

REQUEST FOR DMPC DECISION – DMPCD 2015-68**Title: REQUEST FOR FINANCIAL ASSISTANCE****Executive Summary:**

The DMPC authorise DLS to provide financial assistance in the sum of £10,200 (plus VAT) made by the Applicant for separate representation in a forthcoming inquest.

Recommendation:

To authorise DLS to provide 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 on 1st June 2015 – it is likely to last for 3 days. The two officers concerned have both been accorded the status of an Interested Person (IP) by the Coroner.
- 1.3 The factual background giving rise to the proceedings are as follows; On 27th December 2012 officers arrested a male for theft of a motorbike.
- 1.4 The male was taken to a police station where he was assessed as needing physical supervision in close proximity at all times. A system of constant watch was put in place. During his detention he was managed by a number of police officers, designated detention officers and health care practitioners.
- 1.5 The male was interviewed and bailed from custody on 28th December 2012.
- 1.6 On 29th December 2012 the male was found dead in a London hotel, having hung himself.
- 1.7 The Applicants satisfies the criteria for entitlement to financial assistance namely: the Custody Sergeant and officer on constant watch were performing their official duties, acting in good faith and there was no willful neglect on their part; and 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 clear conflict of interests between the position of the Commissioner and the Applicants and accordingly the Applicants require separate legal representation and financial assistance. This point is supported by MPS Directorate of Legal Services

2. Issues for consideration

- 2.1 The DMPC must consider whether the financial assistance will secure an efficient and effective Metropolitan Police Force.
- 2.2 Included in Part 2 of this report.

3. Financial Comments

- 3.1 The solicitors acting for the communications officer applicants have submitted an estimate of the total costs of the separate representation in support of the application for financial assistance in the sum of £10,200 plus VAT.
- 3.2 The costs 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 section 4.9 of the Scheme of Consent and Delegation 2014, to consider this application for financial assistance.
- 4.2. A conflict of interests arises between the Commissioner and the Police Officer/Staff which gives rise to the need for separate representation and financial assistance for the reasons set out above.
- 4.3. Home Office Circular 43/2001 provides guidance which applies to MOPAC. Para. 12 states "police officers must be confident that Police Authorities (now Police and Crime Commissioners) will provide financial support for officers in legal proceedings where they have acted in good faith and have exercised their judgement reasonably. Police Authorities will need to decide each case on its merits, but subject to that, there should be a strong presumption in favour of payment where these criteria are met".

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

See Exempt 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

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: Annabel Cowell 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 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 27/05/2015.