



Reference No: 65-2016

THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

DECISION RECORD FORM

REQUEST: For PCC approval

Title: Referral to Independent Police Complaints Commission – Former Chief Constable Sean Price

Executive Summary:

In my capacity as the holder of the office of Police & Crime Commissioner; and in particular as appropriate authority in respect of officers of the rank of Chief Constable, including those who have retired, I am satisfied that it is appropriate to formally refer specific matters, amounting to potential conduct matters within the meaning of the law, to the Independent Police Complaints Commission. I am further satisfied that it is appropriate to do so in view of the exceptional circumstances (within the meaning of paragraph 13 of Schedule 3 to the Police Reform Act 2002) and to do so forthwith, today 31 March 2016.

The officer in question is former Chief Constable Sean Price.

The potential conduct matters are set out more fully in the formal referral documentation.

In December 2014 I became aware of an allegation, made against a man, in 2006, of historic sexual abuse. I supported the Force's course of action taken forward from December 2014, to respond to that allegation in a victim-focussed manner and which discharged all appropriate steps required in relation to the safeguarding responsibilities of the Force and partner agencies.

It was not, in my judgement, appropriate at that time to record or refer any potential conduct matters arising from the way in which the matter had been handled in 2006 (during Chief Constable Price's tenure) whilst those victim-focussed and safeguarding steps were underway.

I arranged for my Chief of Staff to be kept informed of the Force's operational steps and latterly, of the engagement by the Force with the Independent Police Complaints Commission which was put in hand by the Force in October 2015.

It remained inappropriate, in my judgement, to record or refer any potential conduct matters in respect of the former Chief Constable following the conclusion of those steps, in view of (amongst other matters) the overriding wish of the alleged victim for absolute confidentiality; and the fact that documentation related to this matter had already been considered by investigators during the criminal and misconduct investigation known as Operation Sacristy.

I am now aware that the criminal investigation undertaken under that victim-focussed approach has concluded in so far as it is possible to do, at this time.

I am also aware, although no individual or agency is at liberty to – or, as far as I know, has any intention to – identify the alleged victim; that the substantive allegation (and questions over the handling of it in 2006) is to be placed in the public domain by the print media on 1 April 2016. This has been notified to my Office as a certainty on 30 March 2016 at 18:36 and I have taken this decision immediately thereafter.

In my judgement this materially affects my earlier assessment of my powers and duties in respect of the referral of the potential conduct matters; specifically, the substantive allegation cannot any longer remain absolutely confidential in the manner previously anticipated as part of the victim-focussed approach.

I am accordingly putting in hand the immediate referral of the potential conduct matters to the Independent Police Complaints Commission.

Decision:

1. To arrange for the potential conduct matters in respect of the former Chief Constable to be recorded.
2. To refer those potential matters on a voluntary basis to the Independent Police Complaints Commission.

Complaints Commission.

OPCC Lead Officer: Chief of Staff

Contractor Details (if applicable):

Implications:

Has consideration been taken of the following:	Yes	No	
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Equality & Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(If yes please provide further details below)

Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCC's CFO where the decision has financial implications)

There are no direct financial consequences of this decision.

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

Set out in body text.

Simon Aemi 31/3/16

Equality and Diversity Implications

None directly arise

Human Rights Implications

None directly arise

Sustainability Implications

None directly arise

Risk Management Implications

None directly arise

OFFICER APPROVAL

Chief Executive

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signed: *Simon Aemi*

Date: *31/3/16*

Police and Crime Commissioner:

The above request HAS my approval.

Signed: *[Signature]*

Date: *31/3/16*