

<b>Case 9   Issue 37 – Young people</b>		<b>LEARNING THE LESSONS</b>
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## Police response to concern for welfare of a minor

*Handling reports of an inappropriate conversation between a man and a child, raising issues about:*

- *Probing witnesses for more information*
- *Spotting inconsistencies in the account of a suspect*
- *Factoring key information into decision making*

This case is relevant if you work in:



## Overview of incident

At around 7.30am, an incident log was created. PC A created an entry which stated he had been approached by a member of the public, Ms B. Ms B had reported some suspicious behaviour. The entry stated Ms B said she was travelling on a train when she witnessed a man video-calling a young girl saying he was travelling the length of the country to meet her. She said he was engaging in lewd conversation with the young girl. He told her he could not wait to meet her. She described the man, the train coach he was in, and where she believed he was changing trains.

She stated once she got off the train, she told two police officers about what she had witnessed. It was later established these officers were PC A and PC C. In a statement given by PC A, he stated he asked Ms B what the man had said, and she informed him it was words to the effect of “You can’t go to school until I get off the train”, “I’m travelling the length of the country to meet you,” and “You’ve not seen me yet, I can’t wait to meet you.” He stated based on this information he notified the control room of a concern for welfare. He requested the train be met at the location the man was allegedly going to change trains.

PC A and PC C both stated Ms B did not volunteer any further information about the “lewd” conversation. However, neither did they say they asked her to clarify what had been said. Ms B told the IOPC in a later statement she believed she did give PC A and PC C specific details of the conversation between the man and the young girl on the phone.

PC A told the IOPC at this stage he was not concerned with obtaining a more detailed first account from Ms B. He stated he believed he had sufficient information to enable officers to

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take the next step in investigating the matter. He stated that in hindsight, he regretted not obtaining more detailed information. PC A took Ms B's landline number but stated at that stage it did not occur to him he might need to contact Ms B urgently. He acknowledged it would have been better to obtain Ms B's mobile number.

PC C stated he had only been working at the train station for a couple of days at the time of this incident, and that PC A was "showing him the ropes". He stated he had more years' experience in the role than PC A, but was not familiar with the local area. He stated he took a passive role in the conversation with Ms B, with PC A taking the lead role. He stated as far as he could tell, PC A obtained sufficient information to create an incident log. PC C stated that with hindsight, it would have been better to obtain more detailed information and to make sure they had some means of contacting Ms B during the day.

Police Sergeant (PS) D said he became aware of the incident at the time the incident log entry was created. He said he asked PC A about the exact nature of the lewd comments, but PC A told him Ms B did not specify what had been said. PS D said he asked PC E to meet the train further down the line at a station prior to the one the man was expected to change train at. PS D also asked PC E to contact Ms B to get further details about the lewd remarks. PS D stated he also asked the duty sergeant at the station the man was expected to change at to have officers meet the train there in case PC E was unable to meet the train before this.

In his statement, PC E said he was contacted by PS D at around 7.45am. PS D informed him of the circumstances of the incident. He stated at the time it was not clear what comments had been made, and PS D was unable to provide a description of the man. He stated he spoke with PC A who informed him there "wasn't much of a description" but the man was believed to be white, with greasy black hair, and seated on the right hand side of the coach.

At approximately 8.15am, PC E updated the incident log to say he had got on the train. He said the train was very busy with people standing in the aisles. Despite this, he said he had a quick walk through the coach the man was supposed to be in but was unable to find anyone matching the description. He stated officers at the station the man was due to change trains at should still meet the train if possible.

T/PS F was an officer at the station the man was due to change trains at. He stated that at approximately 8.15am, PC E informed him via radio he had checked an earlier train station without success. T/PS F stated he briefed PC G and asked to meet him at the train station he was at. PC G, PC H and PC I subsequently found the man, later established to be Mr J, at this station and spoke to him. At the time of this incident, PC H and PC I were student officers seven weeks into an eight week tutoring phase. PC G was their tutor constable.

PC I was equipped with body worn camera. The footage showed PC H led the interaction with Mr J, telling him they had received reports he had made lewd comments to a young girl on the phone. PC H said it was common practice for student officers to be allowed to lead in situations like this one to gain experience. In addition, PC G stated in interview he knew PC H had been a PCSO for 18 months prior to becoming a constable. As such, he had more experience of talking to members of the public. He also said he had observed PC H engaging with members of the public over the previous seven weeks. He said he felt confident, based on this, that PC H would be able to deal with the situation.

The footage showed Mr J claiming the girl he had been speaking to was his 14-year-old daughter. He also told the officers he was homeless but gave an address which he stated was his last address. This address did not exist. When asked for identification, he stated he did not

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have any. The footage also showed Mr J gave conflicting information about his living arrangements and destination. This was not picked up on or probed by any of the officers. Mr J was only carrying a carrier bag, despite claiming to be moving to the destination he was travelling to. None of the officers asked any questions about this.

Mr J gave what later turned out to be a false name and date of birth to officers, which PC H relayed over the radio. PC H recorded this name incorrectly. However, the name was a false name in any case. PC H requested a PNC check on the false name at approximately 9.15am. The control room operator advised there was no trace on the PNC for that name, but there were quite a few possible name matches. They attempted to cross reference the potential name matches with the address Mr J provided, but this address was not linked to any of the names.

PC I asked Mr J whether there was anything on his phone which could provide identification. Mr J replied “no”. PC I asked PC G if they could look at Mr J’s phone. PC G stated in interview he told PC I they could not look at Mr J’s phone because he did not have any grounds to suspect an offence, and officers did not have a power under the *Police and Criminal Evidence Act* (PACE) to ask people to undergo a voluntary search. He stated frontline officers could only interrogate electronic devices in exceptional circumstances, and based on the information available to him, he did not believe this course of action was justified.

After this exchange, the officers allowed Mr J to continue his journey. PC H stated they did this because he had no power to detain Mr J.

At around 10.10am, Ms K, a data compliance officer, created an entry on the incident log. She asked for someone to contact Ms B and ask her for more details about the alleged lewd comments. Ms K told the IOPC upon viewing the incident log, she did not believe it contained enough information about what officers had done, whether they had addressed the alleged “lewd conversation”, and whether they probed Mr J’s account. She called the safeguarding team and asked them to review the log.

The safeguarding team requested PC A review the log and clarify the following points:

- What was the exact nature and content of the phone conversation?
- How confident are the force Mr J is meeting his daughter and not another young/vulnerable person?
- Do we have any details of his daughter, and are there any safeguarding concerns?
- What enquiries have been made to establish Mr J’s intentions, and are officers happy with the account he gave?

Following this, PC A recorded he had tried to contact Ms B but there had been no answer and no voicemail facility available.

At around 12.25pm, PS L made an entry on the log requesting officers meet Mr J’s train again to get details of his daughter.

Around 10 minutes after this, PC G made an entry on the log giving an account of his and another officer’s interaction with Mr J. PC G also requested officers meet the train in the city Mr J had told officers was his final destination. Previous entries on the log indicated Mr J was getting off the train at a different station to the one mentioned by PC G. At this stage, Inspector M took command of the incident.

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Neither PS L nor Inspector M acted on PC G's log update which stated Mr J was travelling to a different city to the one referenced in earlier updates. Both PS L and Inspector M told the IOPC he must have missed the references to the other city in PC G's update. The fact this was not factored into decision making, resulted in police being unable to intercept Mr J when he departed the train at the station in PC G's update.

A log entry at approximately 3.25pm states the address Mr J had initially provided did not appear to exist. Financial checks using the name and date of birth provided proved negative.

At around 3.45pm, Inspector M created a long entry where he set actions for PC G to confirm whether Mr J produced any ID, for officers to confirm whether body worn video or CCTV was available, and for a further attempt to contact Ms B at 7pm to establish the nature of the conversation she had witnessed.

A log entry at around 6pm stated Ms B had been spoken to and she provided further details. This included that he had said "I can see your underwear," "I have travelled the whole country to come and meet you, don't forget", and that Ms B believed the female to be a child because Mr J had asked her not to go to school until she had met him.

At around 6.55pm, Inspector M created an entry log. He set actions to carry out intelligence checks with the force in the area Mr J had travelled to, and advise them of a possible offence in their jurisdiction. He also set intelligence checks to be conducted with the force in the area Mr J had travelled from, and house-to-house enquiries to be carried out on the street Mr J claimed he had previously resided.

A later log entry confirmed the force in the area Mr J had travelled from were unable to provide any further intelligence.

A log entry at around 10.55pm stated house-to-house enquiries had been conducted. One resident confirmed a man with the false name provided by Mr J lived at an address on that street. At around 11.05pm a further entry stated officers had spoken with Ms N, Mr J's mother, and her carer. Ms N confirmed to officers Mr J had gone to meet a girl, but did not know where, and did not know the nature or extent of any offences he may be involved in.

The following day at around 12.30pm, a female minor reported to police she had been abused by family members. Police attended and interviewed the girl. She disclosed she had engaged in sexual intercourse with Mr J at a hotel.

Mr J was arrested and later pleaded guilty to child sex offences. He was sentenced to four and a half years imprisonment, and a further three years on licence.

### Type of investigation

IOPC independent investigation

### Outcomes for officers and staff

**PC A**

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1. PC A, the officer who received the initial report from Ms B about the conversation she had overheard on the train and who failed to probe her for further details about the alleged lewd remarks, was found to have no case to answer for misconduct. PC A was recommended for management action for unsatisfactory performance. PC A resigned from the force before this took place.

### **PC G**

2. PC G, PC H's tutor constable who was present when Mr J was spoken to at the train station, was found to have no case to answer for misconduct. This was in respect of the allegation he accepted Mr J's account of who he was and the purpose for his travel without sufficient challenge. However, PC G was required to attend a UPP meeting, at which it was agreed he would receive management action for unsatisfactory performance.

### **Questions to consider**

#### **Questions for policy makers and managers**

1. How does your force make sure officers and staff probe or question the accounts of suspected offenders?

#### **Questions for police officers and police staff**

2. What further questions would you have asked the woman who reported hearing the conversation between the man and the young girl?
3. How would you have clarified the man's identity and purpose for travel when speaking to him at the train station?