

**Molly–Mae Wotherspoon
Investigation into the intelligence held
by Northamptonshire Police relating to
a dangerous dog prior to the death of
Molly-Mae Wotherspoon.**

Independent Investigation
Final Report

IPCC Reference: 2014/040061

Contents

Introduction	3
Terms of reference	3
Subjects to the investigation.....	4
Chronological summary of events	4
Interviews with subjects.....	7
Policy within Northamptonshire Police.....	9
Standards of Professional Behaviour.....	10
Conclusions.....	11

Introduction

1. On 13 January 2014, a Northamptonshire Police Service (NPS) Dog Legislation Officer (DLO) created a Force Intelligence System (FIS) log. The log stated Claire Riley was the owner of an aggressive dog suspected to be a 'pit bull' terrier. Claire Riley being the mother of Molly-Mae Wotherspoon.
2. On Friday 03 October 2014, NPS received a report from Susan Aucott that Molly-Mae her grand-daughter had been attacked by one of the family dogs at home. Molly-Mae died from her injuries that evening – Molly-Mae was six months old. The dog responsible was confirmed to be an American Pit Bull, a prohibited breed in the United Kingdom under the Dangerous Dogs Act 1991.
3. Subsequent enquiries by NPS into the circumstances surrounding Molly-Mae's death indicate that no action was taken in respect of the intelligence log created in January 2014 concerning the dangerous dog.
4. The incident was referred to the IPCC on 10 October 2014 as a Death or Serious Injury incident; mandatory referral incident: the IPCC declared the investigation as Independent.

Terms of reference

5. The terms of reference for the investigation were:
 1. To investigate:
 - a) The circumstances leading to the submission of the Intelligence log on 13 January 2014 and the subsequent actions of officers in response to the intelligence received.
 - b) The handling of the intelligence within the Force Intelligence System and the decisions made on actions to be taken.
 2. To assist in fulfilling the state's investigative obligation arising under the European Convention of Human Rights (ECHR) 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.
 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 Commissioner shall determine whether the report should be sent to the DPP.
 4. To identify whether any subject of the investigation, in the investigator's opinion, has a case to answer for misconduct or gross misconduct, or no case to answer.
 5. To consider and report on whether there is 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 disseminated.
6. These terms of reference were approved by Commissioner Derrick Campbell on 03 November 2014.

Subjects to the investigation

7. The incident was referred to the IPCC as a mandatory referral and during the course of the investigation it became apparent that actions by both PC Paul and PC Hoyle appeared to amount to misconduct in that both potentially failed to be diligent in the exercise of their duties and responsibilities.
8. The investigation considered if the actions of PC Paul and PC Hoyle met the Special Requirements Test. This is to consider if the persons to whose conduct the investigation relates may have behaved in a manner which would justify the bringing of criminal or disciplinary proceedings.
9. Having reviewed and assessed the initial evidence it was decided that special requirements were met.
10. The police officers that were identified as subjects were:
- a. PC 243 Claire Paul
 - b. PC 388 Andrew Hoyle
11. Both officers were served with Regulation 16 Notices for Misconduct on 17 December 2014. The notices stated that the officers had failed to take appropriate action in response to the intelligence received concerning a dangerous dog which was prohibited under the Dangerous Dogs Act 1991.
12. PC Paul was served with a further notice on 15 January 2015 in relation to two intelligence logs that she had potentially failed to action.
13. PC Paul was interviewed under a Misconduct caution on 15 January 2015.
14. PC Hoyle was interviewed under a Misconduct caution on 21 January 2015.

Chronological summary of events

15. The investigation focussed on the intelligence held, and the subsequent actions taken by Northamptonshire Police, in regards to a suspected dangerous dog prior to the death of Molly-Mae Wotherspoon. Its remit was not to investigate the circumstances surrounding the tragic death of Molly-Mae: this is subject to a separate police investigation

16. Molly-Mae lived in Daventry with her mother, Claire Riley, and father. Claire's mother Susan Aucott lived nearby and was the owner of the American Pit-bull type dog called Bruiser.
17. On Saturday January 2014, Claire Riley attended 'Vets 4 Pets' veterinary practice in Northampton with her 18 month old dog called 'Bruiser', which she described as a Staff/ Mastiff cross breed. The Veterinary Surgeon, however, believed that Bruiser was an American Pit-bull type, and therefore a banned dog under the Dangerous Dogs Act 1991.
18. In her statement to the IPCC, the veterinary surgeon stated that due to the violence and aggression shown by Bruiser during his visit, she contacted the local RSPCA Inspector Michelle McNab on Monday 13 January 2014.
19. Such were the veterinary surgeons concerns that she purposely contacted the RSPCA instead of the police as on past occasions she had contacted the police but had believed that they had done nothing. The veterinary surgeon informed Inspector McNab about the pit-bull, that it was extremely aggressive and she had concerns for the children in the same house.
20. The veterinary surgeon also felt that the dog was a danger to the general public. She provided full details of the dog and the owner's name and address.
21. RSPCA Inspector McNab then contacted PC Paul who she knew from previous incidents to be a DLO with Northamptonshire Police, the same day. She informed PC Paul of the referral and concerns regarding Bruiser.
22. PC Paul created a Force Intelligence System (FIS) log on the 13 January 2014. This was a Direct Officers Input (DOI) A DOI is created when an officer inputs intelligence into the force system. This is then held in a queue for an intelligence support officer (ISO) to action and enter as a formal intelligence log.
23. The FIS Log stated:

"This is a report from an RSPCA Inspector (Michelle McNab) has been advised by a vet who treated a suspected pit-bull type on 12-Jan-2014. The dog was owned by Mrs Riley at the above address and was described as aggressive to other dogs and the vet"

"The vet doesn't want it disclosing that this information came from them"

"copy to DLO Andy Hoyle"

Claire Riley's name and address were given as the owner. (Miss Riley being the mother of Molly-Mae Wotherspoon).
24. PC Paul graded the intelligence as of 'low' priority (options are high, medium and low; high is a priority defined as urgency to action, low

- grade is the default position and no immediate urgency to action) and requested PC Hoyle be copied into the information.
25. On 17 January 2014 police staff member, an ISO actioned the DOI at 1.22pm and created a sanitised FIS Log. (a sanitised log is one that is entered onto the system in the required standard format) The FIS log gave Claire Riley's name and address and suggested Ms Riley owned a suspected pit-bull type dog which was believed to have been treated by a vet and that it was aggressive to other dogs and the vet.
 26. The note read that it was forwarded to PC Andy Hoyle. Immediately after creating the FIS log, the police staff member emailed PC Hoyle asking him to access the intelligence log for his information stating the reference number. The police staff member did not raise a formal action as PC Paul had not requested this be done; therefore there was no flagging or follow up created.
 27. The grading of low meant high and medium logs would be actioned first. The police staff member confirmed this as the reason for the four day delay before it was inputted onto the system.
 28. On 03 October 2014 Molly-Mae Wotherspoon the daughter of Claire Riley was attacked and killed at her home address by the family American Pit Bull dog, Bruiser, whilst her grandmother, Susan Aucott, the dog owner, was babysitting.
 29. The dog was destroyed at the address later the same night by a colleague of the veterinary surgeon from Vets 4 Pets, whilst in the company of the RSPCA Inspector McNab. On 06 October 2014 a post mortem confirmed that Bruiser was an American Pit-bull Dog. The post mortem is conducted by a person trained and accredited to conduct the examination to determine the breed of dog.
 30. Northamptonshire Police commenced a criminal investigation into the death of Molly-Mae and a Gold Group was established to review how the Force responds to intelligence / incidents reported that relate to Dangerous Dogs. Police enquiries uncovered the FIS Log that had been created in January concerning the same pit-bull dog, Bruiser. It appeared at that stage that no action was taken in respect of the intelligence received.
 31. On 10 October 2014 Northamptonshire Police then made a mandatory referral of a Death or Serious Injury (DSI) Incident to the IPCC The investigation was declared Independent.
 32. The investigation commenced by the IPCC has established that PC Paul took no further action concerning the information she was given by RSPCA Inspector McNab; failing to raise an action for the dog to be visited, and that no further checks took place. Despite an email sent to PC Hoyle enquiries have revealed that he did not action the email or check the intelligence log; no action was taken in respect of this log.
 33. A NPS audit trail confirms that the email was received into PC Hoyle's email outlook at 13.24 on 17 January 2015. It cannot be ascertained if

this was ever opened or read but it can be ascertained that it appears that it was not forwarded to anyone else. A reverse audit (verification audit) corroborates these findings and confirms that the audit system was working correctly.

34. On 17 December 2014 both officers were served with Regulation 16 Notices for misconduct; their actions being deemed to fall below the Standards of Professional Behaviour expected by a police officer.
35. After identifying the intelligence log subject of the IPCC referral Northamptonshire Police audited their Intelligence System. This was done in order to review if other intelligence had been received in relation to other dangerous or out of control dogs that had not been actioned appropriately. Their audit highlighted approximately 400 reports involving dogs. Each log was individually checked and risk assessed.
36. The IPCC reviewed these reports to identify any that involved PC Paul or PC Hoyle. These were checked to verify if they had been appropriately actioned. Two intelligence logs were identified where intelligence had been received and an email forwarded for the attention of PC Paul. According to the intelligence system these reports were not actioned by PC Paul.
37. On 15 January 2015 PC Paul was served with a second Regulation 16 Notice for misconduct in relation to these two logs.
38. On 15 January PC Paul was formally interviewed under caution.
39. On 21 January PC Hoyle was formally interviewed under caution.

Interviews with subjects

Interview with PC Paul

40. PC Paul had been undertaking the role of Wildlife and Rural Crime Officer since 2009. In 2013 another officer was assigned to the rural crime team and they became responsible for incidents involving travellers with PC Paul taking responsibility for dog incidents due to her training.
41. PC Paul was now based at the Fire Rescue and Service Unit with her Line Manager being the Head of Community Prevention & Protection Department. This had followed an amalgamation of both police and fire service personnel.
42. PC Paul stated that she volunteered for the opportunity to attend a DLO course in March 2012 and attended this with PC Hoyle.
43. PC Paul stated that the DLO role was predominantly for advice and guidance and that this had been reinforced and instilled into her by her Line Manager; at the time.
44. She described how she had previous contact with the RSPCA Inspector McNab and spoke with her on a regular basis generally by phone.

This is also confirmed by RSPCA Inspector McNab who stated that she would normally contact either PC Paul or PC Hoyle directly on their mobile phones.

45. In her Interview PC Paul could not recollect being contacted directly by Inspector McNab and believed that she had received the intelligence via the internal police system (Storm) and had then phoned Inspector McNab herself.
46. Subsequent checks from the police professional standards department confirm that there was no Storm entry and therefore it would suggest that she was contacted directly by mobile as would be normal practice by Inspector McNab – this is corroborated by the statements and other occurrences on the day referenced also as below.
47. In her Interview PC Paul stated that she was not aware of the grading system and therefore would always grade inputs as low (*the default grade*). She accepted however that there would have been training on the system at some time but she was unable to confirm when, but felt that it would have been about the time she joined the police, approximately 11 years ago.
48. When interviewed she stated that sometimes officers from Community Safety Teams would be copied in to certain logs for them to attend when they were in the vicinity and report back accordingly.
49. PC Paul stated that she would normally liaise with PC Hoyle around any dog related intelligence and agree an action from it, for example whether to pass it to the Safe Community Team (SCT), or to action themselves.
50. Much of the role was to engage with the SCT who would carry out the visits, and report back to PC Paul. Then, if appropriate the SCT would obtain a warrant and seize the dog, or that responsibility would fall upon PC Paul should the SCT be unable to resource this.
51. PC Paul described in interview her normal follow up methods of calendar entry, email flags and post it notes and was known for doing this.
52. She cannot, however, offer an explanation as to why this did not happen on this occasion. She accepts that she would have made notes and always had a notepad by her phone, but she would not have kept this as the office was moving away from paper copy.
53. PC Paul accepted that she did not action the log and could not provide any explanation for this.
54. PC Paul confirmed that with respect to the second Regulation 16 notice both cases had in fact been actioned.
55. The first incident had been sent to an email address of 'Wildlife Unit', which was confirmed as a non existent email address. The correct email address was to 'Rural Crime'
56. However, PC Paul had already visited the incident address which had been brought to her attention from a Child Protection referral, following a

Social Services visit and report, and therefore the matter was already under investigation.

57. PC Paul provided an email audit trail to confirm that the second incident had also been actioned with a visit from the Safer Community Team (SCT). It appeared that the resultant outcome had not yet been inputted onto the intelligence system.

Interview with PC Hoyle

58. PC Hoyle stated that he had been working within the Wellingborough Safe Community Team for a number of years predominantly involved with neighbourhood and domestic issues. Prior to this he had held a number of different roles within his 20 years police service. He had been seconded to the post of Full Time DLO since October 2014.
59. He volunteered to attend the DLO course in March 2012 as an additional role to his duties as he had previous experience with dogs having previously worked as a dog handler for seven years.
60. PC Hoyle stated that the DLO role was predominantly for advice and guidance for any dog related incident. Within that role he delivered lectures, organised educational road shows and could be called as an expert witness for any related inquiry.
61. He did mention that at times it was more 'hands on' with involvement with seizing dogs and other different actions.
62. PC Hoyle stated that he had no recollection of the email sent to him by the police staff member at the request of PC Paul. PC Hoyle was shown a copy of the email and he said that he believed from reading it to be for information and not as a task allocation. However, he was adamant that he had never seen the email before.
63. PC Hoyle stated that he received a lot of emails and deleted a lot as they were not relevant.
64. PC Hoyle stated that although he and PC Paul had regular contact and discussions he had no recollection of a conversation concerning this email.
65. He stated that as there was not a dedicated specific Job Role and Job Description, he had written a report with recommendations relating to a proper policy and procedure for dog related incidents in Northamptonshire. This was as a result of liaison with other DLOs in other forces who already had policy and procedures in place.

Policy within Northamptonshire Police

66. Enquiries undertaken during the investigation revealed that at the time of the incident involving Molly-Mae, Northamptonshire Police, did not have any specific policies or procedures in place for dealing with reports and incidents or intelligence received concerning dangerous / out of control

- dogs although they did have a policy on the destruction of dogs.
67. The DLOs did not have a nominated line manager accountable for the DLO role or a job description in place outlining the DLO's role and responsibilities.
 68. New Dangerous Dog legislation was implemented from 20 October 2014.
 69. PC Hoyle undertook a 6 month secondment to the Community Safety Team in 2013 and within that role was asked to provide a report on how legislation would impact on workload and current practices, to look at dog incident statistics and to offer recommendations and options.
 70. This was sent to his (then) Line Manager, for information and then approved by another manager within the community safety team who on its completion submitted it to CI Fay Tennet, Head of Community Safety in July 2013. Subsequent discussions took place with input from CI Tennet, both DLO's, the Deputy Head of Community Safety, and the chief inspector.
 71. CI Tennet left Community Safety in 2014 to take on a new role but prior to this had forwarded the report to Detective Chief Superintendent her line manager at the time.
 72. In his statement the Detective Chief Superintendent makes it clear that he reviewed the options given within the report and decided that the status quo should remain until the impact of new legislation became clear. He also sets out his expectations of all officers in that all officers have the core skills and competencies to deal with any incident. He makes the point that they have the ability to liaise with specialists for specific purposes, for example, DLO's. From other interviews and other statements it is clear that there was a general working practice in dealing with such incidents albeit unwritten.
 73. This was also reiterated by CI Hillery author of the Operation Jasmine report, which reviewed operational policy and procedures relating to dangerous dogs and determined subsequent actions following the death of Molly-Mae.

Standards of Professional Behaviour

74. Standards of Professional Behaviour – Duties and Responsibilities Section 1.45 to 1.49 – this section sets out a number of expectations for Police Officers in the exercise of their duties and responsibilities including due diligence and neglecting of duties.
75. Public confidence in the police is crucial in a system that rests on the principle of policing by consent. Public confidence in the police depends on police officers demonstrating the highest level of personal and professional standards of behaviour. The standards reflect the expectations that the police service and the public have of how police officers should behave.

76. The standards of professional behaviour also reflect relevant principles enshrined in the European Convention on Human Rights and the Council of Europe Code of Police Ethics. They apply to police officers of all ranks from Chief Constable to Constable, Special Constables and to those subject to suspension.

Conclusions

77. The DLO role undertaken by PC Paul and PC Hoyle was a voluntary one in addition to their usual roles and it is clear from interviews that although ad-hoc they had created their own way of working in dealing with dog incidents dependent on the nature of them. It is also clear that they had attended DLO training courses and from this it was their understanding that the role was predominantly advisory
78. In interview both PC Paul and PC Hoyle talked about what they would do operationally, what would be standard practice and how they had utilised best practice from other forces in what they were doing.
79. PC Paul described in interview her normal administrative methods of follow up and confirmed that these would have been a prompt to generate a meeting with PC Hoyle.
80. Although she believes that she would have had a conversation with PC Hoyle there is no evidence that this happened and is not corroborated in the interview of PC Hoyle.
81. In her interview PC Paul refers to the normal practice of having a discussion with PC Hoyle to agree what they were going to do, for example to visit the address or request someone to visit the address on their behalf.
82. PC Hoyle stated that he had no knowledge of the email and therefore no knowledge of the intelligence. This is corroborated by the audit trail, which confirms that the email was delivered, but cannot confirm that it was read. Therefore it is possible that PC Hoyle inadvertently deleted the email without reading it or if he read it, he stated that he had no recollection of the intelligence.
83. The audit trail simply records that the email was received into PC Hoyle's email inbox
84. The investigation is satisfied, on the balance of probabilities, that PC Hoyle was not aware of the intelligence log, and therefore, there cannot be any expectation on him to deal with it.
85. It is recommended that there is no case to answer in respect of PC Hoyle.
86. PC Paul however was a specific recipient of intelligence. The fact that it came from the RSPCA Inspector and therefore a credible source should have been enough to necessitate a high grading, and follow up action on the inputted FIS log. The grading on the DOI should then have alerted

the ISO to action without delay.

87. Even if it is accepted that she did not fully understand the intelligence system and therefore graded the DOI as low, her own system of follow up and the onus of responsibility of receiving this information warranted her further action.
88. PC Paul had an obligation as a police officer to action the intelligence that she received. This obligation would apply to any police officer. The fact that PC Paul was a DLO demonstrates that she would have been aware of the potential impact of the incident reported. The additional training that she had received for her role would have identified in very clear terms the risks that dogs of this type can present.
89. This investigation is satisfied that on the balance of probabilities, PC Paul, should have done more to action the intelligence that she had received.
90. PC Paul's inability to follow up and act upon this intelligence demonstrates that on the balance of probabilities she failed to take appropriate action to ensure an incident log was raised and that further enquiries were made in connection with this. This investigation recommends that there is a case to answer for PC Paul for misconduct.
91. In respect of the further notice served on PC Paul on 15 January 2015 in relation to two intelligence logs that she had failed to action PC Paul provided evidence that one of the logs had been dealt with and that the second log was sent to a 'Wildlife Unit' which does not exist and therefore there is no evidence to show that PC Paul would have received this log. However it was evidenced that PC Paul had received information relating to this log from another source and had subsequently visited the address and taken appropriate action. Therefore it is recommended that there is no case to answer in respect of this further notice for PC Paul.

Organisational Learning

92. In terms of organisational learning it is noted that much has changed, both since the original log was inputted onto the system, and since the death of Molly-Mae. An outcome from the Gold Group was that a new policy - Northamptonshire Police Response Plan & Guidance Document – Dangerous Dogs was effective from 03 December 2014.
93. The primary purpose of the policy document is to ensure that any response by Northamptonshire Police to a report of a dangerous dog is carried out in line with the force priorities of identifying and protecting, the vulnerable, reducing violent crime and increasing resolution rates and ensures that the response is lawful, reasonable, proportionate and necessary.
94. The secondary purpose of the document is to provide clear guidance

around what a response should look like relating to any report of a suspected dangerous dog based on the circumstances presented during the initial report/identification of the incident, to provide a response plan flexible enough to cover all incidents and to provide guidance around consideration of all aspects.

95. The new Force Intelligence System created in February 2014 now required an input relating from a specific action and this system was now managed by supervisors. A colour coded flagging system (red, amber, green, with the latter meaning that the action was complete) would monitor the progress of any action.
96. On the basis of this together with effective changes in force intelligence inputting procedures, and force logging defaults it is accepted that any recommendations that would have been made relating to organisational learning have already been instigated.

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