

Conduct matter Operation Mondego

Investigation into how Kent Police dealt with a report of indecent exposure on 9 June 2015.

> Independent investigation report

> Investigation information

Investigation name:	Operation Mondego
IOPC ⁱ reference:	2021/152591
Investigation type:	Conduct
IOPC office:	Croydon
Lead investigator:	██████████
Case supervisor:	██████████
Director General delegate (Decision maker):	Catherine Hall
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> Introduction

> The purpose of this report

1. I was appointed by the IOPC to carry out an independent investigation into a report of indecent exposure made to Kent Police on 9 June 2015. A member of the public informed the police call handler that a man had driven past him on a main road in Dover wearing no clothing on his bottom half and that the man was aroused. The vehicle involved was registered to a Mr Wayne Couzens. An appointment was booked for officers to meet with the member of the public on 12 June 2015, but this was missed. On 18 June 2015 the investigation was closed after the informant's reliability was questioned and he declined any further involvement. This report considers whether officers adequately completed basic investigative actions in relation to the reported crime of indecent exposure. This came to the attention of the IOPC on 4 May 2021 as a recordable conduct matter referred by Kent Police.
2. Following an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, who I will refer to as the decision maker for the remainder of this report. The decision maker for this investigation is Operations Manager Catherine Hall.
3. In this report, I will provide an accurate summary of the evidence and attach or refer to any relevant documents. I will provide sufficient information to enable the decision maker to determine whether to refer any matter to the Crown Prosecution Service (CPS).
4. I will also provide sufficient information to enable the decision maker to form a provisional opinion on the following:

- a) whether any person to whose conduct the investigation relates has a case to answer for misconduct or gross misconduct or no case to answer;
 - b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour);
 - c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person; and
 - d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP).
5. I will also provide sufficient information and evidence to enable the decision maker to identify whether a paragraph 28ZA recommendation (remedy) or referral to the Reflective Practice Review Process (RPRP) is appropriate.
6. I will also provide sufficient information to enable the decision maker to determine whether to make a recommendation to any organisation about any lessons that may need to be learned.
7. The IOPC will then send a copy of this report and the decision maker's provisional opinion to Kent Police. If the appropriate authority provides comments, then they must do so within 28 days. Where the appropriate authority disagrees with the content of the report or the decision maker's provisional opinion, the appropriate authority should set out the reasons in their response as fully as possible and provide any supporting information. Having considered any views of the appropriate authority, the decision maker is required to make the final determination and to notify the appropriate authority of it.
8. The decision maker may also make a determination concerning any matter dealt with in the report. This may include a decision that a matter amounts

to Practice Requiring Improvement (PRI) and as such should be dealt with under the Reflective Practice Review Process (RPRP) or a recommendation under paragraph 28ZA (remedy).

9. Where Articles 2 or 3 of the European Convention on Human Rights (ECHR) are engaged, this investigation is also intended to assist in fulfilling the state's investigative obligation by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.

> Background information

10. At 9.00pm on 3 March 2021, Ms Sarah Everard went missing after leaving a friend's house in Clapham, South London to walk home. At approximately 9.35pm, two figures were seen on bus CCTV, including a vehicle with its hazard lights flashing. The registration of the vehicle, later confirmed to be a car hired in Dover, was found to be linked to a Mr Wayne Couzens, a serving police constable with the Metropolitan Police Service (MPS). The vehicle drove from London to Kent where Ms Everard was raped and murdered.
11. On 9 March 2021, Wayne Couzens was arrested at his home address on suspicion of kidnap. The following day, and whilst in police custody, he was arrested on suspicion of murder.
12. On 8 June 2021, Wayne Couzens pleaded guilty to the kidnap and rape of Ms Everard. He pleaded guilty to her murder the following month. On 30 September 2021, Wayne Couzens was given a whole life sentence for the kidnap, rape and murder of Ms Everard. He was also dismissed from the police force.

13. Prior to working for the MPS, ex-PC Couzens had been employed by the Civil Nuclear Constabulary between 2011 and 2018, when he transferred to the MPS. He had also been a special constable in Kent Police between 2006 and 2009. A special constable is a volunteer role rather than a permanent paid role.

> Other investigations

14. The MPS Murder Investigation Team (MIT) conducted a criminal investigation into the kidnap, rape and murder of Ms Everard. They also investigated ex-PC Couzens for instances of indecent exposure, including the incident subject to this IOPC investigation.
15. Following the arrest of ex-PC Couzens, the MPS made a number of referrals to the IOPC in relation to other linked matters concerning ex-PC Couzens, including for a report of indecent exposure on 28 February 2021.

> The investigation

> Terms of reference

- D19
16. Catherine Hall approved the terms of reference for this investigation on 23 June 2021. The terms of reference can be seen in full at appendix two however, in brief they are:

To investigate:

- a) The decisions made and actions taken by Kent Police and the OIC in relation to the report of indecent exposure and whether they followed all reasonable lines of enquiry before marking it for closure.

- b) Whether the actions of Kent Police and the OIC were in line with any local or national policies, procedures, or legislation.
- c) To investigate whether there was any indication any officer or the OIC knew PC Wayne Couzens or was aware the suspect of the indecent exposure investigation had previously been a special constable with Kent Police.

> Subjects of the investigation

- 17. There was an indication that persons serving with the police listed below may have:
 - (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings.
- 18. Where there is such an indication for any police officer, police staff member or relevant contractor, they are categorised as a subject of the investigation. All subjects are served with a notice of investigation, informing them of the allegations against them.
- 19. They are also informed of the severity of the allegations. In other words, whether, if proven, the allegations would amount to misconduct or gross misconduct, and the form that any disciplinary proceedings would take.

> Police Sergeant (PS) ██████████

- ^{D56} 20. PS ██████ was served with a notice of investigation on 12 November 2021. There was a delay in serving PS ██████ the notice on compassionate grounds. The notice of investigation outlined the following which, if proven, was assessed as amounting to misconduct:

- PS [REDACTED] failed to identify Wayne Couzens as a suspect despite the informant providing full details of the vehicle’s registration plate and their description of the vehicle matching police records.
- PS [REDACTED] did not consider whether it would be appropriate to interview Wayne Couzens in relation to the offence or take other action to establish whether he was a suspect or not.
- There was no evidence to suggest PS [REDACTED] made any efforts to confirm the reliability of the informant after information from the staff at the informant’s housing suggested he was not “*compus mentus*” and not “*wholly reliable*”.
- There was no evidence to suggest PS [REDACTED] took any active steps to identify the informant’s partner as a witness to the indecent exposure and make contact with her.

21. This allegation could amount to a breach of the following standard of professional behaviour:

- Duties and responsibilities

D58

22. PS [REDACTED] provided a written response dated 18 December 2021 in which he provided an account in response to the allegations put before him.

> Summary of the evidence

23. To assist the decision maker in drafting their opinion, I have presented a summary and analysis of the evidence. During this investigation, a volume of evidence was gathered. After thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all the evidence gathered in the course of the investigation is referred to in this report.

24. The amount of time which has passed since this incident, which occurred in June 2015, and the matter being investigated has led to those involved in the incident being unable to recall specific details. As such the evidence

in this report is largely based on what has been recorded on Kent Police computer systems and records. Where possible this is supplemented with witness accounts however the evidence in those accounts is impacted by the passage of time.

> 9 June 2015: Initial call to Kent Police

- T10
D23
25. At 8.24pm on Tuesday 9 June 2015, Mr A telephoned Kent Police to report an incident of indecent exposure. Mr A informed the call handler, Mr James Brooks, a man had driven past him and his girlfriend on London Road in Dover, which was a one-way street, and headed out of the town. Mr A told Mr Brooks the man driving the car was naked from the waist down and his penis was “*sticking up in the car*”. Mr A said he thought the male was wearing a red top but indicated he was uncertain about this. He provided no further description of the man, but he did provide the car make, model, colour and registration. He said this incident had just happened and when asked again said he had “*literally... just seen it [the car] drive by*”.
- D23
26. Mr A said he had only called to report the matter because his girlfriend had told him to. He said both he and his girlfriend had taken offence to what they had seen the man doing and Mr A described the incident as “*revolting*”. Mr A confirmed his telephone number and stated he lived at [REDACTED] after moving to the address the previous day.
- D7
D23
27. Mr Brooks made an entry on the STORM log. STORM is the computer system Kent Police use to document calls received into the control room. This entry largely reflected what had been said by Mr A. However, Mr Brooks did not record that Mr A’s girlfriend had also been present or take her name and details. Additionally, Mr Brooks recorded on the STORM log that the man in the vehicle “was wearing a red t-shirt” and did not note Mr A’s apparent uncertainty about this.
- D23
28. Mr Brooks told Mr A he would broadcast the vehicle details on the police radio channel for the area so police officers could attempt to pull the

suspect over and speak to him. Mr Brooks told Mr A that Kent Police would attend Mr A's address to take further details from him and made an appointment for Friday 12 June between 10 and 11am. The initial call to Kent Police lasted approximately 5 minutes and 53 seconds.

- ^{S3} 29. The IOPC took a statement from Mr Brooks in 2021, six years after the incident. He stated part of his role as a call handler was to obtain information during calls, upload this onto the police computer systems and appropriately risk assess each incident based on the National Decision Making Model (NDM) and the principles of Threat Harm Risk Investigation Vulnerabilities and Engagement (THRIVE) to determine a suitable response. He said in 2015 he would not normally record his THRIVE assessment on the STORM log but later in his career began recording this information.
- ^{S3} 30. Mr Brooks was provided with the STORM log and recording of the call made by Mr A. After reviewing this material, he explained he considered the incident low risk and would not require an emergency response based on the following rationale;
- The vehicle had only one occupant who was driving around naked on his lower half.
 - The driver had made no threats to any person, there were no words, actions or gestures to indicate that he was an immediate risk to life.
 - No physical harm had come to Mr A or his partner.
 - There was no threat of immediate harm.
 - The driver's destination was unknown and by broadcasting the details, officers would be made aware of the vehicle should they come across it.
 - Mr A appeared happy with the diary car appointment, to obtain further details from him, and did not challenge or request earlier attendance.

- S3 31. Mr Brooks stated a diary appointment was an appropriate response for an ongoing incident so long as the necessity and proportionality had been assessed. He referred to the policy on grading incidents and explained if there was a risk to life, the crime was still in progress and a response was time critical it would warrant an immediate grade response. However, from Mr A's report of the indecent exposure he felt an appointment was the most suitable and practical response.
- T10
D24 32. Approximately ten minutes after the first call Mr Brooks called Mr A to confirm his room number [REDACTED] for the arranged appointment. The telephone call lasted approximately 48 seconds.
- D7 33. Mr Brooks made an entry on the STORM log confirming the diary appointment using code 'ZD1'.
- T25
D39 34. An audit of the Police National Computer (PNC) shows that between 8.32pm and 8.36pm various checks were conducted on the vehicle registration number Mr A provided to the Mr Brooks. The PNC records details of convictions, cautions, reprimands, warnings, and arrests also details relating to vehicles. The insurance details for the vehicle believed to be involved in this incident were viewed. The PNC record for this vehicle on this date showed the vehicle make, model and colour matched the description by Mr A. The registered keeper of the vehicle was recorded as a Mr Wayne Couzens with one other person, a female, permitted to drive the car. It also provided the address at which the vehicle was registered but no further details in regards to Wayne Couzens age or appearance. These details were not recorded on the STORM log at this time.
- D47 35. At approximately 8.35pm Kent Police airwave transmissions confirmed a dispatcher broadcast the details of the indecent exposure via the radio, including the car make, model, colour and registration. The dispatcher said the man was wearing a red t-shirt with no clothing on his bottom half and he was driving out of Dover town centre on the one-way system. The dispatcher also confirmed the registered keeper of the vehicle as a Mr Wayne Couzens and noted his home address. Radio transmissions were

reviewed, by the IOPC, for approximately two hours after this message was broadcast and no other relevant transmissions were made.

- T59
T61
D54
D57
36. During the investigation, it could not be confirmed specifically which Kent Police officers were logged into the radio airwaves at the time the broadcast was made. IOPC staff could not confirm whether any of the Kent Police officers logged into the radio airwaves knew ex-PC Couzens either personally or from his work as a special constable in Kent. Ex-PC Couzens' brother worked for Kent Police at this time and within the relevant area this broadcast would have been made to. However, it appeared from his shift pattern and building swipe card access that he was not on duty and would not have heard the broadcast made at approximately 8.35pm.
- S3
37. Mr Brooks stated the dispatcher would have read his comments on the STORM log and conducted a review of his grading decision. The dispatcher would have the opportunity to upgrade or downgrade the incident if deemed appropriate. No change was made to the grading of the incident.
- D26
38. The Kent Police incident statistics shows there were three immediate (urban and rural) calls and 14 high priority calls at the time Mr A reported the indecent exposure. There were 13 units on duty but only three were available and not committed on other matters between 8.15pm and 9pm.
- D7
39. The case was deferred pending the diary appointment and no further actions were completed until the 12 June 2015.

> 12 June 2015: Initial Investigation

- D7
40. At 10.37am on Friday 12 June 2015, PC Phillip Jones added an entry to the STORM log stating he tried to contact Mr A but Mr A had not answered and the appointment was missed. It is not clear how the contact was attempted, whether in person or over the phone. PC Jones added another

entry to say he had contacted staff at [REDACTED] who were making attempts to contact Mr A and get him to get in touch with the police.

- D7 41. PC Jones wrote on the STORM log that staff at [REDACTED] had informed him Mr A was not at the location and no one knew where he was. He wrote the staff told him that Mr A was not “*fully compus mentus*” and in their opinion not “*wholly reliable*”. Staff at [REDACTED] informed PC Jones they would update him once they made contact with Mr A and PC Jones wrote that he would continue to attempt contact throughout the day.
- S1 42. PC Jones told the IOPC he was aware [REDACTED] was run by a charity organisation who provided accommodation to people who were homeless, however he had not had frequent contact with them prior to this incident. He further explained that [REDACTED] provided homes to people who needed them due to addiction issues, mental health or other reasons resulting in homelessness including release from prison. PC Jones stated he did not recall any further information provided by staff [REDACTED], other than what was written on the STORM log.
- S1
S1A 43. PC Jones stated there were two types of appointment which could be made. One for officers to attend a person’s address (recorded as ZD3) and one for the person to attend the police station (recorded as ZD1). PC Jones stated he could not now recall how he attempted to contact Mr A, whether he visited his home address or called him from the police station.
- D68 44. Research of Kent Police systems indicates Mr A may have been subject to an arrest on 12 June 2015 in relation to a theft or making off without payment. No officers linked to the indecent exposure are named on any records relating to this matter.

> 16 to 18 June 2015: Further Investigation

- D7 45. At 2.41pm on Tuesday 16 June 2015, DS Baker conducted a review of the investigation. He added an entry on the STORM log stating it was not entirely clear what had happened and requested further information.

- D4
T25
46. At 12.40pm on Wednesday 17 June 2015, Police Staff (PSE) Tajinder Sanhera created a crime report in which PS [REDACTED] was assigned the officer in the case or OIC, at this time PS [REDACTED] was working as a sergeant in the local policing team based in Dover. PSE Sanhera copied the details from the STORM log onto the crime log. The incident on 9 June 2015, reported by Mr A, was recorded as an indecent exposure. Five minutes later, PSE Sanhera added the vehicle details to the crime report and the results of a PNC check were recorded. An audit of the PNC shows that a check of the vehicle registration was carried out at approximately the same time this entry was made. The PNC results again confirmed the registered owner of the vehicle was a Mr Wayne Couzens.
- D4
S2
47. At 12.47pm, PSE Sanhera made an entry on the crime report confirming an FO12 form had been completed. An FO12 form, usually submitted electronically, was used to request that a vehicle's record on PNC had a 'marker' placed on it. A marker signifies the vehicle may be involved in criminal activity and this information would be provided to anyone who checked the vehicle on PNC.
- D4
48. The audit of PNC shows this form was received by the relevant team by 1.33pm on the same day. An update on the crime report shows the marker was added by 1.48pm.
- S2
T25
49. The PNC interfaces with the automatic number plate recognition (ANPR) system and the police control room would be notified if a vehicle with a marker attached to it activates the ANPR system. Staff working in the control room can alert police officers via radio broadcast to the presence of the vehicle and the marker attached to it.
- D4
50. ANPR researcher Christopher Brawn, carried out checks on the ANPR system on 17 June 2015. These checks confirmed the vehicle linked to the indecent exposure in Dover had been in the area at the time of the alleged offence. At 1.48pm Mr Brawn wrote on the crime report that ANPR cameras showed the person driving the car as wearing a top that was

“more bluey/grey in colour” rather than red, as had been described by Mr A.

- S2 51. Mr Brawn explained to the IOPC that the pictures taken by ANPR cameras were considered to be sensitive and were not routinely disclosed until they were requested by the OIC. This was because images from the cameras could reveal the camera position. As such Mr Brawn did not attach the image of the vehicle related to the indecent exposure case to the crime report but put in his own description of what it showed. He stated that in his experience it was difficult to be certain about the colours on an ANPR image due to the quality of the camera and the light conditions at the time the image was taken.
- D4 52. At 8.28pm, DS Baker conducted a review of the investigation. He added an entry on the crime report requesting for an update on whether the report would be dealt as a crime.
- D4 53. At 10.40pm, PS [REDACTED] added a note on the crime report confirming the details Mr A provided to the call handler. Following this, PS [REDACTED] noted; *“it is understood that the inf [informant] has some issues and may not be telling the call taker all the correct facts”*. PS [REDACTED] then stated this was supported by the difference in t-shirt colour reported by Mr A compared to the image on ANPR system. PS [REDACTED] wrote that he had tried to clarify details of the incident with Mr A and [REDACTED] but had been unable to speak to either.
- D18 54. On Thursday 18 June 2015 PS [REDACTED] appears to have reviewed this matter again, carrying out a number of related searches on Kent Police systems. This includes accessing the Kent Police records for Mr Wayne Couzens, his home address, his phone number and vehicle. He also accessed Mr A’s police records.
- D18
T73 55. At 9.37pm PS [REDACTED] accessed the nominal record for Mr A, which contained details of Kent Police contact with Mr A. Within this record it was detailed that Mr A had a number of warning markers for drugs, violence and possession of weapons. There were also a number of references to

crimes Mr A was linked to, including theft and making off without payment, a matter which had occurred on 12 June 2015. There were no entries on this record which detailed Mr A reporting, being witness to, or a victim of any similar matters to that which he reported on 9 June 2015. It was not possible from the available evidence to state exactly what PS [REDACTED] looked at or read on this record. However, an audit of the records relating to Mr A and the incident on 12 June 2015 showed PS [REDACTED] did not access this record.

- D11
D14
56. At 9.42pm and 9.53pm PS [REDACTED] accessed ex-PC Couzens' nominal file. The nominal file contained ex-PC Couzens' personal details and on pages twelve and thirteen it listed a number of investigations ex PC Couzens was assigned to when he was a special constable for Kent Police between 2006 and 2009. This information would have indicated to PS [REDACTED] that ex-PC Couzens had previously volunteered for Kent Police as a special constable however it is not possible to know whether he read the entries or accessed this page of the nominal file. There were no other entries on the nominal file which linked to crimes or matters relating to the allegation of indecent exposure. Nor did this file contain details of ex-PC Couzens' current employment status as a police constable at the Civil Nuclear Constabulary.
- D4
57. At 10.44pm, PS [REDACTED] added an entry on the crime report stating he had spoken to Mr A. Mr A had told PS [REDACTED] he could not be certain what the driver of the vehicle he had reported was wearing. Mr A said he could see the driver's thighs and saw he was aroused. PS [REDACTED] noted Mr A was embarrassed speaking about the incident and Mr A said he only reported it because his partner told him to. PS [REDACTED] noted on the report that Mr A declined any further involvement with the investigation.
- D4
58. At 10.58pm, PS [REDACTED] added another entry on the crime report detailing information for filing the report. PS [REDACTED] stated the named suspect had not been identified and Mr A had declined to support the police investigation to identify the offender. PS [REDACTED] stated the crime was not detectable and there were no outstanding reasonable lines of enquiry. PS [REDACTED] further

stated there were evidential difficulties due to the difference in t-shirt colour reported by Mr A compared to the ANPR image resulting in discrepancies in his account. PS [REDACTED] recorded his decision of 'no crime'.

- D4 59. Two minutes later, PS [REDACTED] added a note on the crime report stating no further action would be taken and listed the following rationale;
- There were no other witnesses to the incident.
 - The offender was unknown.
 - Mr A's account differed from the ANPR image.
 - Mr A's mental state and reliability had been questioned by [REDACTED] [REDACTED] staff so it was unclear if the incident occurred.
- D4 60. It appears that no further enquiries were carried out in regards to CCTV or witness evidence. Mr A's partner does not appear to have been spoken to by PS [REDACTED] and her details were not placed on the crime report at the time. Ex-PC Wayne Couzens was not recorded as a potential suspect on the crime report and no action was taken to speak with him about the incident.
- D27 61. The evidence indicates the vehicle reported to have been involved in the indecent exposure incident was sold shortly after the matter was reported. On 28 July 2015, the vehicle was stopped by Kent Police and the results of PNC checks confirmed a new registered keeper. The new registered keeper confirmed he had recently bought the vehicle.

> Account of PS [REDACTED]

- D58 62. In December 2021 PS [REDACTED] provided a response to his notice. In this he stated he made contact with Mr A on 18 June 2015 and described him as reluctant to pursue the report of the indecent exposure. PS [REDACTED] stated Mr A made it clear he only reported the incident to the police because his partner told him to. PS [REDACTED] explained he was never aware whether or not Mr A's partner witnessed the incident. PS [REDACTED] stated it is likely Mr A told

him his partner was not a witness as PS [REDACTED] did not record other witnesses on the crime report but he could not recall specifically.

- D58 63. PS [REDACTED] explained Mr A told him he was not sure what the driver of the vehicle was wearing, however Mr A recalled seeing the driver's thighs. PS [REDACTED] said he could not recall how Mr A described that the driver was aroused, whether any specific detail was provided or whether he described it generally.
- D58 64. PS [REDACTED] did not provide any information about ex-PC Couzens' nominal file which he accessed on 18 June 2018, including what information PS [REDACTED] read and why he accessed it twice on that day.
- D58 65. PS [REDACTED] stated it was his conclusion, which he believed was shared by others, that there were evidential difficulties in the case and public interest criteria whereby it was not appropriate to pursue the matter further. He explained he did not believe there was sufficient information to arrest the registered owner of the vehicle or invite them to attend a voluntary interview.
- D58 66. PS [REDACTED] explained his decision to close the crime report would have been subject to scrutiny by supervisors. PS [REDACTED] said he did not recall a supervisor advising him there were missed lines of enquiry or it was inappropriate to close the crime report based on the information available.
- D58 67. In addition, PS [REDACTED] stated he was not formally allocated OIC for the investigation but he was one of the officers involved in supervision. PS [REDACTED] stated he had never had any investigative training, worked in CID or been an OIC for any substantive criminal investigations prior to this incident. He also stated he could not recall having any "*considerable experience*" in dealing with allegations of indecent exposure.
- D58 68. PS [REDACTED] stated it remained his view that it was appropriate to close the crime report on the basis of the information available at the time.

> Witnesses

- T23 69. Mr A and his partner were contacted by IOPC staff and asked to provide information about the indecent exposure and the subsequent investigation by Kent Police. Mr A stated he was not in a position to engage due to health reasons. A telephone witness interview was arranged with Mr A's partner on 8 October 2021, however she did not attend.
- D4
T12 70. Both Mr A and his partner were also approached by the MPS team currently investigating the indecent exposure allegation. They both declined to engage with that investigation. However, a note was made on the crime report of a conversation an officer had with Mr A's former partner. She stated she did not recall the incident and detailed that Mr A misused substances and would have episodes where he saw things.
71. Staff at [REDACTED] were also contacted by the IOPC during the investigation but they have not responded to our contact requesting information.

> Other matters

> Career history and link between ex-PC Couzens and PS [REDACTED]

- D12 72. Between 2006 and 2009 ex-PC Wayne Couzens was a special constable with Kent Police. A special constable is a volunteer role with the police and not a full-time permanent role. During this time his posting history shows he worked out of the Ashford Police Station between December 2006 and January 2008 and later worked out of Dover.
- D9
T16
T17 73. PS [REDACTED] has been employed by Kent Police since 1999. During this time he has held several posts across different teams. Between 2003 and 2007 PS [REDACTED] was stationed in Ashford Police Station in the tactical team and the response team. In September 2007 he joined the firearms policing unit.
- D58 74. PS [REDACTED] told the IOPC he did not know ex-PC Couzens. He was specifically asked about the period they were both stationed in Ashford and said that he never came across ex-PC Couzens during this time. PS

█████ knew ex-PC Couzens' brother, who was also a police officer in Kent. He explained he met his brother while working in the firearms unit between 2007 and 2012 but they never worked together and were not close. He described their relationship as "*a causal professional acquaintance*" and said he did not know he had a brother who was also police officer.

S6 75. PS Phillip Pryce was a sergeant on the Ashford tactical team between 2000 and 2009. He described the tactical team as primarily responding to volume crime and on an intelligence led basis. For example, if there had been a series of burglaries in an area, the team would be tasked to reduce the number. He stated that a special constable would not normally be attached to this team and it would be incredibly rare for this to happen. He said an officer on the tactical team might bump in to a special constable during their shift on occasion

S6 76. PS Pryce stated he did not recall ex-PC Wayne Couzens as someone who had worked in Ashford Police Station and went on to say ex-PC Couzens was never deployed with the tactical team.

T16
T78 77. Kent Police carried out a search of their systems and there were no records of incidents where both PS █████ and ex-PC Couzens were both named as having been involved.

> Training records

D9
T70 78. PS █████' employment file confirmed he had not received any training on carrying out investigations. Investigation and intelligence gathering and analysis was recorded on his training record. However rather than a course this was reference to a competency required as part of his job description, and it was therefore expected he would be able to perform these functions to an sufficient standard within his role.

> Working practice for indecent exposure investigations in 2015

- S5 79. Inspector (Insp) Charles Goodhew provided an account to the IOPC about working practices relating to the investigation of indecent exposure incidents in 2015.
- S5 80. At this time Insp Goodhew was a police constable working on a local district policing team. He explained that this team would handle most “volume crime” at this time. A sergeant would usually allocate cases to police constables unless they felt they could deal with them quicker themselves, for example if there were limited lines of enquiry.
- S5 81. Insp Goodhew stated that the actions required for this type of investigation would depend on the circumstances of the individual investigation. Key areas for investigation would include identifying any victims/witnesses and capturing their accounts; suspect identification and CCTV opportunities. Additionally checks would be carried out on systems including PNC and ANPR.
- S5 82. Insp Goodhew detailed that in 2015, 205 reports were received in relation to indecent exposure allegations. He described this as a low number in comparison to other volume crime. It was therefore not a type of incident officers would often encounter in their role.

> Police National Database

83. Once a crime had been recorded it was transferred on to a system known as the police national database (PND). PND stores billions of records from various law enforcement agencies and other bodies. The system allows these organisations to share intelligence and other information which is stored on local systems.
- T39 84. On 30 October 2015 the crime report for the indecent exposure incident was loaded on to PND. A review of the record shows it exactly replicates the information recorded on the crime report. As such within the body of the record the name “Wayne Couzens” appeared as the registered keeper of the vehicle linked to the offence.

85. On the PND record there is a section which records the details of the people involved in the incident. Mr A is registered as a witness however ex-PC Wayne Couzens did not appear in this section as PS [REDACTED] did not register him on the crime report as a suspect. Additionally, there are no further details relating to ex-PC Couzens, such as date of birth, as these were not obtained by PS [REDACTED] or those working on the investigation into this matter.
86. PND is a searchable system and is used by the agencies with access to it to carry out research for various reasons. A search of the PND system for the name “Wayne Couzens” would return several results including matters which relate to others with the same name. One of the results it would return is the crime report related to the indecent exposure in Kent in 2015. However, without further information, such as a date of birth, the search results are not narrow or specific enough to be useful to anyone using the system.

> Legislation, policies and guidance considered

87. During the investigation, I have examined relevant legislation, together with national and local policies and guidance, as set out below. This material will enable the decision maker and the appropriate authority to consider whether the police officers, police staff member and relevant contractors named in this report complied with the applicable legislation, policy and guidance, and whether the existing policies were sufficient in the circumstances.

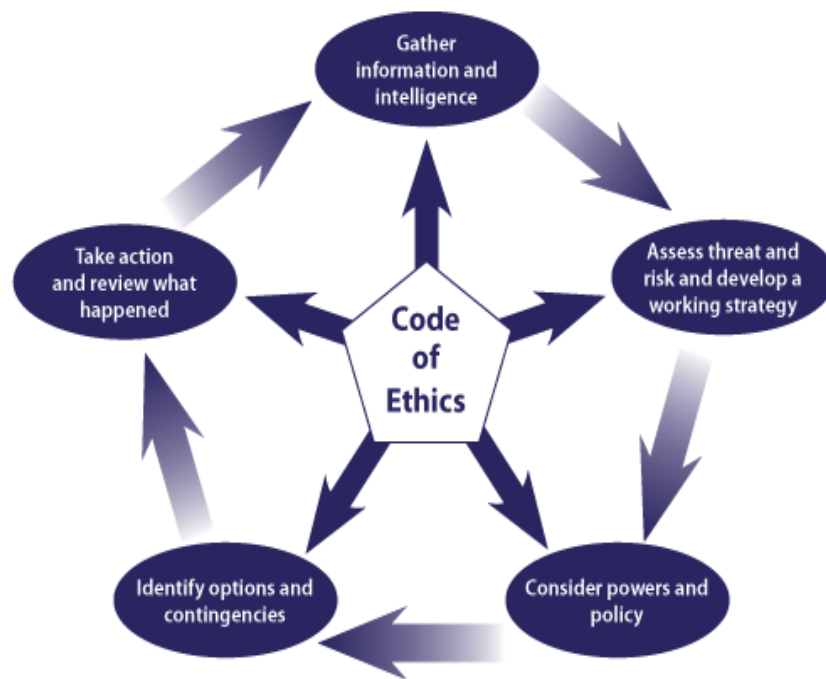
> National Decision Making Model (NDM)

88. The College of Policing is a professional body for the police in England and Wales, which develops and owns the Authorised Professional Practice

(APP). APP is authorised as the official source of professional practice for policing, and police officers and staff are expected to have regard to APP when carrying out their duties. There may be circumstances when it is legitimate to deviate from APP provided there is clear rationale for doing so.

89. APP describes The National Decision Model (NDM), which provides a framework to assist police officers and staff when making decisions. The College of Policing recognises the need for all officers to act consistently with the professional standards of behaviour. There are five stages of the NDM, which follow a cyclical process relating to the officer's decisions made.

90. Figure 1: College of Policing NDM.



91. The first stage of the NDM is to gather information and intelligence. During this stage, the officer or staff member considers what information they have and what further information is still required to make an informed decision.

92. The second stage covers risk and threat assessment. The APP states officers should assess the situation and be aware of any risks of harm or threats.

93. The third stage is to identify relevant powers, policies and procedures that can be applied to the situation.
94. The fourth stage is to identify any options and contingencies to resolve the situation with the least risk of harm.
95. The fifth stage consists of two steps, the first is to take the action decided upon based on the four earlier stages of the model and the second is to reflect on the outcome of the decision. The model is used repeatedly until a successful outcome is achieved.

> Threat Harm Risk Investigation Vulnerabilities Engagement (THRIVE)

96. THRIVE is a tool used by Kent Police to assess risk levels. This is broken down as follows:
 - Threat
 - Harm
 - Risk
 - Investigation
 - Vulnerabilities
 - Engagement
97. **Threat** – is there an apparent threat and how was the threat communicated? Is there an intent to cause harm against another or group of people?
98. **Harm** – is there potential for a person to be harmed, physically and/or psychologically?
99. **Risk** – what risk is there to a person(s)? Is there an immediate risk of harm?

100. **Investigation** – decide what action is required to assist the investigation after considering the crime reported. Considerations should be made about whether actions are time critical.
101. **Vulnerabilities** – does the caller and/or subject have any vulnerabilities which may affect your assessment? Would any persons require additional support?
102. **Engagement** – is the victim willing to engage with police or are they just informing us about what has happened? Do we need support from other agencies to assist with the investigation?

> Kent Police Incident Gradings

103. The Kent Police policy on incident gradings within STORM provides guidance for call handlers to assess and grade calls. The gradings particularly relevant to this investigation are outlined below:

- Immediate
- High
- Appointment

^{D35} 104. **Immediate** grade incidents – recorded when there is danger to life, immediate risk of violence, a serious crime is in progress, an offender is nearby and/or an incident resulted in serious personal injury or serious traffic hazard. Within the notes of this policy it states that where an offender has just made off from a crime it is prime facia a reason for it to be treated as an immediate grade. However it goes on to state that lower level offences such as shoplifting would be unlikely to warrant an immediate grade and a “high” grade could be used but that a prompt response would make detection of crime easier.

105. **High** grade incidents – recorded when there is a response plan or common sense dictates, when an offender is detained and does not appear to pose a risk, prompt attendance may identify or locate an

offender, attendance is required to reduce current risk to a person, property or prevent crime and/or prompt attendance is necessary to secure essential evidence that may otherwise be lost.

106. **Appointment** grade incidents – recorded when attendance is required but not within four hours and the needs of the caller can be met by a pre-arranged police response.

107. The policy states the expectation is the correct response grading will be assigned to a STORM incident by the person creating it. However, the dispatcher who considers that the incident has been incorrectly graded should inform a supervisor. The supervisor can or downgrade the level of response.

> Kent Police Control Room Guidance for Sexual Offences and Call Gradings

108. During the investigation, we have not been able to obtain the guidance policies that would have been in place in 2015. The current guidance for sexual offences and call gradings can be found below, however it must be noted that the expectations set out in these policies may not have been in force in 2015.

109. The current guidance for sexual offences and call gradings lists numerous offences which includes cases of indecent exposure. It states that call takers should record the following on the STORM log when someone is reporting a sexual offence:

- The details of the offence.
- When the offence occurred.
- Where the offence occurred.
- A description of the offender.
- The offender's direction of travel.

- The offender's vehicle details where applicable.

110. Furthermore, the guidance provides the following two pieces of advice depending on circumstances:

- If the victim is a child, attendance would be required at an appropriate risk grade. If the child victim or another child may be at further risk of harm, the incident must be transferred to dispatch for review.
- If the offence was committed some time previously, the victim is no longer at risk and there is no forensic evidence to obtain – the incident can be marked as unattended for a crime report to be created. The call handler should then inform the caller that an officer will make contact in due course.

> Vehicle Warning Markers

111. There are three types of warning markers that can be placed on a vehicle once an FO12 form is submitted, these are;

- Low act marker
- Medium act marker
- High act marker

112. **Low act marker** – requires a police officer to obtain the details of the registered owner/driver of the vehicle by stopping the vehicle if necessary.

113. **Medium act marker** – requires the arrest of the driver and/or seizure of the vehicle due to its suspected involvement in crime.

114. **High act marker** – requires police officers to report sightings of the vehicle so that specialist units can be summoned.

> College of Policing – Managing Investigations

Investigative actions

115. *This is any activity which, if pursued, is likely to establish significant facts, preserve material or lead to the resolution of the investigation. The volume of actions should be proportionate to the type of investigation.*

Actions during the initial investigation stage

116. The guidance recognises the initial actions are dependent on the circumstances of the allegation, but the following examples are provided:

- Obtaining initial accounts from victim(s) / witnesses
- Locating and securing material such as CCTV footage
- Identifying or preserving scenes
- Arresting the offender(s)

> College of Policing - Investigation process

Initial investigation

117. The guidance outlines that the quality of an investigation is significant in gathering material leading to the detection of crime. It is vital that those responsible for conducting the initial investigation ensure material is not lost.

118. *‘Investigations should be conducted thoroughly, and investigators should not assume that a crime cannot be solved or that someone else will carry out an investigation at a later stage.’*

Comprehensive records

119. It is recognised that a comprehensive record of all enquiries completed during the initial investigation is advantageous in enabling supervisors to assess the quality of the investigation and facilitating the handover of the investigation if allocated to another investigator.

Further investigation

120. The APP guidance states investigators should develop a clear plan for how they intend to bring the investigation to a successful conclusion, ensuring rigorous evaluation of the material gathered in the investigation so far.

121. The investigative plan should include the following factors:

- Specific objectives of the investigation – these depend on the unique circumstances of the crime and the material that has been gathered
- Investigative strategies that are used to achieve those objectives
- Resource requirements of the investigation

> College of Policing – Code of Ethics

122. The following standards of professional behaviour will be considered in the analysis section of the report:

Duties and responsibilities

123. To meet this standard, officers must:

- Carry out their duties and obligations to the best of their ability.
- Take full responsibility for, and be prepared to explain and justify, their actions and decisions.
- Use all information, training, equipment and management support they are provided to keep themselves up to date on their role and responsibilities.

> Analysis of the evidence

124. On receipt of the report, the decision maker is required to record their opinion about whether PS [REDACTED] has a case to answer for misconduct or gross misconduct, and whether his performance was satisfactory. Within the analysis, I will not make any determinations on any these matters.
125. PS [REDACTED] is the only subject of this investigation and I will therefore deal with the evidence relating to his conduct within the analysis. However, a number of other relevant matters have been considered during the course of this investigation which I will also consider. The structure of this analysis will therefore be as follows:
- Call grading and assessment
 - Appointment and initial actions
 - The decisions and actions of PS [REDACTED]
 - Whether ex-PC Couzens was known to PS [REDACTED]
 - Other matters

> Call grading and assessment

126. Mr Brooks was the call handler responsible for recording the report of indecent exposure from Mr A at 8.24pm on 9 June 2015. Mr Brooks recorded details about the incident on the STORM log including;
- Driver description
 - Indecent exposure description
 - Car make, model and registration
 - Location of incident and direction of travel
127. Mr Brooks did not record on the STORM log was that Mr A's partner was also a witness to the incident. In his statement, Mr Brooks said he clarified details from Mr A and asked him whether he took offence to the incident, which he knew was required for the criminal offence. Mr Brooks did not comment on why Mr A's partner was not recorded as a potential witness to

the indecent exposure. There is no evidence regarding why Mr Brooks did not record this information or that it was omitted intentionally or deliberately.

128. Additionally, Mr Brooks recorded Mr A's description of the male as wearing a red top. However, the call recording evidenced that Mr A was not categorical about this and said the thought it was red rather than being certain. Had Mr Brooks add a note to his effect it may have assisted with later actions and decisions.
129. The current Kent Police guidance for sexual offences and call gradings outlines the expectations of call handlers when an individual is reporting a sexual offence. This includes reporting details of the offence, when it occurred, where it occurred, description of the offender, the offender's direction of travel and vehicle details on the STORM log. The IOPC have been unable to obtain the control room guidance for sexual offences from 2015 and therefore it should be noted that the expectations set out in these policies may not have been in force in 2015. The decision maker may wish to note that there is nothing noted in the policy which requires a call handler to record witnesses to the offence however it may be considered reasonable to expect this to be recorded if it is known.
130. The decision maker may wish to consider whether Mr Brooks' recording of the indecent exposure was adequate in the circumstances. The following points may assist the decision maker in forming this assessment:
 - Mr Brooks recorded the key information about the indecent exposure in line with the current Kent Police control room guidance for sexual offences.
 - Mr Brooks told the IOPC he understood what information was necessary to detail on the STORM log for the criminal offence.
 - Mr Brooks failed to record one detail provided by Mr A, that his partner also witnessed the indecent exposure, he also did

comprehensively record Mr A's description as the colour of the male's t-shirt.

- There is no indication why Mr Brooks failed to record Mr A's partner as a potential witness to the indecent exposure.
- It is unknown what expectations were set out for control room staff in guidance for sexual offences from 2015.

131. In addition, Mr Brooks was responsible for grading the report of indecent exposure. He graded the call as low risk, requested the vehicle details were broadcast via the radio and scheduled a diary appointment for police to take further details from Mr A.

132. Mr Brooks told the IOPC he considered the necessity and proportionality before making a decision on the call grading. Mr Brooks stated he did not believe the incident required an emergency response and believed his grading was appropriate based on the following rationale;

- The vehicle had only one occupant who was driving around naked on his lower half.
- The driver had not made any threats to any person, there were no words, actions or gestures to indicate that he was an immediate risk to life.
- No physical harm had come to Mr A or his partner.
- There was no threat of immediate harm.
- The driver's destination was unknown and by broadcasting the details officers would be made aware of the vehicle should they come across it.
- Mr A appeared happy with the diary car appointment and did not challenge or request earlier attendance.
- The scheduled appointment provided officers time to make enquiries.

133. The current Kent Police incident grading policy states an appointment grade incident should be recorded when police attendance is not required within four hours and the needs of the caller can be met by a pre-arranged police response. In contrast, a high-grade incident should be recorded in instances when the offender is detained, prompt attendance may identify or locate an offender, reduce current risk to a person, prevent crime, ensure essential evidence is secured and any other reason where common sense dictates. As above, the IOPC have been unable to obtain the control room guidance for call gradings from 2015 and therefore it should be noted that the expectations set out in these policies may not have been in force in 2015.

134. The decision maker may wish to determine whether Mr Brooks' assessment of the report of indecent exposure was adequate in the circumstances and in accordance with policy and procedure. The following points may assist the decision maker in forming this assessment:

- Mr Brooks considered the incident was low risk and did not require an emergency response. Although he did not record his risk assessment at the time, Mr Brooks since provided detailed rationale to explain his decision.
- Mr Brooks ensured the caller's needs were met when grading the incident. There is no evidence to indicate Mr A was dissatisfied with the scheduled diary appointment or that he asked for a more prompt police response.
- The driver's location after he had driven past Mr A and his partner was unknown, although his direction of travel was known. The road he was travelling along was a one-way road leading out of the town centre and could therefore have led to multiple directions.
- There did not appear to be a risk to Mr A or his partner at the time.

- Mr Brooks stated the dispatcher would have conducted a review of his grading decision and had the opportunity to upgrade or downgrade the incident if deemed appropriate.
- The recording of the call makes it clear that the incident was in progress at the time it was reported. The policy outlines that a matter may justify a high or immediate grade response if an offender had just left the scene and where there may be an opportunity to locate or identify the offender.
- A broadcast was made to notify officers on duty of the incident and the details of the car involved.

> Appointment and initial actions

135. Mr Brooks made an appointment for Mr A between 10-11am on 12 June 2015. It is clear from the recordings of the two calls with Mr A that Mr A was told an officer would come to his address and his address was clarified by Mr Brooks. However, Mr Brooks recorded the appointment on the STORM log as “ZD1” the code for when an appointment has been made for a person to come to the police station.

136. PC Jones was allocated to deal with the appointment booked with Mr A on 12 June 2015. The appointment was missed. It is clear that PC Jones was taking action at around the time of the scheduled appointment, indicating he was working on it as required. It is not clear whether he attended [REDACTED] or made calls to the residence after Mr A did not arrive at the police station for his appointment. In any event an update on the STORM log shows that staff at [REDACTED] informed PC Jones that Mr A was not there. Therefore had the appointment been attended in person, with the officer going to the [REDACTED], Mr A would still not have been spoken to at this time.

137. Staff at ██████████ told PC Jones that Mr A was not “*compus mentus*” and in their opinion not “*wholly reliable*”. The full details of this conversation are not known.
138. After the missed diary appointment, the following actions were completed by Kent Police during the initial investigation:
- The crime report was created with the details from the STORM log.
 - PNC checks were conducted and the results, which confirmed ex-PC Couzens as the registered keeper of the vehicle, were recorded on the crime report.
 - ANPR checks were conducted and the results, which appeared to show a vehicle matching the one described by Mr A in Dover at the time of the incident. However, it was noted that the driver of the vehicle was wearing a “*bluey/grey*” colour t-shirt rather than a red t-shirt.
 - A low act marker, requiring a police officer to obtain the details of the registered owner/driver of the vehicle by stopping the vehicle if necessary, was assigned to ex-PC Couzens’ vehicle.
139. Based on the above the decision maker may wish to determine whether the initial investigative actions listed above were adequate in the circumstances.

> The decisions and actions of PS ██████████

140. PS ██████████ was clearly allocated as the officer in charge for the investigation into the indecent exposure incident, as this is recorded on the crime report. Although PS ██████████ states he was not formally the OIC no other officers from his team undertook any actions on the crime report. Insp Goodhew explained, in his experience, police sergeants would normally allocate cases to police constables but on occasion would keep and progress them personally, particularly where there were limited lines of enquiry.

141. PS [REDACTED] worked on the incident on 17 and 18 June 2015, no actions or updates were made after this time. During this period, he appeared to have taken little action other than reviewing information that had been transferred onto the crime report from the STORM log, reviewing updates placed on the crime report by other officers, and speaking to Mr A. There was no evidence he made other enquiries such as considering CCTV opportunities in the area of the incident, considering other witnesses or attempting to make contact with ex-PC Couzens who was registered as the only male keeper of the vehicle involved in the incident. PS [REDACTED] did not appear to have requested to see the ANPR image found of the vehicle and its occupant personally and relied on the description from the ANPR operator which was written on the crime report.
142. PS [REDACTED]' first entry on the crime report was on 17 June at a time when it appeared he had not yet been able to speak to Mr A. In this entry he summarised the information which was already in the crime report and also drew some conclusions from that information. Specifically, he stated *"it is understood that the inf [informant] has some issues and may not be telling the call taker all the correct facts"*, which he stated was based on the difference between the colour of t-shirt Mr A described the driver of the vehicle wearing and what was shown on the ANPR camera.
143. PS [REDACTED] did not appear to have considered the consistencies in Mr A's account as per the information on the crime report at that time. Specifically, Mr A had provided a vehicle registration number, make, model and colour of the vehicle all of which matched the information held on the PNC. Additionally, the vehicle was captured on ANPR cameras in the relevant area at the time the offence was alleged to have occurred.
144. There is no evidence to suggest PS [REDACTED] listened to the call Mr A made to report the incident on 9 June. He would therefore not have been aware that Mr A was not certain when he described the male's t-shirt as red, he was reliant on the record made by Mr Brooks. However, the circumstances of the crime appear to have been a glimpse of a man exposing himself in a vehicle as it drove past. It would therefore not be unreasonable for Mr A to

have been mistaken about the colour of the t-shirt the male was wearing as his focus can reasonably be assumed to have been on the male's legs and genitals. PS [REDACTED] did not appear to have taken this in to account. Additionally, ANPR operator, Mr Brawn stated the colour of ANPR images is not completely reliable due to the quality of the cameras and light conditions. This information potentially impacts on whether the difference between the image and Mr A's account were seriously undermining of his account or cast doubt on his reliability.

145. From approximately 9.37pm on 18 June PS [REDACTED] began to access police records relevant to this incident. He reviewed the nominal record of Mr A, which contained information of his warning markers for drugs, possession of weapons and violence. It additionally shows Mr A was linked to a number of crimes including one which had occurred on 12 June in relation to Mr A making off without payment. Mr A's records did not contain any reference to him reporting similar offences to the one reported on 9 June. There was no evidence, within the records PS [REDACTED] reviewed, to indicate a pattern of inaccurate or malicious reporting of crimes. It cannot be shown what exactly PS [REDACTED] looked at on Mr A's record and PS [REDACTED] has not referenced this information in his decision making, however he did have access to this information at the time.
146. PS [REDACTED] also accessed records relating to ex-PC Couzens, his home address, phone number and the vehicle linked to the incident. None of these records contained any information of similar incidents or behaviour. Ex-PC Couzens' nominal records contained, on page 12 and 13 details of matters he had been linked to when he was a special constable. It cannot be known if PS [REDACTED] viewed this page or not.
147. PS [REDACTED] appears to have spoken to Mr A on 18 June. Mr A did not wish to provide the IOPC with a statement and PS [REDACTED]' account of the matter was given over six years later and appears largely based on what he wrote on the crime report at the time. PS [REDACTED] wrote that Mr A described what had happened in line with his initial account to Mr Brooks, he told PS [REDACTED] he could not be certain about the colour of the t-shirt and did not wish to

engage with the investigation into the matter. PS [REDACTED] wrote that Mr A appeared embarrassed talking about the incident and said he only reported it because his partner told him to.

148. It is apparent from the initial call recording that Mr A's partner was with him at the time of the incident, although she did not recall it when she was contacted six years later. PS [REDACTED] did not appear to have established this from Mr A during the call with him and told the IOPC that he assumed he did not get this information, otherwise it would have been included on the crime report. It is not known exactly what was said between PS [REDACTED] and Mr A during this call, however the decision maker may wish to consider whether PS [REDACTED] missed an opportunity, either by not gathering the right information or by gathering the information and not acting on it, to identify another witness to a potential crime.

149. Following this call PS [REDACTED] recorded on the crime report that the offence was not detectable, the suspect had not been identified and there were no other reasonable lines of enquiry. The investigation was closed.

150. PS [REDACTED] told the IOPC he had very little experience investigating reports of indecent exposure. PS [REDACTED] also stated he had never had any investigative training. This is supported by his training record although carryout investigations is considered to be a core aspect of his job description so there was an expectation that he could perform this function.

151. APP guidance stated that an officer should not assume that a crime cannot be detected and outlines key initial actions which should be carried out as:

- Obtaining initial accounts from victim(s) / witnesses
- Locating and securing material such as CCTV footage
- Arresting the offender(s)

152. It has not been possible to obtain any specific guidance on investigating indecent exposure incidents Kent in 2015. However, Insp Goodhew noted that an investigation would likely include identifying victims/witnesses and

capturing their accounts; suspect identification and CCTV opportunities. Additionally checks would be carried out on systems including PNC and ANPR.

153. The decision maker may wish to consider PS [REDACTED]' actions to investigate this matter and if the decision to close it down was reasonable in the circumstances. The following may assist:

- PS [REDACTED] appeared to have conducted research on the police systems in regards to Mr A, the vehicle and ex-PC Couzens.
- No contact was made with the registered keeper of the vehicle to make enquiries about the incident and obtain further information from them such as their description and date of birth.
- No CCTV enquiries were conducted for example in the area of London Road, Dover.
- Consistencies in Mr A's account were not considered, including the fact he reported the exact same facts to PS [REDACTED] as he had told the call handler on 9 June.
- PS [REDACTED] may have been aware, from Mr A's nominal record, of his criminal history and warning markers. He was also aware he was living [REDACTED], a residence for those with addiction issues and other concerns leading to homelessness.
- A note had been made on the crime report that staff at [REDACTED] had described Mr A as unreliable and not "compus mentus" indicating he may have mental health issues. PS [REDACTED] did not appear to have verified this with them directly or with Mr A.
- There was no information on ex-PC Couzens police records or those related to his vehicle of similar behaviour.
- Mr A had declined to be involved in the investigation, as he was believed to be the only witness this would have made progressing the investigation to a prosecution difficult without more evidence.

- PS [REDACTED] has had no formal training on investigations and had not investigated an indecent exposure incident previously.

154. In addition to the above the decision maker may wish to consider the reference on the crime report to Mr A being embarrassed talking about the incident. It is not clear if this was seen by PS [REDACTED] as further undermining Mr A's account but it may be viewed that a person discussing a sexual offence such as this might feel embarrassed.

> Whether ex-PC Couzens was known to PS [REDACTED]

155. The evidence obtained throughout the investigation gave little indication that PS [REDACTED] had any prior association with ex-PC Couzens. In his response, PS [REDACTED] stated he knew ex-PC Couzens' brother from working in firearms and described their relationship as "*a causal professional acquaintance*". However, PS [REDACTED] stated he did not know ex-PC Couzens' or that he worked in the police service. The IOPC reviewed PS [REDACTED]' career history and there is no evidence to suggest PS [REDACTED] and ex-PC Couzens were known to each other. Whilst it is recognised PS [REDACTED] and ex-PC Couzens both worked at Ashford at the same time, there is no evidence to show they were resourced together or worked on the same crime reports and/or investigations.

156. Despite this, there is evidence to show PS [REDACTED] accessed ex-PC Couzens' nominal record on two occasions on 18 June. On pages 12 and 13 of the nominal file it confirms the investigations ex-PC Couzens was assigned as the OIC for during his employment with Kent Police. PS [REDACTED] did not provide any information about ex-PC Couzens' nominal file, including what information he read and why he accessed it twice on that day. The investigation has been unable to confirm what specific pages on the nominal file PS [REDACTED] accessed and whether he had known ex-PC Couzens was a former special constable at Kent Police.

> Other matters

157. The crime report for this incident was copied across to PND in October 2015. However, as PS [REDACTED] had not logged ex-PC Couzens as a suspect his details were not recorded as a person linked to the matter and a nominal record for ex-PC Couzens was not created on PND.
158. Additionally, because ex-PC Couzens' details were not obtained, specifically his date of birth, this information was not on PND either. This led to the record of this incident being difficult to link to ex-PC Couzens through a search on PND of his name. A search of the system for just his name would return the record relating to this incident but it would also return several other unrelated matters. Had more information been obtained by PS [REDACTED] and included on the crime report it would have allowed more comprehensive and usable information to have been placed on PND.
159. The impact of this is that when ex-PC Couzens came to be vetted for his role at the MPS it is likely this record would either not have been found and assessed or would not have been considered relevant as ex-PC Couzens was not registered as a suspect. The other piece of information which would link this incident to ex-PC Couzens would have been his vehicle registration but this car was sold in 2015 and not in his possession in 2018 at the time vetting checks would have been carried out.
160. Ex-PC Couzens' vetting for the MPS was not part of this investigation but the MPS have given a public statement that one particular check was not carried out when ex-PC Couzens was vetted. It is believed this was a check of PND.

> Learning

161. Throughout the investigation, the IOPC has considered learning with regard to the matters under investigation. The type of learning identified can include improving practice, updating policy or making changes to training.

The IOPC can make two types of learning recommendations under the Police Reform Act 2002 (PRA):

- Section 10(1)(e) recommendations – these are made at any stage of the investigation. There is no requirement under the Police Reform Act for the appropriate authority to provide a formal response to these recommendations.
- Paragraph 28A recommendations – made at the end of the investigation, which do require a formal response. These recommendations and any responses to them are published on the recommendations section of the IOPC website.

162. Potential learning to be considered by the decision maker

I have identified the following areas of potential learning for the attention of the decision maker, to inform any recommendations they may wish to make:

1. Kent Police should develop an aide memoire or guidance document for officers conducting “volume” or low level criminal investigations to follow. This should provide a non-exhaustive list of enquiries which should be considered in these matters in line with the APP guidance on managing investigations.
2. Kent Police should consider amending the Control Room Guidance for Sexual Offences and Call Gradings to include a requirement for staff to record the name and details of witnesses to an incident during an initial call if that information is available.
3. Due to the nature of indecent exposure being a sexual offence which potentially leads to further serious offending, Kent Police should consider whether all indecent exposure investigations should be handled by specialist investigation teams (CID) rather than being handled by police officers who are not detectives and have not been trained in investigations.

> Next steps

163. The decision maker will now set out their provisional opinion on the investigation outcomes. The decision maker will record these on a separate opinion document.
164. The decision maker will also identify whether a paragraph 28ZA recommendation (remedy) or referral to the Reflective Practice Review Process (RPRP) is appropriate.

> Criminal offences

165. On receipt of my report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related.
166. If they decide that there is such an indication, they must decide whether it is appropriate to refer the matter to the CPS.
167. If this was a criminal investigation into a recordable offence and the decision maker is of the view, on or after 1 December 2020, there is no indication or it is not appropriate to refer the matter to the CPS, the Victims' Right to Review may apply. If so, the decision maker's decision will be provisional and any victim, as defined by the Victim's Code, will be entitled to request a review of that provisional decision.

Further information on the availability of the VRR is available here:

https://policeconduct.gov.uk/sites/default/files/Documents/appeal_forms/IO_PC_victims_right_to_review_policy.pdf

> Summary for publication

168. The following summaries are of the incident and our investigation. If the decision is made to publish the case on the IOPC website, this text will be used for that purpose. This text is included in the investigation report so that the AA can provide their representations regarding redactions.

[REDACTED]	[REDACTED]
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
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Conduct matter

Operation Mondego

Investigation into how Kent Police dealt with a report of indecent exposure on 9 June 2015.

- > Independent investigation report
- > Appendices

> Appendix 1: The role of the IOPC

The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

> The investigation

At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the CPS and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation is also subject to a quality review process.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation.

> Investigation reports

Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will reach a provisional opinion on the following:

- a) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer;
- b) whether or not disciplinary proceedings should be brought against any such person and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour);
- c) whether the performance of any person to whose conduct the investigation related is unsatisfactory and whether or not performance proceedings should be brought against any such person; and
- d) whether or not any matter which was the subject of the investigation should be referred to be dealt with under the Reflective Practice Review Process (RPRP).

The decision maker will also decide whether to make individual or wider learning recommendations for the police.

> Misconduct proceedings

Having considered any views of the appropriate authority, the decision maker is required to make the final determination and notify the appropriate authority of their determinations, as follows:

- a) whether any person to whose conduct the investigation has related has a case to answer for misconduct or gross misconduct or has no case to answer;
- b) whether the performance of any person to whose conduct the investigation related is unsatisfactory; and

- c) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take.

The decision maker may also make a determination as to any matter dealt with in the report. This may include a decision that a matter amounts to Practice Requiring Improvement (PRI) and as such should be dealt with under the Reflective Practice Review Process (RPRP) or a recommendation under paragraph 28ZA (remedy).

> Unsatisfactory Performance Procedures

UPP is defined as an inability or failure of a police officer to perform the duties of the role or rank the officer is currently undertaking to a satisfactory standard or level.

The decision maker can recommend and, where necessary, direct an appropriate authority to refer an officer to any stage of the Unsatisfactory Performance Procedures (UPP). The appropriate authority must comply with a direction from the decision maker and must ensure proceedings progress to a proper conclusion. The appropriate authority must also keep the decision maker informed of the action it takes in response to a direction concerning performance proceedings.

Practice Requiring Improvement

Practice Requiring Improvement (PRI) is defined as underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service as set out in the policing Code of Ethics.

Where PRI is identified the Reflective Practice Review Process (RPRP) is followed. However, there may be instances where PRI is identified, but for a variety of reasons the RPRP process is not instigated, for example on the grounds of officer wellbeing.

RPRP is not a disciplinary outcome but a formalised process set out in the Police (Conduct) Regulations 2020. It is more appropriate to address one-off issues or instances where there have been limited previous attempts to address emerging concerns around low-level conduct. In some instances it may be appropriate to escalate the matter to formal UPP procedures where there is a reoccurrence of a

performance related issue following the completion of the Reflective Practice Review Process.

The IOPC cannot direct RPRP: it can only require the appropriate authority to determine what action it will take.

Criminal proceedings

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

> Publishing the report

After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.

> Appendix 2: Terms of reference

Terms of Reference

Investigation into how Kent Police dealt with a report of indecent exposure on 9 June 2015.

Investigation Name:	Operation Mondego
Investigation Type:	Independent
Appropriate Authority:	Kent Police
IOPC Reference:	2021/152591
Director General (DG)	Catherine Hall
Delegate (decision maker):	
Lead Investigator:	██████████
Target Range:	3 - 6 months

Summary of events

This summary is presented on the basis of information presently available to the IOPC. The veracity and accuracy of that information will be considered as part of the investigation and will be subject to review.

On 9 June 2015, a member of the public contacted Kent Police to report an incident of indecent exposure which took place on a main road in Dover. The member of public informed the call handler that a male in a red t-shirt had driven past them wearing no clothing on his bottom half and was aroused.

The evidence available to the investigation suggests the registration plate and a description of the suspect vehicle was provided to Kent Police by the informant during this phone call. An appointment was set up in order to take further details from the informant.

On 12 June 2015, an officer made an attempt to speak with the informant but spoke to staff at their address as the informant was not available. The staff suggested that the informant was not “*compus mentus*” and not “*wholly reliable*”.

The crime report was created on 17 June 2015 at 12.40pm. PNC checks were done on the registration plate within 5 minutes which confirmed the registered owner of the vehicle was a Mr Wayne Couzens. The description of the suspect vehicle was confirmed as accurate.

An initial appointment with the informant that was supposed to take place within 24 hours of the initial report, was “*missed*” by the OIC. Images obtained from the Automatic Number Plate Recognition system (ANPR) at 1.48pm confirmed that the suspect vehicle was in the area at the time in question, but the driver was wearing a blue/grey t-shirt.

At 10.44pm the informant told the OIC they were not sure what the suspect was wearing, was embarrassed, and declined any further involvement.

The OIC then filed the investigation for closure as “*Evidential Difficulties Victim Based-Suspect Not Identified*”. He also confirmed no face to face contact was made with the informant. There was no indication any further actions were completed and the crime report was closed at 11.02pm.

Terms of Reference

1. To investigate:
 - a) The decisions made and actions taken by Kent Police and the OIC in relation to the report of indecent exposure and whether they followed all reasonable lines of enquiry before marking it for closure.
 - b) Whether the actions of Kent Police and the OIC were in line with any local or national policies, procedures, or legislation.
2. To investigate whether there was any indication any officer or the OIC knew PC Wayne Couzens or was aware the suspect of the indecent exposure investigation had previously been a special constable with Kent Police.
3. To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP). On receipt of the final report, the decision maker shall determine whether the report should be sent to the DPP.
4. To enable an assessment as to whether any subject of the investigation has a case to answer for misconduct or gross misconduct or no case to answer.

5. To consider and report on whether there may be organisational learning, including:
 - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
 - whether the incident highlights any good practice that should be shared.

The decision maker responsible for oversight of this investigation is Catherine Hall, Operations Manager. The decision maker has approved these terms of reference. At the end of the investigation they will decide whether or not the report should be submitted to the Director of Public Prosecutions. They will also consider the Appropriate Authority's views on the content of the report, before making a final determination.

These terms of reference were approved on 23 June 2021.
