

<b>For Information</b>	
<b>Public/Non Public</b>	<b>Public</b>
<b>Report to:</b>	<b>Audit and Scrutiny Panel</b>
<b>Date of Meeting:</b>	<b>12<sup>th</sup> December 2013</b>
<b>Report of:</b>	<b>IPCC Investigations</b>
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<b>Agenda Item:</b>	<b>5</b>

## **IPCC INVESTIGATIONS**

### **1. Purpose of the Report**

- 1.1 To inform the PCC in respect of how many cases the Force has referred to the Independent Police Complaints Commission (IPCC) during the period 1 April to 30 September 2013. Also, details of any outcomes and recommendations the IPCC has referred back to the Force during this period, and other learning identified.

### **2. Recommendations**

- 2.1 That the Audit and Scrutiny Panel notes the report.

### **3. Reasons for Recommendations**

- 3.1 To ensure that the Audit and Scrutiny Panel can scrutinise the Force process of referring cases to the IPCC during the timeframe described above. Note the report

### **4. Summary of Key Points**

- 4.1 The force must refer to the IPCC both public complaint and internal conduct matters, which meet specific criteria as set out in the IPCC Statutory Guidance, i.e. matters which:
- relate to any incident or circumstances in or in consequence of which a person has died or suffered serious injury
  - fall within the mandatory referral criteria (see below)
  - the IPCC notifies the appropriate authority (the force) that it requires the matter to be referred regardless of whether the conduct matter is already being investigated by any person or the IPCC has considered it previously.
- 4.2 Mandatory referrals are defined as complaints and recordable conduct matters that include allegations of conduct which constitutes:
- serious assault
  - serious sexual offence
  - serious corruption

- criminal offence or behaviour which is liable to lead to misconduct proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a persons race, sex, religion or other status as identified in the statutory guidance
  - any offence for which the sentence is fixed by law or any offence for which a person of 18 years and over (not previously convicted) may be sentenced to imprisonment for seven years or more
  - complaints or conduct matters which are alleged to have arisen from the same incident as anything falling within these criteria.
- 4.3 The IPCC also encourages forces to refer complaints or recordable conduct matters that do not have to be referred but where the gravity of the subject matter or exceptional circumstances justifies referral.
- 4.4 In the period 1 April to 30 September 2013 Nottinghamshire Police recorded 430 complaint cases and 29 internal conduct matters. Of these, the force has referred 20 cases to the IPCC. 16 of these were mandatory referrals and 4 were voluntary. 16 of the 20 referrals have been referred back to PSD by the IPCC for a local investigation, with no further IPCC oversight required.
- 4.5 The investigations referred back to the force for local investigation have covered a variety of themes including allegations by the public of the following:
- misuse of police systems i.e. officers searching data stored on police systems for their own knowledge and use,
  - misuse of Taser i.e. where the use is deemed to be excessive against somebody who is perceived as vulnerable or in a confined space,
  - misuse of a police dog to apprehend suspects, i.e. where the use is deemed to be excessive and results in injury to the person being pursued and arrested,
  - excessive use of force when arresting i.e. where the force used is deemed to be excessive and results in significant injury to the person being arrested,
  - incorrect grading of an incident that may have prevented a sudden death i.e. the control room operator failed to recognise the vulnerability of the caller when the initial call was made resulting in a delayed response.
- 4.6 Those referrals retained or managed by the IPCC include allegations by the public of the following:
- Failure by an officer to follow force policy and procedures while driving, resulting in a member of the public being injured,
  - Failing to conduct an effective investigation into an assault on a member of the public which potentially contributed to that offender being able to go on to commit further serious offences,
  - Abuse of authority or misconduct in a public office by officers or staff in forming or attempting to form inappropriate relationships with those they are expected to protect and serve.

- 4.7 The Professional Standards Directorate (PSD) Complaints and Misconduct Unit (CMU) Detective Chief Inspector (DCI) is the lead for organisational learning in respect of public complaints and internal conduct matters. When PSD investigate a public complaint or conduct matter, opportunities for future learning and service improvement are taken into account. Incidents are reviewed to see if the force dealt with the matter appropriately as an organisation, and if this review identifies anything that could have been done differently/better then that information is captured on the Organisational Learning tab of our recording system, Centurion.
- 4.8 If there is any immediate or obvious action required, then that will be progressed immediately and an audit trail outlining action taken will be attached to the Centurion record.
- 4.9 PS, as part of an internal audit review process will conduct reviews to ensure any immediate or recommended changes have been put in place.
- 4.10 The CMU DCI also reviews the 'Learning the Lessons' bulletins that are circulated nationally by the IPCC. These bulletins are published on an irregular basis, depending on the volume of issues that have been identified by the IPCC. The latest bulletin was published in May 2013.
- 4.11 Issues which are relevant to our organisation are raised at Nottinghamshire Police's 'Professional Standards and Integrity' board, chaired by the Deputy Chief Constable. Any learning is tasked to the appropriate departmental head to implement, e.g. if the learning is in respect of how a call to a police force was prioritised, then the head of contact management would be required to confirm that appropriate procedures in Nottinghamshire Police have been implemented. We also have an internal quarterly PSD newsletter and intranet site where key messages regarding organisational learning are communicated to all staff and officers. PSD also works with the Learning and Development department to ensure that specific training to officers is delivered.
- 4.12 In the period since April 13, the Force has received learning back from the IPCC on one specific case. This was in relation to the treatment of a detainee in police custody. The IPCC identified three main areas of learning for the Force which were:
- Failure to deliver detainee's rights.
  - Excessive use of handcuffs
  - Inadequate measures to ensure the care of dependants
- 4.13 The learning report was actioned by the Head of Crime and Justice, who has responsibility for the service delivered to detainees in police custody, and learning has been implemented.

## **5. Financial Implications and Budget Provision**

- 5.1 Financial implications are largely 'opportunity costs', i.e. are absorbed within the daily commitments of officers and staff, and do not necessitate additional budget provision. For example:
- DCI preparing documents and circulating 'Lessons Learned',
  - DCI and PSD staff conducting audits and attending focus groups and training opportunities to relay lessons learned.
  - Corporate communications staff assisting with the development of communication plans and the production of training material
  - Extended briefings for officers and staff
  - Officers and staff attending mandatory presentations of lessons learned
  - Learning and development resources delivering 'lessons learned'
- 5.2 The production of training material is an additional 'real' cost, but is minimal. i.e. £240 for training DVDs
- 5.3 These costs are off-set against the potential costs of PSD investigations if learning is not embedded, and also against potential litigation claims against the force by the public for unreasonable mistakes being made by officers and staffs.

## **6. Human Resources Implications**

- 6.1 Complaint and conduct investigations are subject to Police Conduct regulations 2012 and the Police Staff employment legislation.

## **7. Equality Implications**

- 7.1 It is important that the police service is seen to police a diverse society and community fairly. People may belong to one or more minority groups, but this should not have a negative effect on the service they receive from the police. We recognise that people from minority groups may be reluctant to express their belief that a problem they have experienced is rooted in discriminatory attitudes. This may, for example, be because a complainant is reluctant to disclose his or her sexuality or to disclose a mental health problem for fear that this may affect the investigator's attitude to the merit of a complaint. To overcome this, PSD staff dealing with complaints are required to encourage complainants to explain why they think a person serving with the police behaved the way that he or she did and demonstrate a willingness to accept and investigate this aspect of the allegation. **PSD staff also** receive training to develop their ability to identify discrimination. This training stresses that discrimination is not always overt, and that it can be necessary to look at all

the circumstances of a particular case in order to see if discrimination can rightly be inferred from the surrounding facts.

## **8. Risk Management**

- 8.1 It is essential the public have confidence in the service Nottinghamshire Police provide.
- 8.2 Where it is identified mistakes have been made there needs to be a process to ensure the circumstances are reviewed and any recommendations for change are implemented, with robust governance and accountability.
- 8.3 By using Lessons Learned we help manage risk and maintain or improve the service we provide, which will impact on the trust and confidence from those we are obliged to protect and serve.

## **9. Policy Implications and links to the Police and Crime Plan Priorities**

- 9.1 By using Lessons Learned we can ensure all relevant parts of the organisation are given help to improve our service and ultimately achieve the force priorities.

## **10. Changes in Legislation or other Legal Considerations**

- 10.1 Complaints and conduct investigations are subject to specific legislation i.e. Police Conduct Regulations 2012 and the Police Staff employment legislation; as well as the IPCC Statutory Guidance 2013.

## **11. Details of outcome of consultation**

- 11.1 Not Applicable.

## **12. Appendices**

- 12.1 None