
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 October to 31 December 2013 by the Professional Standards Department.

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

2. Recommendation

2.1 That the Police and Crime Commissioner considers the report and raises issues through the quarterly meeting with the Deputy Chief Constable.

2.2 This report is suitable for publication once reference numbers have been removed

Stephen Kavanagh
Chief Constable
Essex Police

3.0 COMPLAINTS AND CONDUCT REPORT – CONTENTS

- 1. Significant/High Profile Complaint and Conduct Cases**
- 2. Suspended Officers and Police staff**
- 3. Appeals Made to the IPCC and the Chief Officer.**
- 4. Table Of Complaints Received By Home Office Code**
- 5. Allegations of Oppressive Conduct**
- 6 Allegations of Incivility**
- 7. Allegations of Discriminatory Behaviour**
- 8. Performance Data:**
 - 8a. Finalised Complaint Cases**
 - 8b. Substantiated/Upheld Complaints**
 - 8c. Complaint Investigations over 90 days.**
 - 8d. Commendations/Letters of Appreciation.**

1. SIGNIFICANT/HIGH PROFILE CONDUCT AND COMPLAINT CASES

NEW CASES

Independent Police Complaints Commission (IPCC) Supervised Investigation

It is alleged that an officer inappropriately disclosed police information.

The officer is under suspension.

Professional Standards Department (PSD) Investigation

An officer has been charged with illegal possession of firearms and is to appear at Ipswich Crown Court on 7 March 2014.

The officer is under suspension.

PSD Investigation

An officer is the subject of an off duty assault allegation. The officer appeared at Ipswich Magistrates Court on 15 January 2014 charged under Section 4 Public Order; the case was adjourned.

PSD Investigation

A complaint has been made that an officer sent inappropriate communications to a female after attending her home to deal with an incident.

PSD Investigation

An investigation is ongoing into allegations that a police staff member was in possession of indecent images.

The member of staff is under suspension.

CASES PREVIOUSLY REPORTED

PSD Investigation

A member of police staff has accessed and viewed a large quantity of records on Essex Police System and PNC relating to their family, friends and associates.

The member of staff is under suspension.

Update: Crown Prosecution Service charging advice has been sought.

PSD Investigation

It was alleged that an officer used excessive force on a youth after a criminal damage incident. The PC appeared at Ipswich Magistrates on 17 October 2013 and the case was dismissed.

Update: A gross misconduct hearing will be held.

IPCC Supervised investigation

An allegation has been made that officers unlawfully entered a residence and whilst arresting the occupant used excessive force, resulting in a broken wrist.

Update: The investigation is ongoing.

PSD investigation

It is alleged that an officer accessed and disclosed police information regarding an incident involving a relative.

Update: A gross misconduct meeting is to be held.

IPCC Independent Investigation

A male was found deceased shortly after leaving police custody; as this was a death following police contact it was referred to the IPCC.

Update: The IPCC investigation is ongoing.

IPCC Independent Investigation

Police attended a concern for welfare after which the female occupant died; as this was a death following police contact it was referred to the IPCC.

Update: The IPCC investigation is ongoing.

IPCC Independent Investigation

A male died shortly after being arrested for non payment of a fine; as this was a death following police contact it was referred to the IPCC.

Update: The IPCC investigation is ongoing.

PSD Investigation

An officer is alleged to have has an inappropriate relationship with a witness.

Update for January 2013: A gross misconduct hearing is to be held.

IPCC Supervised investigation

An officer is under investigation for abusing his position to form relationships with a number of females. It is also suspected that has carried out police checks without a policing purpose.

The officer is under suspension.

Update: A file has been submitted to the Crown Prosecution Service.

IPCC Supervised Investigation

A complaint was made about the investigation of a sexual offence.

Update: An appeal has been made by the complainants to the IPCC.

PSD Investigation

An officer is under investigation for sexually assaulting a female suspect; a second victim made similar allegations.

The officer is under suspension.

Update: The officer is due to attend trial at Ipswich Crown Court on 31 March 2014

IPCC Independent Investigation

A complaint was made that a sexual offence was investigated poorly.

Update: Three officers are to attend a gross misconduct hearing, subject to any appeal, other officers are to receive management action.

2. SUSPENDED OFFICERS AND POLICE STAFF

As at 31st December, in addition to the officers and staff members referred to in Part 1, one other member of police staff was under suspension in circumstances which are neither significant or high profile.

3. APPEALS MADE TO THE IPCC

(1). Where a complaint has been investigated by the Professional Standards Department, the complainant has a right of appeal to the IPCC if they are dissatisfied with the complaint investigation and/or its outcome.

(2). Where a complaint has been dealt with using the local resolution process, the complainant has a right of appeal to the IPCC should they be dissatisfied with the process or the actions taken to resolve the complaint. This only applies to complaints recorded before 22 November 2012; for complaints recorded after that date, the appeal authority is the Chief Officer.

(3). Matters submitted to the Professional Standards Department as complaints are reviewed and assessed to determine whether or not they should be formally recorded as a complaint. In cases where it would not be appropriate to record the matter as a complaint, the decision is explained and the person is advised of their right to appeal against the non recording of the complaint to the IPCC.

APPEALS TO THE IPCC						
Date	(1) Against Investigation	Upheld	(2)Against a local resolution	Upheld	(3)Against Non-Recording of a complaint	Upheld
1.1.13 to 31.3.13	20	2	1	0	1	0
1.4.13 to 30.6.13	18	0	2	0	7	2
1.7.13 to 30.9.13	7	0	2	0	3	1
1.10.13 to 31.12.13	6	0	0	0	2	1

The IPCC remain 36 weeks behind in handling appeals. This means that the investigation appeals received in the period (6) 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 Act, 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 numbers registered in the last quarter are shown in the table below.

APPEALS TO CHIEF OFFICER						
Date	Against the process or	Upheld	Against a Local	Upheld	Against Disapplication	Upheld

	outcome of a Local Investigation		Resolution			
1.07.13 to 30.09.13	14	3	5	2	4	2
1.10.13 to 31.12.13	17	3	3	0	3	1

In addition to the above two appeals made during this quarter are still under review and have not been finalised

4. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2012		2013		2013		2013		2013	
	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		1.10.13 To 31.12.13	
A	0	0	0	0	0	0	0	0	0	0
B	1	0	2	0	0	0	0	0	0	0
C	34	0	23	0	26	1	33	0	34	3
D	42	4	47	3	33	3	19	0	33	4
E	38	2	17	0	22	1	30	0	31	0
F	13	1	5	0	8	0	4	0	4	0
G	11	0	13	1	8	1	12	1	12	1
H	1	1	0	0	0	0	0	0	0	0
J	9	0	7	0	17	0	18	3	12	1
K	0	0	2	0	2	0	4	0	5	0
L	13	0	13	0	13	1	6	0	12	1
M	45	1	24	1	29	1	24	1	19	0
N	0	0	2	0	0	0	1	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	19	1	6	0	11	0	13	0	13	1
R	4	0	8	1	5	0	9	1	9	0
S	151	9	128	6	98	3	126	14	116	7
T	4	0	9	0	1	0	7	1	2	1
U	33	3	24	5	39	4	57	5	46	9
V	4	0	1	0	4	0	6	0	4	0
W	3	0	0	0	2	1	4	1	0	0
X	11	1	8	0	1	0	6	1	14	1
Y	0	0	0	0	7	0	0	0	1	0
	5**		10**		7**		9**		4**	
Total	441	23*	349	17*	330	16*	388	28*	371	29*
* 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		

5. ALLEGATIONS OF OPPRESSIVE CONDUCT - COMPLAINT CODE D

There were 33 allegations recorded in this category during the quarter compared to 42 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
Failure to investigate
Arrest/Detention

6. ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 116 allegations recorded in this category during the quarter compared to 151 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
Failure to Communicate
Arrest/Detention

7. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR

There were 4 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Race	Black - Male	Live – C/737/13
Homophobic	White - Male	Live – C/748/13
Race	White Male	Not Upheld – C/697/13
Race	White - Female	Live – C/857/13

8. PERFORMANCE DATA

8a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Proven/upheld	18	7.5
Not proven/not upheld	83	34.7
Locally Resolved	90	37.7
Withdrawn	33	13.8
Disapplication	15	6.3
Total	239	

8b. UPHELD COMPLAINTS

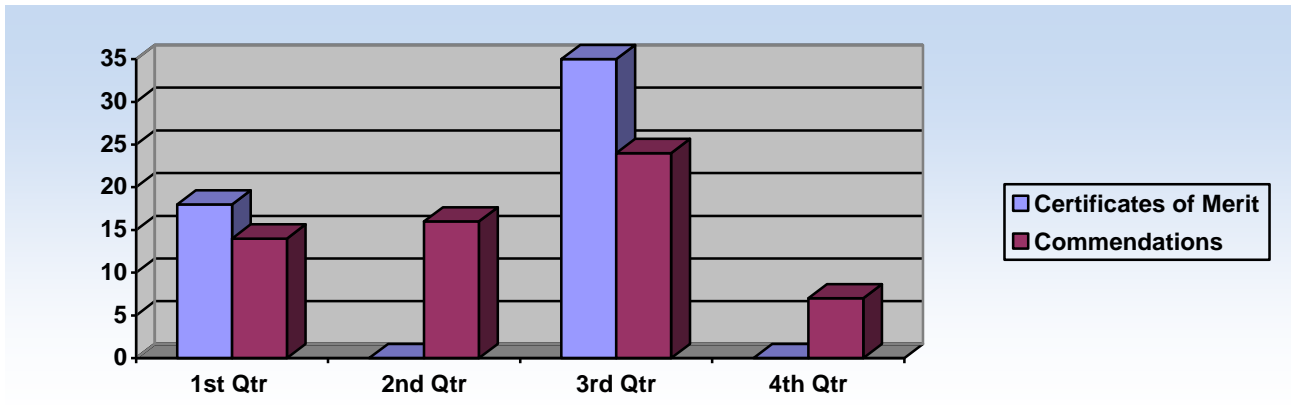
Ref No	Action Taken	Complaint Type	Rank	Gender	Ethnicity
C/113/12	Management Action	Neglect of Duty	2 x Pc	M	W1
C/204/12	Management Action	Neglect of Duty	1 x Ps	M	W1
C/342/12	Management Action	Neglect of Duty	1 x Insp and 1 x Ps	1 x M and 1 x F	W1
C/886/12	Management Action	Incivility	Ps	1 x M	W1
C/54/13	General Management Action	Improper disclosure of information	Officer U/K	N/A	N/A
C/115/13	Management Action	Breach Code C PACE	Ps	M	W1
C/140/13	Management Action	Traffic Irregularity	Pc	M	W1
C/240/13	Management Action	Neglect of Duty	1 x Ps	M	W1
C/299/13	Management Action	Breach Code B PACE	1 x Pc 2 x Dc	M	W1
C/335/13	Management Action	Neglect of Duty	1 x Pc	M	W1
C/385/13	Management Action	Mishandling of Property	1 x Insp	F	W1
C/421/13	Management Action	Breach Code C PACE	1 x Dc and 1 x Ps	M	W1
C/429/13	Management Action	Neglect of Duty	1 x Pc	1 x M	W1
C/461/13	Management Action	Neglect of Duty	2 x Pc 1 x Insp 1 x Ps and 3 x Police Staff	M F	6 x W1 and 1 x Asian
C/471/13	Management Action	Neglect of Duty	1 x Pc	M	W9
C/394/12	Management Action	Incivility	1 x Ds	M	W1
C/515/12	No Action recommended training provided before the case file was closed.	Neglect of Duty	1 x Dc	F	W1
C/765/12	Management Action	Neglect of Duty Incivility	2 x Police Staff and 2 x Pc	F M	W1

8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

None

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 0 Certificates of Merit and 7 Commendations issued in this quarter.



Please note that of the 7 Commendations awarded in the quarter – 1 relates to a police dog.