
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 2016 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

- 1. Significant/High Profile Complaint and Conduct Cases**
- 2. Suspended Officers and Police staff**
- 3. Appeals Made to the IPCC and the Chief Officer.**
- 4. Table Of Complaints Received By Home Office Code**
- 5. Allegations of Oppressive Conduct**
- 6 Allegations of Incivility**
- 7. Allegations of Discriminatory Behaviour**
- 8. Performance Data:**
 - 8a. Finalised Complaint Cases**
 - 8b. Substantiated/Upheld Complaints**
 - 8c. Complaint Investigations over 90 days.**
 - 8d. Commendations/Letters of Appreciation.**

1. SIGNIFICANT/HIGH PROFILE CONDUCT AND COMPLAINT CASES

NEW CASES

IPCC Independent Investigation – C/297/16

Officers attend a report of a nuisance male at a sheltered housing site. A staff member subsequently made a complaint that one of the officers assaulted the male and verbally abused him using obscene language. The incident was referred to the IPCC on 12 May 2016 who decided to commence an independent criminal investigation which is on-going.

PSD Investigation – CM/36/16

An officer has been arrested and bailed in relation to allegations of domestic violence and coercion which allegedly occurred when the officer was off duty. The matter was referred to the IPCC who decided that it should be subject to a local investigation. The PSD case has been suspended pending the outcome of the criminal investigation by Op JUNO officers.

PSD Investigation – CM/17/16

A member of police staff was arrested for possession of Class C drugs and after a full investigation, the case was closed as no further action. During this investigation, it was identified that the staff member had accessed information on police systems for personal reasons which resulted in the issue of a police caution. The member of staff attended a Gross Misconduct Hearing on 4 August 2016 and was dismissed without notice.

CURRENT STATUS OF PREVIOUSLY REPORTED CASES

IPCC Independent Investigation – CM/13/16

It has been alleged that officers failed to investigate a domestic violence incident, nor did they put any safeguards in place. Three officers have been placed on restricted duties and the IPCC are investigating the case which was referred on the 19th of April 2016.

Update: The IPCC Investigation is on-going.

PSD Investigation CM/15/16

An officer is the subject of a criminal investigation in relation to fraudulent allowance claims. This has been referred to the IPCC on the 5th of April 2016 who have stated suitable for local investigation.

Update: The investigation is on-going.

PSD Investigation CM/122/15

An officer is under investigation for allegedly submitting false mileage claims. The officer has been placed on restricted duties.

Update: The investigation has concluded and the officer is to attend a Gross Misconduct Hearing which has been scheduled for 12-14 October 2016.

PSD Investigation - CM/128/15

An alleged failure to risk assess a vulnerable missing person who is a minor was referred to the IPCC on the 7th January 2016 who have directed that a local investigation be undertaken.

Update: The investigation report has been completed and the Appropriate Authority has adjudicated that there is a case to answer for both officers at a threshold of misconduct. A misconduct meeting will be scheduled to hear this case.

PSD Investigation - CM/125/15

An allegation of assault is being investigated by a specialist team from Crime & Public Protection. The case was referred to the IPCC on the 14th of December 2015 who directed a local investigation which is currently suspended pending the outcome of the criminal investigation.

Update: The criminal investigation was finalised as no further action. The PSD gross misconduct investigation is on-going.

IPCC Independent Investigation - MI/161/15

A number of calls were received from the public stating that a man was armed in the street. Police attended the incident and a man was shot by officers and sustained injuries to his leg. The incident was referred to the IPCC on the 1st September 2015 who have begun an independent investigation.

Update: The IPCC investigation team has forwarded the Investigating Officer's final report to Essex Police which is currently being reviewed. Once all involved parties have reviewed the report and had the opportunity to make representations, the IPCC will then consider any comments and take the next steps with a view to publishing the report as soon as practicable.

PSD Investigation - C/806/15

A public complaint has been received that following police attendance at a domestic abuse incident, an officer made inappropriate contact with a vulnerable female. This has been referred to the IPCC on the 8th of October 2015 who have directed that a local investigation be undertaken. The officer has been suspended from duty.

Update: The investigation is on-going.

IPCC Independent Investigation CM/88/15

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 on the 1st May 2015 who are conducting an independent investigation.

Update: The IPCC investigation team have advised that the investigators report is in its final stages

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 on the 20th January 2015 who are conducting an independent investigation.

Update: Two officers attended a Misconduct Meeting on 13 June 2016 which concluded that there was a case to answer. One officer received a written warning whilst the second was given management advice as a sanction.

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 56 cases have been referred to the IPCC from 19th November 2014 onwards of which 55 cases are part of a managed conduct investigation and 1 case is an independent investigation. The independent case was identified in 2015 prior to Op Maple commencing but due to the linked themes, it was adopted within the body of this investigation. Four of the referrals are public complaints which are also being managed by the IPCC.

Update: A further two officers have been served with Regulation notices between April and August 2016. Currently, 25 serving officers have been served with regulation notices between the threshold of criminal and misconduct levels. 17 investigation reports have been submitted to the IPCC Commissioner for final review.

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 by PSD having been referred to the IPCC on the 14 October 2014.

Update: The investigation is on-going.

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. This matter was referred to the IPCC on the 2nd of September 2014.

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 whereby 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. This matter was referred to the IPCC on the 23rd July 2014.

Update: An officer and a police staff member attended a Misconduct Meeting on 26 July 2016. The officer was found to have a case to answer and was given management advice as a sanction and the police staff was found to have no case to answer.

IPCC Supervised Investigation – CM/67/14

It is alleged that a male officer has had inappropriate contact with vulnerable females. This was referred on the 24th July 2014.

Update: The investigation concluded that there was a case to answer; a gross misconduct hearing is scheduled for 1-11 November 2016.

2. SUSPENDED OFFICERS

At the time of submission of this report, 5 Officers 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
1.4.15 to 30.6.15	5	1	1	3	0	0	9	5
1.7.15 to 30.9.15	3	1	2	0	0	0	9	3
1.10.15 to 31.12.15	3	0	1	2	0	0	9	0
1.1.16 To 31.3.16	2	1	1	0	0	0	5	2
1.4.16 To 30.6.16	3	1	1	1	0	0	7	0

The force's performance in relation to investigation appeals upheld by the IPCC has been examined by the Oversight Force Liaison officer at the IPCC, Nischal Thakker-Cunningham, who states that there is no evidence of a disproportionate number of appeals being upheld.

The main reason for upholding appeals relates to the inadequate standard of investigation, for instance, insufficient enquiries carried out by the investigating officer and not certifying the investigation to special requirements. The IPCC stated that there are no major concerns in terms of issues identified in relation to appeals.

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

There are no non recording appeals which await adjudication from the IPCC.

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
1.4.15 to 30.6.15	11	3	5	0	0	0
1.7.15 to 30.09.15	23	3	6	0	0	0
1.10.15 to 31.12.15	24	2	5	0	0	0
1.1.16 To 31.3.16	24	0	5	0	0	0
1.4.16 To 30.6.16	18	1	3	1	2	0

Currently there are 26 appeals awaiting adjudication and PSD staff are working hard to address this backlog with additional resources in place.

Appeals are currently being processed in 39 days with plans to reduce this further still in the next quarter.

(This is an improvement from last year when it was taking 132 days to process appeals).

33 appeals have been processed within this quarter.

24 appeals have been received within this quarter.

TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2015 1.4.15 To 30.6.15		2015 1.7.15 To 31.10.15		2015 1.10.15 To 31.12.15		2016 1.1.16 To 31.3.16		2016 1.4.16 To 30.6.16	
A	0	0	1	0	0	0	1	0	1	0
B	1	0	0	0	0	0	0	0	0	0
C	25	0	29	1	27	4	22	3	31	3
D	25	3	27	4	17	0	11	1	23	2
E	24	2	30	0	19	2	18	1	29	3
F	13	2	12	0	7	1	11	1	8	1
G	7	0	9	3	4	0	6	0	5	1
H	0	0	2	0	1	0	1	0	2	1
J	2	2	12	1	5	0	3	0	5	0
K	1	0	1	0	2	0	1	0	0	0
L	10	4	11	1	5	0	2	1	3	1
M	21	1	22	2	19	0	23	4	36	7
N	0	0	0	0	0	0	2	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	14	3	17	3	8	0	4	1	11	1
R	0	0	1	1	0	0	2	0	2	1
S	187	27	160	19	171	20	173	16	225	28
T	0	0	3	1	1	1	4	1	2	0
U	46	8	52	10	39	3	43	11	53	8
V	0	0	1	0	3	1	3	1	5	1
W	1	0	0	0	1	0	2	0	0	0
X	9	2	12	1	10	3	11	0	16	2
Y	0	0	0	0	1	0	0	0	0	0
**	1	0	0	0	0	0	0	0	0	0
Total	387	54*	402	47*	340	35*	343	41	457	59

** 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 23 allegations recorded in this category during the quarter compared to 25 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 2 circumstances shown in the table below.

Circumstance
Failure to Investigate
Arrest/Detention

6. ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 225 allegations recorded in this category during the quarter compared to 187 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 11 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Race	Male N/K	C/415/16 – Live
Mental Health	White Male	C/441/16 – Live
Race	Black Male	C/254/16 - Live
Other	White Male	C/339/16 - Suspended
Gender/Race	Black Male	C/371/16 – Live
Race	White Female	C/456/16 - Live
Race/Gender	White Male	C/327/16 – Live
Mental Health	Black Female	C/243/16 - Withdrawn

8. PERFORMANCE DATA

8a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Upheld	35	16.6
Not Upheld	96	45.7
Locally Resolved	37	17.6
Withdrawn	31	14.7
Discontinued	0	0
Disapplication	0	0
Derecorded	3	1.4
Total	210	

8b. UPHELD COMPLAINTS

Reference	Outcome/Sanction	Allegation Type	Officers /Staff	Gender	Ethnicity
C/848/15	Management Action	1 x S Neglect of Duty	2 x Pc	M	W1
C/731/15	No Action – the officer or	1 x S Neglect of Duty	N/A	N/A	N/A

	staff member responsible for the error was not identified.				
C/240/15	Management Action	1 x X Improper disclosure of information	1 x Pc	M	W1
C/56/15	Management Action	1 x S Neglect of Duty	1 x Pc	M	W9
C/60/15	No Action – the officer or staff member responsible for the error was not identified.	1 x S Neglect of Duty	N/A	N/A	N/A
C/346/15	No Action – the officer or staff member responsible for the error was not identified.	1 x S Neglect of Duty	N/A	N/A	N/A
C/724/15	Management Action	1 x M Breach Code C PACE	1 x Ps	M	W1
C/143/16	Management Action	1 x S Neglect of Duty	1 x Member of Staff	F	W1
C/804/15	Management Action	1 x S Neglect of Duty	1 x Pc	M	W1
C/908/15	Management Action	1 x S Neglect of Duty	1 x Pc	M	M9
C/106/16	Management Action	1 x S Neglect of Duty	1 x Dc	F	W1
C/97/16	Management Action	1 x S Neglect of Duty & 1 x M Breach Code C PACE	2 x Member of Staff & 1 x Pc	3 x M	W1
C/970/15	Management Action	1 x S Neglect of Duty	1 x Dc & 1 x Member of Staff	1 x M & 1 x F	W1
C/850/15	Management Action and No Action – the officer or staff member responsible for the error was not identified.	2 x S Neglect of Duty	2 x Pc & 1 x Ds	2 x M & 1 x F	W1
C/1014/15	Management Action	1 x S Neglect of Duty	2 x Pc	1 x M & 1 x F	W1
C/503/15	Management Action	2 x S Neglect of Duty	1 x T/Insp & 1 x Pc	1 x M & 1 x F	W1
C/719/15	Management Action	1 x S Neglect of Duty	2 x Pc	2 x M	W1
C/465/15	Management Action	1 x S Neglect of Duty	1 x Dc	1 x F	W1
C/13/16	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W1
C/466/15	Formal Action. Gross Misconduct Hearing - Dismissal without notice.	1 x U Incivility	1 x Member of Staff	1 x F	W1
C/467/15	Management Action	1 x U Incivility	1 x Member of Staff	1 x F	W1
C/528/14	Management Action	1 x S Neglect of Duty	1 x Ps	1 x M	W9
C/851/12	Management Action	1 x G Irregularity in	2 x Ps	1 x M	W1

		evidence. & 1 x M Breach Code C PACE			
C/851/14	Management Action	2 x S Neglect of Duty	1 x Pc	M	W1
C/1035/14	Management Action	1 x E Unnecessary arrest, 2 x S Neglect of Duty & 1 x L Breach code B PACE.	2 x Ps, 8 x Pc, 1 x Dc & 1 x Ds	11 x M & 1 x F	W1
C/160/15	Management Action	1 x S Neglect of Duty	1 x Pc	M	W1
C/396/15	Management Action	1 x S Neglect of Duty	1 x Dc	F	W1
C/657/15	Management Action	1 x D Oppressive Conduct	1 x Pc	M	W1
C/682/15	Management Action	1 x S Neglect of Duty	1 x Ds & 1 x Dc	F	W1
C/297/12	Formal Action – Gross Misconduct Hearing. Not Proven. Management Action	1 x C Assault.	4 x Pc	3 x M & 1 x F	W1
C/818/15	Management Action	1 x M Breach Code C PACE	5 x Pc	4 x M & 1 x F	W1
C/898/15	No Action – the officer of staff member responsible for the error was not identified.	1 x S Neglect of Duty	N/A	N/A	N/A
C/909/15	Management Action	2 x C Assault	1 x Pc	M	W1
C/975/15	Management Action	1 x S Neglect of Duty	1 x Pc	M	W1
C/12/16	Management Action	1 x M Breach Code C PACE	1 x Pc & 1 x Member of Staff	1 x M & 1 x F	W1

C/501/14	Management Action	1 x S Neglect of Duty	2 x Ds, 1 x Pc, 1 x Police Staff, 2 x Dc	3 x M & 3 x F	W1
C/249/15	No Action. (The complaint relates to hair from a police dog being left on a car seat/s following a lawful search of the complainant's vehicle. The investigation concluded that whilst dog hair had been left this was not a matter relating to individual officer misconduct.	1 x S Neglect of Duty	1 x Pc	M	W1
C/442/14	Management Action and No Action. (The No Action finding relates to a telephone call taken by a Police Staff member. The Investigating Officer states <i>'the call is recorded accurately apart from one word. The error has no impact on the way the call or wider incident was dealt with. I recommend no further action is taken'</i> .	2 x S Neglect of Duty	1 x Pc & 1 x Police Staff	2 x M	W1
C/206/15	Management Action	1 x Breach Code C PACE	1 x Pc	M	W1
C/176/14	Management Action	1 x S Neglect of Duty	2 x Pc	2 x M	W1
C/372/15	Management Action	1 x S Neglect of Duty & 1 x Q Lack of fairness and Impartiality	1 x Pc	M	W9
C/407/14	Management Action	1 x S Neglect of Duty	1 x Pc	M	W1
C/718/14	Management Action	2 x Breach Code C PACE	1 x Ps 1 x Dc	1 x M & 1 x F	W1
C/995/14	No Action. (The complaint relates to police attendance at a property to search for a suspect after the owner of the property had informed police that the suspect was a previous occupant. The investigation upheld the complaint but was unable to establish who made the error.	1 x D Oppressive Conduct	U/K	U/K	U/K
C/1046/14	No Action. (This complaint relates to a letter sent to an Officer at Rayleigh police station which was not replied to. The investigation concluded that on the balance of probability it was received although it was not possible to state the Officer/Staff member involved.	1 x S Neglect of Duty	U/K	U/K	U/K

C/408/15	Management Action	1 x U Incivility & 1 x Breach Code B PACE	1 x Pc	M	W1
C/832/14	No Action (This investigation was carried out Independently by the IPCC. The upheld outcome relates to Organisational Learning).	1 x S Neglect of Duty	N/A	N/A	N/A
C/833/14	No Action (This investigation was carried out Independently by the IPCC. The upheld outcome relates to Organisational Learning).	1 x S Neglect of Duty	N/A	N/A	N/A
C/834/14	No Action (This investigation was carried out Independently by the IPCC. The upheld outcome relates to Organisational Learning).	1 x S Neglect of Duty	N/A	N/A	N/A
C/1009/15	Management Action	1 x J Mishandling of Property	1 x Ds 2 x Dc & 1 x Police Staff	3 x F & 1 x M	W1

The purpose of management action is to:

- Deal with misconduct in a timely, proportionate and effective way that will command the confidence of staff, police officers, and the police service and the public.
- Identify any underlying causes or welfare considerations.
- Improve conduct and to prevent a similar situation arising in the future. When appropriate, managers in the police service are expected and encouraged to intervene at the earliest opportunity to prevent misconduct occurring and to deal with cases of misconduct in a proportionate and timely way through management action. Even if the police officer does not agree to the management action it can still be imposed by the manager providing such action is reasonable and proportionate.

Management action may include:

- Pointing out how the behaviour fell short of the expectations set out in the Standards of Professional Behaviour
- Identifying expectations for future conduct.
- Establishing an improvement plan.
- Addressing any underlying causes of misconduct

(Home Office Guidance on Police Officer Conduct – section 2.91)

8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

COMPLAINT INVESTIGATIONS OVER 90 DAYS

There are no cases in excess of 90 days in this quarter

This report does not contain details of complaints processed outside of the specified period which remain under investigation. It also does not include complaints being investigated by Local Policing Areas or other commands within Essex Police.

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were and 18 Commendations issued in this quarter, no Certificates of Merit.

