

## **Examples of Lessons Learnt** **(01/06/2016 – 30/11/2016)**

### **Case 1 – Information supplied to the courts**

#### **Summary**

He is complaining the quote for damage handed to the courts on the Police case file for £150.00. He states he has spoken to the IP in the case who has confirmed the police did not receive an estimate for the damage from her or a third party.

#### **Learning Details**

Although there are mandatory fields to be completed when property stolen / damaged is selected i.e. Type, Value, Quantity & Status. Estimates are not to be used. It could be argued if we use estimates these could be too low or too high, either way this impacts on the quality and continuity of the service we provide. If the value of damage is unknown, this should be marked as unknown on the form.

#### **Code of Ethics**

Accountability – Officers must be able to account for everything they record/omit

Openness/Honesty – Where details have not been obtained officers must be open and honest and explain why

Fairness – Officers must always treat people fairly

#### **Action Taken**

A complaint has been recorded. An apology was given to the complainant. Lessons learnt form completed with the intention the incident is not repeated.

### **Case 2 – Use of Social Media**

#### **Summary**

It was alleged that an officer misused a Cleveland Police Neighbourhood Policing social media Facebook account. The account had been used by the officer to highlight an online Gazette article following the conviction of male charged with public order offences.

The convicted male's father made Facebook posts in reply to the officers' post, the officer then entered into an online dispute with the father, posting information regarding the investigation that was inappropriate.

## Learning Details

Officers are encouraged to highlight good policing work on Cleveland Police social media accounts.

Posts must be accurate, appropriate and professional.

Cleveland Police must not be seen to favour media outlets by reposting their articles.

If a staff member has any doubt about material they post, they should seek guidance from Corporate Communications, making themselves familiar with Cleveland Police social media guidance documents.

## Code of Ethics

Accountability – Officers are answerable, and must be able to account, for everything they post on social media

Fairness/Respect – All people should be treated fairly and with respect

Integrity – Officers should always do the right thing

Leadership – Officers should lead by example

Objectivity – Decisions should be based on fact and best professional judgement

Selflessness – Decisions and actions should be in line with public interest

## Action Taken

The officer was given advice by Corporate Communications.

## **Case 3 – Cautioning and arresting**

### Summary

An allegation was made of unlawful arrest and use of excessive force towards the suspect of a domestic assault. Police were called after the complainant's wife phoned to say that she had been assaulted by her husband.

The complainant stated that the officer used excessive force when he arrested him and used CS spray that was also excessive and unnecessary.

The suspect was convicted at court for offences he had been charged with relating to the incident, but the conviction was later quashed on appeal.

It was found that during the arrest the officer had failed to adequately inform the complainant he was under arrest or caution him, the officer having showed the complainant his handcuffs and said "YOU ARE COMING WITH ME".

### Learning Details

An investigation found that the level of force used by the officer was necessary and justified. However the officer had not lawfully arrested the complainant and this led to the force used being unlawful.

It was found that the officer held a genuine and honest belief his actions were lawful when arresting the complainant.

Officers are reminded to ensure that they correctly inform detainees that they are under arrest and caution them.

### Code of Ethics

Accountability – Officers must be able to account for their decisions, actions and omissions.

Fairness – Officers must treat people fairly

Integrity – You must always do the right thing

Respect – All suspects should be treated with respect

Selflessness – You should always act in the public's interest (this includes suspects)

### Action Taken

The officer was given management advice.

### **Case 4 – Use of Social Media**

#### Summary

Following the alleged murder of a man in Cleveland Police, the Gazette posted an online article following the man's family deciding to scatter the deceased man's ashes at location in Cleveland.

Two officers from Cleveland were found to have made comments from their personal Facebook accounts in relation to the article which appeared to mock the situation. It was found the posts were wholly inappropriate and insensitive towards the victim and his family.

The posts risked the family losing confidence with the on-going police investigation.

### Learning Details

Officers are reminded that such views made even whilst off-duty on personal social media accounts, risk discrediting the police service by reducing public confidence in the way Cleveland Police views victims of crime.

## Code of Ethics

Accountability – Officers are answerable for everything their decisions, acts and omissions

Fairness/Respect – You should treat everyone fairly and with respect

Integrity – You should always do the right thing

Leadership – You should always lead by good example

Objectivity – Even on private posts you should consider your best professional judgement

Selflessness – You should act in the public's interest

## Action Taken

The officers were given management advice by their respective supervisors.

## **Case 5 – Respect for Race and Diversity and conducting personal business whilst on duty**

### Summary

It was alleged that an officer failed to act with self-control and tolerance when speaking with an Asian officer following the Christmas period.

The Asian officer was having a conversation with another colleague regarding Christmas when the officer subject of investigation interrupted and made a comments similar to 'You don't celebrate Christmas, you're a Muslim'. A discussion then took place between the officers which became increasingly heated with further alleged comments being made similar to 'Sikh, Muslim, Hindu, I can't tell the difference' and that the officer subject of investigation stated as a Christian, Christmas is a Christian festival. The discussion only ceased due to another colleague having to remove the officer from the situation.

It was further alleged that, whilst on duty in the following days, the officer subject of investigation in the company of a council worker, attended the home address of a witness to discuss the incident. The council worker was taken there under false pretences and stated they would not have attended had they been informed of the true reason for the visit.

It was further alleged that same day, whilst carrying out joint visits with the council worker in her vehicle, the council worker was placed in a position where she has felt unable to refuse requests to; travel outside of their area to attend a garage and the officer's home in relation to personal matters, including transporting the officers spouse.

These actions led to the council worker receiving disciplinary action.

### Learning Details

Officers are reminded of the importance treating everyone both within and outside the organisation with self-control, courtesy and respect and not to abuse their powers.

That any personal business conducted whilst on-duty should be requested to an officers supervisor, prior to conducting such business.

### Code of Ethics

Accountability – You are answerable for your decisions, actions and omissions

Fairness/Respect – You must treat your colleagues with fairness and respect

Honesty – You should be honest with your colleagues and partners

Integrity – You should always do the right thing

Leadership – You should lead by example

Objectivity – Decisions should be based on evidence and best professional judgement

Openness – You should be open and transparent in your actions

Selflessness – You should always act in the public's interest

### Action Taken

The officer was directed to a Gross Misconduct hearing and received a written warning.

## **Case 6 – Access to prescribed medication**

### Summary

It was alleged that a detainee at Middlesbrough custody who highlighted his need for certain prescribed medication was informed by a Custody Sergeant he would not be allowed any medication for the first 6 hours of custody.

### Learning Details

Tascor medical have a policy relating to the administration of controlled drugs to detainees within the first 6 hours of detention. This policy may also be applied to other non-controlled drugs. In any case, this should always be a matter that is addressed on a case by case assessment. This assessment is made by the Health Care Professionals, not custody staff.

It is accepted that what is coined as the “6 hour rule” was being incorrectly applied to detainees without medical advice being sought.

All staff should refrain from informing detainees when they may or may not be able to receive medication, in particular informing them of a “6 hour rule”. This is a matter for Health Care Professionals to assess and all requests for medication by detainees should be directed them.

### Code of Ethics

Accountability – You are answerable for your decisions, actions and omissions

Fairness/Respect – You must treat detainees with fairness and respect

Integrity – You must always do the right thing, if in doubt such issues should be referred to a health care professional

Objectivity – Choices should be based on evidence and professional judgement

### Action Taken

Advice relayed to PACE Inspectors for dissemination to all custody staff.

## **Case 7 - Custody records**

### Summary

It was alleged that an inaccurate entry was made on a custody log.

A detainee had been taken for interview and prior to the commencement recorded their opinion around perceived breaches of PACE. The interviewing officer asked the detainee if they wanted to be interviewed, to which they replied “NOT REALLY”, but went on to provide their name and personal details. The interviewing officer then ended the interview and asked a colleague to update the custody log stating the detainee had refused all details and was refusing to be interviewed.

The interviewing officer then correctly informed the Custody Sergeant of the detainees representations of alleged breaches to PACE.

The detainee was later charged without interview.

### Learning Details

It was found that the detainee had not refused their details, as recorded on the custody log and it was not accepted they had refused to be interviewed.

The officer filling out the custody record had done so in good faith with the information the interviewing officer had supplied.

The representations made to the Custody Sergeant were never addressed.

### Learning Details

### Learning Details

Staff are reminded of the importance of accurately recording events on the custody record.

Custody staff are reminded of the importance of recording and addressing representations of any alleged breaches of PACE.

### Code of Ethics

Accountability – You are answerable for your decisions, actions and omissions

Fairness – Detainees must be treated with fairness and respect

Honesty – You must be truthful

Integrity – You should always do the right thing

Openness – Events in custody should be recorded on the log in an open and transparent manner

### Action Taken

Advice relayed to PACE Inspectors for dissemination to all custody staff.

The interviewing officer was no longer employed by Cleveland Police at the time of the investigation, however would have received management advice had they still been employed.

## **Case 8 – Off duty conduct**

### Summary

An Off Duty officer was involved in an incident in a nightclub during which it was alleged some drinks had not been paid for. The officer, who was described as drunk, was ejected by door staff during which he used foul and abusive language towards the door staff and had to be warned a number of times by a Police Officer about his conduct.

The officer was investigated for criminal allegations of assault, public order and theft, no further action was taken.

### Learning Details

An investigation found that the officer had acted in a manner unbecoming of a police officer breaching the standards of professional behaviour in Discreditable Conduct.

Whilst officers are off duty they should act in a way which does not discredit the Police Service.

### Code of Ethics

Accountability – Even when off duty you are answerable for your actions and omissions

Honesty – You should always be trustworthy

Integrity – Even off duty you should do the right thing

Respect – you should treat everyone with respect

### Action Taken

The officer was directed to misconduct meeting and given management advice.

### **Case 9 – Misuse of warrant card**

#### Summary

It was alleged an off duty officer raised their voice and produced their Police Warrant Card in order to bully a store worker into allowing them to exchange goods, without a receipt, contrary to store policy.

#### Learning Details

Whilst it was accepted the officer was lawfully entitled to an exchange, the manner in which they conducted themselves and the inappropriate use of their warrant card was a breach of the standards of professional behaviour.

Whilst officers are off duty they should act in a way which does not discredit the Police Service and not use their warrant cards / position as a police officer to influence others.

### Code of Ethics

Accountability – Even off duty you are answerable for your actions

Fairness/Respect – Even off duty you should treat people with fairness and respect and never use your position as an Officer for personal gain

Integrity – You should always do the right thing

Leadership – You should lead by good example, Police Officers are looked up to as leaders in the community

### Action Taken

The officer faced a misconduct meeting and was given a written warning.



## **Case 10 – Unauthorised search**

### **Summary**

A complaint was received that whilst an officer was engaged in obtaining a statement, another officer entered the property and conducted an unauthorised search, including opening drawers, cupboards and the fridge. When challenged by the complainant the officer told them “I’ll do what I want darling, you’ve got more things to worry about”

### **Learning Details**

An investigation found the search to be unlawful, the level of the search was inaccurately recorded in the officers’ PNB and no search forms were submitted.

Officers are reminded to ensure that any searches of property conducted are justified, necessary and lawful. Such searches should be accurately recorded with the correct forms submitted.

### **Code of Ethics**

Accountability – You are answerable for your decisions, actions and omissions

Fairness – All people should be treated fairly

Honesty – You are truthful and trustworthy

Integrity – You always do the right thing

Openness – You are open and transparent in your actions and decisions

Respect – You should treat everyone with respect (this includes language as well as actions)

### **Action Taken**

The officer faced a misconduct meeting and was given management advice.

## **Case 11 – Android TV boxes**

### **Summary**

A number of officers have bought digital television boxes (also known as android or smart TV boxes). These devices are freely available through legitimate outlets and are designed to turn your standard television set into a smart TV where the user can access various internet facilities such as YouTube and other non-subscription services. However, many of these boxes have been modified to receive subscription services, such as Sky Movies and Sky Sports.

Advice on the status of such altered devices has been obtained from the Federation against Copyright Theft (FACT). They have confirmed that the use of these modified devices could constitute a criminal offence.

### **Learning Details**

There may have been some confusion regarding the legality of the use of these devices. FACT are the national lead on these matters and have clarified the position. Anyone using such a device that allows them to access subscription services, thereby avoiding payment for these services is committing a criminal offence and may be prosecuted accordingly.

Any officer or member of staff who is using such an altered device MUST cease using it immediately.

### **Code of Ethics**

Accountability – You are answerable for your actions even when off duty

Honesty – You should be truthful and trustworthy

Integrity – You should always do the right thing

Leadership – You should lead by example

Selflessness – You should act in the public interest

### **Action Taken**

Words of advice were given to an officer involved in the distribution of such boxes.

## **Case 12 – Misuse of Oracle, recording of time off**

### **Summary**

An officer was using the old overtime card system to record time off, as well as using ORACLE. This double recording of hours worked and how time off was recorded meant that time taken off work was not recorded on either system. The officer concerned attended a discipline meeting and was given a written warning. The officer was also required to deduct the time that had been taken off and not accounted for.

### Learning Details

The use of overtime cards stopped when ORACLE was introduced. The use of such cards must stop immediately and all leave/ TOIL/ RDIL and overtime worked must be recorded on ORACLE.

### Code of Ethics

Accountability – You are answerable for your decisions, actions and omissions

Honesty – You are truthful and trustworthy

Integrity – You always do the right thing

Leadership – You should lead by example, regardless of your rank

Openness – You are open and transparent

Selflessness – You should act in the public interest

### Action Taken

The officer faced a misconduct meeting and was given a final written warning.

### **Case 13 – Selling of police issued equipment**

#### Summary

An officer who sold an item of Cleveland Police issued equipment appeared before a discipline panel. The panel concluded the officer had not acted dis-honestly by selling the equipment. It was accepted the officer had acted in the best interests of their role as they stated they intended to use the money to purchase additional equipment for their specialist role. However, the officer had not informed, or sought the approval of any supervisory officer to sell the equipment and was therefore given management advice.

### Learning Details

All officers are reminded that any procurement of equipment must go through the established force systems. When unusual circumstances arise the officer must obtain consent from their supervision before any further action is taken. This can then be recorded accordingly so that the actions of the officer are accounted for and no criticism can be made of the officer.

### Code of Ethics

Accountability – You must be answerable for your decisions, actions and omissions. Recorded supervisors authority would assist with accountability

Honesty – You should be truthful and trustworthy

Integrity – You should always do the right thing

Leadership – All Police Officers are looked to as leaders, you should lead by example

Openness – You are open and transparent in your actions and omissions. Recorded supervisors authority demonstrates openness

Selflessness – We are a public funded service, you should act in the public interest

### Action Taken

The officer attended a disciplinary hearing and given management advice.

## **Case 14 – Information supplied to the courts**

### Summary

Professional Standards have received a complaint from a solicitors firm relating to two strip searches being carried out on their client whilst in custody.

The complainant was arrested for a theft related offence, when brought into custody a strip search was authorised. The strip search was authorised by a Custody Sergeant for a number of factors, one of which being the complainant had previously concealed items on his person whilst in custody; this was highlighted by PNC markers.

Whilst in custody, Police received information that the complainant may be in possession of stolen cash. A different Custody Sergeant was approached by the OIC asking if a strip search could be authorised seeking the stolen cash. A second strip search was authorised and conducted.

The complaint made was the two strip searches were unlawful, as the authorising officer must believe that a relevant item is concealed on a person.

It was alleged the first strip search was unlawful as the search was based on the complainant having a "conceals" marker on PNC with no other grounds for believing items were being concealed on the complainant. Whilst in essence this is correct, a PNC warning marker alone cannot be a reason alone to conduct a strip search; it was found the first strip search was lawful as the Custody Sergeant had reason to believe relevant items were concealed on the complainant.

It was alleged anything concealed on the complainant would be found during the first strip search, resulting in the second strip search being unlawful.

Whilst the investigator upheld this part of the complaint, she disagreed with the theory put forward by the solicitor. It is common for detainees to conceal items within the body and later retrieve them whilst in custody. Such an example may be a detainee conceals drugs within his anus to such an extent that they would not be seen during a strip search, once in custody after a strip search the detainee may remove these drugs. Viewing this on CCTV or instances of finding a detainee suddenly unfit through drugs having arrived fit, may cause the Custody Sergeant to authorise a second strip search.

The circumstances of this complaint however did not raise these concerns, it does not appear the second Custody Sergeant was aware or took into consideration the first strip search and the detainee did not raise any concerns that he had removed property from his person to give reasonable belief to authorise a second strip search.

### Learning Details

An officer authorising a strip search in custody must have reason to believe a relevant item is concealed on a person. Should a further strip search be carried out in custody, the authorising officer must have further grounds to believe something has changed since the last strip search and document such rationale for conducting further strip searches.

### Code of Ethics

Accountability – Officers must be able to account for everything they record/omit

Objectivity – You make choices based on evidence and your best professional judgement

Fairness – Officers must always treat people fairly

### Action Taken

The lessons learned will be raised during the next custody meeting.

## **Case 15**

### Summary

A victim of crime going through Crown Court proceedings was witness to the assailant breaching his bail conditions; the assailant had entered his street when prohibited from doing so, the day before an initial Crown Court pre-trial date.

The police took a statement but were unable to locate the suspect prior to the court appearance the next day.

The victim complained that the Police failed to inform the court of the alleged breach when the suspect appeared, thus losing the opportunity for the suspect to be sanctioned.

### Learning Details

The OIC or another officer taking a handover should have updated the courts that they were in possession of evidence of an alleged breach of bail to ensure a sanction could have been sought.

## Code of Ethics

Accountability – Officers must be able to account for everything they record/omit

## Action Taken

Advice given to the officer.

## **Case 16**

### Summary

The victim of an alleged common assault contacted Cleveland Police stating she had not been updated for 7 months by the OIC investigating her allegation.

Checks conducted on the crime OEL showed that VCOP updates had been made by the OIC on a regular basis via email, the victims requested method of communication. The final VCOP update was made by the OIC by leaving a voicemail message on her mobile phone number, this VCOP update was to inform the victim a police decision had been made to close the crime with no further action being taken against the suspect.

Phone billing checks confirmed that a phone call from Cleveland Police was logged for around 30 seconds to the victim's mobile number on the date of the VCOP OEL update entry.

The victim never received the voicemail and complained that an important VCOP update was done in what she believes was an insensitive manner with no follow up made to check she had received the message. The victim complained that VCOP had been agreed to be done by email to ensure all correspondence was logged in writing, all VCOP updates had been completed by email, yet when what she felt was the most important update it was done without any consideration for what she had requested. Further to this the victim complained she was never informed of her right of appeal under the Victims Right to Review (VRR), she was informed that the time scale had passed for her to make the appeal due to the six month summary time restrictions.

The OIC confirmed that the final VCOP update had been done via voicemail and that she did not inform the victim of her right to review under the Victims Right to Review, as she was unaware of the scheme.

### Learning Details

Every victim of crime must be advised of their Victims Right to Review on the final VCOP update when a Police decision to no further action a criminal case is made.

Consideration should be made to adhere to victims chosen choice of communication where possible. When a final VCOP is being conducted (particularly when a case is being close no further action) the OIC should careful consider the method of update

as victims are likely to be at their most vulnerable, require more detailed information and given their rights to appeal.

### Code of Ethics

Accountability – Officers must be able to account for everything they record/omit

### Action Taken

OIC given advice

## **Case17**

### Summary

A report was made to Police regarding youths causing a disturbance and anti-social behaviour. This was assessed as a priority due to the number of youths reported in the area.

Police have failed to attend and speak with the youths, or remove them from the scene. The reporting person stated she was not spoken to or updated by the Officers.

Further calls were received to Police around 90 minutes later to question lack of police actions. The youths were again present in the area now causing criminal damage to the property.

### Learning Details

In relation to anti-social behaviour reports, it is understandable that some reporting persons do not want updating or speaking to due to repercussions that may arise regarding further targeting from the offenders.

When attending anti-social behaviour incidents control room would advise the Officer if the reporting person would like to be spoken to. If control room have not notified the Officer of this, the Officer is required to contact comms to clarify if an update or visit to the reporting persons address is required.

### Code of Ethics

Accountability – Officers must be able to account for everything they record/omit

Selflessness – You act in the public interest

### Action Taken

The Officer involved in the incident has been made aware of the complaint and has given an account. GPS and radio transmissions of the Officer have been obtained. This did show the Officer attending the scene minutes after the report and staying within that area for approximately 5 minutes. This is where the Officer has spoken to the youths and advised them to remove themselves from the area.

However the complainant was unaware the Officers had attended and spoke with the youths as they were never updated. The complainant did see a unit in the area but did not believe this resolved the issue.

This complaint has been closed as locally resolves. The complaint has been advised on the findings and understands it has been a miscommunication and that in future if they require phoning Police, they will advise the control room they would like to be spoken to.

## **Case 18**

### **Summary**

A complaint was received that Police have failed to investigate a driving Offence and a report of a Motor Vehicle theft; this has led to Cleveland Police crushing the complainant's car.

The first investigation into the driving offences; A male was stopped by an Officer for no insurance and no licence, checks were conducted and PNC had shown the registered keeper a different male. The driver told the Officer he was the new owner of the vehicle. The Officer has not challenged this account and had added a marker onto PNC as the current male is now the registered keeper. The car was seized and taken to Hartburn Garages. No further investigation into the owner of the vehicle was conducted. The car seizure notice was not sent to the original vehicle owner and no clarification was sought to the owner marked on PNC.

Further to this the owner has returned from holiday and has been aware by an employee an ex-employee has taken his car. He reported this as stolen to the Police. Police have then interviewed the male that had the car seized from him, he told Police again he had just purchased the vehicle. Text messages were shown to the Officer that shown no indication a purchase of the car had taken place, however a text of the RP stating he will report him to the Police for having his car calling him a thief. Independent witness statements were taken stating the car was taken without permission, the owner stated it was taken without permission. The Officer then NFA's the investigation from the evidence of the text messages between the owner and suspect, stating it doesn't pass the evidential test.

The IO told the owner not to retrieve the vehicle from the garage as finger printers were needed from SOCO, SOCO were then never notified. The car was then over the 28 days and the owner was unaware as waiting police go ahead to retrieve his vehicle. This car was then crushed and the Officer told the owner this at the end of the investigation.

Both Sgt's within the cases have stated they assessed both Officers' work and that are happy with the investigation that they were happy with the actions and closed the case.



Officers had not communicated between each other with both cases, although they were linked on IRIS. One Officer was unaware of one investigation; however One Officer mentioned they notified the other.

Duties & Responsibilities: Police Officers are diligent in the exercise of their duties and responsibilities

Honesty & Integrity Police Officers are honest, act with integrity and do not compromise or abuse their position.

### Learning Details

Investigation into the car owner is required to clarify the drivers account and to conduct an investigation into the ownership of the car and if there are any criminal offences that have taken place.

Duties & Responsibilities: Police Officers are diligent in the exercise of their duties and responsibilities

Code of Ethics: Accountability and Objectivity

Communication between Officers is essential when the jobs are related, and also communication between the owner and the Police to conduct updates. The car garage should also be notified that the vehicle was currently used in an investigation and not to be crushed until the investigation has concluded. If this was the case the car would not have been crushed and Cleveland Police would not be responsible for the payment of the vehicle.

Duties & Responsibilities: Police Officers are diligent in the exercise of their duties and responsibilities

When sergeants are reviewing cases and state they have seen the evidence available they must ensure they thoroughly check the evidence available. It is understood the work load of supervision and the account given to them by Officers, however when specifically stated the evidence has been viewed this is essential.

Duties & Responsibilities: Police Officers are diligent in the exercise of their duties and responsibilities

### Code of Ethics

Accountability - Officers must be able to account for everything they record/omit

Leadership – You lead by good example

### Action Taken

All Officers and their supervision have been made aware of the complaint and accounts have been received. Full investigation has been conducted into the ownership of the vehicle. The Garage have been contacted and asked for the timeline in relation to the vehicle and the paper work viewed.

All Officer and Sgt's have been given formal words of advice by their senior management team.

The complaint has been advised how to make a civil legal claim for compensation on his vehicle.

## **Case 19**

### **Summary**

A complaint was recently received, from a member of the public, relating to the recovery, retention and subsequent submission of currency notes for Forensic Examination. It would appear during the course of an enquiry, involving Offences of alleged Rape and Robbery, Bank of England notes were recovered from the home address of the alleged suspect. The items were subsequently placed in secure storage at Middlesbrough. However no mention was made of the requirement to retain the notes for future Forensic Examination. The officer in the case subsequently discovered the notes had not been retained as expected.

### **Learning Details**

Officers must ensure they follow Force Protocol and Procedures in relation to the recovery of currency notes which may be required for submission for Forensic Examination either immediately or in the future. The recovered notes should be clearly marked with instructions relating to their retention. An entry should also be made on IRIS property .This incident should be linked to the duties and responsibilities of individuals relating to accountability, diligence as referred to in the codes of Ethics and Standards of Professional Behaviour

### **Code of Ethics**

Accountability – You are answerable for your decisions, actions & omissions  
Selflessness – You act in the public interest

### **Action Taken**

The complaint was dealt with by highlighting the matter to the Officer's involved. A message to all has also been produced for the attention of all Cleveland Staff members explaining the procedure to follow. The complaint was dealt within PSD Triage Team by Local Resolution, recorded and available for reference if such an incident occurs again. The lessons learnt forms part of the resolution to the complaint.

## **Case 20**

### **Summary**

Northumbria Police contacted Professional Standards to report they had possession of a note book belonging to a Cleveland Officer. This was handed in by a member of the public (Lorry driver). This note book contained sensitive information. It was originally found within the Stockton area at the side of a road; however the driver had to finish his duties then had taken this to his local station.

At that point it was unable to say who had sight of this information and how long the driver had possession of the book. Also if the Officer knew they had lost this book.

### Learning Details

Northumbria Police contacted Professional Standards to report they had possession of a note book belonging to a Cleveland Officer. This was handed in by a member of the public (Lorry driver). This note book contained sensitive information. It was originally found within the Stockton area at the side of a road; however the driver had to finish his duties then had taken this to his local station.

At that point it was unable to say who had sight of this information and how long the driver had possession of the book. Also if the Officer knew they had lost this book.

### Code of Ethics

Accountability – You are answerable for your decisions, actions & omissions.

### Action Taken

PSD retrieved the book from Northumbria.  
The book was shown to the Data protection Manager to assess the possible risk.  
Attempts to locate the lorry driver who found the book were made to establish exactly where and when they found it and if they had read the contents of the book.

If the driver was located emphasise would be made to them on how important the information contained within the book is. That it was a genuine mistake the book was misplaced and ask he sign a confidentially agreement not to disclose anything they saw in the book.

Establish from the Officer where and when they last saw it.

## **Case 21**

### Summary

A victim of a burglary raised a complaint through PSD. Part of the complaint was the length of time it took Police to respond to the incident e.g. the time taken for an officer to attend and retrieve evidence, witness statements etc. After a review of the initial call to Police it was clear the call handler missed an opportunity to question the IP appropriately to establish the full circumstances. This meant the initial call was recorded as a theft rather than a burglary, which had a knock on effect in regards to the Police response times to deal with the event.

### Learning Details

Staff to be mindful in respect of questioning a reporting person appropriately. This links in with the 'Duties and responsibilities' section of the Standards of Professional Behaviour'

### Action Taken

The complaint was dealt with by highlighting the matter to the staff member involved via their supervisor. The complaint was also recorded for future reference. Accountability, in respect that the force and our staff are answerable for our decisions, actions and omissions.

## **Case 22**

### **Summary**

A report of a Data Security Breach was made to the Counter Corruption Office, whereby an officer had attempted to access a colleagues' work computer with a view to checking their emails on their behalf.

The officer had entered the password incorrectly a number of times, which resulted in them resulting in being locked out of the account. The officer has then rung the IT Department to get the account unblocked, giving them a full explanation of what they have done, and for them to unlock the account. This request was declined, and IT Department raised the issue with the Force Security Officer.

### **Learning Details**

This involves potential misuse of force IT Systems. Sharing of passwords or using other people's computers whilst logged in, is not acceptable and breaches legislation and force policy. Employees must be reminded / made aware of this.

### **Code of Ethics**

- 1) Accountability - Officers are answerable for their actions
- 2) Honesty & Integrity - Officers should do the right thing, and this is not doing the right thing
- 3) Leadership - Supervision should lead by example, and not direct or condone misuse of the force's computer systems.

### **Action Taken**

Both officers have been spoken to and provided an account  
A 'message to all' was sent to remind everyone in the organisation not to share passwords, or use other people's computers whilst they are logged onto force systems

## **Case 23**

### **Summary**

Following a report of a theft of domestic appliances, the investigating officer carried out the necessary enquires. The stolen items were located at the suspect's home. The suspects admitted the charge and investigations are being progressed. Following the OIC locating the items they contacted the IP to ask they collect the stolen goods themselves from the suspect's property, this in part was due to the size

of the items including a Hotpoint Fridge and Freezer and a reconditioned INDESIT washing machine and Tumble drier.

### Learning Details

After review and speaking with Police property store, it became clear there is an option in place to collect such items, the process would be to arrange for Tascor property to attend with a van to the location with the officers and they remove the property together. The above information was cascaded to the OIC subsequently the items were subsequently collected on behalf of the IP.

In requesting the IP collect the stolen items from the named suspect's home, the OIC has failed to objectively consider the possible repercussions of such actions, both in terms of the welfare of the IP given his age and consideration to his vulnerability, and in terms of making sure the investigation and retention of the stolen items were completed correctly

### Code of Ethics

Objectivity & Accountability

### Action Taken

Lessons learned completed and complaint dealt with informally.

## **Case 24**

### Summary

A complaint was made of alleged off duty harassment against a serving Police officer.

It was alleged that the officer had been part of a social circle of friends at a stables, in which the officer kept her own horse at.

The stables were managed by the complainant in this case.

It was alleged that the relationship between the officer and complainant broke down and the officer was asked to leave the stables and remove her horse.

The complainant and members within the circle of friends began to suffer harassment / malicious communication in the form of electronic communications being sent to them from various communication platforms.

The communications came from what were suspected to be at least three fake Facebook accounts, a fake Twitter account as well as a "dummy" mobile phone number.

The communications all appeared to be aimed at causing distress and disruption towards the complainant and members within the social circle of friends.

Alleged harassment included, a message that was sent directly to the complainant via a "dummy" mobile phone claiming that her partner had been having an affair with another female and she was now pregnant as a result of this affair.

Messages were sent about the complainant to one of her friends, that message claimed the complainant had previously had sex with the friends current boyfriend, whilst that boyfriend was still a child.

The complainant was subjected to at least four NSPCC referrals claiming she was mistreating her child. The referrals led the complainant being investigated by social services.

The NSPCC referrals were made online, by filling out a form. The form had a name, address and telephone number fields that were required to be completed by author.

The most recent NSPCC referral was investigated by Cleveland Police.

An officer was allocated OIC to the event to investigate. Whilst the event was live on STORM, the officer subject of complaint accessed the event without a proper policing purpose and printed it off.

The officer contacted a second officer subjected to investigation within the organisation also linked to this social circle of friends asking him to contact the OIC to forewarn him about the complainant in the case. The second officer was also found to have accessed the event without a Policing purpose and did contact the OIC in the case to forewarn him of his own perception of the complainant.

The officer from IRT was tasked with investigating the NSPCC report and attended the authors address as recorded on the NSPCC report, the occupier of the property was not the person named in the report, but she knew both the complainant and the officer as she was part of the social circle at the stables. The address occupier stated she believed it was the officer subject of complaint who had maliciously submitted the form.

The person whose name appeared on the form was also visited by Police; she confirmed that she also knew both the complainant and the officer as she was part of the social circle of friends. The named person on the referral confirmed she had not submitted the form and she also believed the officer had maliciously submitted the form.

During interview the officer accepted that she had used a number of fake social media profiles to monitor the complainant and also to send various messages to her and others in the social circle of friends.

The officer accepted that she had submitted the four NSPCC reports against the complainant using a number of other people's personal details on the form from their social circle of friends.

The officer stated she held an honest belief that the complainant mistreated her child. The officer accepted that despite knowing she was the source of information into the NSPCC report that held misleading information about the sources of information she failed to inform anyone within the Police service which led the OIC to question those named sources of information.

Whilst no evidence supported or disproved the allegations that the complainant had mistreated her child the investigation found NSPCC reports had been submitted following significant events in the relationship breakdown between the officer and complainant, such as the officer's ejection from the stables. In one submission, the officer's father was to be employed in carrying out a kitchen fitting with the complainant's family. When the family cancelled the fitting due to the on-going relationship breakdown, the officer submitted one of the NSPCC reports the following day.

### Learning Details

**Confidentiality** Police officers treat information with respect and access or disclose it only in the proper course of Police duties. Both officers claimed to have a Policing purpose to access the information they did. This was rejected by both the officers' respective inspectors and the professional standards investigation did not accept this.

**Discreditable Conduct** Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

The officer subject of allegedly harassing the complainant accepted in interview she had used a number of fake social media accounts to monitor the complainant and also send her and friends messages.

**Honesty & Integrity** Police officers are honest, act with integrity and do not compromise or abuse their positions. No evidence supporting the alleged mistreatment of the complainant's child was discovered, the investigation into the officer subject of complaint did not seek to find if the subject of NSPCC reports was malicious or not.

It was found that the officer had added misleading information to NSPCC report that suggested a number of other people known to both the officer and the complainant had submitted the report against the complainant when they had no knowledge of it. The officer failed to notify anyone within the Police service that the event being investigated by the OIC had false details of sources leading the Police to waste time in visiting them as part of the inquiry.

### Code of Ethics

Honesty You are truthful and trustworthy

Integrity You always do the right thing

Openness You are open and transparent in your actions and decisions

Respect You treat everyone with respect

### Action Taken

The officer subject of the allegations of harassment was served regulation notices for Gross Misconduct, she suspended from duty. The officer was interviewed for criminal offences of breaches in data protection, harassment and malicious communications. The CPS reviewed the evidence and decided the matter was not in the public's interest to proceed with they suggested the officer be issued with a PIN for harassment. A decision was made by PSD that the PIN would not be issued as the last event of alleged harassment took place beyond the last 6 months.

The officer was given a special exemption to resign prior to beginning the Gross Misconduct hearing process commencing.

The second officer was served regulation notices for Gross Misconduct, and temporarily moved districts.

The officer was interviewed; no criminal proceedings were brought against the officer. The matter was re assessed following the decision not to proceed with criminal offences and the matter reduced to Misconduct, the officer received Management Action.

## **Case 25**

### Summary

Information was received by Cleveland Police that a serving Police Officer had been conducting Policing checks on a number of specifically named OCG members linked the M2 Policing area of Middlesbrough.

The information also stated that the same officer had a personal Twitter account in which he had posted a vast number of offensive tweets.

The officer was served regulation notices for Gross Misconduct under the breaches of Discreditable Conduct, Equality & Diversity and Confidentiality. The officer was suspended from duty.

An investigation took place, it was confirmed that the officer had been conducting checks on Policing systems on the specifically named OCG members raised in the complaint.

During a misconduct interview the officer accepted he had conducted checks on the named OCG members. The officer claimed that he was conducting the checks to keep him up to date on criminals in his Policing area stating he was just being a "Nosy Police Man", he conceded that he did not work in the Middlesbrough Policing



area and had never done so and was currently working in a back office role. The officer went on to concede that he originated and grew up in the M2 Middlesbrough Policing area and had gone to school with some of the named OCG members he had been checking. The officer was unable to explain why a third party was able to divulge information about the officers own searches on Policing systems and was adamant that he had never shared the information with any third party within or outside the Police service.

An investigation took place in relation to the officer's personal Twitter account. It was found that the officer had disclosed he was a Police officer within his tweets and also his current role within the organisation. The officer had posted a number of tweets that were grossly offensive towards victims of crime and members of the community in some of the most deprived areas of Cleveland. Tweets had been made directly to a number of television and sporting celebrities and what appeared to be general members of the public. The Tweets were found to be abusive and grossly offensive in terms of both foul language and content.

A Tweet was made directly to the Northumbria Police PCC in which he referred to certain members of the community as "Goat Fuckers".

The officer was interviewed and accepted he had posted the Tweets. The officer sought to mitigate his behaviour claiming he believed the Twitter account was private with only his followers being able view his Tweets, despite the Twitter account being open to public viewing and many of his offensive Tweets being sent directly to certain recipients.

#### Learning Details / Code of Ethics

**Confidentiality** Police officers treat information with respect and access or disclose it only in the proper course of Police duties.

Conducting checks on Policing systems to be "nosy" or through curiosity is not considered to be a check for a Policing purpose. Any information gathered through such checks must only be shared legitimately.

**Discreditable Conduct** Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Regardless of a social media account being private or not, expressing views that bring discredit to the Police service is considered a breach of the regulations. In this case the officer had directly sent messages / Tweets to third parties that were offensive and abusive, bringing discredit to the Police service.

**Respect** You treat everyone with respect

#### Action Taken

The officer was directed to a Gross Misconduct Hearing, he was dismissed without notice on both allegations.

## **Case 26**

### **Summary**

PSD received a complaint which in part related to a search warrant executed on behalf of the magistrate's court, a search of a garage potentially being used to store stolen goods. The complainant was the owner of the garage complained he was not given a copy of the court warrant and after review neither was the warrant filed appropriately within the Force.

### **Learning Details**

When a police officer attends a search, he must provide his identification and a copy of the search warrant. If it is impossible or impractical to do so immediately at the start of the search, they must do so at the most convenient and appropriate time. The police officer is to give the suspect a copy of their powers to stop and search, which will also contain the rights of the suspect to claim any compensation or rights to damages.

With reference to the Forces policy of retaining search warrants, warrants should be filed appropriately so if required they can be referenced back to at a later date and for accurate statistical recording purposes.

### **Action Taken**

The complaint was formally recorded as being suitable to be dealt with at Local Resolution level. An apology and explanation was given to the complaint and the issue highlighted to those involved in supervising the search in question.

## **Case 27**

### **Summary**

Complaint relates to a report burglary at his address. Following Police attendance the property was secured as requested by the Officers on scene. This was due to the CP being away at the time in Manchester.

The complaint being that he was advised at the time the cost for securing his premises would be covered by the housing provider; however he had since received a bill for £223.20.

### **Learning Details/Code of Ethics**

Officers must be aware of the importance of identifying ownership or residency of properties where Boarding up Service is requested to attend to repair any relevant damage. All courses of action should be taken to identify such person/s to allow same to decide if the attendance of Boarding up Services is necessary and the individual's responsibilities for paying for same.

Accountability contrary to the Codes of Ethics due to the Officer being answerable for the decisions, actions and omissions made.

### Action Taken

The complaint was dealt with by the complainant being made aware of the procedures to follow, regarding making contact with Cleveland Police Finance Department, for reimbursement of the cost incurred to be requested. A message to all has also been produced for the attention of all Cleveland Staff members explaining the importance of identifying owners or residents of properties, involved in similar circumstances, prior to the request made for the attendance of Boarding up Services. The complaint was dealt within PSD Triage Team by Local Resolution, recorded and available for reference if such an incident occurs again. The lessons learnt forms part of the resolution to the complaint.