

Case 5 | Issue 40 – Abuse of Position for Sexual Purpose (APSP)

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THE LESSONS**✉ learning@policeconduct.gov.uk🌐 www.policeconduct.gov.uk/learning-the-lessons**History of inappropriate behaviour***Contact with a victim of crime, raising issues about:*

- *Maintaining professional boundaries*
- *Use of social media*
- *Awareness of guidance on professional boundaries*
- *Completion of integrity health checks*

This case is relevant to the following areas:

Professional standards

PSD

Neighbourhood policing**Overview of incident**

Mr A called police to report a burglary. He had returned home and realised thieves had broken into the family home and taken car keys and a car parked nearby. PCSO B attended the incident and provided a victim care pack containing crime prevention advice and Smartwater. Mr A's wife, Mrs C, was also present at the property when PCSO B attended.

The next day Mrs C received an unexpected private message from PCSO B via Facebook messenger. She realised it was him as he identified himself as the PCSO who brought the burglary pack.

PCSO B sent Mrs C a second lot of messages. She tried to ignore these because she thought he was messaging the wrong person. In one of the messages PCSO B told Mrs C that she looked amazing and he had been looking at her photographs on Facebook. Around the same time he sent her a friend request, and she realised they had two mutual Facebook friends. Both friends worked for the police.

PCSO B also sent Mrs C a number of private messages on Facebook which she described as "highly inappropriate" and "unprofessional". Mrs C challenged PCSO B about the messages and he subsequently withdrew the friend request and the messages stopped.

When the IOPC asked Mrs C how she felt about PCSO B's messages she said, "I do not wish anyone else, especially more vulnerable victims, to be subjected to such inappropriate and unprofessional behaviour as I have received from PCSO [B]. I do feel violated and I feel that I

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was targeted by him... It was already an upsetting time for me and my family as my father was very ill. I did not make PCSO [B] aware that my Dad was unwell, but I believe he could have recognised I was anxious, had been crying and had little sleep. Although I am not a vulnerable person, PCSO [B] visited me during a vulnerable time in my life and I feel he may have targeted me because I was vulnerable. It has been playing on my mind as to whether there has been anyone else that he has behaved this way with. He must be stopped from ever being in a position to do this again as he is supposed to be in a position of trust and confidence and he is clearly abusing his position.”

Mrs C made a complaint to the force about the messages she received from PCSO B and this was referred to the IOPC.

During the interview with the IOPC, PCSO B said he was struggling to come to terms with the death of his father and only realised he needed help around the time he messaged Mrs C. He said, as a result, sometimes he just blanked out, panicked, and said things he should not say. PCSO spoke to his supervisor and was referred to MIND. He asked not to be referred to occupational health.

PCSO B added that he understood he should not contact members of the public via social media and was remorseful for causing the family any upset.

PCSO B could not remember seeing guidance on maintaining professional boundaries between police and members of the public. He had completed annual integrity health check forms and discussed these with his supervisor, although he disputed he had actually read the form. He suggested he had just ticked boxes and signed the form as he had been instructed to do.

A number of PCSO B's female colleagues came forward as part of the investigation and reported being contacted by PCSO B via text and on Facebook. Many of the women commented on the inappropriate and repetitive nature of his messages. He would often comment on their appearance and say they were “beautiful” or “hot” and attempt to engage them in conversation.

A number of the women also suggested the messages gave the appearance that PCSO B was drunk when sending them. A parallel investigation took place which looked into allegations that PCSO B had inappropriately touched a colleague without her consent on her backside, touched the same colleague's arms and legs while she was driving a vehicle, and sent persistent, unwanted text messages to a colleague.

The investigation also identified that over ten years prior to the incident with Ms C, police compiled an intelligence report, following comments made by PCSO B to his supervisor. The supervisor reported that communication PCSO B described as a friendly texting episode had led to the female recipient, a member of the public, telling PCSO B that if he did not leave her alone, she would make a complaint of harassment. The intelligence report said that PCSO B undertook not to make any further contact; and his supervisor said there would be an investigation, if the member of the public made contact.

A further intelligence report stated PCSO B was spoken to regarding inappropriate behaviour towards a traffic warden. PCSO B told the traffic warden “he loved her”. She wanted no further contact with him and he was advised about harassment, and accepted his behaviour was unacceptable. The force indicated his future conduct would be closely monitored.

Type of investigation

IOPC independent investigation

Findings and recommendations

Quick-time recommendations

Quick-time recommendation 1

1. In the early stages of the investigation the IOPC was concerned there may be other officers or staff with similar patterns of behaviour, whose conduct has not been systematically addressed through appropriate disciplinary measures. This could potentially include criminal conduct contrary to Section 26 of the *Criminal Justice and Courts Act 2015*, or misconduct in public office.
2. The IOPC recommended that the force reviewed the personnel records of every employee, with the aim of identifying patterns of behaviour, which may amount to abuse of position for sexual purpose.

Response to the recommendations

Quick-time recommendations

Quick-time recommendation 1

1. The force chose not to accept the recommendation as it felt it would be impractical to review the personnel records of every employee in light of the scale of the task.
2. The force currently operates a system which seeks to identify individuals who receive three or more complaints within a 12 months period, or wider intelligence, and then employ a number of measures to either monitor or address any improper behaviour.
3. The force launched an internal investigation into how the PCSO was allowed to continue behaving in the manner he did. This also looked at why local supervision had not addressed the matter or raised it with the professional standards department.

Other action taken by this police force

1. The force currently operates a system which seeks to identify individuals who receive three or more complaints within a 12 month period, or wider intelligence, and then employ a number of measures to either monitor or address any improper behaviour.
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3. The force has also taken action to promote the campaigns surrounding abuse of position and sexual harassment in the workplace.

Outcomes for officers and staff

PCSO B

1. PCSO B was found to have a case to answer for gross misconduct in relation to the allegation he sent messages to a female victim of crime via Facebook. By contacting her via his personal Facebook messenger account he contravened the standard of professional behaviour for “authority, respect, and courtesy.”
2. A gross misconduct hearing took place. The panel found the case against PCSO B was proven. PCSO B was dismissed without notice. PCSO B had resigned prior to the hearing.
3. A parallel investigation was undertaken in relation to PCSO B’s conduct with a female colleague. PCSO B was determined by the IOPC to have a case to answer for gross misconduct in relation to allegations he inappropriately touched a female colleague on the backside on two separate occasions, that he touched the same colleague’s arms and legs while she was driving without her consent, and that he sent persistent, unwanted text messages to a female colleague. A gross misconduct hearing was held at which the conduct level was proven. It was determined the PCSO would have been dismissed by the force as a result, had he not already resigned from the force.
4. PCSO B was also added to the barred list, meaning he would be prevented from re-entering policing for as long as he was on the list. Officers are placed on the list indefinitely, but can request a review after a period of five years (or three years where their dismissal is related to gross incompetence).

Force commentary

The PSD recognised early on that this complaint potentially involved APSP and took swift action to preserve evidence and to refer the matter to the IOPC. We have since implemented a force wide initiative to inform officers and staff of the risks and signs of APSP and undertaken an enhanced integrity health check where all members of the force have been required to confirm they understand APSP and familiarise themselves with the notifiable and vulnerable associations policy.

Questions to consider

Questions for policy makers and managers

1. Does your force use annual integrity health checks, and if so, what guidance do you give to officers and supervisors to ensure these are properly completed?

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2. What steps has your force taken to identify patterns of behaviour which may amount to abuse of position for sexual purpose?
3. How does your force create a safe environment for officers and staff to report inappropriate behaviour of colleagues?

Questions for police officers and police staff

4. What action would you have taken if you became aware that an officer was struggling following a bereavement?