

For Information	
Public/Non Public*	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	10 December 2015
Report of:	IPCC Investigations, recommendations and actions
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Agenda Item:	4

IPCC INVESTIGATIONS, RECOMMENDATIONS & ACTIONS

1. Purpose of the Report

- 1.1 To inform the Audit and Scrutiny Panel in respect of complaint and conduct matters, which have been referred by Nottinghamshire Police to the IPCC during the relevant period 1st April 2015 to 30th September 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	31	8	6	17
Compared to previous period	-25% (41previous)			

Type of referrals and how they were managed				
Mandatory referral	29			
Voluntary referral	2			
Supervised Investigation	0			
Independent Investigation	3			3
Local Investigation	28	8	6	14

All Cases Finalised During The Relevant Period	
All cases finalised	44
Finalised "No Action"	11
Finalised "Upheld"	7
Finalised "Not Upheld"	26

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 Nottinghamshire Police are intuitively racist.	Local Resolution without consent. No evidence of racial motivation
2	Detained person self-harming whilst in custody.	Review of circumstances carried out. Satisfied that all procedures followed were correct.
3	Suicide by hanging whilst on Police bail.	The IPCC do not consider that the complaint needs to be investigated because having reviewed the information provided there does not seem to be a causal link between the actions the officers in this case and the subsequent death of the individual.
4	Complaint about only being arrested because the complainant was black.	Local investigation leading to a Misconduct Meeting being held: no further action taken.
5	Stopped vehicle due to being racially motivated.	Local investigation conducted leading to management action.
6	Allegation received that a Special Constable had none-consensual sexual intercourse	Local investigation conducted. Not enough evidence to refer to CPS. SC resigned from organisation.
7	Allegation of racial motivation; following a Section 18 search states that his keys were not given back to him until the following day which caused him to sleep outside his property.	Local Resolution without consent. No evidence of racial motivation
8	Dealt with an incident where a diabetic driver had lost control of his vehicle. Officers failed to inform the DVLA of his medical condition. Driver subsequently lost his life in a similar incident a few months later.	Local investigation conducted – officers received management action.
9	Allegation received alleging that a signature in the officers pocket book and on the caution report was not the complainant's.	Local investigation conducted – following receipt of expert evidence no further action was taken.
10	Allegation of assault and the belief by the complainant that he was treated differently due to the colour of his skin.	Local investigation conducted. No evidence of racial motivation.
11	Complainant alleged the officer displayed religious discrimination	Local investigation commenced – complainant withdrew complaint.
12	Conspired with others to supply controlled drugs; alleged theft; sexual misconduct.	Supervised investigation conducted – no charges were brought by CPS. Officer resigned during investigation.
13	Allegation of racial discrimination following the officer placing a hand on her shoulder and alleging that she was being aggressive	Local investigation conducted. No evidence of racial motivation.

	which she believes was due to her colour.	
14	A driver failed to stop for a police van patrol and made off from the police before disappearing from view and colliding with trees on a roundabout.	Local investigation conducted. No evidence of Misconduct or Unsatisfactory Performance identified.
15	Man arrested under S.136 Mental Health and taken for assessment at Hospital who deemed him not mentally unwell and released him. Later that day police were called as the man had set himself alight. Police put out the flames and escorted him to hospital where injuries were not life threatening.	Local investigation conducted. No evidence of Misconduct or Unsatisfactory Performance identified.
16	Allegation by complainant that racial attitudes underpin the conduct of the officers	Local investigation commenced. Complainant withdrew the complaint.
17	Complainant alleges he was injuries whilst in custody requiring stitches to his ear.	Local investigation conducted. The allegation was not upheld.
18	Sexual conduct by the officer	Supervised investigation conducted. Officer resigned during investigation. Officer dealt with through the Court.
19	Allegation of domestic assault	Local investigation conducted leading to management action.
20	Allegation of sexual assault.	Local investigation conducted leading to management action.
21	Allegation of discriminatory behaviour	Local Resolution without consent. No evidence of racial motivation
22	Sexual conduct by member of police staff	Local investigation conducted leading to dismissal without notice.
23	Officer breached Equality & Diversity policies on Facebook by sharing & viewing an image & video alleged to be racist in nature	Local investigation conducted leading to a Misconduct Meeting being held. Allegations not proven and the outcome was Management Action.
24	Allegation of excessive force used by officers whilst arresting the complainant & assault to one year old son	Local investigation to be conducted after finalisation of court proceedings. Complainant did not proceed and the complaint was Withdrawn. Complainant was given details of how to make a claim for compensation in relation to the damage.
25	Suicide by hanging whilst on Police bail	Local Investigation has been conducted. No evidence of Misconduct or Unsatisfactory Performance identified.
26	Suicide following anonymous phone call to Notts Police Force Control Room	The IPCC do not consider that an investigation needs to be carried out because having reviewed the information provided there does not seem to be a link between the police and the subsequent death of the individual.
27	Misconduct in a public office & Rape	Local investigation leading to a Crown Court sentencing – Dismissed without

		notice
28	Allegation of property not being returned in a timely manner and the officer using racist language towards the complainant	Local investigation to be conducted. Complainant would not cooperate with the IO resulting in the IPCC granting the decision to Discontinue the complaint.
29	Allegation that a criminal investigation leading to the conviction of the individual was not investigated in a diligent and impartial manner.	Independent investigation conducted. Not evidence of misconduct found. Management Action given.
30	Allegation that a significant statement recorded to have been made by the complainant has been fabricated by the custody officer, further allegation that the officer failed to investigate a threat to his life	Local investigation to be conducted – matter discontinued by Force due to complainant refusing to co-operate to the extent that it is not practical to continue with the investigation.
31	Allegation of mental and physical abuse and excessive force whilst in custody	Local investigation to be conducted – allegations Not Upheld by PSD and the appeal Not upheld by IPCC
32	Allegation that officers failed to act in a diligent manner with regard to the concern for safety of the complainants partner after he was found deceased at his address	Local investigation completed – allegation Not upheld by PSD, no appeal made.
33	Sexual conduct by a police officer involving a vulnerable victim	Supervised investigation by IPCC. Allegations Upheld as Gross Misconduct but owing to resignation prior to court it was not possible to for the case to be answered by way of Hearing.
34	Allegation of unnecessary and excessive force during arrest resulting in severe bruising and fracture to elbow	Local investigation conducted. Allegations Not upheld and no appeal received.
35	Allegation that no action was taken when a detained person was in custody with a broken foot.	Local investigation conducted. Management action given to officers.
36	Member of staff reported that an officer was having sex with victims of crime	Local investigation to be conducted. Allegations Not upheld but officer received Management Action in respect of using personal phone on duty and Organisational Learning around the officers and the use of social media dating sites.
37	Threat to kill made by an officer	Local investigation, allegations found to be Upheld leading to a Misconduct Hearing resulting in Dismissal without Notice.
38	Person arrested for spitting in the face of a street warden, whilst in custody CDO finds her with sock around her neck. CDO conducts further check and female found to have clothing around her neck which has to	Local investigation to be conducted – Immediate Management Action was delivered.

	be cut away	
39	Suicide following possible Police contact	Local Investigation required, allegations Not upheld by PSD and IPCC appeal Not Upheld.
40	Allegations regarding ethnicity and discrimination when he attended the Police station and was left standing outside	Local investigation – allegations found to be Not Upheld by PSD, no appeal made to the IPCC.
41	Death following Police contact following a non-stop RTC	Independent investigation – currently Live.
42	Uploading and possessing indecent images of children	Local investigation leading to Special Case Hearing – Dismissal without Notice.
43	Alleged that officer stole items of Police uniform and equipment and subsequently advertised and sold them on an auction site	Local investigation leading to a Court sentencing. Officer resigned during investigation.
44	Allegation that the officer investigated a criminal allegation against the complainant and did so only because of the colour of the complainants skin	Local investigation, allegations found to be Not Upheld by PSD & no appeal received.
45	Allegation of perverting the course of justice after an offence was reported to Notts Police, this was considered by the complainant to be discrimination	Local investigation – investigation completed resulting in a Local Resolution with Consent, no appeal made.

4.2 Nottinghamshire Police continues to apply good practice with decisions on whether and when to refer a matter to the IPCC. Voluntary referrals are a particular focus to ensure a proportionate and justified basis on which to report a matter.

4.3 IPCC advice on when to make a voluntary referral states:

- *The IPCC encourages appropriate authorities 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.⁸ This may be, for example, because the complaint or recordable conduct matter could have a significant impact on public confidence, or it is felt there is a need for independent involvement in the investigation*

4.4 At a recent engagement visit with PSD, Mr Derrick Campbell, Commissioner at the IPCC expressed his general satisfaction with the timeliness and quality of work received from Nottinghamshire

4.5 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:

- Communication leading to perceptions of discrimination
- Use of social media by police officers and staff
- Initial response to 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 developing its strategy on the investigation of matters relating to discrimination. Following national recommendations by the IPCC, Nottinghamshire has reviewed its approach and, in collaboration with the Deputy PCC Chris Cutland, is formalising plans to convene a governance group to review closed cases involving discrimination. The intention is to involve key stakeholders who represent the characteristics of discrimination on particular cases.

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 1 - Cases referred to the IPCC 1st April 2015 to 30th September 2015.