

For Information	
Public/Non Public*	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	June 2015
Report of:	IPCC Investigations, recommendations and actions
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Agenda Item:	6

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 2014 to 31st March 2015, 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	41	26	6	9
Compared to previous period	-7%			
Mandatory referral	34			
Voluntary referral	7			
Supervised Investigation	2	1	1	
Independent Investigation	2	1	1	
Local Investigation	37	24	6	9

<i>Finalised</i>	
All cases finalised	32
Finalised "No Action"	27
Finalised "Upheld"	1
Finalised "Not Upheld"	4

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	Issue of penalty notice for failing to wear seatbelt based on ethnicity and therefore racist.	No evidence of discrimination; case not upheld.
2	DSI. Death of a person having been warned to attend police station for voluntary interview while suspect in metal theft enquiry.	IPCC determined no investigation necessary; satisfied with police action.
3	Prisoner secreted blade and mobile phone in intimate part of person	Policy reviewed. Management action and learning for Custody staff.
4	Taser deployment	IPCC determined no investigation necessary; satisfied with police action.
5	Taser deployment	IPCC determined no investigation necessary; satisfied with police action.
6	Injury of person in custody	IPCC determined no investigation necessary; satisfied with police action.
7	Officer used public finances for personal use; vehicle fuel. Local investigation of gross misconduct.	CPS review determined no criminal charges. Resignation prior to hearing, accepted in consideration of public interest, although a referral of this matter will be made for inclusion on national disapproved register.
8	Officer engaged in unauthorised vehicle pursuit causing injury and damage. Managed investigation of gross misconduct.	Hearing outcome; officer dismissed.
9	Fail to record information material to location of suspect in vicinity of complainant's home address.	No conduct case to answer, dealt with by Unsatisfactory Performance Policy (UPP).
10	DSI: Fail to carry out risk assessment of person prior to leaving custody. Found dead several hours later.	Local investigation leading to management meeting. Outcome; written warning
11	Police failure to return property promptly was racially motivated.	Local Resolution. No evidence of racial motivation
12	Use of excessive force during arrest.	Criminal proceedings taken, not guilty finding. Not upheld as as conduct matter but learning identified for officer.
13	Inappropriate disclosure of sensitive images to member of the public.	Local investigation resulting in management action including negative performance record in respect of professional & ethical standards.
14	Off duty officer Common Assault and threatening behaviour aggravated by homophobic comments.	Local investigation found no evidence of hate crime. Management action including negative performance record in respect of personal responsibility.
15	Arrested person for assault, alleged racial	Local investigation; local resolution. No evidence of racial discrimination.

	discrimination by police.	
16	Perceived racist language by officer in contact with member of public.	Local investigation; officer held accountable for inappropriate language but without evidence of any racial intent. Management action delivered including negative performance record for communication.
17	Allegation of excessive force and racial motivation on stop search following vehicle fail to stop.	Local investigation; complainant failed to cooperate. Accounts given and video/audio evidence upheld officers' action. No case to answer.
18	Excessive force used by officer on arrest.	Local investigation; evidence shows appropriate use of handcuffs. No case to answer
19	Allegation, theft of money during search of vehicle.	Local investigation; no evidence to prove allegation and correct exhibits procedure followed. No case to answer
20	Excessive force on arrest including use of police dog.	Local investigation: procedures and accounts reviewed. No case to answer
21	Off duty officer alleged non accidental injury to step child (common assault).	Local investigation alongside safeguarding protocols. No case to answer
22	Officers fail to conduct diligent enquiries of investigation and make correct decisions to bail person connected with that enquiry.	Local investigation. Local resolution concerning diligent enquiries while no case to answer on bail decision
23	Excessive force by officers on arrest for disorder. Use of CS and racial motivation alleged	Local investigation; review CCTV, airwave and other accounts. No case to answer.
24	Vehicle stopped for manner of driving. Allegation motivation for stop was racially motivated.	Local resolution. Complainant engaged but refused to cooperate with Investigation Officer (IO). No evidence of racial discrimination.
25	Officer refused to record complaint by public as too busy.	Local resolution. Management action for officer who recognises failed to explain sufficiently and appeared curt.
26	Officers acted with racially biased in decisions not to arrest one party over another.	Local resolution. Conduct of investigation found no case to answer
27	Officer failed to consider welfare of person and update parent on investigation	Local Resolution. Miscommunication explained to satisfaction of complainant.
28	Incivility by off duty Special Constable in neighbour dispute. Using office of constable as influence	Local investigation; no independent evidence to substantiate allegations.
29	Allegation of unprofessional behaviour at time of vehicle stop, including inappropriate	Local resolution. Review of circumstance resulting in management action re search procedures.

	search of vehicle.	
30	Complaint of failing to maintain neighbourhood police web site with diary of public meetings.	Local resolution. Advice to Neighbourhood Teams to maintain public web site information
31	Failing to use interpreter with victim of domestic violence and effectively complete DASH form	Local resolution. Management action to officers on good practice.
32	Allegation of incivility on arrest and execution of warrant that was out of date	Local resolution. IO findings determine actions lawful, reasonable and proportionate.

- 4.3 Based on the above information it is asserted that Nottinghamshire Police maintains a good application of the IPCC Statutory Guidance giving due regard to compliance with voluntary and mandatory referrals. This is supported by recent feedback from the regional IPCC lead officer to Nottinghamshire Police; acknowledging its strength in preventative work and improved timeliness of reporting.
- 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:
- Use of force pertaining to taser
 - Monitoring and searching during custody
 - Safeguarding vulnerable people
 - Racial and other discrimination combined with miscommunication
 - Inappropriate police officer conduct, failing to recognise professional boundaries
- 4.5 Investigations connected to these themes often result in findings which satisfy the police conduct and regulation standard. Aspects of police legitimacy are also routinely examined, as factors of fairness and proportionality are applied alongside the legal basis for police action.
- 4.6 Nottinghamshire Police, Professional Standards Directorate (PSD) is presently undertaking an internal review of its engagement strategy. It seeks to maximise opportunities with representative community groups often affected by police contact. The identification of common themes will help inform this work as the Directorate develops collaboration within and beyond the organisation.

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.

5 Human Resources Implications

- 5.1 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.

6 Equality Implications

6.1 No specific implications

7 Risk Management

- 7.1 It is essential the public have confidence in the service Nottinghamshire Police provide.
- 7.1 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.

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

- 8.1 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.
- 8.2 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.

9 Changes in Legislation or other Legal Considerations

9.1 None

10 Details of outcome of consultation

10.1 None

11. Appendices

- 11.1 Appendix A - Cases referred to the IPCC 1st October 2014 to 31st March 2015.