

Abuse of position

Interaction with a vulnerable woman under investigation, raising issues about:

- *Maintaining professional boundaries with members of the public.*

This case is relevant if you work in:

Investigation



Professional standards



Overview of incident

PC A was the officer in charge of an investigation into a number of criminal allegations against Ms B following an incident involving her ex-partner and two others. He contacted her by phone and arranged for her to provide a voluntary interview. The interview took place at the police station, approximately three weeks after the alleged incident.

During the tape recorded interview, PC A adopted a friendly approach and seemed to develop a good rapport with Ms B. She spoke at length about her experience of being domestically abused by her ex-partner and her history of depression. PC A apologised for having to refer to her as a suspect and indicated that he sympathised with her position. According to Ms B, when the audio recorder was stopped, PC A told her that she should feel free to call him anytime, and that he would make personal efforts to get one of the charges against her dropped.

Later that day, Ms B called the police station to report that she had received a number of abusive calls from her ex-partner. PC A was not on duty at the time so she asked that he be informed when he was back on duty. Over the following three weeks, PC A phoned Ms A from the police station six times. According to Ms B, although the initial call was made to discuss the complaint she had made about her ex-partner, most of their conversations were unrelated to her case. She explained that PC A simply started to call her from time-to-time to see how she was.

Over the following month PC A and Ms B began to exchange emails. The first email came from PC A's work account and appears to have been sent for a policing purpose. However, PC A subsequently changed the conversation from Ms B's case to enquiries about her personal life. Because Ms B did not consent to receiving emails, other than in relation to her case, PC A's conduct may have constituted breach of his legal obligation to protect her personal information.

Data Protection Act 1998 – Section 55(1)

Section 55(1) of the *Data Protection Act 1998* says a person is guilty of an offence if they knowingly or recklessly, without the consent of the data controller (the Chief Constable) obtain or disclose personal data unless they can show that:

- it was necessary for the purpose of preventing or detecting crime
- it was required or authorised by, or under any enactment, by any rule of law or by the order of a court
- they acted in the reasonable belief that they had, in law, the right to obtain or disclose the data or information or, as the case may be, to procure the disclosure of the information to the other person
- they acted in the reasonable belief that they would have had the consent of the data controller if the data controller had known of the obtaining, disclosing or procuring and the circumstances of it
- in the particular circumstances, the obtaining, disclosing or procuring was justified as being in the public interest

[Find out more about the Data Protection Act online](#)

Over time, these emails became flirtatious and then sexual in nature, culminating in Ms B sharing pictures of herself semi-clothed with PC A. Over the course of this email exchange, PC A made a number of sexual comments and actively encouraged inappropriate responses from Ms B. During one particular five-day period, 213 emails were exchanged between PC A and Ms B. PC A never reported any of these emails to a supervisor or anyone from the professional standards department, despite the force's internal policies specifically requiring him to do so.

Following this email exchange, PC A carried on communicating with Ms B using his personal mobile phone. These communications also included the exchange of sexual comments and intimate pictures. According to Ms B, PC A also visited her home address and engaged in consensual sexual activity on two occasions, although this was disputed by PC A.

During the time that PC A and Ms B were interacting with each other, PC A viewed Ms A's police record on three separate occasions. This record contained several warning markers, identifying Ms A as a vulnerable person, due to her history as a victim of domestic abuse.

College of Policing Code of Ethics, standard 2.3

The Code of Ethics is the College of Policing guide to the principles police officers are expected to uphold and the standards of behaviour they are expected to meet. It includes standard 2.3, which relates to an officer's personal relationships:

- You must ensure that any relationship at work does not create an actual or apparent conflict of interest.
- You must not engage in sexual conduct or other inappropriate behaviour when on duty.
- You must not establish an improper emotional relationship with a person with whom you come into contact with in the course of your work who may be vulnerable to an abuse of trust of power.

[Read the Code of Ethics online](#)

At some point, PC A's supervisor became concerned about PC A's interaction with another individual in an unrelated matter. They raised these concerns with the professional standards

department. An audit of PC A's email was carried out and PC A was notified that he was under investigation for having potentially developed an inappropriate relationship with Ms B. PC A stopped communicating with Ms B around this time.

Several months into the conduct investigation, Ms B made a formal complaint that PC A had abused his position of trust and authority as a police officer to groom her for his own gratification. She stated that she had been in a fragile state of mental health and suffering from alcoholism when she met him and that she had become depressed as a result of his conduct towards her.

The Crown Prosecution Service (CPS) decided not to prosecute in this case.

Maintaining a professional boundary between police and members of the public

In May 2017 the College of Policing published guidance relating to professional relationships with members of the public. The new guidance is designed to be read in conjunction with the Code of Ethics and sets out the broad principles to support decision making and professionalism.

[Read the guidance online](#)

Type of investigation

IPCC independent investigation.

Findings and recommendations

Local recommendations

Finding 1

1. While the force had software in place to alert the professional standards department to the use of certain explicit words in emails sent to or from staff, it was not automatically alerted to excessive contact between officers and people they come into contact with through their work. We recommended that the department consider how this could be implemented.

Response to the recommendations

Local recommendations

Local recommendation 1

1. We are currently reviewing our proactive IT monitoring capability and will, following installation of new protective security measures, assess what our remaining monitoring business requirements are. Any identified gaps will be the subject of internal solution

considerations and/or commercial scoping as well as cost/benefit analysis. We will then be in a position to consider the feasibility of implementation.

Outcomes for officers and staff

PC A

1. Our investigation determined that PC A had a case to answer for gross misconduct. However, PC A resigned from the police before the investigation concluded.
2. PC A's name has been added to the disapproved register.

Questions to consider

Questions for policy makers and managers

1. How is your force ensuring that it complies with the National Police Chiefs' Council's [national strategy to address the issue of police officers and staff who abuse their position for a sexual purpose](#)?
2. What advice does your force give to officers on dealing with situations where a victim, witness or offender displays sexualised or inappropriate behaviour towards them? What steps have you taken to ensure they are aware of the College of Policing's guidance on [maintaining a professional boundary between police and members of the public](#)?
3. Would force systems or supervisory practices enable your force to spot where officers were having excessive face-to-face or email contact, or inappropriate email exchanges with people they come into contact with during the course of their work?
4. What action has your force taken to raise awareness of the Code of Ethics, in particular standard 2.3 which prohibits sexual conduct or other inappropriate behaviour when on duty?

Questions for police officers and police staff

5. Are you aware of what action you should take if a victim, witness or offender displays sexualised or inappropriate behaviour towards you? Are you familiar with the College of Policing's guidance on [maintaining a professional boundary between police and members of the public](#)?
6. Are you confident that you understand the principles and standards of behaviour enshrined in the Code of Ethics, and how they apply to your role?

For more information about this case, please email learning@ipcc.gsi.gov.uk