

For Information	
Public/Non Public*	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	15 December 2014
Report of:	IPCC Investigations, recommendations and actions
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Agenda Item:	06

*If Non Public, please state under which category number from the guidance in the space provided.

IPCC INVESTIGATIONS

1. Purpose of the Report

- 1.1 To inform the PCC in respect of complaint and conduct matters which have been referred by Nottinghamshire Police to the IPCC during the period 1 April to 30th September 2014, together with relevant recommendations and actions.

2. Recommendations

- 2.1 That the Panel receive assurance from the processes in place relating to IPCC investigations as detailed within the report.

3. Reasons for Recommendations

- 3.1 To provide the PCC with relevant information and oversight in respect of cases that Nottinghamshire Police refers to the IPCC

4. Summary of Key Points (this should include background information and options appraisal if applicable)

- 4.1 The Force has referred 44 cases to the IPCC during the relevant period 1 April to 30 Sept 2014. This compares to 17 in the previous period (October 2013 to 31st March 2014). Details of the referrals made, in the relevant period, are attached to this report at Appendix A.
- 4.2 Of the 44 referrals made in the relevant period, 34 were mandatory referrals in line with IPCC statutory guidance, and ten were voluntary referrals. 40 of the 44 referrals made were referred back to the force PSD for a local investigation. The remaining four were determined by the IPCC to be suitable for two Independent and two supervised investigations.
- 4.3 In addition, in this period, three of the allegation details relate to the same person and two to the same person.

4.4 During the relevant period three public complaints, two conduct matters and five miscellaneous matters, that had previously been referred to the IPCC were finalised. All of the matters were dealt with locally by PSD.

4.5 For the three Public Complaints now finalised;

- One was for allegations of using homophobic language, by an off duty officer, this was not upheld, but the officer was given Management Action re the use of his warrant card.
- One was for an allegation of racism when issuing a fixed penalty for a traffic matter. This was not upheld.
- One was for an allegation of racism for stopping the complainant who was driving at the time. This was not upheld.

4.6 For the two conduct matters now finalised;

- An allegation of sexual assault by an off duty officer. The officer was found to have no case to answer.
- An allegation an Officer sent sexualised text messages to members of the public. The officer resigned during the investigation.

4.7 For the five Miscellaneous Matters now finalised;

- Two was for 'Death following police contact' One was a man sleeping rough who accidentally ignites his clothing when sleeping; the police had been in contact with him in the previous months and given and offered support. The other was a man seen at his home address by officers and paramedics offered assistance, but he refused any help. The man was later found at home by his daughter in his bed having died in his sleep.
- One was for a detainee who escaped from police custody, but was later re-captured. This identified organisational learning.
- One was for injury to a drunken male found sleeping rough and officers required to perform CPR on the male resulting in broken ribs. The man was conveyed to QMC hospital for treatment.
- One was for a man who attempted to commit suicide by overdose whilst under investigation under Operation Daybreak.

4.8 The two live Independent cases are;

- One involving a person detained in custody whilst pregnant and handcuffed in a cell for several hours. This case was initially finalised at a hearing with two officers receiving a Final Written Warning and one

receiving a Written Warning. The case has been re-opened by the IPCC and new notices issued to additional officers and staff.

- One involves a detainee in a police cell causing serious injury to his own eye.

4.9 The two live Supervised cases are;

- One involves an allegation of corruption by a serving police officer in Nottingham alleged to have abused his position in relation to speeding matters, supply of drugs and theft.
- One is an allegation of using excessive force during an arrest which is alleged to have resulted in significant bruising and to be racially motivated

4.10 One live Independent case has been finalised in relation to the death of Mr John McGrath. A number of recommendations were made by the IPCC which have been accepted and implemented. (See details contained in December Force Improvement Activity report).

4.11 Of the remaining 31 live investigations being conducted by PSD, they cover the following themes;

- DSI (Death or serious Injury)
- Theft of money during a search
- Taser
- Forgery
- Public Order
- Racist comments during traffic incident
- Use of Force on arrest or whilst in Custody leading to extensive bruising or fracture
- Discrimination due to being disabled and female
- Poor investigation leading to child abduction
- Racist comments on Face Book
- Excessive bites from a police dog

5. Financial Implications and Budget Provision

5.1 While there are no specific financial implications in respect of the above cases, the Directorate is well aware of its responsibilities in relation to 'Spending Money Wisely' and ensures its resources are managed effectively.

6. Human Resources Implications

6.1 PSD resources are under constant review, ensuring that the department has both the capacity and capability to meet demand. Where additional resources

have been required these have been authorised and temporary staff recruited where necessary.

7. Equality Implications

7.1 No specific implications

8. Risk Management

8.1 It is essential the public have confidence in the service Nottinghamshire Police provide.

8.2 Where it is identified that mistakes have been made, there needs to be an open and transparent process, ensuring the circumstances are reviewed and any recommendations for change are implemented, with robust governance and accountability.

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

9.1 Clearly the IPCC Investigations ensure that the public can have confidence in the independence, accountability and integrity, of the most serious of cases, most notably Death or Serious Injury.

9.2 It is the responsibility of the force to ensure mandatory and voluntary referrals are made in a timely fashion and that all appropriate support is given to the IPCC investigators to ensure we deliver a professional service that supports the organisations 'Vision', 'Values' (PROUD) and 'Police Plan'

10. Changes in Legislation or other Legal Considerations

10.1 None

11. Details of outcome of consultation

11.1 None

12. Appendices

12.1 Appendix A - Cases referred to the IPCC 1st April to 30 September 2014