
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 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

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 who have commenced an independent investigation.

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 who have directed that a local investigation be undertaken.

The Officer has been suspended from duty.

CASES PREVIOUSLY REPORTED

IPCC Independent Investigation MI/49/15

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 who are conducting an independent investigation.

Update: The IPCC investigation is on-going and an Officer has been suspended from duty.

PSD Investigation CM/69/15

A referral was made to the IPCC of an allegation that an Officer had engaged in inappropriate contact with a witness during an investigation. The IPCC have directed that the matter be the subject of a local investigation.

Update: A private Special Case Hearing was chaired by Chief Constable Kavanagh on 2nd November 2015 which resulted in the Officer being dismissed. The Officer's details have been added to the College of Policing national disapproved register.

PSD Investigation CM/80/15

An Officer was found to have breached police computer systems without a valid policing purpose. The Officer attended a private Special Case Hearing chaired by Chief Constable Kavanagh on 23rd July 2015 and the outcome will be publicised in due course.

A criminal investigation is on-going.

Update: A criminal caution has been issued to this Officer. The reporting restrictions have now been lifted and this Officer was dismissed without notice at the Special Case Hearing held on 23rd July 2015 and the Officer's details have been added to the College of Policing national disapproved register.

PSD Investigation – CM/110/14

An Officer has been arrested following a domestic abuse incident and bailed until August 2015. The Officer is currently suspended from duty. The IPCC have directed that the matter be the subject of a local investigation.

Update: The criminal allegations have been finalised as no further action upon the advice of the Crown Prosecution Service. However the Officer attended a public Special Case Hearing for Discreditable Conduct on 2nd November 2015. The hearing resulted in dismissal and the officers details have been added to the College of Policing national disapproved register.

IPCC Independent Investigation C/664/10

In 2010 the IPCC began an independent investigation into a complaint involving the use of force. In November 2012 the investigation concluded that there was no case to answer. The complainants subsequently took the Independent Police Complaints Commission (IPCC) to a Judicial Review which directed that the case be reinvestigated. The outcome of the second investigation is that there is a case to answer and the Officer will attend a private Gross Misconduct Hearing in January 2016 which is in keeping with the Police (Conduct) Regulations 2008.

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 who are conducting an independent investigation.

Update: The IPCC investigation is on-going.

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 Officer has been suspended from duty.

Update: The Crown Prosecution Service (CPS) has decided to discontinue this case and a PSD investigation is on-going.

Update: The Special Constable has subsequently resigned from the Force and the details will be placed on the College Of Policing Disapproved Register.

(permitted as recorded pre 12/01/15)

PSD Investigation C/338/15

A Special Chief Inspector has been suspended from duty following a complaint that he verbally abused members of the public having identified himself as an Officer.

Update: The investigation has been completed and the complaint has been upheld. The Officer is to attend a misconduct meeting on 2 September 2015.

Update: The Special Chief Inspector received a final written warning.

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 of which 52 cases are part of a managed conduct investigation and 1 case is an independent investigation. Two of the referrals are public complaints which are also being managed by the IPCC.

Update: Three Officers have been served with regulation notices and suspended from duty and 21 other Officers have been served with regulation notices.

Update: One of the suspended Officers attended a public Gross Misconduct Hearing on 14th September 2015 for an unrelated matter. This resulted in the Officer being dismissed and the Officer's details have been added to the College of Policing national disapproved register.

IPCC Independent Investigation – MI/218/14

A referral was made to the IPCC 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 has concluded and has been forwarded to the CPS.

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.

Update: The investigation is on-going.

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 suspended from duty.

Update: The Officer has been charged with abusing his position and will appear at Crown Court in April 2016.

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 publication of the investigation report is awaited.

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 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.

Update: The IPCC investigation is on-going.

IPCC Independent Investigation – CM/93/14 - OP MARIGOLD

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

Update: The IPCC investigation is on-going and has now been included within the Op Maple managed investigation which is being conducted by Norfolk Police.

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: The IPCC investigation has concluded and publication of the report is awaited.

IPCC Supervised 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.

Update: The investigation is on-going and the Officer has had the suspension lifted and is back at work on a restricted basis.

IPCC Independent 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.

Update: The IPCC investigation has report has been finalised; no conduct matters or organisational learning points were identified.

2. SUSPENDED OFFICERS

At the time of submission of this report, 7 Officers, 1 Police Community Support Officer and 1 Special Constable 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
1.7.14 - 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
1.4.15 – 30.6.15	5	1	1	3	0	0	9	5
1.7.15 – 30.9.15	3	1	2	0	0	0	9	3

There were 6 non recording appeals which were not upheld. One of the upheld non recording appeals was only partially upheld and two related to the force failing to make a recording decision.

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
1.7.14 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
1.4.15 – 30.6.15	11	0	5	0	0	0
1.7.15 – 30.09.15	23	0	6	0	0	0

TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2014 1.7.14 To 30.9.14		2014 1.10.14 To 31.12.14		2015 1.1.15 To 31.3.15		2015 1.4.15 To 30.6.15		2015 1.7.15 To 31.10.15	
A	0	0	0	0	0	0	0	0	1	0
B	2	0	0	0	1	0	1	0	0	0
C	45	3	27	0	25	1	25	0	29	1
D	14	0	24	3	31	5	25	3	27	4
E	31	0	33	0	26	0	24	2	30	0
F	11	1	7	0	7	2	13	2	12	0
G	4	0	7	0	4	0	7	0	9	3
H	0	0	1	0	1	0	0	0	2	0
J	8	0	24	3	12	2	2	2	12	1
K	5	0	2	0	3	0	1	0	1	0
L	20	0	11	0	10	1	10	4	11	1
M	33	4	28	0	20	1	21	1	22	2
N	0	0	0	0	0	0	0	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	19	2	12	0	18	1	14	3	17	3
R	4	0	2	0	1	0	0	0	1	1
S	170	18	202	13	185	16	187	27	160	19
T	13	1	7	1	6	0	0	0	3	1
U	69	13	44	5	48	5	46	8	52	10
V	0	0	4	0	4	0	0	0	1	0
W	14	2	8	1	4	1	1	0	0	0
X	11	2	9	1	8	0	9	2	12	1
Y	0	0	1	1	0	0	0	0	0	0
**	5		5		1		1		0	
Total	478	48*	458	28*	415	35*	387	54*	402	47

* 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 27 allegations recorded in this category during the quarter compared to 14 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 160 allegations recorded in this category during the quarter compared to 170 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 13 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Gender	Asian Male	C/587/15 – Live
Race	Black Female	C/704/15 – Live
Disability	White Female	C/715/15 - Live
Disability	White Female	C/731/15 - Live
Race	Asian Male	C/624/15 – Live
Race	Asian Male	C/752/15 - Live
Gender	White Female	C/756/15 – Locally Resolved
Race	White Male	C/758/15 – Live
Race	White Female	C/662/15 - Locally Resolved
Race	White Male	C/673/15 – Live
Race	Black Male	C/678/15 – Live
Race	Black Male	C/788/15 – Live
Race	White Female	C/684/15 – Live

8. PERFORMANCE DATA

8a. FINALISED COMPLAINT CASES

Outcome	Number	Percentage
Upheld	15	10.4
Not Upheld	35	24.3
Locally Resolved	59	42.1
Withdrawn	31	21.5
Discontinued	0	0
Disapplication	4	2.8
Total	144	

8b. UPHELD COMPLAINTS

Reference	Outcome or Sanction	Allegation Type	Officers /Staff	Officer Gender	Officer Ethnicity
C/158/15	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/1024/14	Management Action	1 x S Neglect of Duty, 1 x E Unnecessary arrest/detention, 1 x Q Lack of fairness/impartiality	2 x Pc & 1 x Ps	3 x M	W1
C/195/15	No Action	1 x S Neglect of Duty	1 x Ds & 1 x Dc	1 x M & 1 x F	W1
C/237/15	Management Action	1 x Breach Code C PACE	1 x Ps	1 x M	W1
C/263/15	Management Action	1 x S Neglect of Duty	1 x Pc	1 x M	W1
C/290/15	Management Action	1 x S Neglect of Duty	1 x Dc	1 x F	W1
C/318/15	No Action	1 x S Neglect of Duty	1 x Police Staff	1 x F	W1
C/802/14	Formal Action – Management Meeting – Outcome of Management Advice.	1 x S Neglect of Duty	1 x M	1 x M	W9
C/374/15	No Action	1 x S Neglect of Duty	Officer Not Known	N/A	N/A
C/300/14	Management Action	3 x S Neglect of Duty & 1 x Breach Code C PACE	1 x T/Ps & 3 x Pc	4 x M	1 x M9, 3 x W1,
C/300/14	No Action	1 x R Multiple or Unspecified Breaches of PACE.	Officer Not Known	N/A	N/A
C/622/14	Management Action	1 x S Neglect of Duty	1 x Pc	1 x F	W1
C/906/14	Formal Action – Management Meeting – Outcome of Management Advice.	1 x Q Lack of fairness/impartiality	1 x Pc	1 x F	W1
C/989/14	Management Action	1 x L Breach Code B PACE	1 x Pc	1 x M	W1
C/1016/14	Management Action	2 x S Neglect of Duty	1 x Ds, 1 x Pc & 1 x Dc	3 x M	W1

8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

COMPLAINT INVESTIGATIONS OVER 90 DAYS

There were no investigations over 90 days in the reporting period.

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 11 Certificates of Merit and 48 Commendations issued in this quarter.

