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**QUARTERLY REPORT: COMPLAINTS, MISCONDUCT & OTHER MATTERS**

Report of the Chief Constable

Contact: Superintendent Steve Robinson

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**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 period 1 April to 30 June 2014 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 raise any issues through the quarterly meeting with the Deputy Chief Constable.

Stephen Kavanagh  
Chief Constable  
Essex Police

**3.0 COMPLAINTS AND CONDUCT REPORT – CONTENTS**

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1. **SIGNIFICANT/HIGH PROFILE CONDUCT AND COMPLAINT CASES**

**NEW CASES**

**PSD Investigation**

An officer was found to have entered into an inappropriate relationship with a female after attending a domestic violence incident.

The officer has resigned and their details have been added to the nation disapproved register.

**PSD Investigation**

Concerns were raised that an officer was disclosing police information and acting inappropriately on and off duty by making racist and or sexist remarks. The officer has been arrested, bailed and is suspended.

**PSD Investigation**

It was found that a staff member had accessed police information and harassed an ex-partner. A criminal investigation is ongoing and the member of staff has been suspended.

**PPU Investigation**

An allegation has been made that an officer had an inappropriate sexual relationship whilst off duty. The officer has been arrested, bailed and suspended.

**CASES PREVIOUSLY REPORTED**

**PSD Investigation**

A complaint was made about how a search for a missing person, found deceased, was conducted.

Update: An inquest date has been agreed; the investigation is continuing and is to be completed before the inquest.

**PSD Investigation**

Concerns have been raised regarding previous police contact in respect of a murder investigation.

Update: Any complaint investigation will be placed on hold until the completion of the criminal investigation.

**PSD Investigation**

An allegation that an officer has breached of the Data Protection Act and Conspired to Pervert the Course of Justice.

The officer is suspended from duty.

Update: The investigation is ongoing.

**PSD Investigation**

An officer is the subject of an off duty assault allegation.

The officer appeared at Magistrates Court and was found not guilty, however a conduct investigation into Data Protection Act offences continues.

Update: the officer is to attend a misconduct meeting

### **PSD Investigation**

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

Update: The member of staff has resigned and the detail have been added to the national disapproved register.

### **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 was held and the officer was dismissed without notice; their details have been added to the national disapproved list.

Update: The officer appealed against the dismissal; the appeal was not upheld.

### **PSD investigation**

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

A gross misconduct hearing was held and the officer was dismissed without notice: their details have been added to the national disapproved list.

Update: The officer has lodged an appeal which is pending

### **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**

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 has been completed; publication of the investigation report will be considered after the inquest.

### **PSD Investigation**

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

A gross misconduct hearing was held and the officer was dismissed without notice; their details have been added to the national disapproved list.

Update: The officer appealed against the dismissal; the appeal was not upheld.

**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: The case has been scheduled for trial at Crown Court.

**IPCC Supervised Investigation**

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

A number of officers will appear before a misconduct meeting.

**PSD Investigation**

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

The officer is under suspension.

The officer is due to attend trial at Crown Court on 27 October 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.

**2. SUSPENDED OFFICERS AND POLICE STAFF**

As at 30 June 2014 6 police officers and 2 members of police staff were under suspension.

**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.

Date	(1) Against Investigation	Appeals Upheld	Appeals Not Upheld	Appeals Pending	(2) Against Local Resolution	Upheld	(3) Against Non Recording	Upheld

NOT PROTECTIVELY MARKED

1.7.13 to 30.9.13	7	2	5	0	2	0	3	1
1.10.13 to 31.12.13	6	4	2	0	0	0	2	1
1.1.14 to 31.3.14	6	0	0	6	0	0	10	4
1.4.14 to 30.6.14	9	0	2	7	0	0	10	5

The IPCC remain 18 weeks behind in handling appeals. This means that 7 of the investigation appeals received in the period have not yet been allocated to a casework manager. Of the 9 investigation appeals 4 relate to a complainant who is subject to special measures through the IPCC and who makes appeals each month. There are 2 upheld non recording appeals which relate to the force not making a recording decision, rather than the IPCC directing that a complaint be recorded.

**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.

<b>APPEALS TO CHIEF OFFICER</b>						
<b>Date</b>	<b>Against the process or outcome of a Local Investigation</b>	<b>Upheld</b>	<b>Against a Local Resolution</b>	<b>Upheld</b>	<b>Against Disapplication</b>	<b>Upheld</b>
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
1.1.14 to 31.3.14	19	1	7	0	1	0
1.4.14 to 30.6.14	19	0	2	1	2	0

Further to the data shown above, 7 appeals in relation to local investigation have been processed in the quarter whilst 12 remain outstanding. In addition there is 1 Local Resolution appeal to be reviewed from this quarter.

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

	2013		2013		2013		2014		2014	
	1.4.13 To 30.6.13		1.7.13 To 30.9.13		1.10.13 To 31.12.13		1/1/14 To 31.3.14		1/4/14 To 30/6/14	
<b>A</b>	0	0	0	0	0	0	0	0	0	0
<b>B</b>	0	0	0	0	0	0	0	0	0	0
<b>C</b>	26	1	33	0	34	3	36	0	41	2
<b>D</b>	33	3	19	0	33	4	23	2	22	2
<b>E</b>	22	1	30	0	31	0	27	1	29	1
<b>F</b>	8	0	4	0	4	0	6	0	14	0
<b>G</b>	8	1	12	1	12	1	7	1	8	0
<b>H</b>	0	0	0	0	0	0	1	0	3	0
<b>J</b>	17	0	18	3	12	1	20	3	11	2
<b>K</b>	2	0	4	0	5	0	3	1	4	0
<b>L</b>	13	1	6	0	12	1	10	0	8	0
<b>M</b>	29	1	24	1	19	0	22	1	38	3
<b>N</b>	0	0	1	0	0	0	0	0	0	0
<b>P</b>	0	0	0	0	0	0	0	0	0	0
<b>Q</b>	11	0	13	0	13	1	13	1	16	1
<b>R</b>	5	0	9	1	9	0	3	0	4	1
<b>S</b>	98	3	126	14	116	7	110	16	175	9
<b>T</b>	1	0	7	1	2	1	5	2	6	0
<b>U</b>	39	4	57	5	46	9	60	3	61	5
<b>V</b>	4	0	6	0	4	0	5	0	3	0
<b>W</b>	2	1	4	1	0	0	3	0	7	2
<b>X</b>	1	0	6	1	14	1	19	1	8	0
<b>Y</b>	7	0	0	0	1	0	1	0	0	0
	7**		9**		4**		6		3	
<b>Total</b>	330	16*	388	28*	371	29*	380	32*	461	28*
<b>* Complaints against Police Staff included in the totals.</b>										
<b>** Complaints post 22/11/12 recorded as organisational allegations, not conduct matters.</b>										

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

**5. ALLEGATIONS OF OPPRESSIVE CONDUCT - COMPLAINT CODE D**

There were 22 allegations recorded in this category during the quarter compared to 33 in the same period last year. Allegations are recorded under a number of criteria in relation to the circumstance; most of these were in the 2 circumstances are shown in the table below.

<b>Circumstance</b>
Failure to Communicate
Arrest/Detention

**6. ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S**

There were 175 allegations recorded in this category during the quarter compared to 98 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.

<b>Circumstance</b>
Failure to investigate an incident
Failure to Communicate
Arrest/Detention

**7. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR**

There were 14 allegations recorded during the reporting period.

<b>Allegation Type</b>	<b>Complainant – Self Classified</b>	<b>Status</b>
Gender	White Male	Live – C/327/14
Race	Black Male	Live – C/445/14
Race	Asian Female	Live - C/345/14
Gender	White Female	Live – C/357/14
Race	Asian Male	Live – C/280/14
Race	Black Male	Live – C/288/14
Race	Black Female	Live – C/296/14
Disability	White Male	Live – C/360/14
Race	Asian Male & Female	Not Upheld – C/845/13
Race	White Male	Live – C/382/14
Race	White Male	Live – C/451/14
Race	White Female	Locally Resolved – C/377/14
Race	Black Male	Live – C/491/14
Race	Black Male	Live – C/339/14

**8. PERFORMANCE DATA****8a. FINALISED COMPLAINT CASES**

<b>Outcome</b>	<b>Number</b>	<b>Percentage</b>
Proven/upheld	17	9.0
Not proven/not upheld	45	23.8
Locally Resolved	78	41.2
Withdrawn	37	19.6
Discontinued	2	1.0
Disapplication	10	5.29
<b>Total</b>	<b>189</b>	



**8b. UPHELD COMPLAINTS**

Ref No	Action Taken	Complaint Type	Rank	Gender	Ethnicity
C/142/12	Management Action	1 x Neglect of Duty & 1 x Incivility	2 x Dc	M	W1
C/133/13	Management Action	1 x Neglect of Duty	1 x Dc	M & F	W1
C/250/13	Management Action	1 x Neglect of Duty	1 x Insp	M	W1
C/302/13	Management Action	1 x Incivility	1 x Ps	M	W1
C/334/13					
C/180/12	Management Action	1 x Neglect of Duty	3 x Dc & 1 x Pc	1 x F & 3 x M	W1
C/334/13	Misconduct Meeting	1 x Neglect of Duty	1 x Pc	M	Asian
C/402/13	Management Action	1 x Neglect of Duty	1 x Ds	M	W1
C/420/13	Management Action	1 x Neglect of Duty	1 x Pc	M	W1
C/657/13	Management Action	1 x Neglect of Duty	1 x Pc	M	Black
C/685/13	Management Action	1 x Duties & Responsibilities	1 x Insp	F	W1
C/740/13	Management Action	1 x Incivility & 1 x Unlawful Detention	1 x Insp	M	W1
C/741/13	Management Action	2 x Neglect of Duty	1 x Dc & 1 x Pc	2 x F	White & Black Caribbean & W1
C/803/13	No Action	1 x Breach Code B PACE	2 x Pc	1 x M & 1 x F	W1
C/867/13	Management Action	1 x Neglect of Duty	1 x Pc	M	W1

**8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS**

None

**8d. COMMENDATIONS AND CERTIFICATES OF MERIT**

There were 32 Certificates of Merit and 12 Commendations issued in this quarter.

