

**Case 7 | Issue 40 – Abuse of Position for Sexual Purpose (APSP)**

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**Custody officer breaches professional boundaries**

*Interaction with a man in custody, raising issues about:*

- *Interactions with detainees in custody*
- *Maintaining professional boundaries*
- *Awareness of standards of professional behaviour*

This case is relevant to the following areas:

**Custody and detention**



**Professional standards**



**Overview of incident**

Ms A worked as a custody officer, supporting custody sergeants and detention officers working in custody. Her role often involved one to one interaction with detained persons, responsibility for drug testing and gathering of biometric data, and carrying out cell visits to detained persons. This included responsibility for rousal checks and providing food and drink.

In early April Mr B was detained in custody and came into contact with Ms A.

CCTV from the drug test room captured a lengthy interaction between Mr B and Ms A.

Mr B enquired about Ms A’s age and asked her if she was single and looking for a man. She responded “why are you?” and said it was a joke. Mr B replied he was not looking for a man and laughed. Ms A seemed to make a comment that implied she found Mr B attractive. She stated it was hot in the room but added “not because you’re in here it’s because it’s hot, I’m not trying to say nothing”.

As they went through the questionnaire, which included biometrics, fingerprints, DNA and drug testing, the conversation turned to smoking. Ms A said she had quit and in response Mr B said he would have to quit. Ms A responded “why to impress me?” Mr B asked Ms A to write her number down to which she responded “I can’t I’m at work”. Mr B persisted and Ms A continued to refuse. She can be seen to point at the CCTV camera in the room.

When going through the questions regarding Mr B’s medication and drug use, following a discussion about how long cocaine stays in your system, Ms A said “I can’t believe you’re lying

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to me already that's not a good start". She then stated "it's never gonna work". When Mr B protested he did not lie, Ms A stated she was joking.

Ms A started the drug test and said "right let's set you up". Mr B responded "set me up with you?" and she responded "yeah". She enquired whether Mr B treated everyone the same way.

Mr B challenged Ms A about her age and asked if she would go for a younger man to which Ms A replied "I don't know, how old are you?". Mr B stated he would look after Ms A and she enquired how he would look after her. He replied she would not have to look after herself if she was with him.

Ms A handed Mr B the drug test swab. She instructed him to put saliva on the swab so that it turned blue. She is heard to say "and then we'll see what happens after that". Mr B appeared to make an expression of disbelief that he 'was sat trying to chat up Ms A' with what he described as a 'dummy' in his mouth.

Ms A continued to ask Mr B questions to complete the form before she recognised Mr B's address from the paperwork. Mr B enquired about where she lived and Ms A named the town.

Ms A checked the drugs swab and it had not turned blue.

Ms A and Mr B then discussed whether they would like to have children and Ms A explained she would like to go travelling and focus on her career.

When Ms A enquired about the colour of the drug test swab she stated "you have to suck it like, not suck it but like get spit on top if you know what I mean". Mr B appeared to laugh and explained that he had a drink the previous night and his mouth was dry.

Mr B attempted to encourage Ms A to pretend she is writing something so she could give him her number. Ms A again explained she could not because she was at work and could get into trouble. She did not want to jeopardise her job.

Mr B removed the swab from his mouth and stated it was blue. Ms A checked the swab and confirmed it was not blue and advised Mr B to "gather the spit in your mouth and make sure that it went on the end".

Ms A then enquired about Mr B's address, as she believed she knew the road. Mr B appeared agitated that the swab was not turning blue. Ms A told Mr B not to suck the swab. She made a gesture with her mouth that could be described as clapping her mouth to show Mr B how to apply saliva to the swab. They both began to laugh when she said "just try and get as much on it".

Ms A then said she had a question for Mr B but she had forgotten it and said "I wouldn't go out with someone who does coke anyway".

Mr B asked if the swab had turned blue. Ms A checked and then passed the swab back to him. Ms A said "you're just going to have to keep going". Mr B replied "that's what you're gonna be saying", to which Ms A replied "yeah". She then appeared to attempt to retract her statement by saying "no comment".

Mr B asked that they meet. Mr B also asked for Ms A's surname but she told him she did not give it out at work. During the conversation they spoke about places they could go on a date.

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Ms A confirmed the swab was green and appeared to place the swab into what may be assumed as a machine out of camera view for processing.

Whilst waiting for the test results, Ms A and Mr B discussed his behaviour in custody and the rules around giving detainees items such as mints (as Ms A had eaten a mint).

Mr B tested positive for cocaine and negative for opiates. Mr B sat on the staff chair and stated his back was hurting. Ms A informed him that she would get in trouble for allowing him to sit there.

Ms A stated she would raise concerns regarding his behaviour. Mr A replied and stated he would tell the officers she had given him her number. Ms A replied "go on then because they'd be like [Ms A] wouldn't do that".

Ms A enquired if he had been through the process before. Mr B explained how he had been through the process before and did not turn up to a meeting. Ms A stated "you're not doing yourself any favours telling me about this, I just think you're a druggie". Mr B denied this and stated he was funny and Ms A would have to find out. Ms A responded "what like you've got a fucking drug addiction which is a fucking no no". Mr B stated he was not a drug addict.

Ms A started talking to Mr B about his dating history, during which she stated she believed she may have seen Mr B around. Ms A stated she noticed him when he entered custody. Mr B responded by saying "why because you liked the look of me?" Ms A explained she noticed him because he was waving.

With the drug test complete, the CCTV captured Ms A escorting Mr B out of the drug test room.

The corridor CCTV captured Ms A escorting Mr B through custody and back to his cell. Ms A appeared to stand at the cell door speaking to Mr B before the cell door was closed. She was then seen walking down the corridor out of camera view.

Ms A returned some time later to conduct what appeared to be cell checks. She could be seen standing at the cell door talking to Mr B for over five minutes.

Around a month later Mr B was drinking at a public house when Ms A walked by. Mr B and Ms A spoke, and he alleges at this point Ms A provided her full name, and said she had been looking at his Instagram. Mr B said Ms A told him she found him cute. Ms A and Mr B reportedly exchanged Instagram details and started exchanging messages. Mr B found Ms A on Instagram and followed her, and she followed him back. Mr B reportedly sent Ms A a direct message, and they started to communicate.

Five days after they met at the public house, Mr B was involved in a fight at a hotel. He disclosed to the two officers who attended that he had got to know Ms A when he was in custody, and was due to be going to her house that night. The officers reported Mr B's comments to their sergeant, and the matter was subsequently referred to professional standards.

Ms A subsequently told the IOPC that at the time she thought that as Mr B was not in custody, and she was not on duty, it was not a problem and he was just like any other guy that she would speak to in her personal life. Later she came to realise that she had behaved inappropriately.

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In interview with the IOPC, Ms A admitted the manner of interacting with Mr B in custody was, in hindsight, inappropriate. She attempted to justify it to a certain extent as rapport building. She stated that she was “chavvy” and interacted with detainees that way to get them to cooperate. She added that if someone tried to make a pass at her she would always try and make light of the situation. She said she was aware it did not look good, but she was not really interested in the detainees. She just wanted to get the tests done, get out of there and get on with her job.

Ms A told investigators she had no knowledge of the Standards of Professional Behaviour or any force-specific guidance around the maintaining of professional boundaries, and they were not part of her training.

After the interaction with Mr B came to light, Ms A’s line manager also disclosed that there may have been inappropriate contact with additional detainees.

### Type of investigation

IOPC independent investigation

### Findings and recommendations

1. No organisational learning recommendations were issued as part of this investigation.

### Outcomes for officers and staff

#### Ms A

1. The IOPC determined Ms A had a case to answer for misconduct. The force determined Ms A had a case to answer for gross misconduct, and a hearing took place. Ms A received a final written warning.

### Questions to consider

#### Questions for policy makers and managers

1. What steps has your force taken to make officers aware of the Standards of Professional Behaviour?
2. How does your force make assurances that allegations against officers and staff are handled consistently?

#### Questions for police officers and police staff

3. As a line manager, what action would you have taken if you were aware of concerns about how an officer/staff member under your supervision was interacting with members of the public?

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4. What action would you take if a detainee or another member of the public attempted to make a pass at you whilst on duty?