

REQUEST FOR DMPC DECISION – DMPCD 2014- 107

Title: REQUEST FOR FINANCIAL ASSISTANCE

Executive Summary:

The Deputy Mayor of Policing and Crime consider the application of four police officers for financial assistance in the sum of £39,050 (plus VAT) made by the Applicant for representation in a forthcoming inquest.

Recommendation:

To authorise financial assistance for the reasons set out in the exempt report

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.

Signature

Date

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

Decision required – supporting report

1. Introduction and background

- 1.1 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. Inquest proceedings will commence in due course (no fixed date). It is scheduled to last for 2 weeks.
- 1.3. The factual background giving rise to the proceedings are as follows: On the 1st September 2010 a male of no fixed abode was arrested by police for begging. He has taken to Forest Gate Police Station and placed in a cell.
- 1.4. When detention was authorised by the Custody Sergeant the male was placed on 30 minute rousing checks. A doctor attended to assess the prisoner and he was deemed fit to be detained.
- 1.5. Two Custody Sergeants and Two Inspectors were involved in the care and detention authorisation of the prisoner between 1st & 2nd September 2010.
- 1.6. Sadly, on the 2nd September 2010, the prisoner collapsed in his cell and died. The IPCC investigated this case of death in police custody and recommended four supervisors face misconduct proceedings. All allegations against these officers were eventually found to be “not proven”.
- 1.7. The applicants satisfy the criteria for entitlement to financial assistance namely: they were performing their official duties; they were acting in good faith and there was no neglect or wilful default on their part; they exercised reasonable judgment. The facts provided by the applicants in support of their representation for financial assistance are set out in the exempt report.
- 1.8. The Commissioner’s position in relation to the Applicant’s representations for financial assistance is set out in the exempt report.
- 1.9. There is a potential conflict of interests between the position of the Commissioner and the Applicant and accordingly the Applicant requires separate legal representation and financial assistance.

2. Issues for consideration

- 2.1 Included in Part 2 of this report.

3. Financial Comments

- 3.1 The solicitors acting for the Police Officer applicant have submitted an estimate of the ‘initial’ costs of the separate representation in support of the application for financial assistance in the sum of £35,500 plus VAT.
- 3.2. The funding will be met from the 1996 Police Act Expenditure budget held within DLS.

4. Legal Comments

- 4.1 The DMPC has a discretion under Section 3(6) and para. 7 of Schedule 3 of the Police Reform and Social Responsibility Act 2011 to fund police staff legal expenses in proceedings if they consider that providing the funding secures the maintenance of an efficient and effective police force, R -v- DPP ex parte Duckenfield (2000) 1 WLR 55. The Deputy Mayor has delegated authority, under para. 2.20 of the Scheme of Delegation, to consider this application for financial assistance.

- 4.2. A conflict of interest arises between the Commissioner and the Applicant which gives rise to the need for separate representation and the financial assistance of the Applicant. The DMPC is requested to consider the application for financial assistance and has power to grant the application if he is satisfied that funding the Applicant legal expenses in the proceedings is likely to secure the maintenance of an efficient and effective police force. The DMPC has delegated authority, under Para. 5.7 of the MOPAC Scheme of the Delegation, to consider the current application for financial assistance.

5. Equality Comments

- 5.1 There will be media and family/community interest in this case and the MPS cannot discount the inferences and potential for disquiet and distrust that can be brought about by any related activity such as stated above. Unless the community concerns associated with this case are managed effectively there is the potential for the family/community to distrust the police. To continue policing with the consent of the population it serves, the police will always seek to be open and transparent in the decisions we make.

6. Background/supporting papers.

Background papers: Part two report.

Note: The para. 2(2) Elected Local Policing Bodies (Specified Information) Order 2011 exemptions are that publication of the information:

- (a) would be against the interests of national security;
- (b) might jeopardise the safety of any person;
- (c) might prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or
- (d) is prohibited by or under any enactment.

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the MOPC website within 1 working day of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of **this** form to be deferred? NO

If yes, for what reason:

Until what date (if known):

Is there a **part 2** form – YES (FOIA Exemptions)

If yes, for what reason: FOIA Exemptions - Data Protection Section 40, Commercial Interest Section 43 and Legal Professional Privilege Section 42

ORIGINATING OFFICER DECLARATION:

| | <i>Tick to confirm statement (✓)</i> |
|---|--------------------------------------|
| Head of Unit: Sue Leffers 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 have been consulted on the proposal. | ✓ |
| Financial Advice: The Head of Strategic Finance and Resource Management has been consulted on this proposal. | ✓ |
| Equalities Advice: Equality and diversity issues are covered in the body of the report. The Workforce Development Officer has been consulted on the equalities and diversity issues within this report. | ✓ |

OFFICER APPROVAL**Chief Operating 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

Date