
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 2017 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

xxx – Data Protection Act (DPA) theme

xxx – Vulnerability theme

NEW CASES

IPCC Independent Investigation – CM/2/17

Allegations have been made regarding a senior officer's conduct on duty. This has been assessed at a threshold of gross misconduct and referred to the IPCC on 04 January 2017. The IPCC are investigating this case.

PSD Investigation - CM/16/17

An officer is alleged to have misused police information systems and disclosed police information to third parties. This matter was referred to the IPCC who directed that a local investigation be conducted. PSD are conducting this criminal investigation. The officer has been placed on restricted duties.

PSD Investigation - CM/18/17

An Essex officer is being investigated by the Metropolitan Police Service (MPS) for a historic offence from 1998 prior to the officer joining Essex Police. The matter has been referred to the IPCC and the PSD misconduct case is suspended until the outcome of the MPS criminal investigation is known. The officer has been placed on restricted duties.

CURRENT STATUS OF PREVIOUSLY REPORTED CASES

PSD Investigation - CM/72/16

An officer was arrested by Op JUNO officers in relation to allegations of domestic abuse and coercive, controlling behaviour when off duty. The criminal investigation was concluded as no further action, however a PSD Gross Misconduct investigation has commenced and enquires are ongoing. This case did not meet the threshold of a 'relevant offence' and was not referred to the IPCC.

Update: The PSD investigation has concluded and the officer is to attend a Gross Misconduct Hearing.

PSD Investigation - CM/80/16

A member of police staff was arrested for driving under the influence of drugs, subsequently charged and bailed to court for 7 February 2017. The matter was referred to the IPCC who directed a local investigation. The PSD case is suspended as sub judice pending the outcome of the court case which is scheduled for mid-March 2017.

Update: The member of staff was convicted at court and subsequently resigned. The staff member's details will be placed on the College of Policing Disapproved Register.

PSD Investigation - CM/73/16

An investigation into inappropriate emails being sent by an officer has identified further concerns in relation to 4 separate allegations of inappropriate contact with vulnerable females. This has been referred to the IPCC who directed a local investigation. The officer has been suspended from duty.

Update: The PSD investigation is ongoing.

IPCC Independent Investigation – MI/235/16

The deaths of two 17 year old males in a road collision were referred to the IPCC, as they occurred whilst police officers were in the vicinity. The IPCC are investigating this case.

Update: The IPCC investigation is ongoing.

IPCC Independent Investigation – CM/86/16

A criminal allegation of assault by a police officer is being independently investigated by the IPCC.

Update: The PSD investigation is ongoing.

IPCC Independent Investigation – CM/6/17

Following the suicide of a female, a referral was made to the IPCC who have declared this an independent investigation. Two officers are being investigated for an alleged breach of the Standards of Professional Behaviour at a level of misconduct.

Update: The IPCC investigation is ongoing.

PSD Investigation – CM/75/16

A Special Constabulary Sergeant is being prosecuted for allegations of fraud through their day time employer. The PSD case has been suspended as sub judice pending the outcome of the court case. The officer has been suspended from duty. This matter was referred to the IPCC and was returned for a local investigation.

Update: This case was acquitted at court and is now subject to a PSD conduct investigation.

PSD Investigation - CM/74/16

A new allegation of Misconduct in a Public Office relating to sexual conduct has been made against an officer who was already under restrictions and due to attend a Gross Misconduct Hearing (see CM/67/14 below). The new matter was referred to the IPCC who directed that it be subject of a local investigation. The officer has been suspended from duty and the Gross Misconduct Hearing adjourned pending the outcome of the criminal investigation.

Update: The criminal investigation is ongoing and CPS advice has been sought.

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: Following the PSD investigation, the officer was due to attend a gross misconduct hearing 1-11 November 2016. A new criminal allegation of misconduct in a public office in relation to sexual conduct has been made. The officer has been suspended and the Legally Qualified Chair has adjourned the hearing pending the outcome of the new investigation.

PSD Investigation - CM/64/16

An allegation by a member of the public of sexual touching has been made against a member of police staff. The matter was referred to the IPCC who directed that a local investigation should take place. The member of staff is on police bail and has been suspended from duty.

Update: The subject has been released from bail but remains suspended from duty and the criminal investigation is ongoing.

PSD Investigation – C/938/15

This complaint case alleged that officers had failed to investigate a domestic violence incident. The complaint was initially allocated to a local investigation officer; however, as the local investigation progressed concerns were identified in relation to the performance and the honesty of the officers. This matter was referred to the IPCC who directed that it be subject of a local investigation. This resulted in the case becoming a PSD investigation, which has upheld the complaint and found a case to answer. The officers will attend a Gross Misconduct Hearing, scheduled for 18-21 April 2017.

Update: One officer received a final written warning and the second officer was dismissed without notice. The name of this officer will be placed on the College of Policing Disapproved Register.

IPCC Independent Investigation – C/297/16

Officers attended 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.

Update: The investigation has been concluded and the ensuing report returned to Essex Police as the Appropriate Authority for formal adjudication. One officer is to attend a Gross Misconduct Hearing, exact date to be confirmed. The second officer was found not to have a case to answer.

Update: The Gross Misconduct Hearing was held between 15 -18 May 2017 and the panel found that the officer had a case to answer for excessive use of force, discreditable conduct and authority, courtesy and respect at a threshold of gross misconduct. The officer received a final written warning.

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.

Update: The criminal investigation has been closed as no further action and the PSD investigation has concluded. The officer will attend a Misconduct Meeting.

IPCC Independent Investigation – CM/13/16

It has been alleged that officers failed to investigate a domestic violence incident, nor did they put any safeguard measures 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 - 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 was referred to the IPCC on the 8th of October 2015 who directed that a local investigation be undertaken. The officer has been suspended from duty.

Update: The officer attended a public gross misconduct hearing between 21-24 February 2017 where the allegation was upheld and the officer was dismissed without notice. The officer's details have been placed on the College of Policing Disapproved Register.

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 has concluded and the report has been sent to the Appropriate Authority in Essex Police for consultation regarding redactions which has been responded to. Essex Police are awaiting a formal request from the IPCC in order that the Appropriate Authority can determine if there is a case to answer or not regarding any alleged conduct in accordance with the Police Reform Act legislation.

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 54 cases have been referred to the IPCC from 19th November 2014 onwards of which 53 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. Previous updates have stated that there were 56 cases but it has been clarified that it is 54 cases due to multiple complainants for two cases.

Update: The IPCC have commenced two Independent Investigations into the supervision and oversight of North Child Abuse Investigation Team (NCAIT) and Child Sexual Exploitation Triage Team (CSETT) units respectively. Norfolk Police are continuing to progress investigations at gross misconduct or criminal level for all other officers in this case.

The determination on twenty investigations has concluded that there is a case to answer in relation for misconduct by ten officers.

Three officers attended a misconduct meeting between 4-5 May 2017 where the allegations against two officers were found to be upheld and one officer was found to have no case to answer.

Seven officers have already received management action.

Three officers were found to have a case to answer for misconduct but as they have left the force no further action will be taken.

There was no case to answer for the remaining seven officers, although one officer has been placed on Unsatisfactory Performance Procedures.

Five cases have been referred to the Crown Prosecution Service (CPS) for advice on criminal matters which relates to three serving officers and two former officers.

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 CPS have decided on no further action in relation to a former officer. Two officers are to attend a Gross Misconduct Hearing, dates to be confirmed. One officer is to receive management action at a threshold of misconduct. Three officers are to receive management action and have no case to answer.

1a. Proactive work to identify serious conduct matters by the PSD Anti-Corruption Intelligence Unit (ACIU)

The ACIU receives information and intelligence through a number of different channels. These include internal, external, anonymous and other sources. The information may relate to criminal matters, to misconduct or to less serious, performance issues.

One area of focus for the ACIU is that of notifiable associations, which may come in through vetting declarations, intelligence or personal disclosures. In response to any such disclosure, audits of various systems are conducted. Checks are also made on the subject to understand any offending history, associates and to identify any risks to individuals or the

organisation. This process may lead to a risk management meeting (RMM) with an officer or staff member and certain mitigating measures may follow.

The ACIU are proactive in the prevention and education relating to the abuse of authority, with emphasis on inappropriate contact/behaviour for a sexual purpose, business interests, and notifiable associations (or meeting people who are on bail). This proactive work leads to increased reporting and further embeds the force's commitment to transparency and managing risk.

2. SUSPENDED OFFICERS

At the time of submission of this report, 6 Police Officers, 1 Special and 1 Police Staff member 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
1.1.16 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
1.7.16 To 30.9.16	11	8	3	0	0	0	7	2
1.10.16 to 31.12.16	8	3	0	5	0	0	12	4
1.1.17 To 31.3.17	11	0	4	7	0	0	8	0

Please note that one 'not upheld' appeal received in this quarter relates to an appeal made in December 2016.

The main reason for upholding appeals relates to an inadequate standard of investigation, for instance, insufficient enquiries carried out by the investigating officer and not certifying the investigation to special requirements.

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

There are two non recording appeals which await adjudication from the IPCC.

Three of the non-recording appeals in this quarter were made by the same complainant.

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
1.10.15 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
1.7.16 To 30.9.16	20	2	13	0	3	0
1.10.16 to 31.12.16	16	0	14	2	1	0
1.1.17 To 31.3.17	13	1	12	1	1	0

Currently there are 15 appeals awaiting adjudication.

Appeals are currently being processed in 22 days.

This is a significant improvement on last year when it was taking 116 days to process appeals.

The oldest appeal awaiting adjudication was received in March 2017.

Thirty four appeals have been received within this quarter.

(116 appeals have been received in the financial year April 2016 – March 2017)

TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2016 1.1.16 To 31.3.16		2016 1.4.16 To 30.6.16		2016 1.7.16 To 30.9.16		2016 1.10.16 To 31.12.16		2017 1.1.17 To 31.3.17	
	A	1	0	1	0	0	0	0	0	0
B	0	0	0	0	0	0	0	0	1	1
C	22	3	31	3	22	2	26	3	16	0
D	11	1	23	2	23	1	30	2	16	1
E	18	1	29	3	27	3	24	0	18	0
F	11	1	8	1	12	0	5	0	11	1
G	6	0	5	1	7	0	21	2	10	1
H	1	0	2	1	2	2	2	0	4	1
J	3	0	5	0	7	1	20	2	7	0
K	1	0	0	0	0	0	1	0	0	0
L	2	1	3	1	4	0	5	1	6	1
M	23	4	36	7	28	3	27	1	16	0
N	2	0	0	0	0	0	0	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	4	1	11	1	24	0	27	2	27	1
R	2	0	2	1	1	0	0	0	0	0
S	173	16	225	28	182	23	116	11	86	9
T	4	1	2	0	2	0	8	0	0	0
U	43	11	53	8	50	6	56	4	31	7
V	3	1	5	1	2	0	5	1	2	0
W	2	0	0	0	1	0	2	0	0	0
X	11	0	16	2	3	0	13	2	7	0
Y	0	0	0	0	0	0	0	0	0	0
**	0	0	0	0	2	0	2	0	0	0
Total	343	41	457	59	399	41*	390	31	258	23

*** 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 16 allegations recorded in this category during the quarter compared to 11 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
Failure to Communicate

6. ALLEGATIONS OF FAILURES IN DUTY - COMPLAINT CODE S

There were 86 allegations recorded in this category during the quarter compared to 173 in the same period last year. The allegations are recorded under a number of criteria in relation to the circumstance; the most common circumstances are shown in the table below.

Circumstance
Failure to investigate an incident
Arrest/Detention

7. ALLEGATIONS OF DISCRIMINATORY BEHAVIOUR

There were 11 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Gender	White Male	Live
Gender	White Male	Live
Race	Black Male	Live
Gender	White Male	Live
Homophobic	White Female	Live
Race	Black Male	Live
Other	White Male	Live
Race	Asian Male	Live
Disability	Asian Male	Live
Race	White Male	Live
Race	Asian Male	Live

8. PERFORMANCE

8a. Finalised Complaint Cases

IPCC Data

A data extraction programme is run at the request of the IPCC each quarter. This data is used to produce the comprehensive national statistics on all complaint cases across the force. Quarter 4 data has recently been published and early indications support that the hard work being undertaken by PSD and the force is having a positive effect and the results of this can be seen below.

Essex Complaint case timeliness – Quarter 4 actual								
	2015/16				2016/17			
Measure	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Ave number of days to finalise complaint cases (inc. sub judge)	156	159	172	191	190	189	145	159
Ave number of days to finalise complaint cases (exc. sub judge)	153	154	169	188	177	177	139	152
Essex Complaint case timeliness – YTD actual								
	2015/16				2016/17			
Measure	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Ave number of days to finalise complaint cases (inc. sub judge)	156	157	162	174	190	189	175	171
Ave number of days to finalise complaint cases (exc. sub judge)	153	153	158	170	177	177	164	162

OPCC Audit

The Office of the Police and Crime Commissioner also examine finalised complaint cases through a dip sampling process each quarter. The following data refers to Quarter 3 – October to December 2016. Nineteen cases were examined within this quarter and ten cases attracted no further comment. The remaining nine cases which attracted comment were linked to:-

- Timeliness issues at finalising cases within PSD
(Update - this historic backlog of workflow has now been resolved)
- Updates to complainants every 28 days
(Update – there is consistent evidence of regular updates to complainants for cases that are being managed within PSD. There is further work to be conducted in this area for cases that are being managed elsewhere in the force)
- Case management and record keeping
(Update – the case management within PSD is very strong at the initial stages of recording and thereafter. There is evidence of consistent improvement in all other areas within the force)

The table below shows the outcome of the complaint cases finalised in this reporting period.

Outcome	Number	Percentage
Upheld	27	11
Not Upheld	77	31.5
Locally Resolved	112	45.7
Withdrawn	25	10.2
Discontinued	0	0
Disapplication	4	1.6
De-recorded	0	0
Total	245	

The table below shows the timeliness for complaint cases finalised after investigation or local resolution in the quarter.

Type	Number				Percentage within 120 Days %			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
IPCC Investigation	1				100			
PSD Investigation	11				36			
Local Investigation	93				75			
Local Resolution	112				68			
Total PSD and Local Cases Investigated or Locally Resolved	217				67			

This table shows the number of live complaint cases in the system as at 15 May 2017.

Mode of Investigation	Number				Percentage within 120 Days %			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
IPCC Independent	7				-			
Local - PSD	43				44			
Local – LPA/Department	221				57			
Sub Justice	17				-			
Total Live Cases	264				55			

PSD Action Plan

There is an action plan in place in relation to the public complaint process.

The plan seeks to address and improve on the quality of service given to complainants in the specific areas of:

1. Timeliness and Delays
2. Customer Contact
3. Case Management
4. Record Keeping

As a result of a robust plan to oversee the full complaint process, there is now encouraging evidence of positive results in reducing the duration of the complaint handling process as well as improving the complainants' reporting experience.

The work of the PSD Service Delivery Unit (SDU) in supporting officers across the force is a key factor to this success, particularly in relation to facilitating Investigating Officers (IOs) in achieving local resolutions (LR's) for complaints in a timely manner.

One aspect of this plan involves closer scrutiny of Investigating Officers (IOs) regarding progress and updates of complaint cases may result in Senior Command Team intervention.

Monthly spreadsheets of all outstanding complaint and conduct cases are sent to local Superintendents/Police Staff rank responsible for PSD matters. This involves closer scrutiny of Investigating Officers (IOs) regarding progress and updates of complaint cases and may result in Senior Command Team intervention and performance measures.

Since implementation in March 2017, there have been five cases where senior intervention at Superintendent/Police Staff rank has been sought.

In three of these cases the officers were able to confirm that updates had been given to the complainant and advice was given regarding the need to keep PSD updated.

In one case a training need was identified for an officer who will receive enhanced PSD training.

In the last case, the officer has been placed on action plan which is now subject to close supervision.

Local Policing Areas have now appointed designated PSD spocs to manage the case management and record keeping which is proving to be beneficial. Access to the appropriate PSD record keeping system is currently being implemented to ensure that local updates are accurately monitored, recorded and reviewed.

Any cases that are over 90 days old are discussed at a monthly meeting between the Superintendent and the Assistant Chief Constable.

Complaint cases continue to be discussed bi-monthly at the Integrity & Anti-Corruption Board chaired by the Deputy Chief Constable.

Training support by PSD Service Delivery Unit (SDU)

Additional learning/training support provided by SDU	Frequency
Staff personal training PSD – SDU advice	5 separate staff (Approx. 2 1/2 hour each)
Staff attachments to PSD - SDU	1 Sergeant
PSD training surgeries	4 events held in Colchester/ Clacton, Southend, Harlow and Braintree.
Additional email complaint case advice	15 separate cases
Additional telephone complaint consulting with officers	26 separate cases

8b. UPHHELD COMPLAINTS

Reference	Outcome/Sanction	Allegation Type	Officers /Staff	Gender	Ethnicity
C/633/14	Management Action	Code L - Breach Code B of PACE	5 x PC	1 x F 4 x M	W1
C/86/15	Management Action	Code S - Other Neglect or Failure in Duty	2 x PC	2 x M	W1 & A1
C/403/15	No Action – The officer offered an apology whilst he was at the scene of the incident.	Code S - Other Neglect or Failure in Duty	1 x PC	1 x M	W1
C/644/15	Management Action	Code J - Mishandling Property & Code Q –Lack of Fairness	1 x PC	1 x M	W1
C/664/15	Management Action	Code M – Breach of Code C of PACE			
C/666/15	Management Action	Code M – Breach of Code C of PACE	3 x PC 4 x PS 9 x Police Staff	9 x M 8 x F	W1
C/1019/15	Management Action	Code S - Other Neglect or Failure in Duty	1 x PC	1 x M	W!

C/31/16	Management Action	Code S - Other Neglect or Failure in Duty	2 x PS	2 x M	W1
C/87/16	Formal Action – Misconduct Meeting which found no case to answer. Management Action	Code N – Breach of Code D of PACE Code W - Other	1 x PC	1 x M	W!
C/223/16	Management Action	Code E – Unlawful Arrest	1 x PC	1 x M	W1
C/284/16	Management Action	Code S - Other Neglect or Failure in Duty	1 x PC	1 x F	W1
C/400/16	Management Action	Code J - Mishandling Property	1 x DC	1 x F	W1
C/406/16	Retired/Resigned	Code S - Other Neglect or Failure in Duty	1 x Police Staff	1 x F	W1
C/426/16	Management Action x 2	Code X – Improper Disclosure of Information Code S - Other Neglect or Failure in Duty	1 X PC 1 x PS	2 x M	W1
C/467/16	Management Action	Code M – Breach of Code C of PACE	1 x PS	1 x M	W1
C/492/16	No action - relates to a vehicle recovery policy	Code S - Other Neglect or Failure in Duty			
C/521/16	Management Action	Code E – Unlawful Arrest	1 x DS	1 x M	W1
C/522/16	Management Action	Code E – Unlawful Arrest	2 x PC	1 x M 1 x F	W1
C/568/16	Management Action	Code F – Discrimination	2 x PC	2 x M	W1
C/600/16	Management Action	Code S - Other Neglect or Failure in Duty	1 x PC	1 x M	A1
C/657/16	Management Action	Code U - Incivility	1 x DC	1 x F	W1
C/711/16	An apology was given in relation to administrative errors which inconvenienced the complainant; no conduct matters identified	Code D – Oppressive Conduct or Harassment	1 x PC	1 x M	W1
C/723/16	Management Action x 2	Code V – Traffic Irregularity. Code M – Breach of Code C of PACE	1 x PC 1 x Police Staff	1 x M 1 x F	W1
C/809/16	Management Action	Code S - Other Neglect or Failure in Duty	1 x PC	1 x M	W1
C/852/16	C/498/14 was the original complaint relating to an arrest where a civil claim was logged and compensation was paid. The complainant is seeking further costs and made a second complaint to support this. This second complaint was recorded and upheld following an IPCC non-recording appeal, upheld on technical grounds.	Code E – Unlawful Arrest	1 x DI 1 x PS 3 x DC	3 x M 2 x F	W1
C/18/17	Management Action	Code S - Other Neglect or Failure in Duty	1 X PC	1 x M	W1
C/402/15	3 Officers attended a misconduct meeting and were given Management Advice as a sanction.	Code S x 4 - Other Neglect or Failure in Duty	1 x DC 2 x PC	2 x M 1 x F	W!

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. PSD COMPLAINT INVESTIGATIONS OVER 90 DAYS

Reference: C/280/16. Days under investigation – 163

This case was originally recorded in April 2016, although the full details of complaint were not known until the end on May 2016. This case has many strands of complaint recorded under 5 Home Office Codes of Complaint headings.

The delay in investigating this case has been caused by the size of the case where there are around 60 strands of complaint made against approximately 30 police officers and members of police staff. Additional delays have been caused due to a lack of engagement by the complainant.

Reference: C/598/16. Days under investigation – 171

This case was recorded in August 2016. The complainant makes regular contact with Essex PSD however it has been difficult to obtain meaningful or productive engagement. There have been delays in obtaining significant information necessary to investigate the complaint and this is an on-going process.

Reference: C/598/16. Days under investigation – 156

The Investigating Officer for this case was appointed in September 2016. There have been difficulties in obtaining court transcripts which are required to properly investigate the complaint. These have now been received and the investigation is progressing.

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 10 Commendations issued in this quarter and no Certificates of Merit.

