
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 January to 31 March 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

3.0 COMPLAINTS AND CONDUCT REPORT – CONTENTS

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

NEW CASES

PSD Investigation – CM/49/15

An Officer was charged with refusing to provide a specimen, he was suspended from duty, convicted, sentenced and subsequently dismissed. His details have been submitted for inclusion on the national disapproved register.

IPCC Independent Investigation MI/4/15

A male was arrested for domestic abuse and bailed to another force for different offences. Upon released he returned to the arrest location and assaulted two people. The incident was referred to the IPCC who are conducting an independent investigation.

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 Special Constable has been suspended from duty.

PSD Investigation C/338/15

A Special Chief Inspector has been suspended following a complaint that he verbally abused members of the public having identified himself as a police officer.

CASES PREVIOUSLY REPORTED

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

One officer has been suspended and 15 have been served with regulation notices.

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 is ongoing.

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 – 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.

Update: The Sexual Offences Investigation Team concluded their enquiries into the criminal allegation which was closed as no further action.

PSD subsequently carried out a misconduct review which also found no issues or concerns.

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 NFA and gross misconduct investigation is under way.

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 under suspension.

Update: The Officer has been charged with abusing his position and will appear at Crown Court in June 2015.

PSD Investigation – CM/110/14

An officer has been arrested for domestic abuse and bailed until February 2015. The Officer has been suspended from duty.

Update: The Officer has been charged with harassment and assault and is to appear at Crown Court in June 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 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 Officers' had restrictions imposed and a PSD investigation is in progress.

Update: Both officers were dismissed following a Gross Misconduct Hearing on 21 May 2015. Their details have been placed on the national 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: 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 supervised 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 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.

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.

Update: The Officer was sentenced in March 2015 and subsequently dismissed from the force. His details have been placed on the national disapproved register.

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 pleaded guilty to the making indecent images of children and was sentenced at court on 17 April 2015. He was then dismissed and his details have been placed on the national disapproved register.

2. SUSPENDED OFFICERS

At the time of submission of this report, 3 Police Officers and 3 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
1.1.14 - 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
1.1.15 - 31.3.15	3	0	3	0	0	0	5	3

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

There were 2 non recording appeals which were not upheld. One of the upheld non recording appeals was only partially upheld; the majority of the complaint related to historic issues, however one part was deemed by the IPCC to relate to new matters.

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.

APPEALS TO CHIEF OFFICER						
Date	Against the process or outcome of a Local Investigation	Upheld	Against a Local Resolution	Upheld	Against Disapplication	Upheld
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
1.1.15 to 31.3.15	26	0	10	1	2	0

Further to the data shown above, 17 appeals in relation to local investigation are awaiting adjudication, 8 of these appeals were not upheld and 1 was invalid, made in excess of 28 days. There is 1 appeal pending relating to disapplication and 9 local resolution appeals pending.

4. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2014		2014		2014		2014		2015	
	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		1.1.15 To 31.3.15	
A	0	0	0	0	0	0	0	0	0	0
B	0	0	0	0	2	0	0	0	1	0
C	36	0	41	2	45	3	27	0	25	1
D	23	2	22	2	14	0	24	3	31	5
E	27	1	29	1	31	0	33	0	26	0
F	6	0	14	0	11	1	7	0	7	2
G	7	1	8	0	4	0	7	0	4	0
H	1	0	3	0	0	0	1	0	1	0
J	20	3	11	2	8	0	24	3	12	2
K	3	1	4	0	5	0	2	0	3	0
L	10	0	8	0	20	0	11	0	10	1
M	22	1	38	3	33	4	28	0	20	1
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	16	1	19	2	12	0	18	1
R	3	0	4	1	4	0	2	0	1	0
S	110	16	175	9	170	18	202	13	185	16
T	5	2	6	0	13	1	7	1	6	0
U	60	3	61	5	69	13	44	5	48	5
V	5	0	3	0	0	0	4	0	4	0
W	3	0	7	2	14	2	8	1	4	1
X	19	1	8	0	11	2	9	1	8	0
Y	1	0	0	0	0	0	1	1	0	0
**	6		3		5		5		1	
Total	380	32*	461	28*	478	48*	458	28*	415	35*
* 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 31 allegations recorded in this category during the quarter compared to 23 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 185 allegations recorded in this category during the quarter compared to 110 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
Disability	White Male	C/119/15 - Live
Race	White Male	C/200/15 - Live
Disability	White Male	C/275/15 - Live
Race	Female N/K	C/264/15 - Live
Homophobic	White Male	C/267/15 -Live
Race	Black Male	C/85/15 - Live
Race	Black Male	C/92/15 – Live

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

Outcome	Number	Percentage
Proven/upheld	32	13.9
Not proven/not upheld	62	26.9
Locally Resolved	76	33.0
Withdrawn	36	15.6
Discontinued	1	0.4
Disapplication	23	10
Total	230	

8b. UPHELD COMPLAINTS

Reference	Outcome or Sanction	Allegation Type	Officers /Staff	Officer Gender	Officer Ethnicity
C/922/14	Management Action	1 x S Neglect of Duty & 1 x U Incivility	1 x C/Insp & 1 x D/Insp	1 x M & 1 x F	W1
C/610/14	Management Action	1 x Q Lack of Fairness & Impartiality	1 x Pc & 1 x Ps	2 x M	W1
C/918/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/683/14	Management Action	1 x M Breach Code C PACE	1 x T/Ds	1 x M	W1
C/629/14	Management Action	1 x U Incivility	1 x Pc	1 x M	W1
C/249/14	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W1
C/69/14	Management Action	1 x M Breach Code C PACE	1 x Pc	1 x M	W1
C/785/13	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W1
C/1069/14	Management Action	1 x S Neglect of Duty	1 x Dc	1 x M	W1
C/367/14	Management Action	1 x U Incivility	1 x Ps & 1 x Police Staff	1 x M & 1 x F	W1
C/898/12	Management Action	1 x S Neglect of Duty	2 x Pc	1 x M & 1 x F	W1
C/274/14	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W1
C/648/14	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W1
C/846/13	Management Action	1 x S Neglect of Duty	1 x Pc	1 x F	W1
C/399/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/124/13	Management Action	1 x S Neglect of Duty	1 x Pc	1 x F	W1
C/714/14	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W1
C/840/12	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W1
C/246/12	Management Action	1 x D Oppressive Conduct & 1 x S Neglect of Duty	1 x Ps & 2 x Pc	3 x M	W1
C/616/12	Management Action	2 x S Neglect of Duty	1 x Pc	1 x F	W1
C/885/12	Management Action	1 x M Breach Code C PACE	1 x Pc	1 x M	W1
C/490/13	Formal Action (Misconduct Meeting) – Written Warning.	1 x S Neglect of Duty	1 x Police Staff	1 x M	W1
C/765/13	Management Action	1 x unspecified breach of PACE	1 x Pc	1 x M	W1
C/832/13	Management Action	1 x E Unnecessary arrest, 1 x S Neglect of Duty, 1 x Q Lack of Fairness & 1 x S Neglect of Duty	2 x Pc	2 x M	W1
C/891/13	Management Action	1 x E Unnecessary arrest	2 x Ps & 1 x T/Insp	3 x M	W1
C/375/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/427/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/578/14	No Action – This was a process error, not a conduct matter	2 x G Irregularity in procedure.	1 x Pc	1 x M	W1
C/690/14	No Action – This was a process error, not a conduct matter.	1 x G Irregularity in procedure.	Not Known	N/A	N/A

C/717/14	Management Action	1 x S Neglect of Duty	1 x Dc	1 x M	W1
C/403/12	Management Action & Formal Action (Misconduct Meeting) – Written Warning	4 x S Neglect of Duty - Management Action	1 x C/Insp, 2 x Ds, 1 x Ps	2 x F & 2 x M	W1
		3 x S Neglect of Duty - Formal Action, Written Warning.	1 x Dc 1 x DI & 1 x Ds	2 x F & 1 x M	W1
C/724/12	Formal Action (Misconduct Meeting) – Written Warning	1 x X improper disclosure of information.	1 x PCSO	1 x F	M2
C/774/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x Pc	W1

8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

COMPLAINT INVESTIGATIONS OVER 90 DAYS

There were no complaint cases in excess of 90 days old in this quarter.

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 44 Certificates of Merit and 15 Commendations issued in this quarter. Additionally and exceptionally there were 2 awards made to officers by the Royal Humane Society in this quarter.

