
QUARTERLY REPORT: COMPLAINTS, MISCONDUCT & OTHER MATTERS

Report of the Chief Constable

Contact: Superintendent Steve Robinson

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 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 raises issues though the quarterly meeting with the Deputy Chief Constable.

2.2 This report is suitable for publication once reference numbers have been removed

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

Professional Standards Department (PSD) Investigation

A complaint was made that an officer had visited a member of the public in order to obtain personal information.

The officer has subsequently resigned and their details have been added to the national disapproved list.

PSD Investigation

An officer created inappropriate profiles on social media sites.

The officer has resigned and their details have been added to the national disapproved list.

PSD Investigation

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

Case referred to the IPCC

PSD Investigation

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

Case referred to the IPCC

PSD Investigation

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

The officer is suspended from duty.

CASES PREVIOUSLY REPORTED

Independent Police Complaints Commission (IPCC) Supervised Investigation CM/114/13

It is alleged that an officer inappropriately disclosed police information.

The officer received a criminal caution and subsequently resigned; their details have been added to the national disapproved list.

PSD Investigation

An officer has been charged with illegal possession of firearms and is to appear at Ipswich Crown Court on 7 March 2014.

The officer received a criminal conviction at court and subsequently resigned: and their details have been added to the national disapproved list.

PSD Investigation

An officer is the subject of an off duty assault allegation.

The officer appeared at Magistrates Court and was found not guilty, however a conduct investigation into Data Protection Act offences continues.

PSD Investigation

A complaint has been made that a police staff member sent inappropriate communications to a female after attending her home to deal with an incident.

The staff member has been given management action.

PSD Investigation

An investigation is ongoing into allegations that a police staff member was in possession of indecent images.

The member of staff is under suspension – no change since last report.

PSD Investigation

A member of police staff has accessed and viewed a large quantity of records on Essex Police System and PNC relating to their family, friends and associates.

The member of staff is under suspension.

Update: The staff member pleaded guilty to Data Protection Act offences and subsequently resigned.

PSD Investigation

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

IPCC Supervised investigation

An allegation has been made that officers unlawfully entered a residence and whilst arresting the occupant used excessive force, resulting in a broken wrist.

Update: One officer was given management action in the form of advice.

PSD investigation

It is alleged that an officer accessed and disclosed police information regarding an incident involving a relative.

Update: A gross misconduct hearing was held and the officer was dismissed without notice: their details have been added to the national disapproved list.

IPCC Independent Investigation

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

Update: The IPCC investigation is ongoing.

IPCC Independent Investigation

Police attended a concern for welfare after which the female occupant died; as this was a death following police contact it was referred to the IPCC.

Update: A misconduct meeting is to be arranged for a staff member and management action in the form of advice will be given to other staff.

IPCC Independent Investigation

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

Update: The IPCC investigation is ongoing.

PSD Investigation

An officer is alleged to have has an inappropriate relationship with a witness.

Update: A gross misconduct hearing was held and the officer was dismissed without notice; their details have been added to the national disapproved list.

IPCC Supervised investigation

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 file has been submitted to the Crown Prosecution Service.

IPCC Supervised Investigation

A complaint was made about the investigation of a sexual offence.

Update: A number of officers will appear before a misconduct meeting.

PSD Investigation

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

The officer is under suspension.

Update: The officer is due to attend trial at Crown Court on 27 October 2014

IPCC Independent Investigation

A complaint was made that a sexual offence was investigated poorly.

Update: Three officers are to attend a gross misconduct hearing.

2. SUSPENDED OFFICERS AND POLICE STAFF

As at 31 March 2014 5 police officers and 2 members of police staff 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
1.4.13 to 30.6.13	18	7	11	0	2	0	7	2
1.7.13 to 30.9.13	7	2	5	0	2	0	3	1
1.10.13 to 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

The IPCC remain 22 weeks behind in handling appeals. This means that the investigation appeals received in the period (6) have not yet been allocated to a casework manager. Only one appeal was upheld in the quarter and this was against non recording.

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
1.07.13 to 30.09.13	14	3	5	2	4	2
1.10.13 to	17	3	3	0	3	1

NOT PROTECTIVELY MARKED

31.12.13						
1.1.14 to 31.3.14	19	1	7	0	1	0

In addition to the above two appeals made during this quarter are still under review and have not been finalised

[NOT PROTECTIVELY MARKED]

4. TABLE OF COMPLAINTS RECEIVED BY HOME OFFICE CODE

	2013		2013		2013		2013		2014	
	1.1.13 To 31.3.13		1.4.13 To 30.6.13		1.7.13 To 30.9.13		1.10.13 To 31.12.13		1/1/14 To 31.3.14	
A	0	0	0	0	0	0	0	0	0	0
B	2	0	0	0	0	0	0	0	0	0
C	23	0	26	1	33	0	34	3	36	0
D	47	3	33	3	19	0	33	4	23	2
E	17	0	22	1	30	0	31	0	27	1
F	5	0	8	0	4	0	4	0	6	0
G	13	1	8	1	12	1	12	1	7	1
H	0	0	0	0	0	0	0	0	1	0
J	7	0	17	0	18	3	12	1	20	3
K	2	0	2	0	4	0	5	0	3	1
L	13	0	13	1	6	0	12	1	10	0
M	24	1	29	1	24	1	19	0	22	1
N	2	0	0	0	1	0	0	0	0	0
P	0	0	0	0	0	0	0	0	0	0
Q	6	0	11	0	13	0	13	1	13	1
R	8	1	5	0	9	1	9	0	3	0
S	128	6	98	3	126	14	116	7	110	16
T	9	0	1	0	7	1	2	1	5	2
U	24	5	39	4	57	5	46	9	60	3
V	1	0	4	0	6	0	4	0	5	0
W	0	0	2	1	4	1	0	0	3	0
X	8	0	1	0	6	1	14	1	19	1
Y	0	0	7	0	0	0	1	0	1	0
	10**		7**		9**		4**		6	
Total	349	17*	330	16*	388	28*	371	29*	380	32
* 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 47 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 110 allegations recorded in this category during the quarter compared to 128 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 6 allegations recorded during the reporting period.

Allegation Type	Complainant – Self Classified	Status
Race	Asian Female	Locally Resolved – C/51/14
Race	Black Male	Sub Judice – C/71/14
Homophobic	White Male	Withdrawn – C/75/14
Race	White - Female	Locally Resolved – C/102/14
Race	Black Female	Withdrawn – C/28/14
Race	White Female	Live – C/135?14

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

Outcome	Number	Percentage
Proven/upheld	23	9.4
Not proven/not upheld	63	25.9
Locally Resolved	112	46.0
Withdrawn	35	14.1
Disapplication	10	4.1
Total	243	

8b. UPHELD COMPLAINTS

Ref No	Action Taken	Complaint Type	Rank	Gender	Ethnicity
C/661/12	Management Action	Neglect of Duty	1 x Pc	1 x M	W1
C/485/12	Management Action	Irregularity in Evidence	1 x Pc	1 x M	W1
C/656/12	Management Action	Neglect of Duty	1 x Pc	1 x M	Asian
C/677/12	Management Action	1 x Neglect of Duty and 1 x Irregularity in Evidence	1 x Insp & 1 x Pc	1 x M & 1 x F	W1
C/761/12	Management Action	Neglect of Duty	1 x Police Staff	1 x M	W1

NOT PROTECTIVELY MARKED

C/838/12	Management Action	Other Assault	1 x Pc	1 x F	W1
C/248/13	Management Action	Other irregularity in procedure	1 x Pc	1 x F	W1
C/303/13	Management Action	Neglect of Duty	1 x Pc	1 x M	W1
C/339/13	Management Action	2 x Neglect of Duty	Officers u/k	U/K	U/K
C/346/13	Management Action	Mishandling of Property	1 x Sc, 1 x Ps, 9 x Pc	2 x F 9 x M	1 x Asian 10 x W1
C/459/13	Management Action	Neglect of Duty	5 x Pc 1 x Ps	1 x F, 5 x M	W1
C/462/13	Management Action	Unlawful arrest or detention	3 x Pc, 1 x T/Ps & 1 x Police Staff	3 x M	W1
C/470/13	Management Action	Neglect of Duty	1 s Ds 2 x Ps	3 x M	W1
C/553/13	Management Action	Breach code C PACE	1 x Ps, 1 x Police Staff	2 x M	W1
C/564/13	Management Action	Unlawful arrest or detention	1 x Pc	1 x M	W1
C/565/13	No Action	Neglect of Duty	1 x Dc	1 x F	W1
C/577/13	Management Action	1 x Incivility and 1 x Breach code C PACE	1 x Ps, 1 x Pc	2 x M	W1
C/675/13	No Action	Mishandling of Property	U/K	N/A	N/A
C/815/13	Management Action	Unlawful arrest or detention	1 x Pc	M	W1
C/46/12	Management Action	Neglect of Duty	1 x Dc	M	W1
C/581/12	Management Action	Incivility	1 x Ps	F	W1
C/888/13	No Action	Neglect of Duty	1 x Police Staff 1 x U/K officer	M	W1
C/24/14	No Action	Neglect of Duty	1 x Police Staff, 1 x Ps	2x M	W1

8c. COMPLAINT INVESTIGATIONS OVER 90 DAYS

None

8d. COMMENDATIONS AND CERTIFICATES OF MERIT

There were 2 Certificates of Merit and 16 Commendations issued in this quarter.

