

DMPC Decision – PCD 1492

Title: Request for authorisation to make an interim payment in connection with the settlement of a claim against the Metropolitan Police Service (MPS)

Executive Summary:

The Deputy Mayor for Policing and Crime (DMPC) is asked to agree Directorate of Legal Services (DLS) request to fund the claimant’s rehabilitation for the reasons identified in the exempt report.

There is an open and exempt report as some of the information relates to data protection, is commercially sensitive and is legal professional privileged.

Recommendation:

The Deputy Mayor for Policing and Crime (DMPC) is asked to approve the settlement of a claim for Misfeasance in Public Office and Articles 2, 3, and 8 ECHR against the MPS, as set out in the part 2 report.

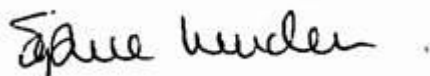
The Deputy Mayor for Policing and Crime has the discretion to authorise the settlement of a civil claim where it would be conducive to the maintenance of an efficient and effective police force.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date

21/07/2023

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

1. The claimant a 34-year-old black male brings a claim for assault, negligence and for breach of the Human Rights Act 1998 (Articles 3, 8 and 14 of the European Convention of Human Rights (ECHR)). The Article 14 ECHR claim is based on the proposition that the officers discriminated against the claimant in the way they dealt with him because he was a black male.
2. The claim arises out of an incident that took place on the morning of the 4 May 2020 when an officer from the TSG tasered the claimant as he was on a wall attempting to escape from police officers. The claimant fell approximately six feet causing him to suffer permanent life changing injuries to his legs and spine.

2. Financial Comments

- 2.1. The cost of any settlement, if agreed, would be met from the centrally held MPS third party claims provision budget.

3. Legal Comments

- 3.1. MOPAC has the power to pay any sum required in connection with the settlement for any claim made against the Commissioner under Section 88 of the Police Act 1996.
- 3.2. Pursuant to the MOPAC Scheme of Delegation dated October 2016, DMPC must authorise settlements above £50,000.00, or those claims that are otherwise high profile or sensitive, according to the criteria set out in section 4.10 of the Scheme.
- 3.3. There is an open and exempt report as some of the information relates to data protection, is commercially sensitive and is legal professional privileged

4. GDPR and Data Privacy

- 4.1. The processing of personal data has been minimised as part of this decision and is held within Part 2 of the report.

5. Equality Comments

- 5.1. It is noted that the claimant's claim includes a claim for discrimination brought under Article 14 European Court of Human Rights. On the evidence the Commissioner does not believe that race had an impact in this matter. To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly.

6. Background/supporting papers

6.1. Refer to Part 2 of the report.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date: [Insert date]

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
Financial Advice The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Public Health Approach Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.	✓
Commercial Issues Commercial issues are not applicable	✓
GDPR/Data Privacy <ul style="list-style-type: none"> GDPR compliance issues are covered in the body of the report and the GDPR Project Manager/Data Protection Officer [delete as applicable] has been consulted on the GDPR issues within this report. A DPIA is not required. 	✓
Director/Head of Service The Judith Mullett has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.



Signature

Date 18/07/2023