

For Information	
Non Public	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	15 December 2016
Report of:	IPCC Investigations, recommendations and actions
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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 April 2016 to 30th September 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 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	25	5	3	17
Compared to previous period	35 (-29%)			
Mandatory referral	25			
Voluntary referral	0			
Supervised Investigation	2	0	2	
Independent Investigation	2	1	0	1
Local Investigation	21	4	1	16
Force Deal	0	0	0	0

<i>Finalised</i>	
All cases finalised	3
Finalised "No Action"	3
Finalised "Upheld"	0
Finalised "Not Upheld"	0

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	Allegation of excessive force used during arrest - suspected heart attack whilst in custody.	Local Resolution with consent. No appeal, case finalised.
2	Detained Person sustained a broken bone whilst in Police Custody.	Local Investigation. Local Resolution by PSD, no appeal, case finalised.
3	DSI - Patrol car driven by Sergeant spotted vehicle driving with five persons inside. Vehicle involved in RTC.	Local Investigation. No Action

4.3 Nottinghamshire Police continues to maintain a good application of the IPCC Statutory Guidance having due regard to compliance with voluntary and mandatory referrals. Improvements have been made in joint working with the IPCC including shared participation in "Death & Serious Injury" (DSI) training with staff from the Custody Suites. Operational protocols are embedded with the IPCC as soon as an investigation is declared Independent. This includes inviting and supporting IPCC investigators into the Force, assisting with the serving of misconduct notices where appropriate. For matters not declared as independent but in the initial assessment stage, PSD operates as a conduit between the IPCC and local senior investigators for incidents in action; for example this includes seeking access for the IPCC as observers during Post Incident Management (PIM) procedures concerning officers involved in serious incidents. PIM is a robustly regulated means of supporting officers affected by serious events, while achieving best evidence in a controlled environment, including ensuring officers do not confer prior to recording their evidence.

4.4 The reduction in matters referred to the IPCC follows a trend from the period ending September 2015 when 41 cases were referred compared to the most recent reporting period of 25 cases. In light of these reductions, PSD now has a protocol in place to record those incidents where consideration was given on the necessity to refer a matter, but a decision was made by PSD not to. It is felt that it is necessary to reassure the IPCC if asked, that we have a sound decision making process with due regard for transparency. While some elements of DSI during police contact require a mandatory referral (e.g. during or shortly after detention/arrest) other incidents require a professional assessment based on the information known at the time. PSD undertakes this responsibility with reference to the Home Office Guidance which

prompts a decision based on whether “*contact may have caused – directly or indirectly – or contributed to the death or serious injury*”

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 April 2016 to 30th September 2016.