

CONDUCT COMPLAINTS: MEMBER DIP SAMPLING OF COMPLETED CASE FILES

BACKGROUND

1. The Police Authority, through this Committee, has an important role in the monitoring and oversight of complaints against the Force. To complement the Chief Constable's report that this Committee receives on complaints received over the last quarter, at its meeting on 31 August 2004, the Audit & Strategy Committee approved a programme of Members' dip sampling completed case files for complaints relating to conduct matters (minute 79 refers). A programme of dip sampling has been developed to allow Members to understand further the complaints processes as they are operated in Humberside and to check this against the Force's policy and procedure.
2. This report sets out the key issues arising from the dip sampling visits to Professional Standards Branch (PSB) between November 2005 and January 2006.

COMPLETED VISITING MEMBER RECORD SHEETS

3. The forms completed by Members following the visits made are held by the Secretariat, along with those from previous visits.
4. The issues arising from the visits in November to January are set out below. Members may wish to note the issues in any future visits they undertake:-
 - i. One of the complaints examined related to a person having to attend, unnecessarily in her view, at a Police Station on two occasions to answer bail, at which time she was re-bailed instead of being dealt with because her blood sample had not been returned from the laboratory. Following the investigation, the Investigating Officer (IO) sent a 'lessons learned' form to the Administration of Justice Unit (AJU) stating that "...local procedures are adopted which differ. Some require re-attendance and re-bail, others...cancel and re-arrest if necessary on fresh evidence...". The IO asked that this be looked at and a definitive answer given to Division "...i.e the correct procedure". AJU responded by stating that "It is...at the discretion of the Custody Officer [if there has been a delay/or outstanding enquiries are not resolved] whether he/she bails the person or if the person/offence is one suitable to be released without bail pending the result and then arrest on fresh evidence...There is no wrong way or right way to deal with these types of detainees. As a result policy has not been issued to the Force nor will it as the matter rests entirely with the Custody Officer."

- ii. One Member found that although a complaint was eventually withdrawn, the fact that it was made emphasised the need for police officers to keep the public informed. The Member felt that a simple, quick telephone call would have sufficed and the complaint would then not have been made. Superintendent Everett from PSB agreed, commenting that the officer's inspector had given an explanation to the complainant.
- iii. After completing a dip sampling visit, a Member visited the Custody staff at Priory to check mechanisms for communicating the lessons learnt from complaint and misconduct investigations. The Member found that the staff did not always have the time to read the messages sent by email. Consequently, the lessons were not being passed on consistently. The Member suggested that it may be beneficial to pass such important messages on via Guidance and Information (the weekly Force newsletter). The same issue was picked up by HMIC in their Professional Standards Inspection and is being tackled currently by PSB.
- iv. Another Member commented on one aspect of a complaint that appeared to have not been fully dealt with – PSB clarified that this aspect of the complaint was recorded as a direction and control complaint (not one relating to conduct) and was, therefore, dealt with by Division.
- v. Depending on how the complaint is received, it may not be possible for all of the complainant's personal details to be recorded on the F640. For example, their telephone number may not be given if the complaint is received by letter or via the complainant's solicitor.
- vi. A Member commented that they would expect a receipt to be issued for any monies taken as a matter of course. PSB commented that money seized as evidence would not necessarily qualify for the issue of a receipt. On this occasion, however, the money seized was correctly entered up in 'Property Other than Found' at Grimsby Police Station.
- vii. One Member discovered that a file summary sheet had been included on the wrong file.

FUTURE VISITS TO PSB

- 5. The findings from the February visit will be reported to the next meeting of this Committee. The remaining visits in March and April only have two Members programmed to attend each visit. Nominations are requested at this meeting for one further Member to support the following Members on the dates as shown (all visits commence at 1.00pm):

| Date of visit: | Members attending: |
|----------------|------------------------------|
| 8 March 2006 | Cllr Rudd Mr Shipley |
| 5 April 2006 | Cllr Stewart Mr Stuart, JP |

Nominations are also requested for three Members to attend each of the further dip sampling visits on 3 May and 7 June 2006. A further programme of dip sampling visits for 2006/07 will then be submitted to the first meeting of this Committee following the AGM.

6. All Members are reminded that dip sampling is an important means by which the Police Authority can carry out its role of overseeing and scrutinising complaints. To ensure that monthly visits to PSB go ahead Members are asked to contact the Secretariat in good time with their apologies for such visits, so that substitute Members can be found.

RECOMMENDATIONS

7. It is recommended that:
 - (i) Members discuss the issues arising from the November to January dip sampling visits at paragraph 4 and take account of these issues in future dip sampling visits.
 - (ii) Nominations are made for Members to attend the remaining dip sampling visits as set out at paragraph 5.
 - (iii) A further programme of dip sampling visits be submitted to the first meeting of this Committee after the AGM.

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Background documents: Secretariat File 2.2.9