

Appendix 1

MPS response to MPA dip sampling of public complaints.

<b>File reference</b>	<b>MPA finding</b>	<b>DPS response and remedial action</b>	<b>Recommendations for the future</b>
Other assault	Inadequate attempts made to contact complainant at the conclusion of criminal proceedings	It is accepted that only the Minimum Standard was applied.  Propose review with IPCC and MPA of the current contact arrangements with complainants.	<b>Recommendation 1</b> DPS Prevention Command to review effectiveness of current contact arrangements with complainants. (To include an assessment of Tribune's proposed documents-management application)
	Failure to notify officers of the postponement of the investigation	Established that e-mail had been sent to the officers.	<b>Recommendation 2</b> DPS Prevention Command to review effectiveness of current contact arrangements with officers. (To include an assessment of Tribune's proposed documents management application)
	Inappropriately worded letter which could be interpreted as an attempt to unfairly influence the complainant to withdraw his complaint or seek a local resolution	No intention to use similarly worded letters in the future.	This issue to be included in Recommendation 1.
	Form N1634A 'Notification of Result of Investigation' not completed.	Officers did receive e-mail notification. Direct notification in this way has become routine in less contentious cases.	This issue to be included in Recommendation 2.

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(Complainant witness to alleged assault by police)	Poor communication with the officers concerned.	This finding is accepted.	This issue to be included in Recommendation 2.
	Failure to consider whether complaint was also a conduct matter.	This finding is accepted.  Obtaining the complainant's witness evidence was seen as the key to effective progress and for this reason case was not dealt with as a conduct matter.	
Other assault (Verbal racial abuse and assault)	Form N3352 has not been properly completed.	This finding is accepted.  Appropriate training is now being provided to the relevant OCU to prevent a recurrence.	
	There is no evidence of the MPS assessing whether the complaint met the IPCC referral criteria.	This was done although the relevant document was not submitted to the IPCC.	
	An initial risk assessment of the complaint has not been conducted.	A risk assessment was completed and is in the case papers.  It was not made available for MPA dip sampling.	
	No evidence of any	This finding is accepted.	<b>Recommendation 3</b>

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	assessment being made as to whether in light of his complaints history the officer concerned has any training needs.	Note: The officer's allegation history from 1994 to 2005 comprises 33 allegations/monitor incidents.	Prevention Command to review effectiveness of the Complaints Intervention Scheme.
Other assault	Failure to complete Form NG163A.	This finding is not accepted.  Current DPS practice allows officers to be informed by e-mail of the result of an investigation. This ensures timely update and minimises bureaucracy (but excludes signature confirmation by the officer.)	
Other	Inadequate attempts to contact the complainant at the conclusion of criminal proceedings	This finding quotes IPCC Statutory Guidance rather than the Police Complaints and Misconduct Regulations 2004.  The former advises two contacts with the complainant before case closure whereas the latter requires only one contact.	<b>Recommendation 4</b> DPS Prevention Command to determine sufficiency of the advice in the DPS Manual of Guidance for Investigators (para 2.7) concerning contact with complainants in Sub Judge cases.
	Failure to demonstrate whether any assessment had been made as to whether it was in the public interest to pursue the alleged misconduct after the	This finding is accepted.  It is proposed to raise this issue within the IIC DCI's forum with a view to amendment of the DPS Manual of Guidance.	

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	complaint had been withdrawn.		
	163As not served.	This finding is accepted.	This issue to be included in recommendation 2
Failures in duty	The complaint was referred to DPS without a proper assessment of the complaint being made by the local line manager.	This issue has been raised by DPS IIC as part of its routine relationship with the OCU concerned.	<b>Recommendation 5</b> This individual case file to be submitted to DPS Prevention Command for inclusion in OCU training initiatives.
	The manner in which this complaint has been handled is superior to that as evidenced in the other files which the MPA reviewed in the November 2005 sample.		
Oppressive conduct/Arrest	The complaint has been treated as locally resolved (LR) but no indication that LR was explained to the complainant.	This is a withdrawn complaint. The file gives the erroneous impression it was dealt with by way of LR.	
	The complaint was recorded as locally resolved against an 'unidentified officer.' However the officers had been identified and spoken to informally.	This finding is accepted.	

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	Form N3352 had not been completed and accompanying Local Resolution procedures not completed.	This finding is accepted. The file suggests this case was dealt with by way of LR (even though it was a withdrawn complaint) but the accompanying LR procedures were not shown as undertaken.	
	<p>Investigation on borough continued even though the complainant had been told that the officers involved had been given advice.</p> <p>Complainant was not advised that custody suite CCTV footage had been retrieved that appeared to corroborate his account of events. Knowledge of this might have affected the complainant's decision to drop the matter.</p>	<p>This finding is accepted. The officers were not properly advised of the existence of a complaint.</p> <p>The complainant was not advised of material that might have impacted on his own decision-making.</p> <p>The IPCC will now be advised of this case.</p>	<p>This case was dealt with on borough and highlights training needs. The case underscores the value of having a dedicated misconduct officer on each borough.</p> <p><b>Recommendation 6</b> DPS Prevention Command to determine business case for the introduction of dedicated misconduct officers on borough.</p>
Failure in duty (Alleged that 999 Operator failed to record incident and despatch police).	Complainant's ethnicity not recorded.	This is correct. Noted both within IIC and the Central Communications Command.	<b>Recommendation 7</b> DPS Prevention Command to review DPS monitoring obligations in the context of its commitment to the MPS Race and Diversity Strategy 2006 – 2009.

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	Ideally obtain the complainant's written consent.	The signature on the N3352 was not obtained. On this occasion the complainant had proved difficult to contact and the matter was resolved through telephone contact.	This issue to be included in recommendation 1.
	The complainant should have been advised of his entitlement to appeal to the IPCC.	This advice was given in a letter to the complainant dated 7 <sup>th</sup> September 2005.	
Other assault (Assault, damage to property, racial abuse and incivility)	Delay in contacting the complainant-44 days	This finding is accepted.	This issue to be included in recommendation 2.
	Potential inappropriate use of the Local Resolution process.	This finding is accepted.  IIC targets are set for Local Resolution giving emphasis to this procedure.	<b>Recommendation 8</b> DPS Prevention Command to review the criteria used for setting a Local Resolution target of 50% for all finalised allegations.
	No consideration given to referring the matter to the IPCC.	This finding is accepted.	<b>Recommendation 9</b> That this case be referred to the IPCC for completeness.
	The complaint is against more than one officer.	The DPS decision was that only one officer was involved. This allowed the other officers present to be considered as witnesses.	This issue to be included in recommendation 9.
	Possible misuse of	This was noted and was discussed at	The Manual of Guidance for DPS

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	PNC/Cris if the intelligence checks were for the purpose of checking the complainant's criminal record.	an IIC meeting in September 2005 resulting in amendments to the Manual of Guidance.	investigations states that PNC checks of complainants should not be carried out as a matter of routine but does permit it for legitimate reasons and if adequately explained. (Para 2.22.6)  <b>Recommendation 10</b> This finding to be incorporated into DPS training programmes
	Regn 9 Notice was served after the complainant had confirmed their wish not to proceed.	This is accepted.	<b>Recommendation 11</b> DPS IIC to determine whether this finding requires any explanatory amendment to the officer's CDS record.
	Form 163A unsigned.	Notification has been conducted through e-mail.	This issue to be included in Recommendation 2.
	Learning opportunity from this complaint missed.		<b>Recommendation 12</b> This individual case to be submitted to the Prevention Command for organisational learning opportunities. (This supports Recommendation 8 of the 2005 HMIC inspection of DPS where emphasis is laid on organisational learning).
	This complaint should have been recorded as one within 10 days to comply with IPCC Statutory Guidance and should have been	It is accepted that the decision to treat the complaint as a 'matter' built in delay. This has been discussed within IIC with the intention of raising it with the IPCC. It is believed that the	<b>Recommendation 13</b> DPS Prevention Command to determine whether Manual of Guidance provides adequate advice in respect of referral of matters to the IPCC.

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	referred to the IPCC.	approach adopted (ie clarifying first whether it was a 'matter') conforms to the Manual of Guidance.	
	Complainant not advised of statutory time limit for common assault proceedings and possibility of renewing the complaint allegation in the future.	In this case the view held was that the statutory time limit would not be reached for the assault and that it is not common practice to advise complainants of their entitlement to renew their complaint at a later date.	<b>Recommendation 14</b> DPS Prevention Command to assess whether Tribune adequately supports DPS 'statutory notification' responsibilities.
	Upon receiving notification of a withdrawal the MPS did not assess whether the complaint should be treated as a conduct matter.	This finding is accepted.  All IIC North East Investigating officers have been advised of this responsibility.	
	IPCC not notified of the withdrawal of the complaint. IPCC unable to direct that it be treated as a conduct matter.	This finding is accepted.	<b>Recommendation 15</b> That this case be referred to the IPCC for completeness.