

REQUEST FOR DMPC DECISION – PCD 408

Title: Request for financial assistance for the legal representation of former police officer

Executive Summary:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for financial assistance of £39,720 (excl. VAT) made by the Applicant for legal representation at inquest.

The DMPC has power to grant the application of £39,720 (excl. VAT) if she is satisfied that funding the Applicants' legal expenses in the proceedings is likely to secure an efficient and effective police force.

Recommendation:

The DMPC is asked to approve the application for financial assistance made by the Applicant for the sum of £39,720 (excl. VAT) for the reasons set out in Part 2

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature *Siobhán Warden*

Date 15/06/18

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

Decision required – supporting report

1. Introduction and background

- 1.1. Part 2 of this Report is exempt because it falls within an exemption specified in para 2(2) of the Elected Local Policing Bodies (Specified Information) Order 2011 and/or under the Freedom of Information Act 2000, e.g. because the information amounts to personal data, is confidential or commercially sensitive.
- 1.2. On 26 July 2014 a member of the public was restrained by Sussex police officers who had been called by a neighbour who had witnessed him push a female into a wall. This occurred near to an MPS officer's home in Haywards Heath, Sussex. The MPS officer went out to assist the Sussex officers in the initial restraint and apparently alerted the Sussex officers to the danger of positional asphyxia, and was 'stood down' before the member of the public was placed in the police van. Tragically the member of the public later died.
- 1.3. A date for the inquest is yet to be set but it is anticipated to be scheduled for at least three weeks.
- 1.4. The Applicant represents that they satisfy the criteria for entitlement to financial assistance namely: that they were performing their official duties; that they were acting in good faith and there was no neglect or wilful default on their part; and that they exercised reasonable judgement. The facts provided by the Applicant in support of their representation for financial assistance are set out in the exempt report.
- 1.5. The Commissioner's position in relation to the Applicant's representations for financial assistance are also set out in the exempt report.

2. Issues for consideration

- 2.1 For the DMPC to consider whether providing financial assistance will secure an efficient and effective Police Service.

3. Financial Comments

- 3.1 The solicitors acting for the officers have submitted estimated costs of £39,720 (excl. VAT) for the separate representation of the officer.
- 3.2 The cost of these legal fees will be met from the 1996 Police Act Expenditure budget found within DLS.

4. Legal Comments

- 4.1. There is no conflict of interest arising between the Commissioner and the officer, however the officer has been made an Interested Person at the inquest and the Commissioner has not, hence the need for financial assistance for the officer so they may be legally represented. Full details are set out in the exempt report.
- 4.2. The Deputy Mayor has delegated authority, under paragraph 4.9 of the Scheme of Delegation, to consider the current application for financial assistance.
- 4.3. Home Office Circular 010/2017 provides guidance which applies to MOPAC. In conclusion it states:

"...police officers and staff must be confident that local policing bodies will provide financial assistance, whether in full or part, for officers facing legal proceedings where they have acted in good faith and have exercised their judgement reasonably".

4.4 Home Officer Circular 010/2017 also states:

"The discretionary powers under paragraph 14 of schedule 1 to the PRSRA 2011 should also apply to police officers who were members of the force at the time of the action which gave rise to the claim, but who are no longer members at the time of the legal proceedings".

5. Equality Comments

5.1 To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly. Equality issues are not relevant to this application.

6. Background/supporting papers

- Exempt report

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason: N/A

Until what date: N/A

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION:

		Tick to confirm statement (✓)
Head of Unit: Judith Mullet has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.		✓
Legal Advice: The MPS legal team has been consulted on the proposal.		✓
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.		✓

OFFICER APPROVAL

Chief Executive Officer	
I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.	
Signature R. Lawrence	Date 13/06/18