
QUARTERLY REPORT: COMPLAINTS, MISCONDUCT & OTHER MATTERS

Report of the Chief Constable

Contact: Superintendent Cat Barrie

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 2015 by the Professional Standards Department (PSD).

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 queries though the quarterly meeting with the Deputy Chief Constable.

Stephen Kavanagh
Chief Constable
Essex Police

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

NEW CASES

IPCC Independent Investigation MI/49/15

An incident occurred in a custody suite which resulted in a male losing the tips of three fingers. The incident was referred to the IPCC who are conducting an independent investigation.

PSD Investigation CM/69/15

A referral was made to the IPCC of an allegation that an Officer had engaged in inappropriate contact with a witness during an investigation. The Officer is currently suspended from duty. The IPCC have directed that the matter be the subject of a local investigation.

PSD Investigation CM/80/15

An Officer was found to have breached police computer systems without a valid policing purpose. The Officer attended a Special Case Hearing by Chief Constable Kavanagh on 23rd July 2015 and the outcome will be publicised in due course. A criminal investigation is ongoing.

PSD Investigation – CM/110/14

An Officer has been arrested following a domestic abuse incident and bailed until August 2015. The Officer is currently suspended from duty. The IPCC have directed that the matter be the subject of a local investigation.

CASES PREVIOUSLY REPORTED

IPCC Independent Investigation C/664/10

In 2010 the IPCC began an independent investigation into a complaint involving the use of force. In November 2012 the investigation concluded that there was no case to answer. The complainants subsequently took the Independent Police Complaints Commission (IPCC) to a Judicial Review which directed that the case be reinvestigated. The outcome of the second investigation is that there is a case to answer and the Officer will attend a private Misconduct Hearing in January 2016 as directed by the Police (Conduct) Regulations 2008.

IPCC Independent Investigation MI/4/15

A male was arrested following a domestic abuse incident and then bailed to another force for different offences. When released from custody by the second force, he returned to the original arrest location and assaulted two people. The incident was referred to the IPCC who are conducting an independent investigation.

Update: The IPCC investigation is ongoing.

PSD Investigation CM/24/15

A Special Constable was arrested by British Transport Police for indecent conduct. He was subsequently charged and is to appear at Crown Court in June 2015. The Officer has been suspended from duty.

Update: The Crown Prosecution Service (CPS) has decided to discontinue this case and a PSD investigation is on-going.

Update: The Special Constable has subsequently resigned from the Force and the details will be placed on the College Of Policing Disapproved Register.

PSD Investigation C/338/15

A Special Chief Inspector has been suspended from duty following a complaint that he verbally abused members of the public having identified himself as an Officer.

Update: The investigation has been completed and the complaint has been upheld. The Officer is to attend a misconduct meeting on 2 September 2015.

Update: The Special Chief Inspector received a final written warning.

IPCC Independent/Managed Investigations – Operation MAPLE

Concerns were raised about the performance of an Investigation Team in the North of Essex which has prompted a review of current cases handled by that team. To date 52 cases have been referred to the IPCC of which 51 cases are part of a managed investigation and 1 case is an independent investigation. A further 2 cases are being managed by the IPCC as a result of public complaints being made.

Update: Twenty Nine Officers have been served with regulation notices of which five Officers have resigned or retired from the Force, three Officers are suspended from duty, fourteen Officers have been placed on restricted duties and seven Officers have no restrictions.

IPCC Independent Investigation – MI/218/14

A referral was made regarding the police response to reports of a male walking on the A12. The man died as a result of a multiple vehicle incident.

Update: The IPCC Investigation has concluded and has been forwarded to the CPS.

IPCC Supervised investigation MI/202/14

A vulnerable female has alleged that in the 1990's she reported a crime and that the investigating Officer established a relationship with her. This allegation is subject of a supervised investigation.

Update: The investigation is ongoing.

PSD Investigation – CM/17/14

An Officer was arrested by City of London police in connection with a fraud and is on bail until February 2015. The Officer is under restrictions.

Update: The criminal allegation has been closed as no further action by the Crown Prosecution Service and a gross misconduct investigation is under way.

Update: A co-defendant is to stand trial on related charges in January 2016 and the PSD investigation has been suspended until the court case is complete. This Officer has since resigned from the Force and the details will be placed on the College of Policing Disapproved Register.

PSD Investigation – CM/63/14

A Special Constable was arrested by the Metropolitan Police Service following allegations of an inappropriate relationship with a minor in the course of that Officer's civilian occupation. This officer has been bailed until February 2015 and is suspended from duty.

Update: The Officer has been charged with abusing his position and is due to appear at Crown Court in October/November 2015.

IPCC Independent Investigation – MI/164/14

Members of the public reported that a male was creating a disturbance in the street. The male was restrained by members of the public and subsequently by police and ambulance staff. The male suffered a cardiac arrest whilst being conveyed to the hospital by ambulance. The male died 24 hours later.

Update: The IPCC investigation has been completed and the investigation report is pending.

IPCC Independent Investigation – C/735/14

A complaint was made from a male youth who alleged that he was assaulted by police resulting in facial injuries whilst he was being searched for drugs.

Update: The IPCC investigation is on-going.

IPCC Independent Investigation – C/621/14

A complaint was made to police about the harassment of a vulnerable female by an ex-partner; a restraining order was in place, however, no arrest was made. The female subsequently made an allegation of serious sexual assault against the ex-partner.

Update: The IPCC investigation is on-going.

IPCC Independent Investigation – CM/93/14

Potential shortcomings have been identified in an investigation and an IPCC investigation has commenced.

Update: The IPCC investigation is ongoing and has now been included within the Op Maple managed investigations which is being conducted by Norfolk Police.

PSD Investigation – CM/89/14

Two Officers are alleged to have made false entries in a domestic violence report. The Officers had restrictions imposed and a PSD investigation is in progress.

Update: Both Officers were dismissed following Gross Misconduct Hearing on 21 May 2015. Their details have been placed on the College of Policing Disapproved Register.

IPCC Independent Investigation – MI/171/14

A referral was made to the IPCC as a result of a criminal allegation not being acted upon promptly.

Update: The IPCC investigation is ongoing.

PSD Investigation – CM/67/14

It is alleged that a male officer has had inappropriate contact with vulnerable females.

Update: The Officer has been suspended and a PSD investigation is in progress. The IPCC has returned this matter back to force to be conducted as a supervised investigation.

Update: The investigation is ongoing.

Update: The Crown Prosecution Service have stated that there is no case to answer of this case therefore the PSD investigation has commenced. The Officer has now been placed on restricted duties.

IPCC Independent Investigation – MI/39/14

Concerns have been raised regarding previous police contact with the suspect in a murder investigation.

The case went to Crown Court on 29 November 2014 and the IPCC investigation will be suspended until the conclusion of the court case.

Update: The suspect was found guilty and sentenced to life imprisonment and an IPCC independent investigation has commenced.

Update: The IPCC investigation has produced a draft report which is awaiting approval.

2. SUSPENDED OFFICERS

At the time of submission of this report, 7 Officers, 1 Police Community Support Officer and 2 Special Constables are suspended from duty.

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
1.4.14 - 30.6.14	9	0	2	7	0	0	10	5
1.7.14 - 30.9.14	4	2	1	1	0	0	8	6
1.10.14 - 31.12.14	4	0	0	4	0	0	11	5
1.1.15 - 31.3.15	3	0	3	0	0	0	5	3
1.4.15 – 30.6.15	5	1	1	3	0	0	9	5

There are currently no lead time issues for the IPCC to allocate appeals.

There were 4 non recording appeals which were not upheld. One of the upheld non recording appeals was only partially upheld and one related to the force failing to make a recording decision.

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, or likely to result in disciplinary proceedings or those which have not 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.

[NOT PROTECTIVELY MARKED]

APPEALS TO CHIEF OFFICER						
Date	Against the process or outcome of a Local Investigation	Upheld	Against a Local Resolution	Upheld	Against Disapplication	Upheld
1.7.14 to 30.9.14	14	3	5	3	4	0
1.10.14 to 31.12.14	24	0	4	0	2	0
1.1.15 to 31.3.15	26	0	10	1	2	0
1.4.15 – 30.6.15	11	0	5	0	0	0

There is currently a backlog in processing appeals which was a result of operational resilience. This has now been rectified and the backlog is now steadily reducing.

[NOT PROTECTIVELY MARKED]

4. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2014 1.4.14 To 30.6.14		2014 1.7.14 To 30.9.14		2014 1.10.14 To 31.12.14		2015 1.1.15 To 31.3.15		2015 1.4.15 To 30.6.15	
A	0	0	0	0	0	0	0	0	0	0
B	0	0	2	0	0	0	1	0	1	0
C	41	2	45	3	27	0	25	1	25	0
D	22	2	14	0	24	3	31	5	25	3
E	29	1	31	0	33	0	26	0	24	2
F	14	0	11	1	7	0	7	2	13	2
G	8	0	4	0	7	0	4	0	7	0
H	3	0	0	0	1	0	1	0	0	0
J	11	2	8	0	24	3	12	2	2	2
K	4	0	5	0	2	0	3	0	1	0
L	8	0	20	0	11	0	10	1	10	4
M	38	3	33	4	28	0	20	1	21	1
N	0	0	0	0	0	0	0	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	16	1	19	2	12	0	18	1	14	3
R	4	1	4	0	2	0	1	0	0	0
S	175	9	170	18	202	13	185	16	187	27
T	6	0	13	1	7	1	6	0	0	0
U	61	5	69	13	44	5	48	5	46	8
V	3	0	0	0	4	0	4	0	0	0
W	7	2	14	2	8	1	4	1	1	0
X	8	0	11	2	9	1	8	0	9	2
Y	0	0	0	0	1	1	0	0	0	0
**	3		5		5		1		1	
Total	461	28*	478	48*	458	28*	415	35*	387	54*

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

Circumstance
Failure to Investigate
Arrest/Detention

6. ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 187 allegations recorded in this category during the quarter compared to 175 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
Arrest/Detention
Failure to Communicate

7. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR

There were 7 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Religion/Faith	Asian Female	C/291/15 – Locally Resolved
Gender	White Male	C/174/15 - Disapplied
Race	Black Female	C/408/15 - Live
Mental Health	White Male	C/459/15 - Live
Homophobic	White Male	C/365/15 - Live
Race	Black Male	C/369/15 - Live
Religion/Faith	Asian Male and Female	C/413/15 – Live
Race	White Male	C/502/15 – Live
Gender	White Male	C/503/15 - Live
Homophobic	White Male	C/533/15 – Live
Disability	White Male	C/427/15 – Live
Race	Asian Male	C/440/15 – Live
Race	Asian Male	C/441/15 – Live

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

Outcome	Number	Percentage
Proven/upheld	16	6.9
Not proven/not upheld	59	25.5
Locally Resolved	102	44.1
Withdrawn	34	14.7
Discontinued	0	0
Disapplication	20	8.6
Total	231	

8b. UPHELD COMPLAINTS

Reference	Outcome or Sanction	Allegation Type	Officers /Staff	Officer Gender	Officer Ethnicity
C/498/14	Management Action	1 x Breach Code B PACE	1 x Insp & 3 x Dc	1 x M & 1 x F	W1
C/611/14	No Action for Officers – Issues related to Operational Management decisions	Direction and Control	N/A	N/A	N/A
C/975/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/1000/14	Management Action	1 x J Mishandling of Property	1 x Police Staff	1 x M	W1
C/762/14	Management Action	1 x S Neglect of Duty	1 x Ps	1 x F	W1
C/742/11	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/461/14	Management Action	1 x S Neglect of Duty	1 x Ps	1 x F	W1
C/533/14	Management Action	1 x M Breach Code C PACE	1 x Police Staff	1 x M	W1
C/894/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/910/14	Management Action	1 x S Neglect of Duty	1 x Police Staff	1 x F	W1
C/1057/14	Management Action	1 x U Incivility	1 x Pc	1 x M	W1
C/1064/14	Management Action	1 x K Breach Code A PACE	1 x Ps	1 x M	W1
C/242/15	Management Action	1 x J Mishandling of Property	1 x Ps	1 x M	W1
C/281/15	N/A	1 x S Neglect of Duty	Officer Not Known	N/A	N/A
C/92/14	Formal Action, Misconduct Meeting 3 x Management Advice & 1 x Written warning.	3 x S Neglect of Duty & 2 x C Other Assault	4 x Pc	4 x M	W1
C/453/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1

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

Reference C/72/15 Days Under Investigation – 103

The complainant is dissatisfied with the progress of a criminal investigation. This matter is currently being investigated and during this process a separate but linked issue has been identified which required a re-referral to the IPCC.

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 39 Certificates of Merit and 17 Commendations issued in this quarter. Additionally and exceptionally there were 2 awards made to officers by the Royal Humane Society in this quarter.

