

## Appendix B



# LEARNING THE LESSONS

## ASK YOURSELF:

Could it happen here?

[www.ipcc.gov.uk/learning-the-lessons](http://www.ipcc.gov.uk/learning-the-lessons)

Learning the Lessons bulletins summarise investigations conducted by the Independent Police Complaints Commission (IPCC) or police forces where learning opportunities are identified. Police forces facing similar situations to those described can use the experience of other forces to improve their policies and practices. The bulletin challenges forces to ask "Could it happen here?"

## Bulletin 25

February 2016

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### Contacting us

Please email [learning@ipcc.gsi.gov.uk](mailto:learning@ipcc.gsi.gov.uk) with any queries or to join our mailing list.

# Case summaries

## Roads policing

### 1 Fatal traffic collision



A man disqualified from driving took his partner's car while drunk. This was reported to the police and a radio message was sent asking officers to look out for the car.

A few minutes later the car was spotted leaving a nearby petrol station. A police vehicle pulled up behind the car and turned on its blue lights and sirens. The car sped away and the police car followed.

During a radio conversation, the police car driver told the control room that he was not pursuit trained. The control room told the driver not to continue the pursuit. The police car backed off and turned off its blue lights and sirens.

#### Definition: pursuit

Authorised Professional Practice (APP) says that a police driver is deemed to be in pursuit when a driver indicates by their actions or continuance of their manner of driving that:

- They have no intention of stopping for the police; and
- The police driver believes that the driver of the subject vehicle is aware of the requirements to stop and decides to continue behind the subject vehicle with a view to either reporting its progress or stopping it.

Thirty seconds later it was reported that the car had been involved in a collision. The car had lost control going around a bend and had hit a lamp post and two cyclists.

The driver was taken to hospital with minor injuries. The two cyclists died at the scene.

A collision investigator went to the scene. They were told not to do anything other than take photographs as the collision was going to be investigated by a neighbouring force.

Investigators from the other force arrived two hours later.

Throughout this time the engine and blue lights of the police car had remained on. This was because technology on-board the police car allowed the blue lights to remain on for a long time without draining the car's battery.

There was an on-board data recorder in the police car. However, this only had a three hour memory. Because the police car's engine had remained on, the on-board data recorder did not contain any data from the time of the collision or events leading up to it by the time it was secured.

#### Key questions for policy makers/managers:

- What guidance or advice does your force give investigators on securing evidence from on-board data recorders?
- What steps does your force take to brief investigators from other forces on equipment you use (such as on-board data recorders) when they are involved in investigating incidents in your force area involving police vehicles?
- What training has your police force given to collision investigators to make sure that they can obtain evidence from the different models of on-board data recorders your police force may use?
- What steps does your police force take to safeguard against data being lost through overwriting?

#### Key questions for police officers/staff:

- Are you confident in identifying the point at which requesting a vehicle to stop turns into a pursuit?
- Do you know the level of involvement you can have in a pursuit, in accordance with the driver training you have completed?

#### Action taken by this police force:

- Force policy has been updated and clearly assigns responsibility to professional standards investigating officers for immediately securing evidence in fatal police collisions.

#### Outcomes for the officers/staff involved:

- The officer driving the police car involved in the pursuit received training about the actions to be taken when a pursuit is identified.

 Click [here](#) for a link to the full learning report

## 2 Dealing with obstructions on the road



A member of the public contacted the police to report that there was a large amount of mud on a road. A Police Community Support Officer (PCSO) went to the scene and decided that the road was now clear of mud, before going back to patrol.

Later that day a road traffic incident (RTI) involving a single vehicle happened at the same place. The driver lost control of the vehicle which left the road on a right-hand bend. The vehicle came to rest on a hedge four metres off the road. Fortunately, the driver was uninjured. The driver said that the mud on the road contributed to this incident. Three police officers went to the scene but did not report mud on the road when updating the control room.

Later that evening a two vehicle RTI was reported close to the original RTI. One of the drivers died from injuries at the scene. Again, mud making the driving conditions dangerous, contributed to this incident.

#### Key questions for policy makers/managers:

- What action does your force take when you receive reports of obstructions on the road - do you always send officers to assess the obstruction?
- In wider outreach work with farming and rural communities, does your force address issues around the safe and responsible use of roads? For example, where farm work can impact on road safety?

#### Key questions for police officers/staff:

- When attending an RTI, do you make sure that any factors which may have contributed to the RTI are minimised before re-opening the road?

#### Action taken by this police force:

- The force updated its command and control system to include a drop-down menu and risk assessment for control room operators to complete when dealing with reports of obstructions on the road.
- The force routinely sends a mobile police patrol to reports of obstructions on the road. Where a PCSO is the only available resource, a control room operator must document reasons for the use of a PCSO on the command and control system. They must also gain supervisory approval for the deployment.

 Click [here](#) for a link to the full learning report

## Public order

### 3 Policing public order incidents



A local demonstration quickly became violent when hundreds of people joined the protest and confrontation between police and protestors spread to the surrounding areas.

It was reported that some protestors began attacking officers by pushing their shields and throwing missiles, including bricks and bottles.

As the protest continued officers were ordered to clear the street of protesters, to prevent disorder and to protect officers from further attack.

It was reported that there were protestors who did not respond to instructions to leave the area, who resisted officers, or continued to threaten violence. Some of those protestors were struck by officers with batons.

A local man had gone to the protest to show his support. At the protest this man said that he began arguing with officers about how they were making matters worse. The man said that he had to quickly run out of the way of a line of police horses which charged the protestors. Shortly after this he said he was struck three times to the legs, and once to the head, by police batons.

The man made a complaint to the police about this incident.

To help the investigation into his complaint, the man was invited to view the available CCTV. The man recognised one officer who he thought witnessed his assault.

The officer identified from the CCTV was spoken to. She recalled a man similar in appearance to the man making a complaint being at the protest. However, the officer could not be certain if this man was the same individual who was making the complaint.

A range of local authority CCTV and YouTube footage was available of the protest. However, camera angles meant that no individual officers could be identified. The incident involving the man making the complaint could not be found on the footage, and the identity of any officers who may have been involved in this incident could not be established. More than 40 officers were spoken to as part of the complaint investigation, but none were able to provide further information.

#### Key questions for policy makers/managers:


- What steps does your force take to make officers more identifiable in public order situations?
- Does your force have a strategy for using body-worn video in public order situations?
- Where your force plans to make widespread use of body-worn video at events, do protestor liaison teams routinely discuss this with relevant groups before the event to help raise awareness and manage expectations?
- What is your force policy on using evidence gathering teams? How does this tie in with any officers who may be using body-worn video?
- How is the capture of data at events managed to make sure that images are not deleted?

#### Action taken by this police force:

- Following this incident the force has made changes to helmets used by officers in similar situations. They now display force identification numbers which can be seen from all angles, including high-level cameras.

#### Outcomes for the officers/staff involved:

- There were no criminal, disciplinary, or misconduct outcomes for any of the police officers or police staff involved in the handling of this incident.

 Click [here](#) for a link to the full learning report

## 4 Controlling demonstrations



During a planned demonstration a number of demonstrators volunteered to act as stewards. They wore high-visibility vests so they could be easily seen.

As the demonstrators were leaving, a rival group gathered and clashed with them.

Police responded to this incident and some officers began to usher people away from the area. Other officers gathered on a nearby bridge to stop missiles being thrown over the edge to the road below. A number of the volunteers from the demonstration also gathered on this bridge.

A crowd of demonstrators approached the bridge. Police officers formed a line to stop the crowd moving forwards.

Some of the volunteers on the bridge tried to calm the crowd and others tried to speak with the police officers. Some of the volunteers removed their high-visibility vests and became part of the crowd.

Officers on the bridge began to move towards the crowd, encouraging them back with shields. The crowd pushed back at the police line and some of the volunteers became trapped between the police line and the crowd.

The crowd began shouting and throwing missiles towards the police line. This lasted a few minutes before the crowd dispersed into the local area.

After this incident several of the volunteer stewards complained about the way they had been treated by the police during the demonstration.

#### Key questions for policy makers/managers:

- What steps does your police force take to plan for spontaneous incidents that may arise during or following planned public demonstrations?
- Where public demonstrations are planned, how does your police force engage with event organisers to brief them on planned police presence at the event?
- Does your police force provide advice and information to organisations who will be facilitating or stewarding large public gatherings?



- When responding to a public order event, what steps does your police force take to capture evidence from the incident? For example, do you make use of body-worn video, dedicated evidence gatherers, or local CCTV provision?
- When responding to spontaneous public order incidents such as the incident described in case four, how do you make sure that rival groups have freedom of speech and movement but that you also prevent further disorder or a breach of the peace?

#### Key questions for police officers/staff:


- Where a spontaneous incident breaks out and you are not aware of any nominated intermediaries, how do you identify members of a crowd who may be able to help mediate or resolve a situation?

#### Action taken by this police force:

- The incident was reviewed by the force's public order unit to consider the presence of volunteers at future events, and how best to ensure public safety in such circumstances.

#### Outcomes for the officers/staff involved:

- There were no misconduct or criminal outcomes for any of the officers involved in the handling of this incident.

 [Click here](#) for a link to the full learning report

#### Key questions for policy makers/managers:

- How does your force make sure that door staff and police officers understand their respective roles when incidents occur in or near licensed premises?

#### Key questions for police officers/staff:


- When making arrests and charging decisions, do you take into account how a member of the public may have been influenced by the actions of door staff?

#### Action taken by this police force:

- Together with the local authority, licensing officers have been requested to review the way that officers work with licensed door staff.
- The force created a guidance note on the use of force to share with door staff.

#### Outcomes for the officers/staff involved:

- There were no criminal, disciplinary, or misconduct outcomes for any of the police officers or police staff involved in the handling of this incident.

 [Click here](#) for a link to the full learning report

## Neighbourhood policing

### 5 Working with door staff



Police officers intervened to break-up a fight outside a public house. One man was left lying injured on the floor.

When the man's brother went to see if he was ok, he was ushered away by a police officer. The man pushed the police officer away before a member of door staff grabbed him and pulled him away.

The man tried to approach his brother again. He became involved in a struggle with the member of door staff. Police then intervened and arrested the man for affray. He was taken into custody but later released without charge.

### 6 Responding to concerns of welfare



A man with a history of poor mental health put a note saying 'call police' on the inside window of his front door. One of his neighbours saw the note and called the police using a local neighbourhood policing telephone number. The officer who answered the call knew the man and his medical history. He told the neighbour that he would ring the man and if there was no answer he would visit him to make sure he was ok.

Information about the man and his medical history was held in many different places on police computer systems. Although the police officer knew about the man's poor mental health and had discussed it with his mental health team, the man's Police National Computer (PNC) record did not have a warning marker for 'mental health'.

The officer did not call or visit the man during his shift. No one else was allocated to visit the man because no log was created for the call; the officer was the only one who knew about it. There were a

number of inconsistencies in the officer's account about his decision making and how he spent his time on that day.

Much later on the same day, the man's neighbour called the police again saying the note was still on the man's front door. Although his shift had ended, the officer quickly said he would visit. When he arrived no one answered the door and the police forced entry. The man was found dead with a plastic bag over his head. This was connected by tubing to two canisters containing helium gas. The mental health team who had been treating the man knew he had bought a suicide kit but did not share this information with the police.

#### Key questions for policy makers/managers:

- Does your police force have policies and procedures on the handling of intelligence about vulnerable members of the community enabling comprehensive information to be accessed quickly when necessary?
- Does your force have policies and procedures setting out where it is necessary to have a 'mental health' marker placed on a person's PNC record and how this should be done?
- Does your police force have arrangements in place with partner agencies about the disclosure of relevant information on vulnerable members of the community?

#### Key questions for police officers/staff:

- If you receive a telephone call about a matter needing police attendance, would you know what to do to make sure the call is recorded, assessed, graded, and allocated?


#### Action taken by this police force:

- The police force committed to creating policies and procedures about the handling of intelligence about members of the community with poor mental health. This should make sure comprehensive information can be assessed quickly where necessary.
- The police force committed to creating policies and procedures setting out where it is necessary to have a 'mental health' marker placed on a person's PNC record and how this should be done.

#### Outcomes for the officers/staff involved:

- The police officer who failed to follow-up on the man's note was found to have a case to answer for gross misconduct. The panel of his disciplinary hearing found that the officer failed to adequately respond

to a request from a member of the public about a vulnerable person. He then acted dishonestly when providing his account of what happened. The panel decided this amounted to gross misconduct. The officer was dismissed for breaching the standards of professional behaviour, namely 'duties and responsibilities' and 'integrity'.

 [Click here](#) for a link to the full learning report

## Custody

### 7 Detention of a 17 year old



Police were called to a disturbance at the flat of a 17 year old woman. Three officers attended and were met with threatening and aggressive behaviour by the woman. The woman was known to one of the officers from a previous case when she was the victim. He was aware that she had Asperger's Syndrome. Assessing the threat level as high, the officer drew his Taser. Following a warning, he discharged his Taser. The woman was taken to the local hospital by ambulance, where the Taser barbs were removed and she was arrested. She was then taken into police custody.

The woman was wearing a head-guard and leg restraints were applied due to her aggressive behaviour and risk of self-harm. She was not given her rights on arrival as the custody sergeant thought she was incapable of understanding due to the influence of alcohol. No one was informed of her arrest and detention, contrary to Code C of the Police and Criminal Evidence Act 1984 (PACE).

The police sergeant covering as the duty review inspector conducted a review of the woman's detention. This was done without the presence of an appropriate adult as he felt it would have been difficult to identify an appropriate person, given that she lived independently, was almost 18 years old, and was incapable of understanding her rights due to her intoxication.

The woman was seen by a healthcare professional and considered to be unfit for interview. Later in the morning she was given her rights and stated she had Asperger's Syndrome. She was seen sometime later by another healthcare professional who was asked by officers to act as her appropriate adult in an interview.



The divisional response inspector, with PACE responsibilities for the custody suite, reviewed the woman's custody record later in the day. The inspector was not aware the woman's mother, or any other person responsible for her welfare, had not been contacted. He did not consider it necessary to inform anyone else of her detention at the time he conducted the review.

Later that afternoon, the woman was charged with assault on the officer who had discharged the Taser and was released shortly after.

The investigation subsequently found that the officer who used his Taser had not yet been confirmed in rank.

Guidelines issued by the College of Policing state that officers should not be trained to use Taser until confirmed in rank.

#### Key questions for policy makers/managers:

- What steps has your force taken to make sure that you comply with College of Policing guidance on issuing Tasers?
- How do you make sure that all officers comply with their responsibilities about notifying parents or carers when a young person is arrested or detained, and that appropriate adults are contacted?
- Does your force routinely use healthcare professionals as appropriate adults?
- Do you provide people acting as appropriate adults with any information to help them understand their role and responsibilities?

#### Key questions for police officers/staff:


- What factors would you consider when choosing an appropriate adult?
- Can an appropriate adult be responsible for informing the detainee of their rights and entitlements?

#### Action taken by this police force:

- The force agreed to take action with all custody officers about police officers not informing a person responsible for the welfare of a juvenile of the juvenile's arrest and detention.

#### Outcomes for the officers/staff involved:

- A number of officers were given words of advice about their failure to meet their obligations when dealing with a person under the age of 18.

 Click [here](#) for a link to the full learning report

## Integrity

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### Checking travel expense claims



The travel expenses of a special constable were investigated after a suggestion they may be inaccurate.

Over three and a half years a number of discrepancies were clear, including a greater than accurate distance being claimed. The special constable's access card use did not match the number of days claimed for. It was also logged on occasions when an expense form was not submitted.

Similarly, the pocket notebook of the special constable did not show entries for all the days for which expenses were submitted. It also confirmed instances when he was on duty but no expense form was completed.

The system used to show when an officer was on duty and available did not match with pocket notebook entries or access card logs.

The special constable said that sometimes when travel expenses were submitted, a greater distance had been entered as he was commuting from his girlfriend's address. No one was aware of this arrangement and the distance to this address was also below the distance he claimed. When the special constable stopped doing this commute, he continued to claim the same amount. He suggested this was justified as he was not claiming any refreshment allowance.

At a later date, following the serving of a regulation notice, the special constable submitted a claim for the accurate distance. This showed he was aware of the correct distance that should be claimed for travel expenses.

Expense claim forms were only checked to confirm a claimant signature was included, rather than for the accuracy of the expense claim.

#### Key questions for policy makers/managers:

- What guidance does your force give to officers (including special constables) and other staff on how and when to claim expenses?
- What guidance does your force give to supervisors on reviewing expense claims, and





how do you make sure that officers are not mis-using the expense system?


- How do you record when special constables are on or off duty?

#### Action taken by this police force:

- A policy was created to improve the expenses claim process and improve the means of recording.

#### Outcomes for the officers/staff involved:

- The special constable who submitted the expense claims was sentenced to four months imprisonment (suspended for one year), received 180 hours community service, was ordered to pay £1343.50 compensation to the force, and a further £343 in costs.
- A fast-track special case hearing took place. It was found that the officer's actions breached the standards of professional behaviour, namely 'honesty and integrity', 'discreditable conduct' and 'orders and instructions'. The breach was so serious it constituted gross misconduct. The officer was dismissed without notice.

 Click [here](#) for a link to the full learning report

## Miscellaneous

### 9 Valuing seized property



A man attended crown court in relation to a confiscation order made against him under the Proceeds of Crime Act.

Before attending court he was given a list of items, referred to as "free property", with a total value of nearly £10,000 which were due to be confiscated.

At the hearing there was a dispute over one of the items listed. Following discussions between the

defence team, the prosecutor, and the police, it was agreed by the presiding judge that the item be removed from the list and the confiscation order be reduced to take into account the value of the item. The realisable asset amount was therefore reduced to nearly £7500.


It was found that the man had benefited from his criminal activity by more than £400,000.

At the hearing, the man was provided with a list of items that the judge had ordered to be sold for realisation. He was told that all other property would be returned. However, the one item that was due to be removed from the list after the crown court hearing, plus a number of others that had been seized but were not listed, were sold by mistake.

Later, it was revealed that a number of items had been over-valued, and in some cases incorrectly listed as assets. In fact, they were fake, had been stolen, or were damaged and un-saleable. Despite this, the man was allowed to claim nearly £4,000 against these items, which were then written off under a certificate of inadequacy.

#### Key questions for policy makers/managers:

- How does your force make sure that it finds out the authenticity of items before valuing them and listing them as seizable assets to help prevent defendants benefitting financially from their sale?
- How does your force make sure that only the correct items are sold for realisation?

 Click [here](#) for a link to the full learning report

(This case was investigated locally by the force)

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### Related reading

The Learning the Lessons pages on our [website](#) contain links to a variety of research and other publications relating to the cases featured in this bulletin, as

well as previously published bulletins, and copies of the more detailed learning reports which accompany each case.