
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 July to 30 September 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 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.

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.

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.

IPCC Independent Investigation – CM/93/14

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

PSD Investigation – CM/89/14

An officer is alleged to have made false entries in a domestic violence report. The officer has had restrictions imposed and a PSD investigation is in progress.

MI/171/14

A referral was made to the IPCC as a result of intelligence which was held on a male not been acted upon sooner. The IPCC have not yet decided on the mode of investigation.

PSD Investigation – CM/67/14

It is alleged that a male officer has had inappropriate contact with vulnerable females. The officer has been suspended and a PSD investigation is in progress.

CASES PREVIOUSLY REPORTED

PSD Investigation – CM/54/14

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 was arrested, bailed and suspended from duty.

Update: The officer has resigned and their details have been added to the national disapproved register.

PSD Investigation – CM/56/14

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.

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

PSD Investigation – C/227/14

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

Update: The inquest recorded a verdict of natural causes. Of the nine complaint allegations, 6 were upheld. The investigation report made a number of recommendations on resourcing and training and the family are working with Essex Police on developing training packages.

PSD Investigation – MI/39/14

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

Update: The case goes to Crown Court on 29 November 2014 and the PSD investigation will be subject to sub judice until the conclusion of the court case.

PSD Investigation – CM/22/14

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

Update: The officer has resigned and their details have been added to the national disapproved register.

PSD Investigation – C/747/12

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 and their details have been added to the national disapproved list. The officer appealed against the dismissal and the appeal was not upheld.

PSD investigation – CM/62/13

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 and their details have been added to the national disapproved list.

Update: The officer lodged an appeal which was not upheld.

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

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

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

IPCC Independent Investigation – MI/35/13

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

Update: The IPCC investigation report has been published which identified some learning points but there was no criticism of Essex Police and or concerns relating to staff conduct.

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 he has carried out police checks without a policing purpose.

The officer is currently suspended from duty.

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

IPCC Supervised Investigation –C/263/13

A complaint was made about the investigation of an offence.

Three officers attended a misconduct meeting and the outcome was that all three officers received a written warning.

PSD Investigation C/17/13

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

The officer was dismissed following a gross misconduct hearing for unrelated honesty and integrity failings.

The officer is due to attend trial at Crown Court on 24 November 2014 for sexual assault.

IPCC Independent Investigation

A complaint was made that a case was investigated poorly.

Three officers are to attend a misconduct meeting on 19 November 2014.

2. SUSPENDED OFFICERS

At the time of submission of this report, 5 police officers 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 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
1.7.14 to 30.9.14	4	2*	1*	1*	0	0*	8	6*

*(The lead time for the IPCC to allocate appeals is currently 14 weeks. This means that the cases reflected in the appeal outcomes (upheld/not upheld) usually relate to appeals lodged in the previous quarters).

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 were 2 not upheld non recording appeals.

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 outcome of a Local Investigation	Upheld	Against a Local Resolution	Upheld	Against Disapplication	Upheld
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

Further to the data shown above, 11 appeals in relation to local investigation have been resulted as not upheld. In addition there were 2 Local Resolution appeals not upheld.

4. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2013 1.7.13 To 30.9.13		2013 1.10.13 To 31.12.13		2014 1/1/14 To 31.3.14		2014 1/4/14 To 30/6/14		2014 1/7/14 To 30/9/14	
A	0	0	0	0	0	0	0	0	0	0
B	0	0	0	0	0	0	0	0	2	0
C	33	0	34	3	36	0	41	2	45	3
D	19	0	33	4	23	2	22	2	14	0
E	30	0	31	0	27	1	29	1	31	0
F	4	0	4	0	6	0	14	0	11	1
G	12	1	12	1	7	1	8	0	4	0
H	0	0	0	0	1	0	3	0	0	0
J	18	3	12	1	20	3	11	2	8	0
K	4	0	5	0	3	1	4	0	5	0
L	6	0	12	1	10	0	8	0	20	0
M	24	1	19	0	22	1	38	3	33	4
N	1	0	0	0	0	0	0	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	13	0	13	1	13	1	16	1	19	2
R	9	1	9	0	3	0	4	1	4	0
S	126	14	116	7	110	16	175	9	170	18
T	7	1	2	1	5	2	6	0	13	1
U	57	5	46	9	60	3	61	5	69	13
V	6	0	4	0	5	0	3	0	0	0
W	4	1	0	0	3	0	7	2	14	2
X	6	1	14	1	19	1	8	0	11	2
Y	0	0	1	0	1	0	0	0	0	0
**	9		4		6		3		5	
Total	388	28*	371	29*	380	32*	461	28*	478	48

*** 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 14 allegations recorded in this category during the quarter compared to 19 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 Communicate
Arrest/Detention

6. ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 170 allegations recorded in this category during the quarter compared to 126 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 11 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Religion/Faith	White Male	Live – C/724/14
Disability	White Male	Live – C/739/14
Race	Black Male	Live - C/528/14
Race	White Male	Live – C/541/14
Mental Health	White Female	Live – C/533/14
Other	White Female	Live – C/580/14
Race	Black Male	Live – C/751/14
Disability	White Female	Live – C/759/14
Mental Health	White Male	Live – C/622/13
Race	Asian Female	Live – C/770/14
Race	White Male	Live – C/616/14

8. PERFORMANCE DATA

8a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Proven/upheld	33	14.9
Not proven/not upheld	61	27.5
Locally Resolved	66	29.7
Withdrawn	46	20.7
Discontinued	1	0.4
Disapplication	15	12.8
Total	222	

8b. UPHELD COMPLAINTS

C/546/12	Management Action	1 x Neglect of Duty	1 x Pc	M	W1
C/169/12	Management Action	1 x Neglect of Duty & 1 x M Code C PACE.	1 x DI & 1 x Dc	2 x M	W1
C/468/12	Management Action	3 x Neglect of Duty	1 x Pc	1 x M	W1
C/887/12	Management Action	1 x Mishandling of Property & 1 x Breach Code B PACE	1 x T/Dc & 1 x Pc	1 x F & 1 x M	W1
C/435/14	Management Action	1 x Neglect of Duty	1 x Dc & 1 x Pc	2 x M	W1
C/357/14	Management Action	1 x Neglect of Duty	1 x Pc	1 x F	W1
C/158/13	Management Action	1 x Neglect of Duty	1 x Ds	1 x M	W1
C/799/13	Management Action	1 x Breach Code B PACE	1 x Pc	1 x M	W1
C/412/13	Management Action	1 x Incivility	1 x Pc	1 x M	W1
C/727/13	Management Action	1 x Neglect of Duty	1 x Pc	1 x M	W1
C/223/13	Management Action	1 x Neglect of Duty	2 x Pc	2 x M	W1
C/858/13	Management Action	1 x Neglect of Duty	1 x Police Staff	1 x M	W1
C/411/13	Management Action	1 x Unlawful/Unnecessary arrest & 1 x Breach Code B PACE	2 x Pc	2 x M	W1
C/926/13	Management Action	1 x Lack of fairness and impartiality, 1 x Neglect of Duty & 1 x 1 x Incivility	1 x Sc	1 x M	W1
C/542/13	Management Action	1 x Irregularity in procedure	1 x Pc	1 x M	W1
C/679/13	Allegation upheld, but no case to answer by the officer, no further action	1 x Breach Code C PACE	1 x PC	M	W1
C/479/13	Management Action	1 x Breach Code B PACE	1 x Pc	1 x F	W1
C/786/13	Management Action	1 x Neglect of Duty	1 x Ds	1 x M	W1
C/817/13	Management Action	4 x Neglect of Duty	2 x Pc & 1 x Ps	3 x M	W1
C/267/14	Management Action	1 x Neglect of Duty	1 x Police Staff	1 x M	W1
C/178/14	Management Action	1 x Neglect of Duty	1 x Ps	1 x M	W1
C/41/14	Misconduct Meeting – Written Warning	1 x Other Assault	1 x Ps	1 x M	W1
C/27/14	Management Action	1 x Breach Code C PACE	1 x Pc & 1 x Ps	2 x M	W1
C/319/12	Management Action	1 x Neglect of Duty	1 x Pc	1 x M	W1

C/35/14	Management Action	1 x Neglect of Duty	1 x Pc	1 x M	W1
C/160/14	Management Action	1 x Neglect of Duty	1 x Pc & 1 x Police Staff	2 x M	W1
C/195/14	Management Action	1 x Breach Code C PACE & 1 x Neglect of Duty	2 x Police Staff, 4 x Ps & 6 x Pc	2 x F, 4 x M (Ps) & 6 x M (Pc)	W1

C/231/14	Case upheld no misconduct, no action taken	1 x Neglect of Duty	N/A	N/A	N/A
C/304/14	Management Action	1 x Neglect of Duty	3 X Police Staff, 1 x Insp, 1 x Pc & 1 x Ps	3 x F (Police Staff), 1 x M (Insp), 1 x M (Ps) & 1 x M (Pc)	W1
C/340/14	Management Action	1 x Neglect of Duty	1 x Pc	1 x F	W1
C/787/14	Organisational complaint. Case upheld no misconduct.	N/A	N/A	N/A	N/A
C/879/13	Misconduct Meeting – Final Written Warning	1 x Improper disclosure of information	1 x Pc	1 x F	W1
C/469/14	Management Action	1 x Neglect of Duty	1 x Police Staff	1 x M	W1

8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

None

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 0 Certificates of Merit and 9 Commendations issued in this quarter.

