



# HAMPSHIRE CONSTABULARY

## **Complaint Against Police By Members of the Public**

### **RESTRICTED**

This form may be used for complaints against regular police officers.

It must not be used in cases of complaints against any other category of employee of the Hampshire Constabulary.

**Important guidelines to officers receiving complaints are outlined on the guidance notes and in Force Standing Orders D2, paragraphs 1 - 26.**

Professional Standards Department provide 24 hour senior officer cover for advice and guidance, contact is through F.C.R.

In particular, this officer **must** be contacted in the event of the arrest of a police officer, or where serious injury has allegedly been caused to a member of the public by a police officer. Please note that there is no requirement to notify the duty Professional Standards officer when a routine complaint is received on division.

To	Date

To	Date

THIS DOCUMENT MAY BE DISCLOSABLE



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### 1 COMPLAINANT

Name

Address

Post Code

Home Tel

Previous Convictions Yes  No  Unknown  PSD use only

# Code A

### 2 COMPLAINANTS AGENT (see notes of guidance, section d)

Name

Address

Post Code  Relationship to Complainant

Home Tel  Work Tel

### 3 COMPLAINT RECEIVED

Date  Time  Place

Officer receiving

Method of receipt

### 4 OCCURRENCE

Date  Time  Place

### 5 OFFICER(S) COMPLAINED OF (see notes of guidance, section e)

Rank(s), Number(s), Name(s) and Station(s)

1	<b>Det Supt John JAMES</b>	2	<input type="text"/>
3	<input type="text"/>	4	<input type="text"/>
5	<input type="text"/>	6	<input type="text"/>



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### SELF DEFINED ETHNICITY CODES '16 + 1' (Census 2001) Classification

Ethnic Group		Cultural Background	
White	(W)	White – British	(W1)
		White – Irish	W2
		Any other White background	W9
Mixed	M	White & Black Caribbean	M1
		White & Black African	M2
		White & Asian	M3
		Any other Mixed Background	M9
		Asian or Asian British	A
		Asian – Pakistan	A2
		Asian – Bangladeshi	A3
		Any other Asian Background	A9
Black or Black British	B	Black – Caribbean	B1
		Black – African	B2
		Any other Black Background	B9
Chinese or Other Ethnic Group	O	Chinese	O1
		Any other Ethnic Group	O9
Not Stated	NS	Called Away	NS1
		Public Order Situation	NS2
		Declined	NS3
		Could Not Understand	NS4

Please ask the complainant what they consider to be the appropriate ethnic group for themselves from the list above and enter in the box below:

#### PNC ID CODES

1	White European	<input checked="" type="checkbox"/>
2	Dark European	<input type="checkbox"/>
3	Afro Caribbean	<input type="checkbox"/>
4	Asian	<input type="checkbox"/>
5	Oriental	<input type="checkbox"/>
6	Arab	<input type="checkbox"/>
0	Unknown	<input type="checkbox"/>

Please tick the appropriate box, according to your assessment of the complainants ethnicity (using the PNC codes above)



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NATURE OF COMPLAINT (eg Assault, Incivility, etc)

Neglect of duty - inadequate investigation

7 PCA Leaflet given Yes  No

Is the complaint suitable for Informal Resolution? (see page 5 para 12) Yes  No

Are complaints sub-judice? (see notes of guidance section c) Yes  No

If so, state:- Court  Date

or Police bail to (stn)  Date

8 Officer completing CD 1

Name  Station

Rank  No.  Date

9 FULL CIRCUMSTANCES OF INCIDENT FROM WHICH COMPLAINT(S) EMANATED

This account is not subject to the rules of evidence therefore hearsay and opinion can be stated so long as they are relevant and of benefit to the complaint or enquiry. Outline any action taken upon receipt including preservation of evidence. Note – this form may be subject to Court disclosure.

In April 2001, the complainant contacted Hampshire Constabulary and spoke to  at Fratton and outlined the circumstances of the death of her mother, Mrs Alice WILKIE. This followed some concerns published in the Portsmouth Evening News about the Gosport War Memorial Hospital. Mrs WILKIE died at the hospital on 21.08.1998.

On contacting the police, the complainant was assured that her concerns would be investigated. She awaited an outcome of the investigation, but as nothing had been heard after 6 to 7 months, she contacted  for an update. He stated that he was trying to obtain Mrs WILKIE's medical records, but was having difficulty getting them from the hospital. A few weeks later he called to say that he'd obtained the records and the matter was ongoing. The next contact from the police was a letter from someone called 'John JAMES' stating that enquiries were not complete and that a Ms MILLAR, from the commission for Health Improvement was also conducting an enquiry. Up to this point complainant had no idea that a senior investigating officer had taken over the case.

The letter was dated 15 Nov 2001 (MJ-1). It had been sent to a 'Mr' Jackson at the wrong address of  No other personal contact was made. The next contact was another letter (correctly addressed) from J. JAMES, Det Supt, dated 13 February 2002 (MJ-2). This letter stated that no further enquiries were going to be conducted and that if the complainant wished to, she could attend Fratton Police Station on either 20<sup>th</sup> or 22<sup>nd</sup> February to discuss it with Det Supt JAMES.

Continue at Section 13 if necessary



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#### 10 Full details of any injuries to complainant (see notes of guidance section j for serious injuries)

Notes: Any injury should be photographed. List injuries precisely or state if none visible

#### 11 IMMEDIATE RESOLUTION OF MINOR COMPLAINTS

A formal complaint must be dealt with by an officer of the rank of Inspector or above. However there is nothing to prevent any officer (of the rank of Sergeant or above) initially dealing with a minor complaint, indeed it is to be encouraged in all appropriate cases. It has been found that many people merely require a sympathetic and helpful examination of police actions.

**Any supervisor** can attempt conciliation, the officer may give an explanation of the police action, or put right an obvious omission or wrong and may apologise on behalf of the Force.

If the officer is present and is willing to give an explanation of the incident it may well be that the complainant will accept that explanation.

**The supervisor may not make an apology on behalf of an officer complained of unless the officer concerned gives permission for this to happen.**

IMMEDIATE RESOLUTION IS DIFFERENT FROM INFORMAL RESOLUTION, IN THAT SERGEANTS ARE PERMITTED TO UNDERTAKE IT. IN ALL OTHER RESPECTS IT IS ESSENTIALLY THE SAME. SUPERVISORS ARE ENCOURAGED TO ATTEMPT IMMEDIATE RESOLUTION IN APPROPRIATE CASES. IF THIS COURSE OF ACTION IS LIKELY THEN THE SUBMISSION OF THIS FORM CAN BE DELAYED FOR 72 HOURS. **(Remember this is respect of minor complaints only and care should be taken to ensure that no evidence will be lost in attempting immediate resolution).**

Please provide a short resume of action taken here, and invite the complainant to sign below:

Continue at Section 13 if necessary



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I have read the information overleaf and confirm that I am satisfied with the action taken and consider my complaint satisfactorily dealt with.

Name

Date

Signature

\*In such cases the submission of the form may be delayed by up to 72hrs, (as it may be in cases for immediate resolution as well)

### 12 INFORMAL RESOLUTION PROCEDURES

If not immediately resolved, another method of disposal other than formal proceedings is possible, that of Informal Resolution (IR). Informal Resolution is intended to provide a flexible and simple procedure for dealing with complaints of a minor nature.

In cases where Informal Resolution is considered suitable, the complaint will usually be recorded by the officer receiving it and submitted in the normal way. However an Inspector may decide to seek I.R. at the point of completing the CD/1, in suitable cases, and may thus use this section to achieve it.

Once the file has been received at Professional Standards, if Informal Resolution is considered suitable, an officer will be nominated to act as the Appointed Officer (AO). This will normally be the Chief Inspector from the division where the complaint occurred.

#### 12a For use by the A.O. in completing I.R.

Please use this section to complete I.R. You must inform the complainant.

- (i) The word "**Informal**" is not seen as a judgement on the validity or importance of any incident giving rise to a complaint.
- (ii) That a record of the complaint and its resolution will be retained by PSD for 6 years.

For signature by a complainant accepting informal resolution.

"I accept that my complaint has been informally resolved"

Name

Date

Signature

**NB. If acceptance of an informal resolution is conditional upon a request that can readily be met, E.g. that an officer is made aware of the complainant's views – please seek to complete a brief MG11 to this effect – Including the condition(s) and the acceptance of I.R. Please note that an apology must not be given on behalf of any individual officer unless that officer gives an informed consent.**



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#### 13 ADDITIONAL INFORMATION

(From Section 9 or 11)

The complainant was unable to attend on those days and Supt JAMES called at [Code A] on 25 February. Since April 2001, this was the first 'personal' contact Mrs JACKSON had received from the police. Supt JAMES outlined his reasoning for not taking the case any further. They were: 'There was a lack of police resources to investigate the case and that he wished to avoid unnecessary anxiety to the relatives of patients who were unaware that there may have been a problem.'

Prior to this, Supt JAMES had informed Mrs Jackson that there were serious discrepancies in Mrs WILKIE's case and that the level of care was substandard. He also said that it raised serious questions as to the level of drugs administered. He continued by outlining the sequence of events, which should take place when good clinical care is administered, but went on to say that this clearly didn't occur in this case. He concluded that this matter could not be regarded as murder as there was no monetary gain as in the Harold Shipman case.

Once Supt JAMES had left Mrs Jackson and her daughters, Emily YATES and Lisa PAYNE, they discussed the previous conversation and agreed that they were shocked by the explanation - particularly the 'lack of police resources,' when Supt JAMES had agreed that there had been serious discrepancies in Mrs WILKIE's case. This is not what Mrs JACKSON's family had expected as a response from the police. The question this raises appears to be that if there were 'adequate police resources' then sufficient evidence could have been found for a prosecution. Additionally, Supt JAMES suggested that the police reports into the investigation would be available, but on 27 February a letter was received from Supt JAMES (MJ-3), which appeared to withdraw that offer. This was the last written correspondence Mrs JACKSON received about the case. Emily Yates has had some telephone contact with Supt James, questioning the decision about access to police reports. Medical staff had apparently objected to the family obtaining those reports as they contained damning and critical information about them. Supt James said that whilst they continued to object the only way to access the report was by obtaining a court order. On Friday 27 April 2002, Supt James called Emily Yates to say that he had still not heard from the people objecting to the family having access to the reports.

Bearing in mind the serious nature of the allegations being made against the hospital, Mrs Jackson considers that the conduct of this enquiry has been woefully inadequate for the following reasons:

- a) No witness statements have ever been taken from a member of the family about any of the circumstances surrounding Mrs WILKIE's death. Moreover, no explicit statement has been taken which details the grave concerns of the family.
- b) The lack of contact and level of communication has fallen well below what should be expected in a case involving the death of an individual.
- c) Supt James' justification for not pursuing the case further is flawed and insensitive, particularly reference to a lack of police resources.
- d) Suggesting that reports would be available, merely to withdraw the offer shortly afterwards, was unprofessional and inadequate.



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[Empty rectangular box for content]





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### 14 OTHER ACTION BY OFFICER RECEIVING COMPLAINT

If available, all of the following should be dealt with by the officer receiving the complaint.

Custody Record copied and attached Yes  No  N/A

Premises Search Record copied and attached Yes  No  N/A

HORIS Log copied and attached Yes  No  N/A

Consent to Medical Record form attached Yes  No  N/A

Copy of PNB entry for all officers involved Yes  No  N/A

NIP served Date  Yes  No  N/A

Photographic evidence : N.B. police Photographer to be used

Photographers Name

What taken, when

Video evidence :

Origin of

Brief content

Where stored and reference

Details of any witnesses known (list on continuation sheet) Yes  No

Any other relevant evidence (list on continuation sheet) Yes  No



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**15 Observations and recommendations of Divisional Commander to:  
HEAD OF PROFESSIONAL STANDARDS**

	Date Stamp
--	------------

**16 DIRECTIONS OF HEAD OF PROFESSIONAL STANDARDS**

**S.69**

IR at source

AO to assess suitability of IR

AO to attempt IR

**S.69**

Sub-Judice

Withdrawn

Appoint IO

**S.70**

Refer to PCA under

SS 1(a)(i)	<input type="checkbox"/>
1(a)(ii)	<input type="checkbox"/>
1(b)	<input type="checkbox"/>
2	<input type="checkbox"/>
Appoint IO	<input type="checkbox"/>

Received HQ, Professional Standards

Head of Professional Standards