
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 October to 31 December 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 queries though 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

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 30 cases have been referred to the IPCC who have decided to conduct an independent investigation into two cases and for the remainder to be part of a managed investigation.

One officer has been suspended and 11 Officers have had restrictions placed on them and deployed to other postings pending an investigation.

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.

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 an investigation.

PSD Investigation – MI/214/14

A vulnerable female reported that an Officer has failed to investigate an incident properly or to provide appropriate safeguarding. This was referred to the IPCC who returned the matter for the force for local investigation.

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 suspension.

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.

The officer is under suspension.

PSD Investigation – CM/110/14

An officer has been arrested for domestic abuse and bailed until February 2015.

The officer is under suspension.

CASES PREVIOUSLY REPORTED

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 ongoing.

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 ongoing.

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.

PSD Investigation – CM/89/14

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

Update: The PSD investigation has been completed and both officers are to attend a Gross Misconduct Hearing.

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: An IPCC investigation has commenced.

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 local investigation.

IPCC Independent Investigation – PSD 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 PSD investigation will be sub judice 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.

IPCC Independent Investigation – MI/230/12 – CM/93/14

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

Two officers are to attend a misconduct meeting on 3 November 2014

Update: The meeting found there was a case to answer and the officers will be dealt with through management action which will include retraining in custody procedures.

IPCC Supervised investigation CM/44/13

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 guilty plea was entered at Crown Court and a sentencing date is yet to be set

PPU Investigation – CM/43/14

An allegation has been made that an officer had an inappropriate sexual relationship whilst off duty. The officer has been arrested, bailed and suspended. The matter was referred to the IPCC who agreed a local investigation.

Update: The officer is to appear at court in February 2015 charged with making indecent images of children.

2. SUSPENDED OFFICERS

At the time of submission of this report, 5 police officers and one special constable 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
1.10.13 - 31.12.13	6	4	2	0	0	0	2	1
1.1.14 - 31.3.14	6	0	0	6	0	0	10	4
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

The lead time for the IPCC to allocate appeals is currently 8 weeks. This means that the cases shown in appeal outcomes (upheld/not upheld) usually relate to appeals lodged in the previous quarter(s).

There is 1 upheld non recording appeal which relates to the force not making a recording decision, rather than the IPCC directing that a complaint be recorded. There was 1 not upheld non recording appeal whilst 5 await adjudication. .

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

NOT PROTECTIVELY MARKED

	outcome of a Local Investigation		Resolution			
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
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

Further to the data shown above, 13 appeals in relation to local investigation are awaiting adjudication, 11 appeals were not upheld. There is 1 appeal pending relating to disapplication, the other appeal was also not upheld. All 4 local resolution appeals were found as not upheld.

4. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2013		2014		2014		2014		2014	
	1.10.13 To 31.12.13		1.1.14 To 31.3.14		1.4.14 To 30.6.14		1.7.14 To 30.9.14		1.10.14 To 31.12.14	
A	0	0	0	0	0	0	0	0	0	0
B	0	0	0	0	0	0	2	0	0	0
C	34	3	36	0	41	2	45	3	27	0
D	33	4	23	2	22	2	14	0	24	3
E	31	0	27	1	29	1	31	0	33	0
F	4	0	6	0	14	0	11	1	7	0
G	12	1	7	1	8	0	4	0	7	0
H	0	0	1	0	3	0	0	0	1	0
J	12	1	20	3	11	2	8	0	24	3
K	5	0	3	1	4	0	5	0	2	0
L	12	1	10	0	8	0	20	0	11	0
M	19	0	22	1	38	3	33	4	28	0
N	0	0	0	0	0	0	0	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	13	1	13	1	16	1	19	2	12	0
R	9	0	3	0	4	1	4	0	2	0
S	116	7	110	16	175	9	170	18	202	13
T	2	1	5	2	6	0	13	1	7	1
U	46	9	60	3	61	5	69	13	44	5
V	4	0	5	0	3	0	0	0	4	0
W	0	0	3	0	7	2	14	2	8	1
X	14	1	19	1	8	0	11	2	9	1
Y	1	0	1	0	0	0	0	0	1	1
**	4		6		3		5		5	
Total	371	29*	380	32*	461	28*	478	48*	458	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		

5. ALLEGATIONS OF OPPRESSIVE CONDUCT - COMPLAINT CODE D

There were 24 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.

Circumstance
Failure to Investigate
Arrest/Detention

6. ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 202 allegations recorded in this category during the quarter compared to 116 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 7 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Gender	White Male	C/1079/14 - Live
Race & Age	Black Male	C/1067/14 - Live
Other	White Male & White Female	C/1023/14 - Live
Race	Black Female	C/903/14 - Live
Gender	White Female	C/882/14 - Live
Race	Black Male	C/1086/14 - Live
Race	White Male	C/146/14 – Not Upheld

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

Outcome	Number	Percentage
Proven/upheld	27	16.2
Not proven/not upheld	53	31.9
Locally Resolved	44	26.5
Withdrawn	30	18.0
Discontinued	0	0
Disapplication	12	7.2
Total	166	

8b. UPHELD COMPLAINTS

C/164/13	Misconduct Meeting 2 x Written Warning 1 x Management Advice	13 x S Neglect of Duty	2 x Dc 1 x Ds	2 x F 1 x M	W1
C/263/13	Misconduct Meeting 1 x Written Warning 1 x Management Advice	8 x S Neglect of Duty	2 x Dc	1 x F 1 x M	W1
C/496/13	Management Action	1 x M Breach Code C PACE, 1 x J Mishandling of property & 1 x E Unlawful/Unnecessary arrest.	2 x Pc	2 x F	W1
C/574/13	Misconduct Meeting 1 x Written Warning	1 x U Incivility	1 x Pc	1 x F	W1
C/575/13	Misconduct Meeting 1 x Written Warning	1 x U Incivility	1 x Pc	1 x F	W1
C/576/13	Misconduct Meeting 1 x Written Warning	1 x U Incivility	1 x Pc	1 x F	W1
C/639/13	Misconduct Meeting 1 x Written Warning	1 x U Incivility	1 x Pc	1 x F	W1
C/412/14	Management Action	1 x M Breach Code C PACE	1 x Ps	1 x M	W1
C/396/13	Management Action	1 x K Breach Code A PACE	1 x Pc	1 x F	W1
C/709/13	Misconduct Meeting No Action	1 x D Oppressive Conduct	1 x Pc	1 x M	W1
C/723/13	Misconduct Meeting No Action	1 x D Oppressive Conduct 1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/849/13	Formal Action 1 x Written Warning (staff) Management Action	1 x M Breach Code C PACE	1 x Police Staff & 1 x Ps	1 x M 1 x F	W1
C/917/13	Management Action	2 x S Neglect of Duty	1 x Pc & 1 x T/Ps	2 x F	W1
C/16/14	Misconduct Meeting No Action	1 x D Oppressive Conduct & 1 x U Incivility	1 x Pc	1 x M	W1
C/39/14	Management Action	1 x S Neglect of Duty	2 x Pc	2 x M	W1
C/78/14	Management Action	1 x W Other (in this case the complaint relates to the giving of a caution)	1 x Dc	1 x M	W1
C/98/14	Misconduct Meeting (1 x Pc) – Written Warning. Management Action	1 x S Neglect of Duty	3 x Pc 1 x T/DCI and 6 x Police Staff	7 x F 3 x M	W1
C/128/14	Upheld – No Action	1 x Breach Code B PACE	2 x Dc	2 x M	W1
C/361/14	Misconduct Meeting Management Advice	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/368/14	Management Action	1 x S Neglect of Duty	2 x Pc	1 x F 1 x M	W1
C/390/14	Upheld – No Action	1 x Breach Code A PACE	2 x Pc	2 x M	W1
C/421/14	Management Action	1 x S Neglect of Duty 1 x M Breach Code C PACE 1 x G Irregularity in Procedure	3 x Pc 1 x Police Staff	3 x M 1 x F	W1
C/468/14	Management Action	1 x v Traffic Irregularity	1 x Pc	1 x M	W1

C/493/14	Management Action	1 x S Neglect of Duty	1 x Pc 1 x Ps	2 x M	W1
C/605/14	Management Action	1 x S Neglect of Duty 1 x U Incivility	2 x Dc	2 x M	W1
C/755/14	Management Action	1 x S Neglect of Duty	1 x Police Staff	1 x M	W1
C/761/14	Upheld – Policy Remains Unchanged. (Complaint relating to the grading of a call)	1 x Direction and Control General Policing Standards	N/A	N/A	N/A

8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

COMPLAINT INVESTIGATIONS OVER 90 DAYS

Reference C/270/14 Days Under Investigation – 114

This case was recorded on 3 April 2014 and it relates to an alleged assault by officers during an arrest.

The case was held sub judice and the case was heard at court in August 2014 at which point the complaint became a live investigation.

Statements and other documents were requested of the complainant via their solicitors and these have only recently been received. The officers involved are due to be interviewed in the near future.

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 0 Certificates of Merit and 25 Commendations issued in this quarter.

