

For Information	
Public/Non Public*	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	June 2016
Report of:	IPCC Investigations, recommendations and actions
Report Author:	DCI Murphy
E-mail:	paul.murphy@nottinghamshire.pnn.police.uk
Other Contacts:	nicola.thomas@nottinghamshire.pnn.police.uk
Agenda Item:	05

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 relevant period 1st October 2015 to 31st March 2016, 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. Referral Volume and Demand

4.1 The data summary below outlines:

- Cases referred to the IPCC during the relevant period.
- All cases finalised by during the relevant period

It includes a breakdown of how the IPCC determined primacy of investigations referred. Details of referred cases are attached at Appendix A.

Referred	Total	Complaint	Conduct	Miscellaneous
Cases referred	35	15	7	13
Compared to previous period	41 (-17%)			
Mandatory referral	34			
Voluntary referral	1			
Supervised Investigation	0			
Independent Investigation	3	1	2	0
Local Investigation	26	14	4	8
Force Deal	6	0	1	5

<i>Finalised</i>	
All cases finalised	19
Finalised "No Action"	15
Finalised "Upheld"	1
Finalised "Not Upheld"	1

4.2 The following is a description of those cases finalised outlining the nature of the complaint or conduct and the outcome.

	Circumstance	Outcome
1	Allegations that excessive force used during arrest - suspected heart attack whilst in custody.	Local Resolution with consent. No appeal, case finalised.
2	Allegation that incorrect advice given by call handler to a neighbour with concerns and that police failed to take appropriate action.	Review of circumstances carried out. Local Resolution with consent. No appeal.
3	Complainant alleges that the officer's opinion about the RTC that he attended was because he was black.	IPCC decision for local investigation. Local Resolution, no appeal received.
4	Failed to report member of public for summons therefore perverting the course of justice.	Reviewed, matter is subject to an independent investigation by the IPCC. Special Case Hearing held and officer dismissed without notice.
5	Attempt to incite a minor into sexual activity	Matter subject to Local investigation – Investigation NFA, offender deceased.
6	Officer failed to adequately supervise the detained person whilst in a holding cell in the custody suite – as a result the person was able to recover drugs hidden and swallow them	Independent IPCC investigation conducted – no case to answer. Recommendations in relation to the holding cell.
7	Officers attending an incident – upon arrival the male had climbed on top of a roof. Whilst awaiting the fire brigade the male who was in drink has tried lowering himself down falling onto the air conditioning unit injuring himself.	IPCC decision for local investigation. No complaint or conduct matters identified.
8	Dog bite incident	IPCC decision for local investigation. No complaint or conduct matters identified.
9	Death following police contact	IPCC decision for local investigation. Local investigation with Coroner's File. No complaint - case finalised.
10	Whilst making an arrest an injury sustained to the elbow	IPCC decision that the matter should be subject to local investigation. No complaint – case finalised.
11	Individual recalled to prison – upon arrest at home address he has jumped out of an upstairs window breaking his wrist	Initial referral decision from IPCC for independent investigation. This was reviewed in short space of time and remitted for local investigation. No complaint made and management review identified no issues of police misconduct or organisational learning.

12	Serious injury following police contact – individual self-harmed and then jumped from a bridge, not hit by any vehicles but serious injuries sustained.	IPCC decision that the matter should be subject to local investigation. No complaint – case finalised.
13	Death following police contact	IPCC decision for local investigation. No complaint or conduct identified; Coroner's file submitted.
14	Overdose taken following bail for indecency with children	IPCC decision that the matter should be subject to local investigation. No misconduct identified, no complaint – case finalised.
15	MISPER found deceased of possible overdose	IPCC decision for local investigation. No complaint, conduct or organisational learning identified.
16	Incident reported involving a fight between two males – police attend finding subject hiding in garden, jumps over a wall resulting in a broken ankle	IPCC decision for local investigation. Divisional investigation on allegations of fight. No complaint, conduct or organisational learning identified.
17	Officers attend drugs/mental health incident, Subject later jumps from upstairs window	IPCC decision for local investigation. No complaint or conduct identified.
18	Police attend incident where subject has locked himself in the bathroom with a knife – officers force door and find subject with a cut to wrist and neck	IPCC decision for local investigation. No complaint – case finalised.

4.3 Based on the above information it is asserted that Nottinghamshire Police maintains a good application of the IPCC Statutory Guidance having due regard to compliance with voluntary and mandatory referrals. Improvements are being made in operational relations with the IPCC; Nottinghamshire Police seek to ensure clarity in primacy of investigation at the earliest opportunity including the setting of terms of reference, victim & family liaison. Protocols are developing for an operational briefing with IPCC as soon as it is declared an independent investigation; this is essential to ensure smooth transition of command, secure & preserve evidence and maintain public confidence.

4.4 Emerging themes of cases referred to the IPCC are recognised as areas of opportunity for organisational learning (see Audit Scrutiny Report: Organisational Learning). Current themes include:

- Police contact with persons identified as being in a state of “excited delirium”; a clinical term used to describe persons who may be affected and distressed from forms of substance misuse. Police officers in attendance have been focussed on helping distressed people and at times that contact occurs jointly with Paramedics. It is important to remind of the role of Constable in saving life and where relevant the priority of attending officers will be to support people at risk of harm.
- Injuries to wrists and ankles from persons fleeing police contact. Linking this to injuries sustained from non-compliant persons wearing handcuffs, work has started with Training & Development to develop advisory videos for use with the public to help explain recognised police use of force tactics including handcuffs. It is envisaged that this information may assist in managers when dealing with complaints about injuries sustained while in police contact.

5 Financial Implications and Budget Provision

- 5.1 There are no specific financial implications in respect of this report. The Directorate is aware of its responsibilities in relation to 'Spending Money Wisely' and the information within this report exemplifies approaches to manage resources 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 Organisational learning is a whole organisation responsibility which helps to mitigate risk. Professional Standards Directorate contributes to risk management through the sharing of learning and encouragement of change across the organisation where appropriate.

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

- 9.1 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 appropriate support is given to IPCC investigators. This delivers professional services in support of the organisations PROUD values.

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 October 2015 to 31st March 2016.