

Case 1 | Issue 40 – Abuse of position for sexual purpose (APSP)

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✉ learning@policeconduct.gov.uk

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Inappropriate behaviour and access to victim’s details

An officer behaved inappropriately during a phone conversation with a victim and breached force policy by accessing her contact details, raising issues about:

- *Awareness of force policy on contacting members of the public*
- *Standards of behaviour when speaking to vulnerable victims*

This case is relevant to the following areas:

Call handling



Professional standards



Overview of incident

Miss A contacted the force to discuss a domestic incident she had reported eight years previously. Miss A said she phoned the force about the incident on the advice of her therapist and the hope it could help her “lay it to rest”. Her call was answered by PC B who was working on the force’s dedicated desk for dealing with enquiries from victims about their own crime records. Calls to this line are not recorded.

Miss A said PC B made some comments she deemed to be inappropriate during the phone call. For example, she said PC B asked for her date of birth and when she provided it PC B said “you sound a lot younger than that, that’s really surprising”.

Miss A spoke with PC B about the incident eight years previously and PC B provided her with answers to her questions by reading information from the associated crime report. Miss A said she apologised for giving so much information and PC B replied he did not need to know any more information about the incident but invited her to give further details because he was interested.

During the phone call, Miss A said to PC B he must have other people he needed to speak to. She said PC B replied he probably did but they would not be as “lovely” to talk to as her. Miss A said she did not feel comfortable with this response, however she also felt reassured that she could continue to talk and that it was a good way for her to offload about the incident to what she felt was a “professional ear”.

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Miss A said PC B then asked for her phone number so he could call or message her. She agreed but felt that was not the right thing for PC B to have done. Miss A said she told PC B he could retrieve her number from the force system. PC B said he took Miss A's number either from the force system or from the phone display.

The Code of Ethics explains the Standards of Professional Behaviour and sets out that in regards to confidentiality, an officer must "access police-held information for a legitimate or authorised policing purpose only". The force policy further expands and states the use of this system for personal purposes is strictly forbidden.

PC B stated he had never been told it was against force policy to contact victims, even if they give permission. An email communication on abuse of position was sent out to officers by the force around three years before this phone call. There had been no similar communication since.

PC B asked Miss A if he could message her in a couple of days and she agreed. Miss A stated she did this as her "way of getting out of it". She said if PC B messaged her she "would have proof it wasn't right". Miss A told the IOPC she believed PC B acted inappropriately and she felt she had been caught in a power dynamic.

The College of Policing guidance 'Maintaining a professional boundary between police and members of the public' acknowledges there may be situations where an officer feels there is mutual attraction. However, it is still their responsibility to not act on such feelings. It should be noted this document falls under the heading, "interactions with members of the public involved in a current incident or investigation."

The College of Policing guidance was intended to be read in conjunction with the Code of Ethics. The Code of Ethics sets out that in regard to 'authority, respect and courtesy', an officer must "not establish or pursue an improper sexual or emotional relationship with a person with whom you come into contact in the course of your work who may be vulnerable to an abuse of trust or power", and must act with self-control.

PC B acknowledged Miss A had called in regards to a domestic incident from eight years previously but said he did not think she was vulnerable at any point. He described her as worried and concerned but did not think she was depressed or in a fragile state of mind. He did not recall Miss A mentioning that she had been speaking to a therapist.

Around three days later PC B sent a text message to Miss A from his personal mobile which asked about Miss A's weekend, that it was nice talking to her a few days previously and asked how she was feeling. PC B was on duty at the time.

Miss A contacted the police to complain about PC B's behaviour about 20 minutes after the message was sent. Miss A said she used her work phone to make this complaint and she was worried calling from her personal phone could result in being put through to PC B.

PC B said he did not hear back from Miss A so deleted the text after about four days. He said he had not saved her number on his phone so when he deleted the text he no longer had her number.

PC B told the IOPC his actions were "naïve and silly" and was happy to receive any training offered so he could learn from the experience.

Type of investigation

IOPC independent investigation.

Findings and recommendations

National recommendations

Finding 1

1. PC B was unaware that it was against force policy to contact a victim even if he had been given permission to do so.

National recommendation 1

2. The IOPC recommends that the NPCC takes steps to ensure that all police forces provide training to officers and staff who regularly come into contact with members of the public, whether face-to-face or by some other means, about Abuse of Position for a Sexual Purpose. This should incorporate existing national strategies and guidance and should emphasise the position of power that being a member of a police force confers on an individual. Forces should ensure that an auditable record is made for each person, detailing that the training has been received and understood. Training should be repeated on a regular basis.

Response to the recommendations

National recommendations

National recommendation 1

1. The NPCC lead for counter-corruption accepted this learning recommendation, acknowledging that most forces already provide such training/briefings to their officers and staff. However, the NPCC acknowledged the importance of ensuring consistency and maintaining momentum in this regard. The NPCC agreed to support this learning recommendation through the development of a suitable training product for forces to use.
2. The NPCC APSP working group have since developed a training video which is hosted by the College of Policing on College Learn and is available on [YouTube](#).

Other action taken by this police force

1. The force is reviewing similar cases to make sure appropriate action has or will be taken, and is considering learning needs for officers and staff to reduce the risk of reoccurrences.

Outcomes for officers and staff

PC B

1. The IOPC found PC B had a case to answer for misconduct. This was in relation to the allegations he displayed unprofessional behaviour in trying to pursue an improper relationship with Miss A, and he used a personal device to contact Miss A to pursue an improper relationship. In doing so, he transferred police information from police systems onto a personal device for a non-policing purpose. A misconduct meeting was held at which the conduct level was proven, and PC B received a written warning.

Questions to consider

Questions for policy makers and managers

1. How does your force make sure officers and staff are aware of relevant policies and guidance about accessing personal information about victims through force systems?
2. What training does your force give to officers and staff who come into contact with members of the public on abuse of position for sexual purpose? Does the training you provide emphasise the position of power that being a member of a police force has on an individual?

Questions for police officers and police staff

3. Are you aware of what your force's policy says about contacting members of the public you have met during the course of your duties, even when you believe they have given you permission to do so?