55
Failure to Communicate	19
Arrest/Detention	8

8. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR

There were 5 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Racial	Female a Black African	Live
Religion	Female – White British	Disapplication – out of time
Racial	Male – White Irish	Live
Gender	Male – White British	Locally Resolved
Racial	Male – Black Caribbean	Live

9. PERFORMANCE DATA

9a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Proven/upheld	16	7.2
Not proven/not upheld	71	32
Locally Resolved	75	33.8
Withdrawn	41	18.5
Dispensation/Disapplication	19	8.6
Total	222	

9b. SUBSTANTIATED/UPHELD COMPLAINTS

Ref No	Action Taken	HO Code	Rank	Gender	Ethnicity
c/ [REDACTED]	Management Action	M & T	1 x Pc	F	W1
c/ [REDACTED]	Management Action & Misconduct Meeting - result Formal Management Advice	Q & U	2 x Pc	M	W1
c/ [REDACTED]	Management Action	U	1 x Police Staff	M	W1
c/ [REDACTED]	Management Action	G	1 x Pc	F	W1
c/ [REDACTED]	Management Action	S	1 x Insp	M	W1

[REDACTED]

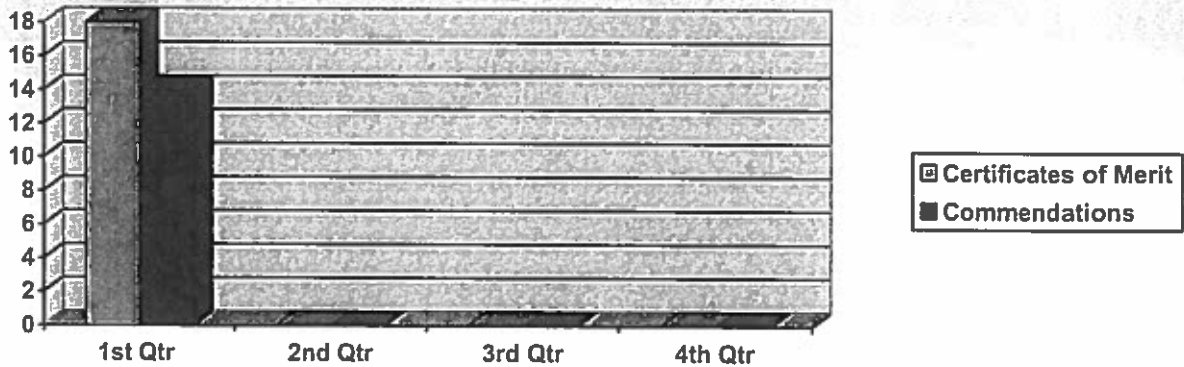
c/ [REDACTED]	Misconduct Meeting - result Formal Management Advice	S	1 x Dc	M	W1
c/ [REDACTED]	Management Action	S	1 x Pc	M	W1
c/ [REDACTED]	Management Action	D	1 x Ps	M	W1
c/ [REDACTED]	Management Action	L	2 x Pc	M	W1
c/ [REDACTED]	Case to Answer - No Acton	D	2 x Pc	M	W1
c/ [REDACTED]	Management Action	S	1 x Pc	M	W1
c/ [REDACTED]	Management Action	J	1 x Pc	F	W1
c/ [REDACTED]	Complaint Upheld - No officer identified	S	N/A	N/A	N/A
c/ [REDACTED]	Management Action	M	1 x Ps	M	W1
c/ [REDACTED]	Management Action	S	1 x Insp & 1 x Police Staff	F & M	W1
c/ [REDACTED]	Management Action	X	1 x Pc	M	W1

9c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

None

9d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 15 Certificates of Merit and 14 Commendations issued in this quarter.





QUARTERLY REPORT: COMPLAINTS, MISCONDUCT & OTHER MATTERS

Report of the Chief Constable

Contact: Superintendent Steve Robinson



1. Purpose of Report

- 1.2 This report outlines the data and background to Complaints, Misconduct and other matters that have been processed in the quarter 1 April to 30 June 2013 by the Professional Standards Department.

It follows the agreed format required by the Police and Crime Commissioner and informs the PCC of the work being conducted; the paper also provides details of finalised cases.

2. Recommendation

- 2.1 That the Police and Crime Commissioner notes the report.

Stephen Kavanagh
Chief Constable
Essex Police





3.0 COMPLAINTS AND CONDUCT REPORT – CONTENTS

- 1. Significant/High Profile Complaint and Conduct Cases**
- 2. Suspended and Restricted Officers**
- 3. Cases Referred to the IPCC**
- 4. Appeals Made to the IPCC and the Chief Officer.**
- 5. Table Of Complaints Received By Home Office Code**
- 6. Most Similar Force Comparison**
- 7. Allegations of Incivility – Code U & Failure in Duty – Code S**
- 8. Discriminatory Behaviour**
- 9. Performance Data:**
 - 9a. Finalised Complaint Cases**
 - 9b. Substantiated/Upheld Complaints**
 - 9c. Complaint Investigations over 90 days.**
 - 9d. Commendations/Letters of Appreciation.**



1. SIGNIFICANT/HIGH PROFILE CONDUCT AND COMPLAINT CASES

CM/ [REDACTED] - Circumstances- PSD investigation - [REDACTED]

On [REDACTED] 2013 two [REDACTED] police officers attended a domestic dispute; the matter was resolved by taking the female party involved to her friend's house. On [REDACTED] 2013 one of the officers who had attended viewed the related incident on [REDACTED] PDA. It is alleged that the friend and female party involved in the domestic were then contacted on facebook by that officer. The officer used three different names and met with the female involved on three different occasions. It is also alleged that [REDACTED] engaged in sexual text messaging with her and sent her a picture of [REDACTED]. The texts were discovered on the female's phone by [REDACTED] who made her tell her partner. As a result another domestic ensued culminating in her partner being arrested and detained [REDACTED].

The officer involved has been suspended and an investigation is being progressed.

CM/ [REDACTED] - Circumstances- PSD investigation [REDACTED]

[REDACTED]

UPDATE ON CASES PREVIOUSLY REPORTED ON

CI/ [REDACTED] - Circumstances - IPCC Supervised Investigation - [REDACTED]

[REDACTED]

CI/ [REDACTED] - Circumstances- IPCC Independent Investigation- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C/ [REDACTED] - PSD Investigation [REDACTED]

[REDACTED]

[REDACTED]

CM/ [REDACTED] - Circumstances - PSD Investigation [REDACTED]

On [REDACTED] 2012 a dwelling burglary took place at a property in Chelmsford. Following an investigation, a male was arrested on [REDACTED] 2013. After making admissions in interview the male was dealt with by the use of a simple caution, which was authorised by the duty DI, supported by the Custody Sergeant and the OIC. The circumstances and result of this case was reported to the local press by the victim and attracted further media attention. A PSD investigation into this matter has been instigated as it appears the decision to caution was made against the wishes of the victim and in breach of policy.

Update:

This case has been concluded; the 3 officers involved were given management action by a Chief Superintendent.

C/ [REDACTED] - Circumstances - IPCC Independent Investigation [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NO CHANGE SINCE THE PREVIOUS REPORT ON THE CASES BELOW

[REDACTED]

Misc - Circumstances - IPCC Independent Investigation

A male was arrested [redacted] Whilst in custody he was seen by a Health Care Professional and assessed as fit for detention with the caveat that a further risk assessment be made during/upon release; it appears that this was overlooked when the male was released. [redacted] after his release the male was found deceased, [redacted]

As this was a death following police contact it was referred to the IPCC.

Misc - Circumstances - IPCC Independent Investigation

A [redacted] contacted police with a concern for welfare regarding [redacted] elderly mother as she had not had any contact for a week. An officer attended who states that [redacted] checked the address, liaised with neighbours and re-contacted the informant via FCR. A decision was made not to force entry but to await the arrival of a neighbour who was believed to hold a key and the officer left the immediate area. Shortly afterwards, another neighbour checked the property and upon looking through a side door letterbox saw the lady on the floor.

EP and Ambulance attended, entry was made and the lady taken to hospital [redacted] The officer who attended has now retired from Essex Police.

Misc - Circumstances - IPCC Independent Investigation

A [redacted] male was arrested for non payment of fine in relation to [redacted] Whilst being escorted from the boat on which he lived, it is believed he suffered an epileptic fit before falling of the jetty and into the mud and below. Officers applied leg restraints to facilitate pulling him from the mud and gave first aid; [redacted] The officers are currently being treated as witnesses by the IPCC.

2. SUSPENDED AND RESTRICTED OFFICERS AND POLICE STAFF

At the time of this report's submission, 5 members of police staff, 3 officers and 1 special were suspended and 14 police officers were subject to restrictions of duty.

Officer/Police Staff Type	Date - Suspended	Allegation	Current Status
Police Staff CM/[redacted]	[redacted] 12	Discreditable conduct in relation to call taking	Awaiting a misconduct hearing.
Special Constable CM/[redacted]	[redacted] 13	Alleged fraudulent injury claim	On bail, criminal enquiry being carried out by the Economic Crime Unit.
Pc C/[redacted]	[redacted] 13	Alleged sexual assault	Interview completed. Bailed pending CPS decision.
Police Staff CM/[redacted]	[redacted] 13	Alleged discreditable conduct	Awaiting a misconduct hearing.
Pc CM/[redacted]	[redacted] 13	Breach of Confidentiality	Statements being collated. Further enquiries with [redacted] to be carried out.
PCSO CM/[redacted]	[redacted] 13	Breach of Confidentiality	Criminal investigation involving access of data on police systems. Investigation current.
PCSO CM/[redacted]	[redacted] 13	Alleged discreditable conduct.	Enquiries currently on-going
Police Staff CM/[redacted]	[redacted] 13	Alleged discreditable conduct	Enquiries currently on-going
Pc CM/[redacted]	[redacted] 13	Alleged discreditable conduct	Enquiries currently on-going

3. CASES REFERRED TO THE IPCC

There were 3 mandatory referrals during the quarter. There was 1 voluntary referral.

Mandatory (may include Serious Assault, Serious Corruption, Death Following Police Contact, Criminal Offences)			
Date Referred	Circumstances of Incident	IPCC Mode of Investigation Decision	Current Status
13	Death following police contact. After being released following his arrest [REDACTED] a male, (who had previously threatened suicide), was found deceased by hanging the following day.	Local	Live
13	An officer is alleged to [REDACTED] in order to be granted compassionate leave. [REDACTED]	Local	Live
13	An allegation was made involving historic abuse and sexual abuse within [REDACTED]. A suspect was identified and he was asked to attend a voluntary interview. [REDACTED]. The suspect did not return to the police station and was subsequently found hanged [REDACTED].	Local	Live

Voluntary (may include Public Confidence issues and any incidents which do not come under the Mandatory category but where the gravity of the subject matter or circumstances justifies referral).			
Date Referred	Circumstances of Incident	IPCC Mode of Investigation Decision	Current Status
13	A voluntary referral to the IPCC was made on the basis that this case could generate a significant amount of public interest. The case involves [REDACTED] by a [REDACTED] and complaints made by the family of those involved.	Local	Live

4. APPEALS MADE TO THE IPCC

APPEALS TO IPCC						
Date	Against Full Investigation	Upheld	Against LR Process	Upheld	Against Non-Recording	Upheld
01.10.12 to 31.12.12						
01.01.13 to 31.03.13	18	1	1	0	6	2
01.01.13 to 31.03.13	20	2	1	0	1	0
01.04.13 to 30.06.13	18	0	2	0	7	2

The IPCC are 30 weeks behind in handling appeals. This means that the appeals received in the period (20) have not yet been allocated to a casework manager. There were 2 appeals upheld in the quarter (IPCC Fast track appeals) these were against a full investigation.

APPEALS MADE TO THE CHIEF OFFICER

Following the implementation of the Police Reform and Social responsibility Bill (2011), appeals for issues which are not serious in nature, e.g. criminal matters, issues likely to result in disciplinary proceedings or those which have been subject to a mandatory referral to the IPCC are now handled by the Professional Standards Department. The number registered in the last quarter are shown in the table below

APPEALS TO CHIEF OFFICER						
Date	Against Full Investigation	Upheld	Against LR Process	Upheld	Against Disapplication	Upheld
01.04.13 to 31.06.13	7	2	0	0	10	0

5. **TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE**

	2012		2012		2012		2013		2013	
	1.4.12 To 30.6.12		1.7.12 To 30.9.12		1.10.12 To 31.12.12		1.1.13 To 31.3.13		1.4.13 To 30.6.13	
A	0	0	0	0	0	0	0	0	0	0
B	0	0	1	0	1	0	2	0	0	0
C	25	0	28	1	34	0	23	0	26	1
D	49	1	38	1	42	4	47	3	33	3
E	34	3	18	0	38	2	17	0	22	1
F	8	0	12	1	13	1	5	0	8	0
G	54	13	29	2	11	0	13	1	8	1
H	4	0	2	0	1	1	0	0	0	0
J	16	0	8	0	9	0	7	0	17	0
K	0	0	0	0	0	0	2	0	2	0
L	9	0	10	0	13	0	13	0	13	1
M	26	4	25	0	45	1	24	1	29	1
N	0	0	2	0	0	0	2	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	22	1	19	2	19	1	6	0	11	0
R	7	1	5	1	4	0	8	1	5	0
S	147	8	131	6	151	9	128	6	98	3
T	17	2	6	0	4	0	9	0	1	0
U	40	4	58	7	33	3	24	5	39	4
V	0	0	3	0	4	0	1	0	4	0
W	6	0	2	0	3	0	0	0	2	1
X	11	1	4	1	11	1	8	0	1	0
Y	0	0	0	0	0	0	0	0	7	0
					5**		10**		7	
Total	475	38*	401	22	441	23*	349	17*	330	16*

* Complaints against Police Staff included in the totals.

** Complaints post 22/11/12 recorded as organisational allegations, not conduct matters.

A	Serious Assault	N	Breach of Code D – Identification
B	Sexual Assault	P	Breach of Code E – Tape Recording
C	Other Assault	Q	Lack of Fairness & Impartiality
D	Oppressive Conduct	R	Breaches not in a specific code
E	Unlawful/Unnecessary Arrest	S	Failures in Duty
F	Discriminatory Behaviour	T	Other Irregularity in Procedure
G	Irregularity in Evidence/Perjury	U	Incivility
H	Corrupt Practice	V	Traffic Irregularity
J	Mishandling of Property	W	Other
K	Breach of Code A - Stop & Search	X	Improper Disclosure of Information
L	Breach of Code B – Search & Seizure	Y	Other Sexual Conduct
M	Breach of Code C – Detention		

6. **FORCE COMPARISON**

This data covers the Home Office and IPCC reporting year to date; 1 April to 30 June 2013. It compares complaint levels to establishment strength, provides a breakdown of complaint finalisation and details the most prevalent complaint codes for each force.

					Essex				
Established									
Police Officers	3365	3774	3499	2066	3228	3770	1457		2337
Police Staff	2491	2642	2181	1668	1831	2717	1457		1444
Police Specials	463	448	645	399	600	295	167		195
PCSO	435	351	359	253	362	378	208		-
Total Force Strength	6754	7215	6684	4386	6021	7160	3289		3976
Complaints									
Total Cases	290	226	309	115	208	265	97		147
Total Allegations	541	429	532	261	329	322	188		284
Total Complainants	313	266	375	136	245	275	114		150
/1000 establishment	87.44	59.45	89.94	63.32	54.64	50.61	51.16		72.10
1	S - 196	S - 129	S - 179	S - 93	S - 97	S - 62	S - 68		S - 86
2	U - 92	U - 46	U - 87	M - 29	U - 39	U - 36	U - 26		D - 34
3	C - 66	D - 46	D - 48	C - 23	D - 33	C - 31	C - 19		U - 32
4	E - 31	C - 39	C - 33	D - 22	M - 29	T - 29	X - 11		Q - 23
5	D - 27	M - 29	Q - 20	Q - 14	C - 26	Q - 25	M/Q - 9		C - 19

					Essex				
Completions									
Locally Resolved	138	67	143	134	108	63	131	73	
Withdrawn	0	1	9	5	5	10	0	3	
Dispensation	10	1	11	4	3	2	13	0	
Discontinuance	0	0	1	0	0	7	0	0	
Upheld - by PSD	4	5	20	2	14	3	10	3	
Upheld - by Area	30	13	28	9	21	21	3	8	
Not Upheld - by PSD	46	36	33	61	49	9	39	11	
Not Upheld - by Area	108	102	210	45	132	106	23	74	
Others	24	26	59	7	69	51	10	22	
Total Finalised	360	251	514	271	401	272	229	194	

7. ALLEGATIONS OF INCIVILITY - COMPLAINT CODE U

There were 39 allegations recorded in this category during the quarter compared to 40 in the same period last year. Allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to Communicate	14
Failure to investigate	9
Arrest/Detention	9

ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 98 allegations recorded in this category during the quarter compared to 147 in the same period last year. The allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to Communicate	36
Failure to investigate an incident	20
Arrest/Detention	9

8. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR

There were 8 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Race	Female - White	Withdrawn
Race	Male – Black African	Live
Race	Male – Black African	Live
Race	Female - White	Live
Race	Male - Asian	Not Upheld
Race	Female - White	Live
Race	Male – Black African	Withdrawn
Mental Health	Female - White	Live

9. PERFORMANCE DATA

9a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Proven/upheld	32	14.0
Not proven/not upheld	65	28.6
Locally Resolved	72	31.7
Withdrawn	43	18.9
Dispensation/Disapplication	15	6.6
Total	227	

9b. SUBSTANTIATED/UPHELD COMPLAINTS

Ref No	Action Taken	HO Code	Rank	Gender	Ethnicity
C/	Management Action	E, S & Q	4 x Pc	3 x M & 1 x F	W1
C/	Management Action	D	Pc	M	W1
C/	Management Action	2 x M & 2 x S	2 x Pc	2 x M	W1
C/	Management Action	M	2 x Ps	2 x M	W1

C/ [REDACTED]	Management Action	J	2 x Members of Staff	1 x F & 1 x M	W1
C/ [REDACTED]	No Action	S	Pc	F	W1
C/ [REDACTED]	Management Action		2 x Pc & 1 x Ps	3 x M	W1
C/ [REDACTED]	Management Action	S	Member of Staff	F	W1
C/ [REDACTED]	Management Action	X	Dc	M	W1
C/ [REDACTED]	No Action	J	Dc	F	W1
C/ [REDACTED]	Management Action	S	Pc	M	W1
C/ [REDACTED]	Management Action	X	Pc	M	W1
C/ [REDACTED]	Management Action	S	Pc	M	W1
C/ [REDACTED]	Management Action	S	Pc	M	W1
C/ [REDACTED]	Management Action	S	Dc	F	W1
C/ [REDACTED]	Management Meeting – Final Written Warning	2 x S	Pc	M	W1
C/ [REDACTED]	Management Action	S	Pc	M	W1
C/ [REDACTED]	Management Action	S	Pc	M	W1
C/ [REDACTED]	Management Action	S	Pc	M	W1
C/ [REDACTED]	Management Action	U	Pc	M	W1
C/ [REDACTED]	Management Action	L	3 x Pc	1 x M & 2 c F	W1
C/ [REDACTED]	Management Action	S	2 x Members of Staff	2 x F	W1
C/ [REDACTED]	2 x No Action & 1 x Management Meeting – Written Warning	1 x C & 2 x S	1 x Dc & 1 x Pc	2 x M	W1
C/ [REDACTED]	Management Action	J	12 x Pc & 1 x Dc	9 x M & 4 x F	W1
C/ [REDACTED]	Management Action [REDACTED]	M	1 x Pc	M	W1
C/ [REDACTED]	No Action [REDACTED]		D&C (policy re use of handcuffs)	N/A	N/A
C/ [REDACTED]	No Action [REDACTED]		D&C (policy re use of handcuffs)	N/A	N/A
C/ [REDACTED]	No Action [REDACTED]		D&C (policy re use of handcuffs)	N/A	N/A
C/ [REDACTED]	No Action [REDACTED]		D&C (policy re use of handcuffs)	N/A	N/A
C/ [REDACTED]	Management Action	M	1 x Pc	M	W1
C/ [REDACTED]	Management Action	1 x C & 1 x U	1 x Pc	F	W1

9c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

Reference C [REDACTED] Days Under Investigation – 187

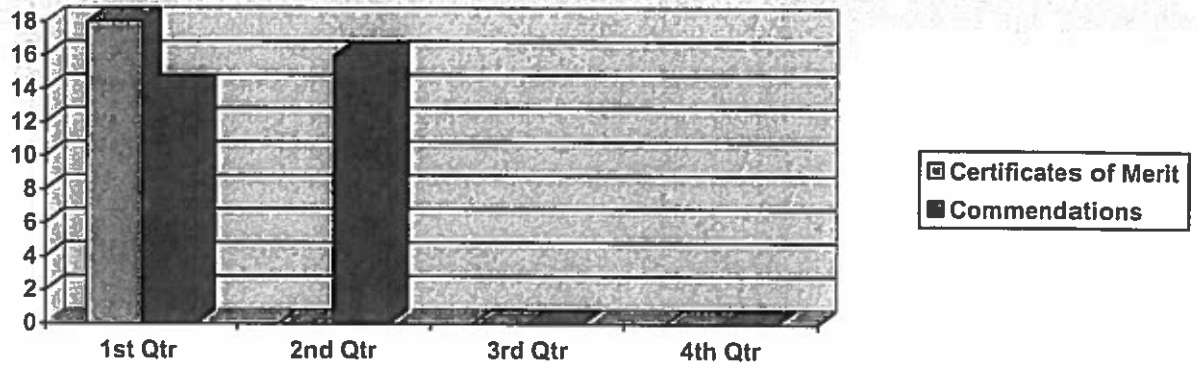
The complainant was arrested and subsequently made a complaint which contained a large number of allegations. The initial recording and allocation was done on [REDACTED] 2012. A short time later a number of other letters were received making additional complaints, along with an appeal to the IPCC around the non-recording of some matters and the outcome of the more minor issues, which had been dealt with in a swift manner.

Following the appeals being adjudicated upon (they were not upheld) the complainant did not engage with the complaints process and attempts to meet with him at his solicitors office remained unsuccessful until [REDACTED] 2013 when a meeting took place. At the meeting a revised set of complaint issues were agreed upon and these are currently being investigated.

[REDACTED]

9d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 0 Certificates of Merit and 16 Commendations issued in this quarter.





QUARTERLY REPORT: COMPLAINTS, MISCONDUCT & OTHER MATTERS

Report of the Chief Constable

Contact: Superintendent Steve Robinson



1. Purpose of Report

- 1.2 This report outlines the data and background to Complaints, Misconduct and other matters that have been processed in the quarter 1 July to 30 September 2013 by the Professional Standards Department.

It follows the agreed format required by the Police and Crime Commissioner and informs the PCC of the work being conducted; the paper also provides details of finalised cases.

2. Recommendation

- 2.1 That the Police and Crime Commissioner notes the report.

Stephen Kavanagh
Chief Constable
Essex Police



[REDACTED]

3.0 COMPLAINTS AND CONDUCT REPORT – CONTENTS

- 1. Significant/High Profile Complaint and Conduct Cases**
- 2. Suspended and Restricted Officers**
- 3. Cases Referred to the IPCC**
- 4. Appeals Made to the IPCC and the Chief Officer.**
- 5. Table Of Complaints Received By Home Office Code**
- 6. Most Similar Force Comparison**
- 7. Allegations of Incivility – Code U & Failure in Duty – Code S**
- 8. Discriminatory Behaviour**
- 9. Performance Data:**
 - 9a. Finalised Complaint Cases**
 - 9b. Substantiated/Upheld Complaints**
 - 9c. Complaint Investigations over 90 days.**
 - 9d. Commendations/Letters of Appreciation.**

[REDACTED]

Officers who attended the complainant's address to serve an harassment warning and conduct a welfare check of the complainant's children on behalf of [REDACTED]. The complainant alleges that they entered the house unlawfully and when [REDACTED] resisted this entry, [REDACTED] was assaulted. [REDACTED] alleges that [REDACTED] sustained numerous injuries including a head injury and a broken wrist. [REDACTED] was arrested and charged with Assault on Police, but acquitted at court.

CM/[REDACTED] - Circumstances- PSD investigation - [REDACTED]

A member of Police Staff [REDACTED]
[REDACTED] Awaiting interview as the member of staff is on sick [REDACTED]

CM/[REDACTED] - Circumstances- PSD investigation - [REDACTED]

This is an allegation of persistent bullying and sexual harassment by [REDACTED] towards [REDACTED] for whom [REDACTED] has line management responsibility. The [REDACTED] has been restricted and a Gross Misconduct investigation has commenced.

CM/[REDACTED] - Circumstances- PSD investigation [REDACTED]

An officer [REDACTED] has conducted a number of intelligence checks, storm check and crime file check regarding a case where [REDACTED] [REDACTED] has admitted accessing the information, but denied any disclosure; enquires are on-going.

CM/[REDACTED] - Circumstances- PSD investigation [REDACTED]

A Special Constable was involved in an RTC whilst on duty, lied about how it had occurred and was dealt with at a misconduct meeting. [REDACTED] also suggested [REDACTED] was injured and claimed compensation from Essex Police. An initial payment was made, but suspicions were raised. [REDACTED] was asked to provide evidence of loss of earnings and produced an invoice which was believed to have been fabricated by [REDACTED] with help [REDACTED] however this will be dealt with as a Gross Misconduct matter.

CM/[REDACTED] - Circumstances - PSD Investigation [REDACTED]

An audit identified a number of discrepancies within the records kept in respect of the retention and disposal of firearms in the possession of Essex police. [REDACTED]

[REDACTED]

CM/[REDACTED] - Circumstances- PSD investigation [REDACTED]

A [REDACTED] called 999 to report a drunken person who had been driven a significant distance and had disclosed [REDACTED] had hit something/someone. The Communications Officers failed to identify the risk and placed the call on a schedule response with the update that the person best sleep it off and we will chat in the morning. A Gross Misconduct investigation was conducted which found there was a case to answer and the matter was placed before a Hearing on [REDACTED] 2013, which resulted in the dismissal of the member of staff.

UPDATE ON CASES PREVIOUSLY REPORTED ON

CM/[REDACTED] - Circumstances- PSD investigation - [REDACTED]

[REDACTED]

CM [REDACTED] - Circumstances - PSD Investigation [REDACTED]

On [REDACTED] 2012 a dwelling burglary took place at a property in Chelmsford. Following an investigation, a male was arrested on [REDACTED] 2013. After making admissions in interview the male was dealt with by the use of a simple caution, which was authorised by the duty DI, supported by the Custody Sergeant and the OIC. The circumstances and result of this case was reported to the local press by the victim and attracted further media attention. A PSD investigation into this matter has been instigated as it appears the decision to caution was made against the wishes of the victim and in breach of policy.

The Custody Sgt and the OIC have been interviewed and a date has been set to interview the DI.

Update: This case has been concluded; the 3 officers involved were given management action by a Chief Superintendent.

Update: The CPS have agreed that the original caution was unsafe and the suspect has now been charged.

C [REDACTED] - Circumstances - IPCC Independent Investigation - [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Misc [REDACTED] - Circumstances - IPCC Independent Investigation [REDACTED]

A male was arrested on suspicion of [REDACTED]. Whilst in custody he was seen by a Health Care Professional and assessed as fit for detention with the caveat that a further risk assessment be made during/upon release; it appears that this was overlooked when the male was released. [REDACTED] after his release the male was found deceased, [REDACTED].

As this was a death following police contact it was referred to the IPCC.

Update: The IPCC's interim concerns are [REDACTED]

NO CHANGE SINCE THE PREVIOUS REPORT ON THE CASES BELOW

Misc [REDACTED] - Circumstances - IPCC Independent Investigation [REDACTED]

A [REDACTED] contacted police with a concern for welfare regarding [REDACTED] elderly mother as [REDACTED] had not had any contact for a week. An officer attended who states that [REDACTED] checked the address, liaised with neighbours and re-contacted the informant via FCR. A decision was made not to force entry but to await the arrival of a neighbour who was believed to hold a key and the officer left the [REDACTED]

immediate area. Shortly afterwards, another neighbour checked the property and upon looking through a side door letterbox saw the lady on the floor.

EP and Ambulance attended, entry was made and the lady taken to hospital where [REDACTED]. The officer who attended has now retired from Essex Police.

Misc [REDACTED] - Circumstances - IPCC Independent Investigation [REDACTED]

A [REDACTED] male was arrested for non payment of fine in relation to [REDACTED]. Whilst being escorted from the boat on which he lived, it is believed he suffered an epileptic fit before falling of the jetty and into the mud and below. Officers applied leg restraints to facilitate pulling him from the mud and gave first aid; [REDACTED]. The officers are currently being treated as witnesses by the IPCC.

2. SUSPENDED AND RESTRICTED OFFICERS AND POLICE STAFF

At the time of this report's submission, 3 members of police staff, 3 officers and 1 special were suspended and 13 police officers were subject to restrictions of duty.

Officer/Police Staff Type/Case	Date Suspended	Allegation	Current Status
PC CM/[REDACTED]	[REDACTED] 13	Alleged sexual assault	Charged with 8 offences, to appear at Ipswich Crown Court [REDACTED]
SC CM/[REDACTED]	[REDACTED] 13	Alleged fraudulent injury claim	CPS NFA. Enquiries regarding misconduct on-going.
PCSO CM/[REDACTED]	[REDACTED] 13	Breach of confidentiality	Criminal investigation involving large scale access of data on police systems. Investigation current.
PC CM/[REDACTED]	[REDACTED] 13	Alleged Discreditable Conduct	Hearing due on [REDACTED] 2013
Police Staff CM/[REDACTED]	[REDACTED] 13	Alleged Discreditable Conduct	With DCC. Awaits decision.
PC CM/[REDACTED]	[REDACTED] 13	Allegation of discreditable conduct and Breach of DPA	Enquiries on-going, numerous aggrieved, misconduct public office. [REDACTED]
PCSO CM/[REDACTED]	[REDACTED] 13	Breach of Confidentiality	Arrested and bailed to [REDACTED] file to CPS [REDACTED]
Police Staff CM/[REDACTED]	[REDACTED] 13	Allegation of discreditable conduct	Enquiries commenced – staff member retired [REDACTED] 13.
Police Staff CM/[REDACTED]	[REDACTED] 13	Allegation of discreditable conduct	On-going Enquiries.

3. CASES REFERRED TO THE IPCC

There were 7 mandatory referrals during the quarter.

Mandatory (may include Serious Assault, Serious Corruption, Death Following Police Contact, Criminal Offences)				
Case Ref No	Date Referred	Circumstances of Incident	IPCC Mode of Investigation Decision	Current Status
MI/ [REDACTED]	[REDACTED] 13	Death following police contact. Officers were advised of a concern for welfare for male who was [REDACTED]. The male was discovered at home, deceased, with no suspicious circumstances.	Local	Live
MI/ [REDACTED]	[REDACTED] 13	Police attended an incident where a male was threatening to pour petrol through the letterbox of a female's flat. [REDACTED]. On arrival the male had entered the property, officers knocked on the door and, at this time they smelt an accelerant. They became aware of fire within the building and entry was forced. Officers were beaten back by the flames and the suspect male was encouraged to jump from a third floor window. He landed on the concrete floor where he became unconscious and was later diagnosed with life threatening injuries.	Local	Live
CM/ [REDACTED]	[REDACTED] 13	Information was received by Essex Police that [REDACTED] had a relationship with the [REDACTED]. A review was commissioned to assess the working practices of [REDACTED]. This review identified what appeared to be inaccurate record keeping by [REDACTED] staff member, resulting in Essex Police being unable to confirm the location of [REDACTED].	Supervised	Live
C/ [REDACTED]	[REDACTED] 13	During arrest a male's false teeth fell out and as he reached out to grab them an officer stamped on his hand, breaking at least one of his fingers. He was seen by the custody medic who advised that he go to hospital. At [REDACTED] he was treated and his hand and wrist were placed in a plaster cast.	Local	Live
CM/ [REDACTED]	[REDACTED] 13	Essex Police first became aware of concerns about this Officer on [REDACTED] 2013 [REDACTED].	Supervised	Live
MI/ [REDACTED]	[REDACTED] 13	Following his arrest, a male was taken to [REDACTED] because he had sustained a head injury (this was not related to his arrest), he had been involved in a Road Traffic Collision. The information given by the hospital was that he was [REDACTED].	Local	Live

		not going to be discharged in the short term due to being under observation; [REDACTED] [REDACTED] As such 2 officers were tasked with attending the hospital to relieve the night shift officers who were with the male when handcuffs were applied, until he calmed down at which point he spoke with a doctor. A short time later, after using the toilet to urinate and brush his teeth, the male expressed a wish to again use the toilet, on this occasion he locked the door. The officers were aware that the door could be opened from the outside. After a period of a minute (approx.) an officer asked if the male was okay. He received no reply. When no reply was again made the officers entered where they found the male hanging from a coat peg/hook on the toilet wall. He had fashioned a ligature from the laces from his training shoes. He received medical attention, had no lasting injuries [REDACTED]		
MI/ [REDACTED]	[REDACTED] 3	Whilst in custody the detainee complained of abdominal cramps. Previously when being booked in she had stated that she was [REDACTED] pregnant. It was believed that she had suffered a miscarriage whilst in custody and she was taken to [REDACTED] where she received treatment. [REDACTED]	Back to Force	Finalised

There were no voluntary referrals.

	Voluntary (may include Public Confidence issues and any incidents which do not come under the Mandatory category but where the gravity of the subject matter or circumstances justifies referral).			
	Date Referred	Circumstances of Incident	IPCC Mode of Investigation Decision	Current Status

4. APPEALS MADE TO THE IPCC

APPEALS TO IPCC						
Date	Against Full Investigation	Upheld	Against LR Process	Upheld	Against Non-Recording	Upheld
01.01.13 to 31.03.13	18	1	1	0	6	2
01.01.13 to 31.03.13	20	2	1	0	1	0
01.04.13 to 30.06.13	18	0	2	0	7	2
01.07.13 to 30.09.13	7	0	2	0	3	1

The IPCC are 36 weeks behind in handling appeals. This means that the appeals received in the period (12) have not yet been allocated to a casework manager. Only one appeal was upheld in the quarter and this was against non recording.

APPEALS MADE TO THE CHIEF OFFICER

Following the implementation of the Police Reform and Social responsibility Bill (2011), appeals for issues which are not serious in nature, e.g. criminal matters, issues likely to result in disciplinary proceedings or those which have been subject to a mandatory referral to the IPCC are now handled by the Professional Standards Department. The number registered in the last quarter are shown in the table below

APPEALS TO CHIEF OFFICER						
Date	Against Full Investigation	Upheld	Against LR Process	Upheld	Against Disapplication	Upheld
01.07.13 to 30.09.13	14	3	5	2	4	2

5. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2012		2012		2013		2013		2013	
	1.7.12 To 30.9.12		1.10.12 To 31.12.12		1.1.13 To 31.3.13		1.4.13 To 30.6.13		1.7.13 To 30.9.13	
A	0	0	0	0	0	0	0	0	0	0
B	1	0	1	0	2	0	0	0	0	0
C	28	1	34	0	23	0	26	1	33	0
D	38	1	42	4	47	3	33	3	19	0
E	18	0	38	2	17	0	22	1	30	0
F	12	1	13	1	5	0	8	0	4	0
G	29	2	11	0	13	1	8	1	12	1
H	2	0	1	1	0	0	0	0	0	0
J	8	0	9	0	7	0	17	0	18	3
K	0	0	0	0	2	0	2	0	4	0
L	10	0	13	0	13	0	13	1	6	0
M	25	0	45	1	24	1	29	1	24	1
N	2	0	0	0	2	0	0	0	1	0
P	0	0	0	0	0	0	0	0	0	0
Q	19	2	19	1	6	0	11	0	13	0
R	5	1	4	0	8	1	5	0	9	1
S	131	6	151	9	128	6	98	3	126	14
T	6	0	4	0	9	0	1	0	7	1
U	58	7	33	3	24	5	39	4	57	5
V	3	0	4	0	1	0	4	0	6	0
W	2	0	3	0	0	0	2	1	4	1
X	4	1	11	1	8	0	1	0	6	1
Y	0	0	0	0	0	0	7	0	0	0
			5**		10**		7**		9**	
Total	401	22	441	23*	349	17*	330	16*	388	28

* Complaints against Police Staff included in the totals.

** Complaints post 22/11/12 recorded as organisational allegations, not conduct matters.

A	Serious Assault	N	Breach of Code D – Identification
B	Sexual Assault	P	Breach of Code E – Tape Recording
C	Other Assault	Q	Lack of Fairness & Impartiality
D	Oppressive Conduct	R	Breaches not in a specific code
E	Unlawful/Unnecessary Arrest	S	Failures in Duty
F	Discriminatory Behaviour	T	Other Irregularity in Procedure
G	Irregularity in Evidence/Perjury	U	Incivility
H	Corrupt Practice	V	Traffic Irregularity
J	Mishandling of Property	W	Other
K	Breach of Code A - Stop & Search	X	Improper Disclosure of Information
L	Breach of Code B – Search & Seizure	Y	Other Sexual Conduct
M	Breach of Code C – Detention		

6. **FORCE COMPARISON**

This data covers the Home Office and IPCC reporting year to date; 1 April to 30 June 2013. It compares complaint levels to establishment strength, provides a breakdown of complaint finalisation and details the most prevalent complaint codes for each force.

					Essex				
Established									
Police Officers	3365	3774	3499	2066	3228	3770	1457		2337
Police Staff	2491	2642	2181	1688	1831	2717	1457		1444
Police Specials	463	448	645	399	600	295	167		195
PCSO	435	351	359	253	362	378	208		-
Total Force Strength	6754	7215	6684	4386	6021	7160	3289		3976
Complaints									
Total Cases	484	478	516	212	378	471	186		247
Total Individual Allegations	864	882	782	468	581	487	339		442
Total Organisational Allegations	5	14	84	14	13	111	15		14
Total Complainants	518	544	604	245	432	487	216		253
/1000 establishment	140	122	132.21	113.54	96.50	76.55	103		112.21
1	S - 304	S - 278	S - 282	S - 179	S - 178	S - 130	S - 117	S - 139	
2	U - 155	D - 96	U - 148	M - 43	U - 83	U - 71	U - 48	U - 69	
3	C - 99	U - 86	D - 81	D - 42	C - 47	T - 55	C - 34	D - 51	
4	D - 53	C - 82	C - 55	C - 33	D - 46	C - 51	Q - 18	Q - 36	
5	E - 48	M - 56	Q - 38	U - 29	E - 46	Q - 48	D - 16	C/M - 22	

					Essex					
Completions										
Locally Resolved	217	177	231	112	261	99	233	114		
Withdrawn	0	1	11	6	5	16	-	3		
Dispensation	11	1	27	3	4	3	13	0		
Discontinuance	0	0	1	0	0	23	0	0		
Unsubstantiated	0	0	0	0	4	0	0	0		
Substantiated	0	0	0	0	0	0		0		
Upheld - by PSD	8	29	26	14	4	7	19	3		
Upheld - by Area	46	42	39	30	7	20	3	17		
Not Upheld - by PSD	67	131	62	51	75	12	82	13		
Not Upheld - by Area	239	229	325	177	58	119	27	76		
Others	31	42	112	102	30	80	23	40		
Total Finalised	619	653	834	495	448	379	400	266		

7. ALLEGATIONS OF INCIVILITY - COMPLAINT CODE U

There were 57 allegations recorded in this category during the quarter compared to 58 in the same period last year. Allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to Communicate	17
Failure to investigate	12
Arrest/Detention	7

ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 126 allegations recorded in this category during the quarter compared to 131 in the same period last year. The allegations are recorded under a number of criteria in relation to the circumstance; the 3 most common circumstances are shown in the table below.

Circumstance	
Failure to investigate an incident	57
Failure to Communicate	22
Arrest/Detention	8

8. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR

There were 4 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Gender	N/K - Male	Live – C/ [REDACTED]
Race	Asian Male	Live – C/ [REDACTED]
Religion/Faith	White Male	Withdrawn – C/ [REDACTED]
Race	Black Female	Live – C/ [REDACTED]

9. PERFORMANCE DATA

9a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Proven/upheld	14	8.8
Not proven/not upheld	45	28.3
Locally Resolved	54	34.0
Withdrawn	39	24.5
Disapplication	7	4.4
Total	159	

9b. UPHELD COMPLAINTS

Ref No.	Action Taken	HO Code	Rank	Gender	Ethnicity
C/ [REDACTED]	Management Action	S	DC	M	W1
C/ [REDACTED]	Management Action	G	PC	M	W1
C/ [REDACTED]	Management Action	C,E & M	PC	M	W1
C/ [REDACTED]	Management Action	S	PC	M	W1
C/ [REDACTED]	Management Action	S	PC	M	W1
C/ [REDACTED]	Management Action	D	2 x PC	1 x M & 1 x F	W1
C/ [REDACTED]	Management Action	E & M	2 x PC	2 x M	W1
C/ [REDACTED]	Management Action	M	1 x APS	M	W1

C/ [REDACTED]	Management Action	S	1 x PC	M	W1
C/ [REDACTED]	Management Action	S	1 x PS	M	W1
C/ [REDACTED]	N/A - Upheld no misconduct by officer	E	N/A	N/A	N/A
C/ [REDACTED]	Management Action	K	PC	M	W1
C/ [REDACTED]	Management Action		5 x Members of Staff	4 x F & 1 x M	W1
C/ [REDACTED]	Direction and Control (Organisational)	04	N/A	N/A	N/A

9c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

None

9d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 35 Certificates of Merit and 24 Commendations issued in this quarter.

