



SUFFOLK CONSTABULARY

PROFESSIONAL STANDARDS DEPARTMENT

COMPLAINTS REVIEW

1 April to 30 September 2020

OFFICIAL

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Introduction

This report presents figures on complaints relating to Suffolk Constabulary, received during the period, 1 April to 30 September 2020 (Quarter 1 and Quarter 2 of 2020/21). These complaints are made by members of the public in relation to the conduct of those serving in the Force and recorded under Schedule 3 of the Police Reform Act (PRA) 2002.

The Policing and Crime Act 2017 made significant changes to the police complaints system to achieve a more customer-focussed complaints system. From 1 February 2020 Forces are required to log and report complaints about a much wider range of issues including the service provided by the police as an organisation, handled outside of Schedule 3 of the PRA 2002.

Data for this report is extracted from the Professional Standards Department live case management system

Executive Summary

- A total of 226 complaints were received in the reporting period, 1 April to 30 September 2020. Of these complaints, 144 were recorded under Schedule 3 and 82 were logged outside of Schedule 3 of the PRA 2002.

To compare the 144 complaints recorded under Schedule 3, with complaints recorded in the same period in 2019, which was 143, complaints have increased by just 1%. When taking into account all complaints logged outside of Schedule 3 then complaints overall have risen by 58% as a result of the change in recording standards.

- With the increase in complaints, the number of allegations recorded have also risen. The Independent Police Complaints Commission (IOPC) introduced new categories and sub-categories of complaint which came into force with the new Regulations.

This report details the new categories and sub-categories, and the totals recorded on complaints received in the period.

The largest area of complaint has been recorded under the category of Delivery of duties and service. Of the 426 allegations recorded, 170 have been recorded under this category, which is 39.9% of the total.

This category is broken down into 4 sub-categories of:

- A1 Police action following contact (124 allegations – 29.1% of all allegations)
- A2 Decisions (18 allegations – 4.2% of all allegations)
- A3 Information (23 allegations – 5.4% of all allegations)
- A4 General level of service (5 allegations – 1.2% of all allegations)

The top 5 sub-categories of complaint across the Force are:

- A1 Police action following contact (124 allegations – 29.1%)
- H1 – Impolite language/tone (39 allegations – 9.2%)
- H5 – Overbearing or harassing behaviours (30 allegations – 7%)
- H4 – Lack of fairness and impartiality (28 allegations – 6.6%)
- B4 – Use of force (26 allegations – 6.1%)

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- Chapter 6 of the IOPC Statutory Guidance states that complaints should be logged and the complainant contacted 'as soon as possible'. Of the 226 complaints received, 89.4% were logged within 2 working days and 89.2% of complainants were contacted within 10 working days.
- Complaints recorded under Schedule 3 are handled reasonably and proportionately by way of investigation, otherwise than by investigation (responding to concerns raised and seeking to resolve them) or by taking no further action. A total of 82 complaints have been finalised and of those, 14.6% were investigated, 57.3% were otherwise than by investigation and 28% were no further action.
- Complaints handled outside of Schedule 3 will be either resolved or not resolved. Of the 63 complaints finalised, 59 were resolved which is 93.7%. If the complaint handler is unable to resolve the matter the complainant is able to ask for their complaint to be recorded under Schedule 3. The 6.3% of cases which were not resolved resulted in further action taken.
- All allegations which are linked to a police officer or member of police staff will be finalised with an action as a result. Actions can include offering an apology/acknowledging that something went wrong, individual and organisational learning and review of policy/procedures. Details are provided in this report of the actions taken where it was determined that the service provided was acceptable, and where the service provided was not acceptable under Schedule 3, and also complaints resolved outside of Schedule 3.
- The ethnicity of complainant has been recorded on 74% of cases which is an increase from 58% in the same period in 2019.

Of the complainants who have provided their ethnicity:

- 5.6% are BAME male
- 3.9% are BAME female
- 40.9% are White male
- 23.7% are White female

- Of the allegations recorded, 13 have been made alleging discrimination. Of these, 10 have been made under the protected characteristic of race which is 77%. The complainants feel the service they received was not acceptable, or they were treated less favourably, due to their ethnicity or ethnic appearance.
- A total of 313 police officers and members of police staff are named on the complaints recorded. Of the 291 police officers, 3.4% are BAME, 92.4% are White and 4.1% are unknown.
- Learning identified from complaints are detailed within this report and common themes relating to individual learning.

Coronavirus

Coronavirus and the lockdown measures have impacted policing significantly since March of this year.

Areas of policing which may ordinarily generate some complaints have not taken place since March such as sporting and other large-scale events. There has also been a limited night time economy with restrictions placed on hospitality.

The IOPC created a national factor to be applied to complaint allegations to measure the number of complaints made about the use of police powers on the restrictions, police powers on infected persons and coronavirus other (where the use of the powers are not the issue, but the coronavirus has still impacted the incident in some way).

A total of 26 complaint allegations, recorded on 23 complaint cases between 1 April and 30 September 2020 have been linked to coronavirus.

- 5 are linked to police powers on the restrictions
- 21 have been recorded under coronavirus other

Of the complaints recorded, 60% of the have been recorded as Schedule 3 and the remaining 40% have been handled outside of Schedule 3.

Allegations recorded under police powers relate to the action taken by officers when engaging with complainants around the restrictions, believing the actions were unlawful, made the complainant feel victimised or were heavy handed.

Over half the complaints recorded relate to the wearing of PPE, social distancing, the complainant felt officers put them at risk or were dissatisfied that officers were not tested

Complaints in relation to a failure of police to exercise their powers have been made in 3 of the cases.

In 2 of the complaints, the complainant makes allegations against off duty officers and a failure to comply with guidelines/restrictions.

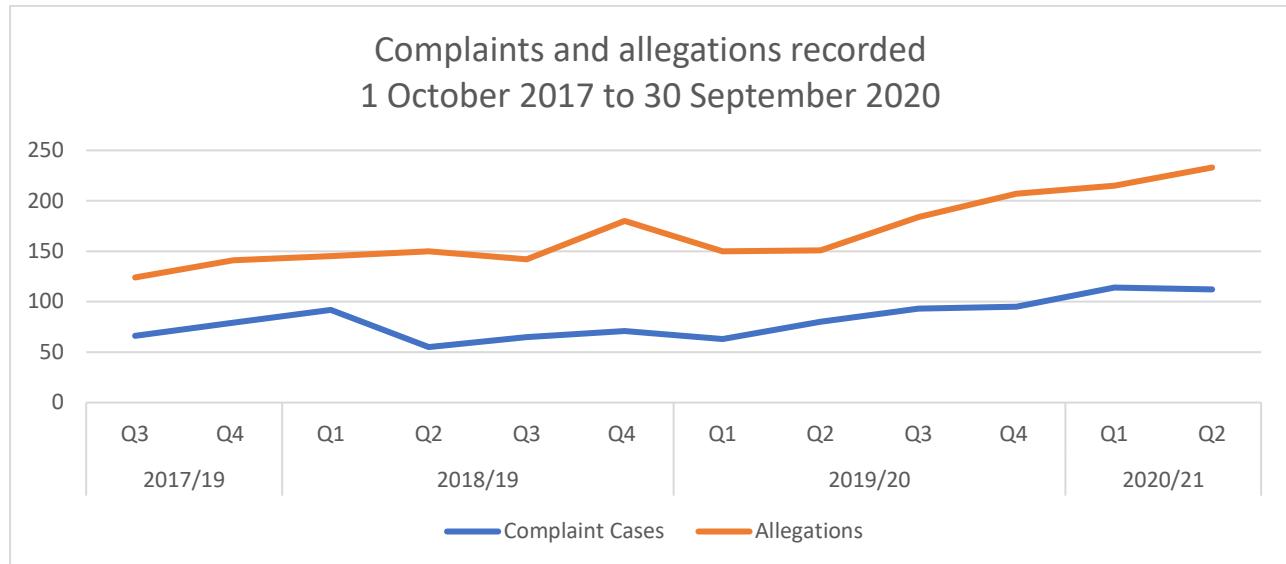
All complaints handled outside of Schedule 3 have been successfully resolved.

Of the complaints recorded under Schedule 3, almost half are still live, with the remaining cases either being finalised as the service provided was acceptable or there being no further action taken.

The service provided was not acceptable in one case where officers had attended an address to conduct a search. The complainant was dissatisfied that officers did not wear masks. Mask were not mandatory at the time and the complaint handler accepted the complainant's observations and apologised if it had caused unnecessary distress.

Complaint Cases

(Chart 1): The below chart shows all complaint cases received and since 1 February 2020 either recorded under Schedule 3 of the PRA 2002 or logged outside of Schedule 3 together with the number of allegations recorded quarterly over the last three years:



(Table 1): The table below shows quarterly the number of complaints and allegations¹ recorded.

<u>Year</u>	<u>Quarter</u>	<u>Schedule 3 complaints recorded</u>	<u>Outside Schedule 3 complaints recorded</u>	<u>Allegations Recorded</u>
2017/18	Q3	66	N/A	124
	Q4	79	N/A	141
2018/19	Q1	92	N/A	145
	Q2	55	N/A	150
2019/20	Q3	65	N/A	142
	Q4	71	N/A	180
2019/20	Q1	63	N/A	150
	Q2	80	N/A	151
2020/21	Q3	93	N/A	184
	Q4	73	22	207
2020/21	Q1	73	41	215
	Q2	71	41	233

The introduction of new Regulations on 1 February 2020 requires Forces to log complaints received which are suitable for handling outside of Schedule 3 and the table details if the complaints are under or outside Schedule 3.

One complaint was recorded in the reporting period under the old Regulations due to the complaint being received in the Force prior to 1 February 2020. This is a Schedule 3 complaint.

¹ The number of allegations shown in the table are allegations linked to complaints recorded in the reporting period and also any allegations which are added to complaints recorded prior to the reporting period.

Schedule 3 and outside Schedule 3 complaints

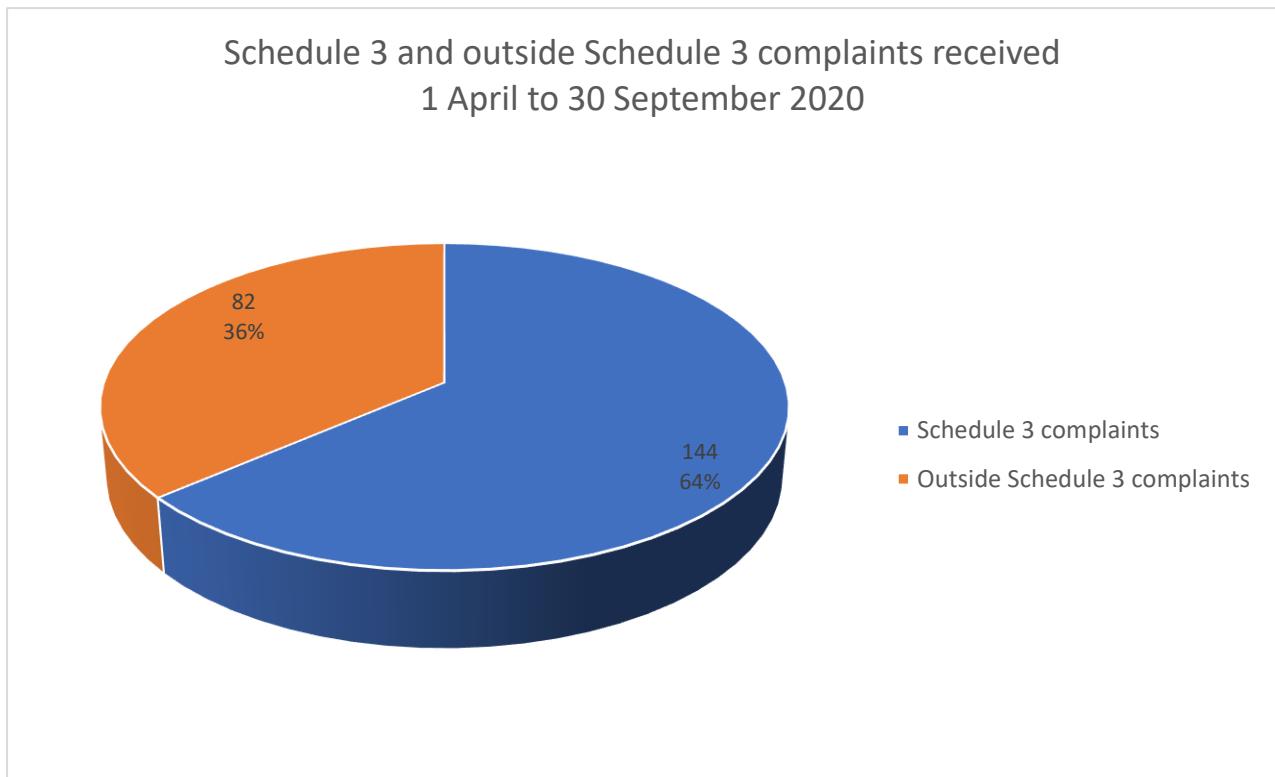
The IOPC Statutory Guidance states:

A complaint must be recorded under Schedule 3 to the *Police Reform Act 2002*, and handled in accordance with the provisions of that Schedule, if at any point the person making the complaint wants it to be recorded. This applies even if previous attempts have been made to handle the complaint outside of the requirements of Schedule 3. Where a complainant's wishes are unclear, reasonable steps should be taken to clarify what they are.

A complaint must also be recorded and handled under Schedule 3 if the chief officer or local policing body (where it is the appropriate authority or it has taken on responsibility for the initial handling of complaints) decides that it is appropriate or if the complaint:

- is an allegation that the conduct or other matter complained of resulted in death or serious injury
- is an allegation that, if proved, might constitute a criminal offence by a person serving with the police or justify the bringing of disciplinary proceedings
- is about conduct or any other matter which, if proved, might have involved the infringement of a person's rights under Articles 2 or 3 of the European Convention on Human Rights or
- meets any of the mandatory referral criteria

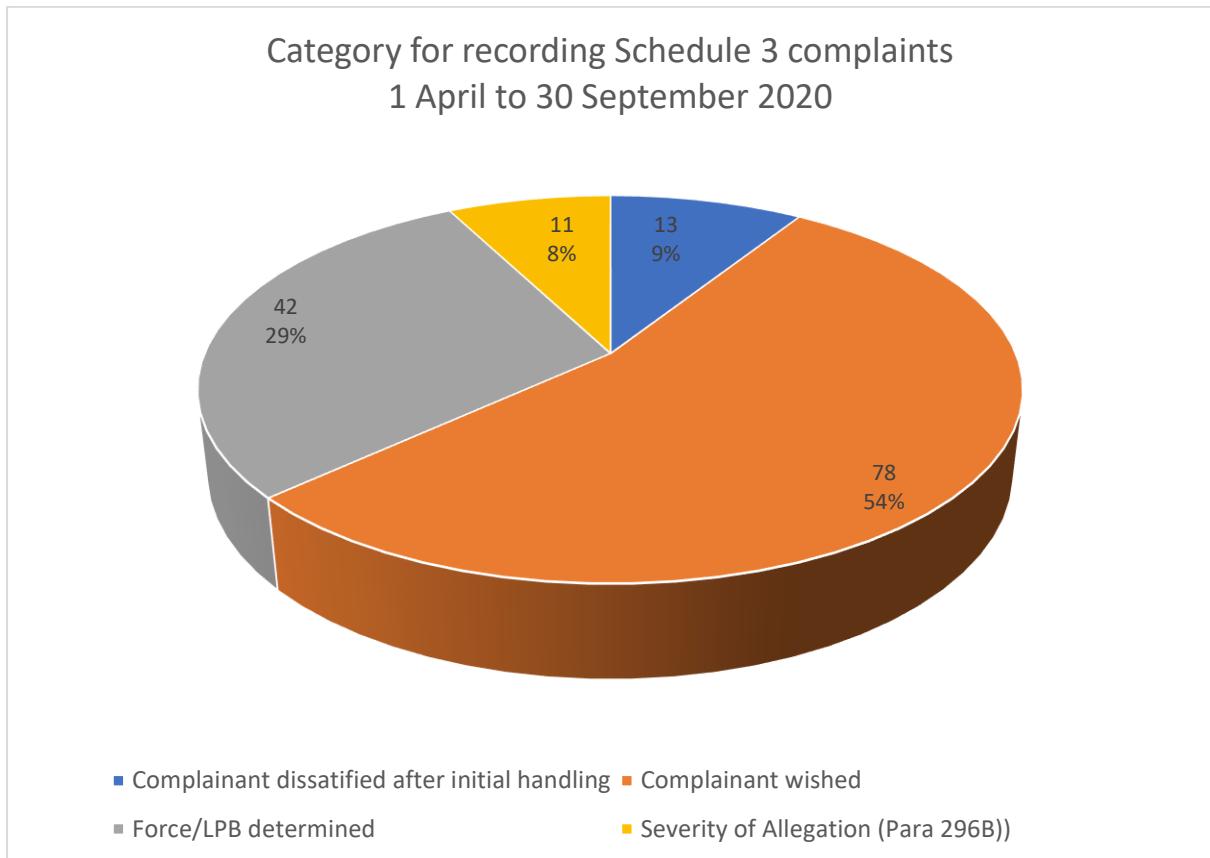
(Chart 2): The pie chart below shows the number and percentage of complaints received and either recorded as Schedule 3 of the Police Reform Act 2002 or logged outside of Schedule 3



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Schedule 3 complaints are recorded under categories to provide context for the reasons the complaints are recorded as such.

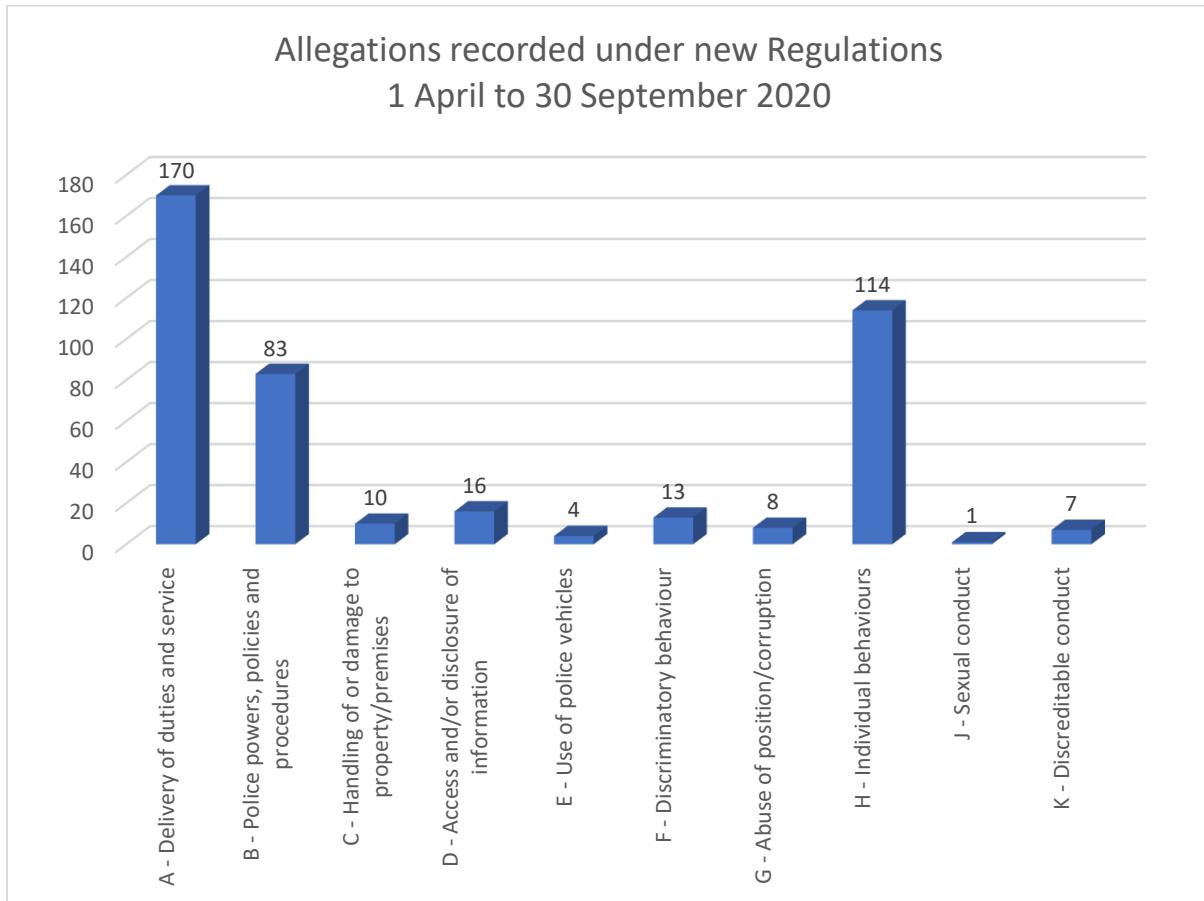
(Chart 3): The pie chart below shows the number and percentage of each of the categories:



Allegations recorded

With the change in Regulations the IOPC devised a new set of 11 categories of complaint.

(Chart 4): The graph below shows the number of allegations recorded under each category on complaint cases received between 1 April and 30 September 2020:



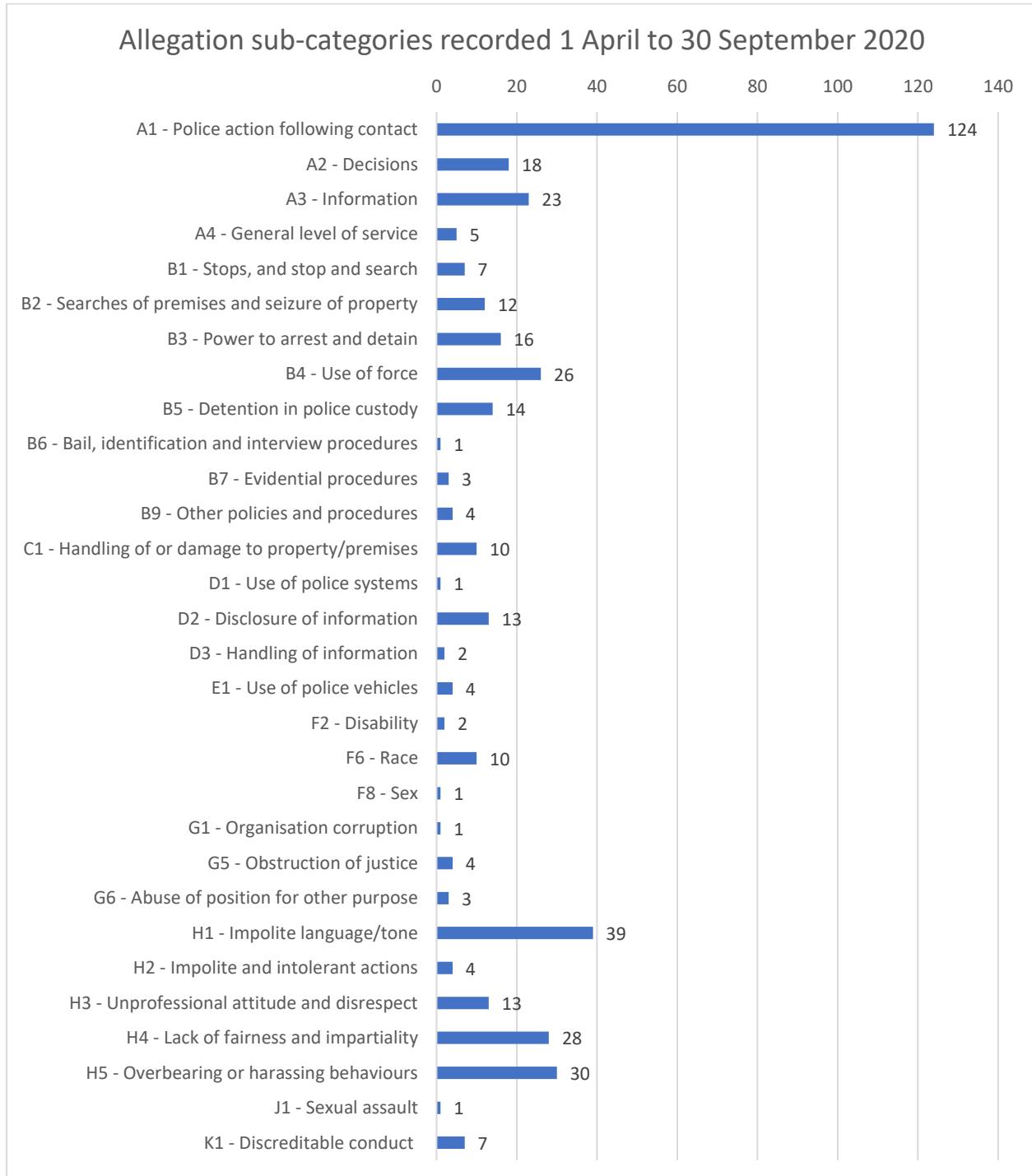
In addition to the above 426 allegations, a further one allegation was recorded on the complaint recorded under old Regulations. This allegation related to Other neglect or failure in duty.

The largest area of complaint has been recorded under the category of Delivery of duties and service. Of the 426 allegations recorded, 170 have been recorded under this category, which is 39.9% of the total.

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When the IOPC devised the complaint categories they created new sub-categories with a view to better understanding the nature of the complaints made.

(Chart 5): The graph below shows the sub-categories of the 426 allegations on complaint cases recorded in the reporting period:



Police action following contact is the largest area of complaint. Of the 426 allegations recorded, 124 have been linked to this sub-category which is 29.1% of the total.

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Of the 124 allegations recorded some of the common themes are detailed as follows:

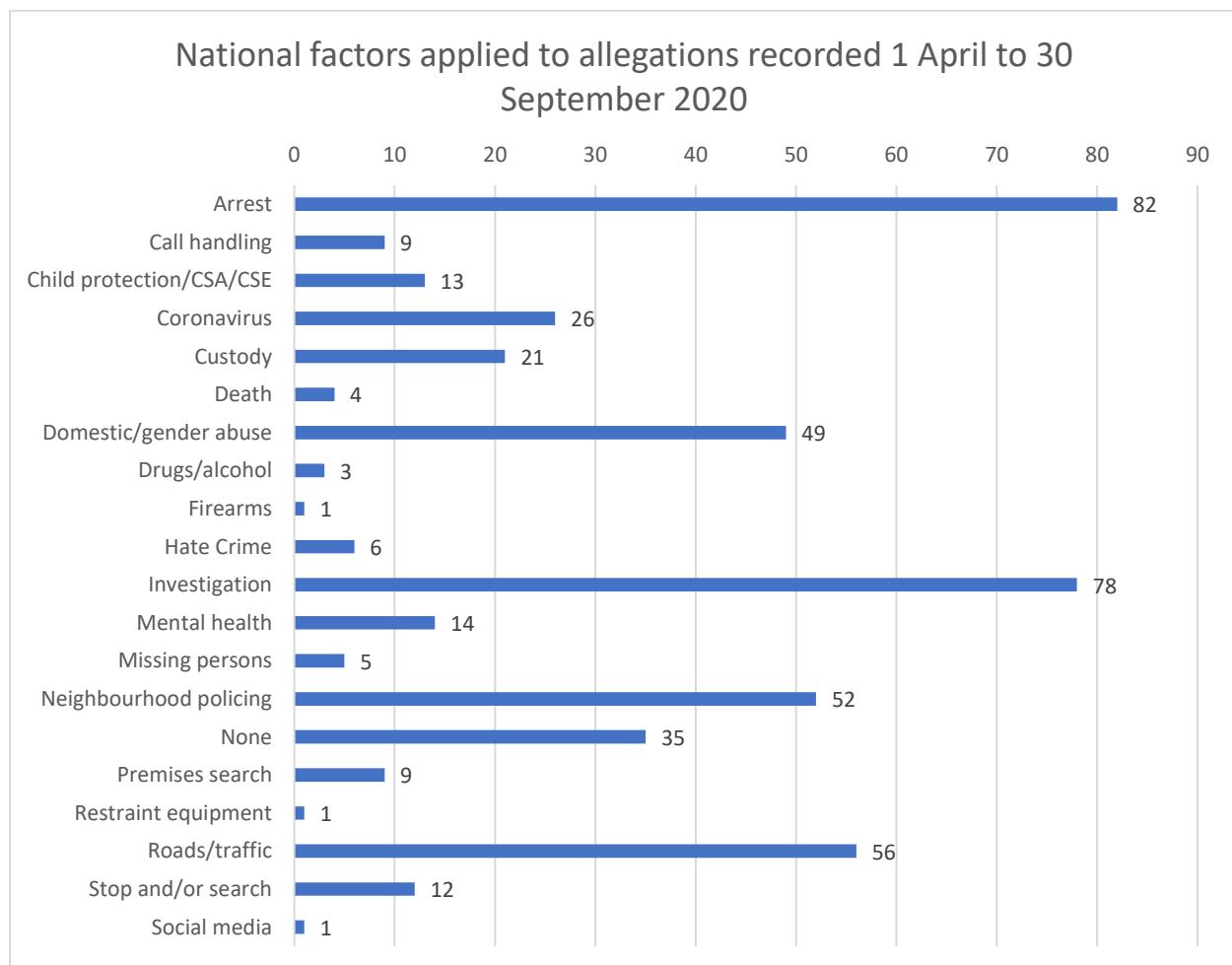
- 20% of the allegations relate to traffic matters (road traffic collisions and traffic offences) in relation to the investigation and outcome
- 14.5% are linked to domestic/gender abuse investigations and half of the allegations relate to a failure to investigate, failure to secure evidence, complainants are dissatisfied with the police response and the conclusion/outcome of the investigation.
- 9.7% of allegations relate to neighbour disputes and complaints that officers have not investigated

Approximately one third of the allegations relate to a failure to investigate, 20% of allegations relate to a failure to secure/or ask for evidence and 13% are linked to a failure to update the complainant.

National and local factors

Every allegation recorded has a national and local factor applied to it. The purpose of the factors is to capture the situational context of the dissatisfaction. Multiple factors, both national and local, can be applied to each individual allegation.

The chart below shows the national factors applied to the 426 allegations recorded in the reporting period:



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The most frequently used national factor is Arrest which has been applied to 82 allegations and is 19.2% of all allegations recorded.

Where the national factor of Arrest is applied to the allegations:

- 19.5% are in relation to unlawful/unnecessary arrest
- 17% relate to use of excessive force
- 9.8% relate to the investigation (failure to investigate, record a crime, failure to secure and/or ask for evidence, update and time taken)
- 8.5% are in relation to the property seized (dissatisfied with items being taken or failure to return property)

Of the 78 allegations recorded which the national factor of Investigation has been applied:

- 23.1% relate to a failure to investigate
- 19.2% allege failure to secure and/or ask for evidence
- 15.4% are dissatisfied with the conclusion/outcome of investigation
- 14% relate to a failure to provide an update
- 9% are made alleging a failure to record the crime
- 6.4% are dissatisfied with the time taken to investigate

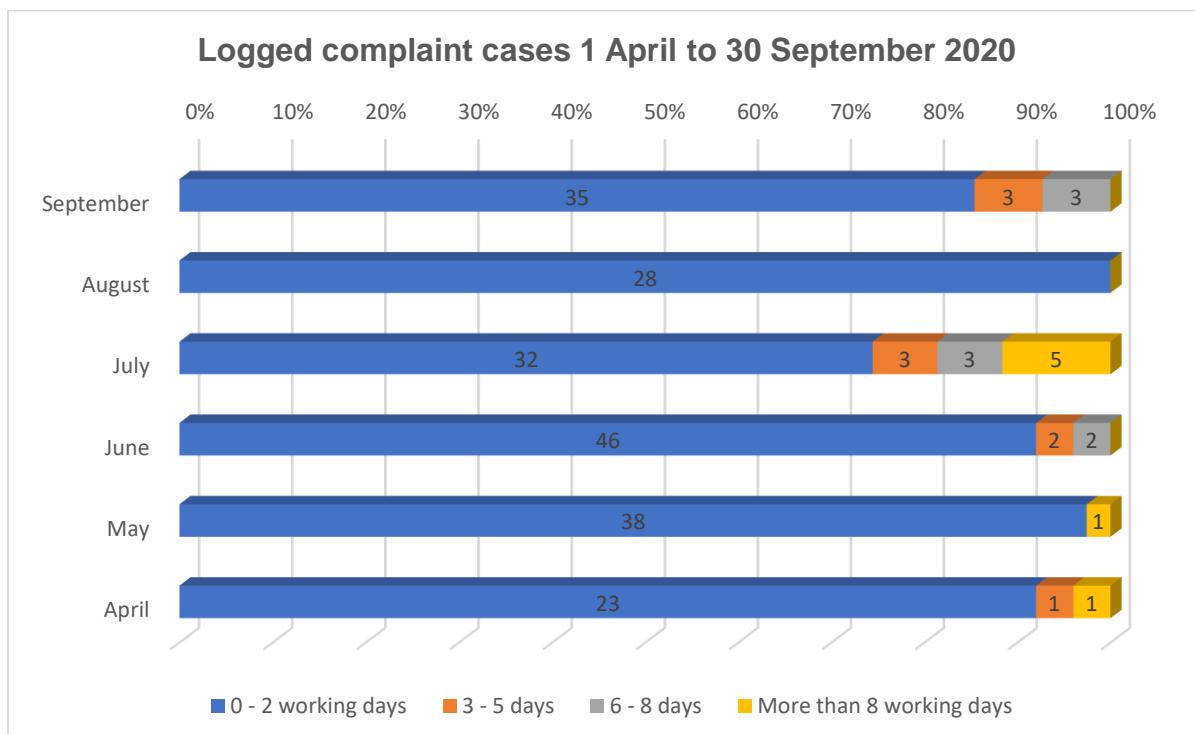
Timeliness

The length of time taken to log the complaints in Professional Standards and the time taken to make initial contact with the complainant are both measured.

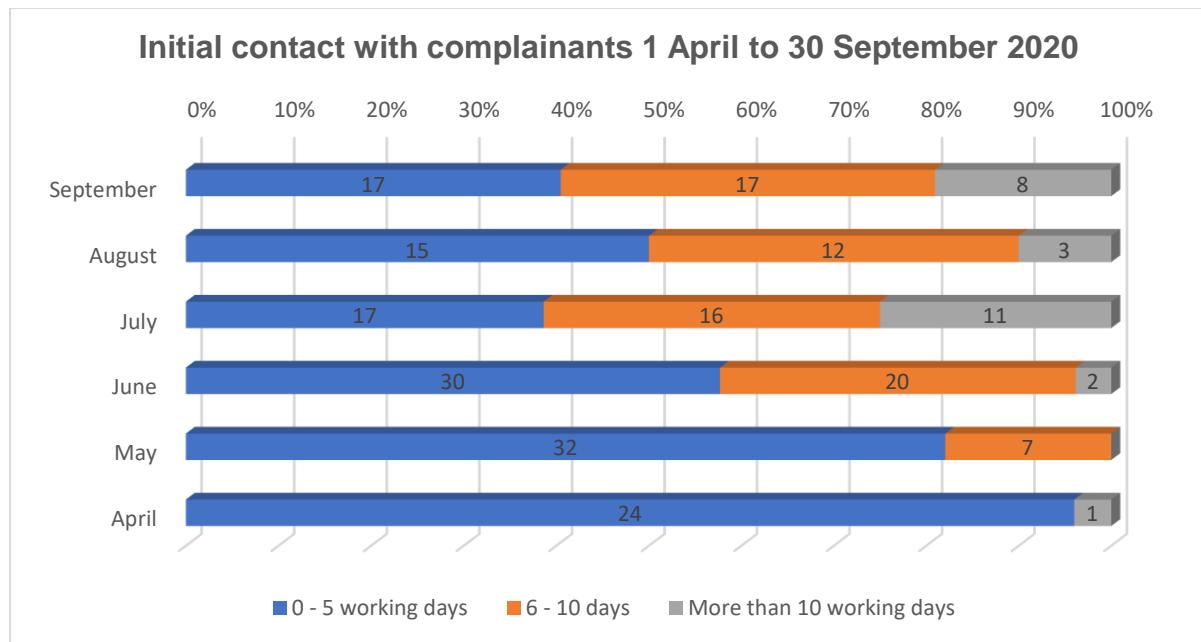
(Table 2): The table below details the percentage of cases against the number of working days:

<u>Measure</u>	<u>1 April to 30 September 2020</u>
% of cases logged within 2 working days	89.4%
% of cases logged within 3-5 working days	4%
% of cases logged within 6-8 working days	3.5%
% of cases logged in more than 8 working days	3.1%
% of complainants contacted within 5 working days	58.2%
% of complainants contacted within 6-10 working days	31%
% of complainants contacted in more than 10 working days	10.8%

(Chart 6): The chart below shows the monthly breakdown of logged complaints



Chapter 6 of the IOPC Statutory Guidance states that complaints should be logged and the complainant contacted 'as soon as possible'. Of the 226 complaints received, 89.4% were logged within 2 working days and 89.2% of complainants were contacted within 10 working days.



Some dissatisfaction, which does not meet the criteria for recording a complaint under Schedule 3 of the PRA 2002, may be resolved quickly to the satisfaction of the complainant. There is no requirement to log these expressions of dissatisfaction as police complaints.

Other expressions of dissatisfaction must be logged, provided they meet the following criteria:

- the person making the complaint must be eligible to make a complaint
- the complainant wants the matter formally recorded.

In these circumstances the case is logged on the PSD case management system awaiting assessment.

As part of the assessment, the case handler may contact the complainant to discuss their concerns and determine how best to manage. If it is possible to resolve the complaint during this interaction the case is recorded as being managed outside Schedule 3. If the case handler is unable to resolve, or it is immediately obvious that the complaint is one that must be recorded and handled under Schedule 3, the complaint can be recorded before contacting the complainant.

Following assessment, a recording letter is generated and if no prior contact has been made with the complainant, this is determined under IOPC guidance to be the first contact.

This explains the number of days which are recorded for the period between logging and making contact with the complainant.

Ideally contact should be made on receipt of the complaint, but this is not always possible. We aim to log and make contact within 1-10 days. Under the old Regulations, the requirement was to record within 10 days and communicate a recording decision within a further 5 days.

Complaint and allegation outcomes (Schedule 3)

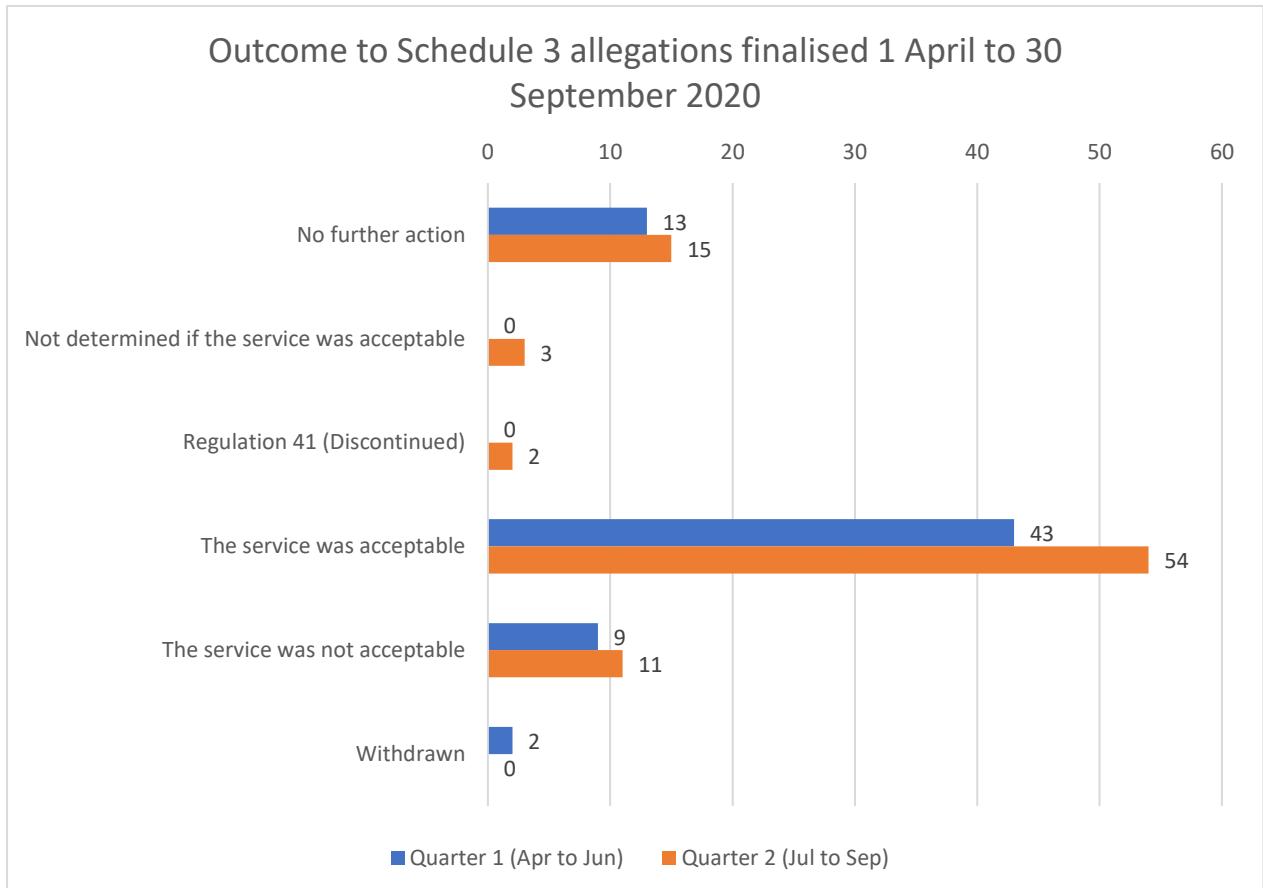
Under new Regulations, Schedule 3 complaints will either be investigated, resolved otherwise than by investigation (responding to concerns raised and seeking to resolve them) or determined that no further action will be taken.

(Table 3): The table below shows the way in which Schedule 3 complaint cases have been handled within the reporting period:

<u>Year</u>	<u>Quarter</u>	<u>Investigation</u>	<u>Otherwise than by investigation</u>	<u>No Further Action</u>
2020/21	Q1	4	20	9
	Q2	8	27	14

Every complaint contains a minimum of one allegation. The 82 Schedule 3 complaint cases finalised in the reporting period contained a total of 152 allegations

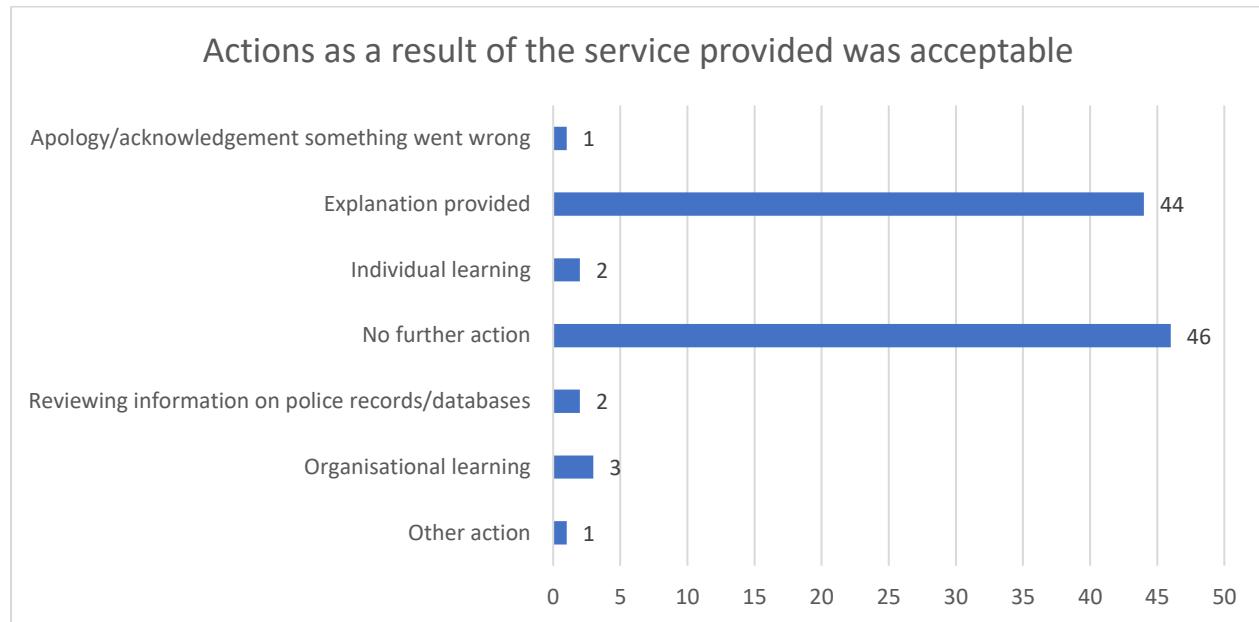
(Chart 7:) The chart below details the outcomes to the allegations finalised under Schedule 3 complaints for the reporting period:



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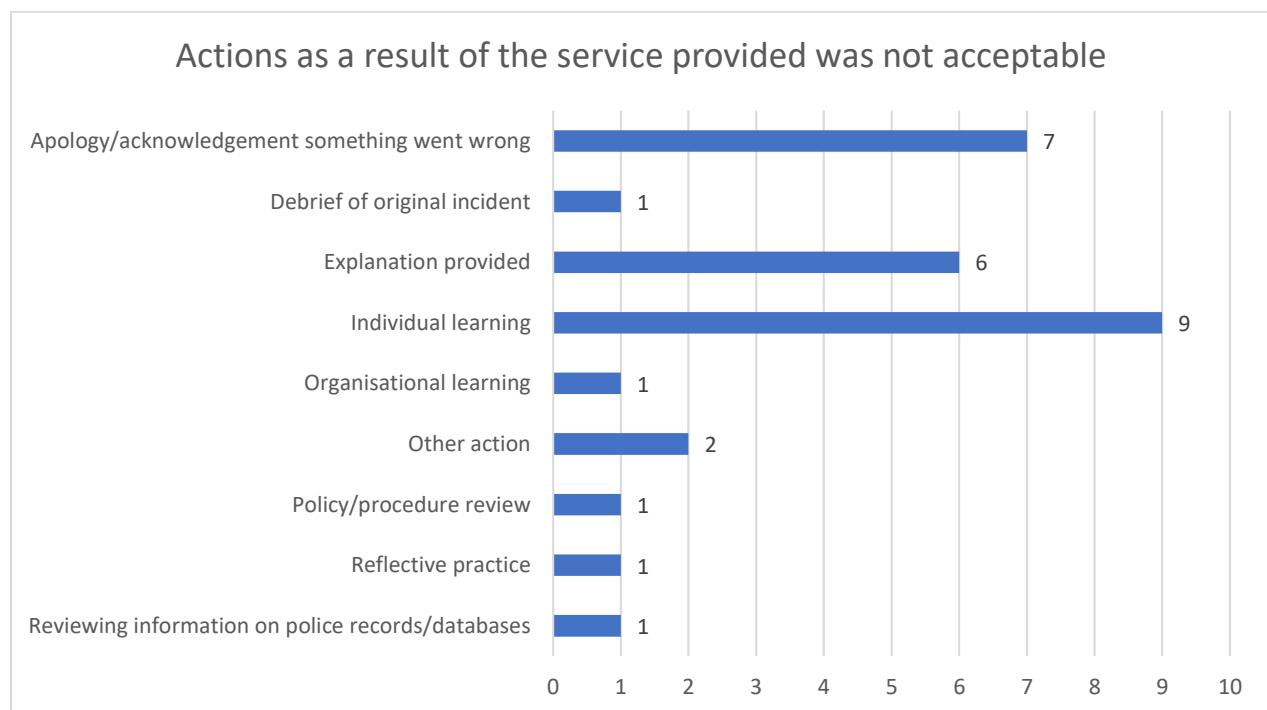
Allegations resulted under the new Regulations now show an action taken to resolve the matter.

(Chart 8): The graph below shows the actions which have resulted from the 97 allegations where it was found that the service provided was acceptable:



In the majority of cases no further action was taken. This was closely followed by providing an explanation to the complainant. Even though the service provided was acceptable, some allegations have resulted in an apology, learning or a review of information held.

(Chart 9): The 20 allegations where it was determined that the service provided was not acceptable have resulted in the following actions:



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Cases handled under Schedule 3 took on average 62 working days to finalise from the date the complaint was recorded to the date closed on the case management system which includes the 28-day review period.

Reflective practice

The Reflective Practice Review Process (RPRP) encourages officers to reflect and learn from any mistakes or errors and was introduced to increase the emphasis on finding solutions, rather than focussing on a punitive approach. It is not a disciplinary process or a disciplinary outcome.

One complaint case resulted in a determination that RPRP was suitable for two officers in relation to how a traffic incident had been dealt with. Individual learning was identified concerning how to take better control of incidents in future.

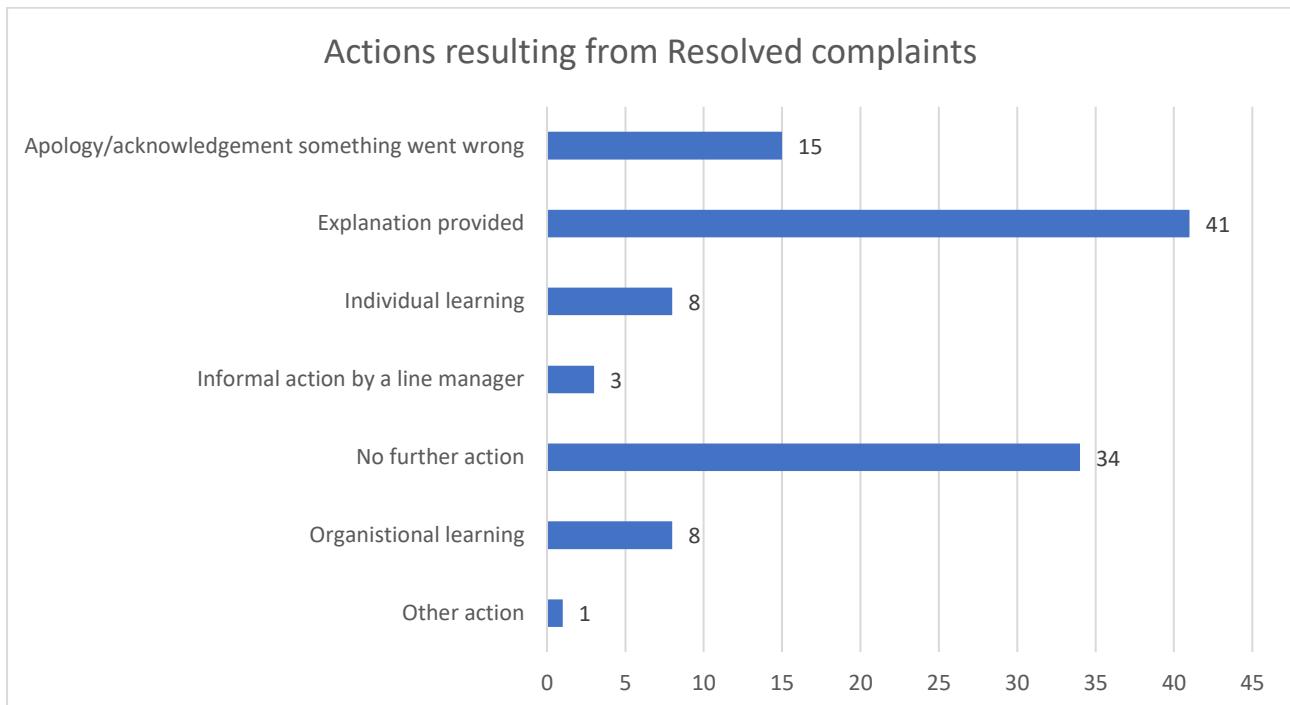
Complaint and allegation outcomes (Outside Schedule 3)

Cases dealt with outside of Schedule 3 of the PRA 2002 are handled with a view to resolving them to the complainant's satisfaction. It allows complaints to be addressed promptly and, in many cases, complainant's may only want an explanation or for their concerns to be noted.

(Table 4): A total of 63 complaint cases were handled outside of Schedule 3 in the reporting period and the table below details the outcomes to those cases:

<u>Year</u>	<u>Quarter</u>	<u>Resolved</u>	<u>Not resolved</u>	<u>Not resolved – No further action</u>
2020/21	Q1	27	0	1
	Q2	32	0	3

(Chart 10): The graph below shows the actions resulting from the 100 allegations recorded on the 59 complaints which were resolved:



An explanation was provided for 41% of allegations and an apology/acknowledgement something went wrong was given in 15%.

In a third of allegations, no further action was taken.

Again, as in complaints which are recorded under Schedule 3, Organisation and Individual learning was identified and, in some cases, informal action by a line manager was taken.

In the 4 complaint cases which were not resolved, no further action was taken. The complaint handler provided an explanation to the complainant in one case and one complaint was withdrawn by the complainant.

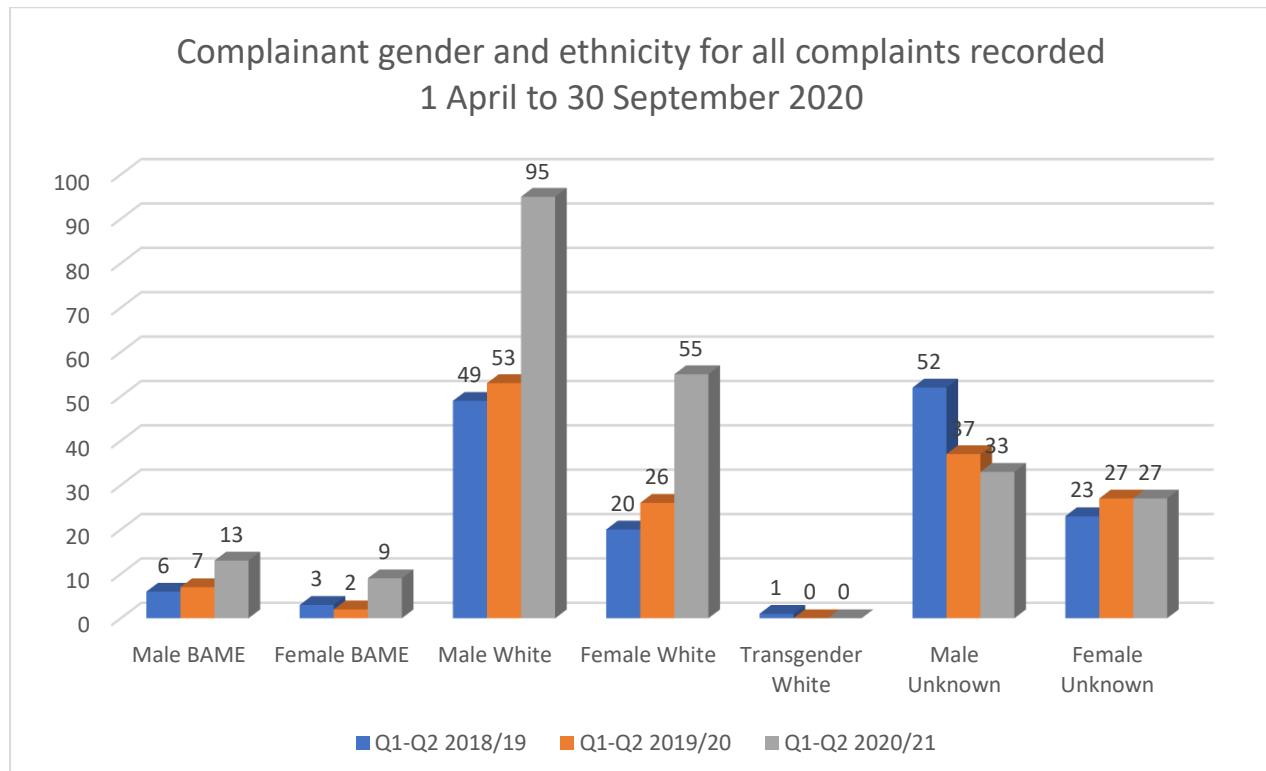
Cases handled outside of Schedule 3 took on average 26 working days to finalise from the date the complaint was recorded to the date closed on the case management system.

Complainant demographic

In the reporting period, 1 April to 30 September 2020, 226 complaint cases were received. A total of 232 individual complainants are recorded as having made the complaints and where known, details of the complainant's gender and ethnicity are recorded.

There is no requirement for complainants to provide their ethnicity when making a complaint and of the complaints recorded in the reporting period the complainant's ethnicity has been recorded on 74% of cases. This is an increase from 58% of complainants providing their ethnicity the previous year and 51% in the same period in 2018.

(Chart 11): The graph below shows the gender and ethnicity of those making complaints, in comparison with the same periods in 2019 and 2018:



Complaints made by Black, Asian and Minority Ethnic

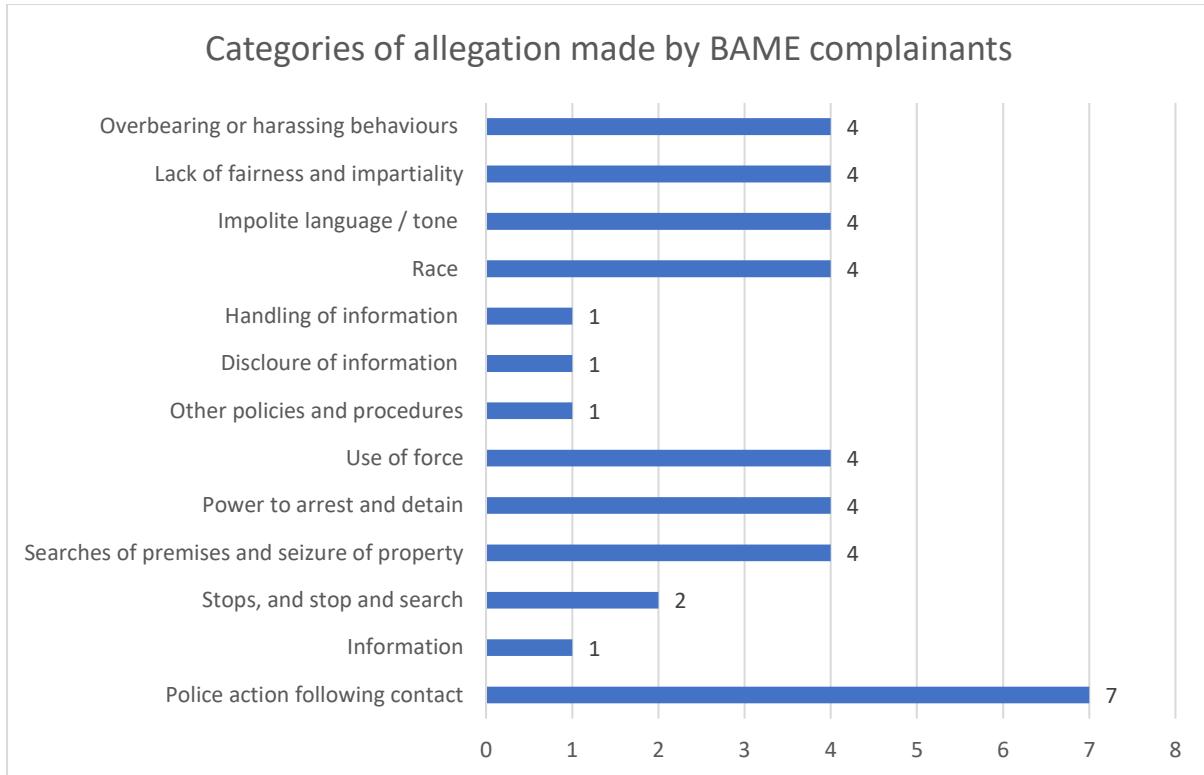
Of the 232 complainants recorded on the cases, 22 have advised PSD they are Black, Asian and Minority Ethnic (BAME). This is 9.5% of all the complainants recorded.

This compares to 9 BAME complainants in the same period in 2019, which was 5.9% of the 152 complainants recorded and in 2018, 9 BAME complainants were also recorded which was 5.8% of the 154 complainants.

The percentage of BAME complainants has increased over the 3-year period and the percentage of complainants providing their ethnicity data has also increased.

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(Chart 12): The 22 complainants from BAME backgrounds have made 41 separate complaint allegations in the reporting period and these are broken down into the following categories:



Examples of some of the allegations recorded between 1 April and 30 September 2020 under the categories are detailed as follows:

- **Police action following contact** – the complainant states officers have failed to deal with the reported incidents
- **Searches of premises and seizure of property** – the complainant states mobile phones were seized which they believe was unlawful
- **Power to arrest and detain** – the complainant believes the timing and circumstances of their arrest were inappropriate due to their health conditions
- **Use of force** – following a traffic stop the complainant was placed in handcuffs which they believed to be aggressive and for no reason
- **Race** – the complainant reported the theft of their mobile phone and assault but feels they have been treated differently because of their ethnicity
- **Impolite language/tone** – following neighbour issues the complainant contacted police and the officer disconnected the call after they had called the complainant rude
- **Lack of fairness and impartiality** – when officers attended the complainant's home address they did not listen to their version of events and took the side of the other party.

- **Overbearing or harassing behaviours** – the complainant states officers forced them to go to hospital when they did not want to

Discrimination complaints

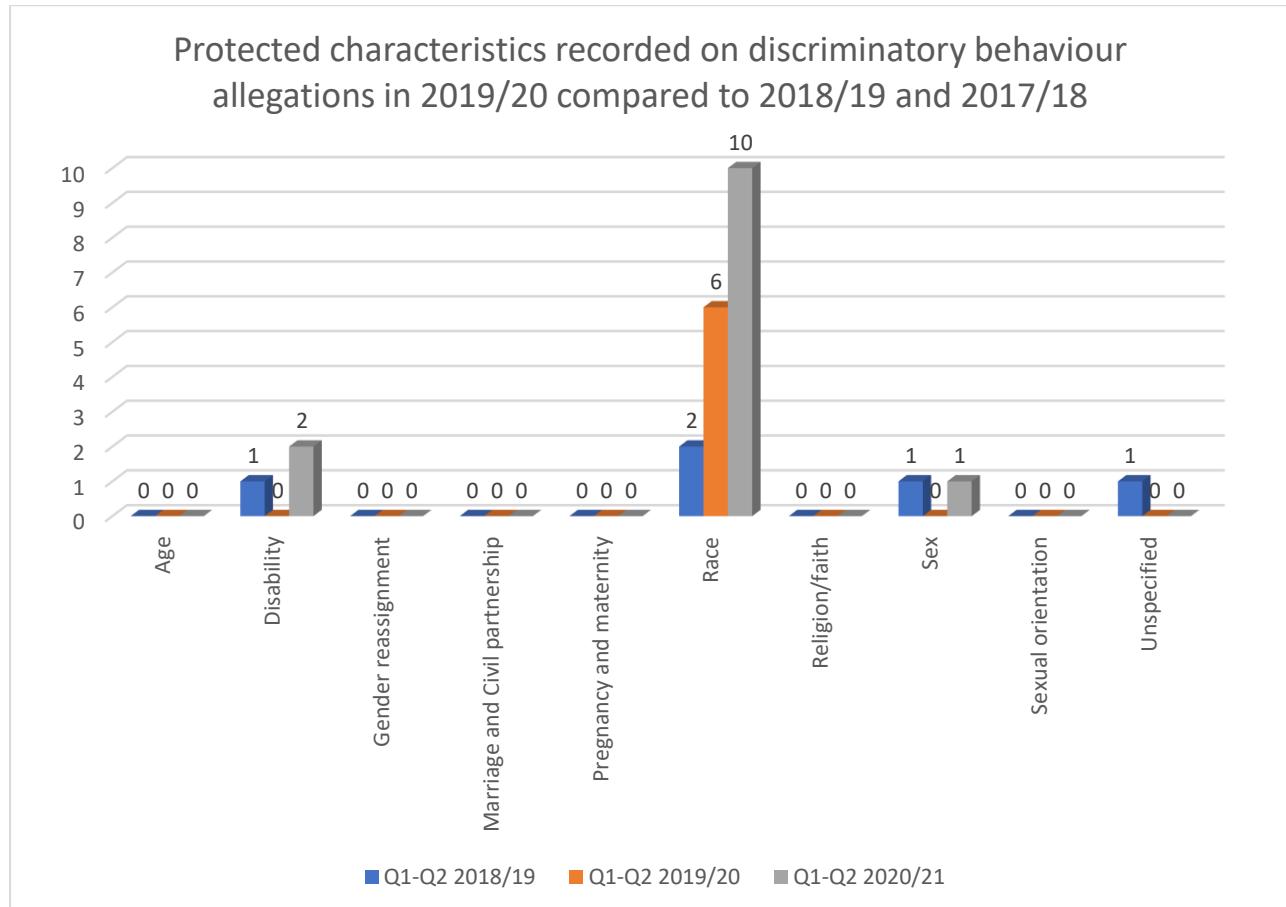
In the reporting period 1 April to 30 September 2020, the Professional Standards Department recorded 426 allegations under new Regulations on complaint cases. Of this total, 13 allegations were recorded alleging discrimination which amounts to 3.1% of the total.

To compare this to the same period in 2019, 6 allegations of discrimination were recorded which is 2.1% of the total 280 allegations linked to complaints recorded.

In the same period in 2018, 5 allegations of discrimination were recorded which is 1.9% of the 268 allegations recorded.

This category of complaint covers all discrimination under the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and other (identifiable groups not protected under the Equality Act 2010).

(Chart 13): The chart below shows the protected characteristics recorded on allegations received in the reporting period, compared to the same period in 2019 and 2018:



The current status of the 13 allegations recorded is as follows:

- 3 resulted as the service provided was acceptable
- 1 withdrawn

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- 9 live investigations

Of the 13 allegations recorded, 10 were made under the protected characteristic of race. Complainant's feel the service they received was not acceptable, or they were treated less favourably, due to their ethnicity.

Four of the complaints relate to the pro-active use of police powers, i.e. traffic stops or stop and search.

Three of the allegations relate to neighbour issues and the complainants believe they were treated less favourably.

The remaining allegations relate to the way the investigation was handled in respect of the standard of the investigation and a failure to update due to their ethnicity or that they have been treated differently.

Allegations of discrimination recorded 1 April to 30 September 2020

1. Police attended an incident at the complainant's address with the Ambulance service and the complainant felt they were not listened to because of their mental health issues – **DISABILITY** (Schedule 3 complaint – the service provided was acceptable)
2. Complainant states officers attended their address due to on-going neighbour issues and believes officers showed their biased racist qualities and watched her neighbour commit criminal damage – **RACE** (Schedule 3 complaint – the service provided was acceptable)
3. Complainant has been reporting problems of harassment, racial abuse and racial hatred by their neighbours and believe they have been treated less favourably than a British person in similar circumstances would be treated – **RACE** (Schedule 3 complaint – withdrawn by the complainant)
4. The complainant received a welfare check at their address from the officer and believe they were treated differently because the officer perceived them to have a range of mental health issues – **DISABILITY** (Schedule 3 complaint – the service provided was acceptable)
5. Complainant and their partner were stopped by officers and feel they were subject to harassment and unacceptable racial profiling, with absolutely no valid explanation provided by the attending officers – **RACE** (Independent investigation by the IOPC)
6. Complainant reported the theft of their mobile phone and assault but feels they have been treated differently because of their ethnicity – **RACE** (Schedule 3 complaint – live)
7. The complainants state their son was stopped and they believe a decision to pursue was only made once it was determined their son was a black male. Their son was genuinely afraid for his life and believe the officers endangered his life – **RACE** (Schedule 3 complaint – live)
8. The complainant has made several reports to the police including sexual assault and is unhappy that the officer is very sexist every time she sees him and says horrible things to her – **SEX** (Schedule 3 complaint – live)
9. The complainant was involved in a road traffic collision and believes they were not updated due to their race – **RACE** (Schedule 3 complaint – live)

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10. The complainant was a passenger in a vehicle when the driver was stopped and searched by officers. They believe police may have been acting in order to meet police targets – **RACE** (Schedule 3 complaint – live)

11. The complainant was involved in an incident on their property resulting in them being hit and injured by a vehicle. The complainant believes that police do not want to deal with the suspect because they do not want to be seen to be targeting an ethnic minority but if the role was reversed they would have been immediately arrested – **RACE** (Schedule 3 complaint – currently sub judice)

12. The complainant feels they have not been treated fairly by the officer dealing with the crime – **RACE** (Schedule 3 complaint – live)

13. When the officer stopped the complainant whilst driving, they state the officer assumed their nationality before checking – **RACE** (Schedule 3 complaint – currently sub judice)

Police officers and staff subject of complaint

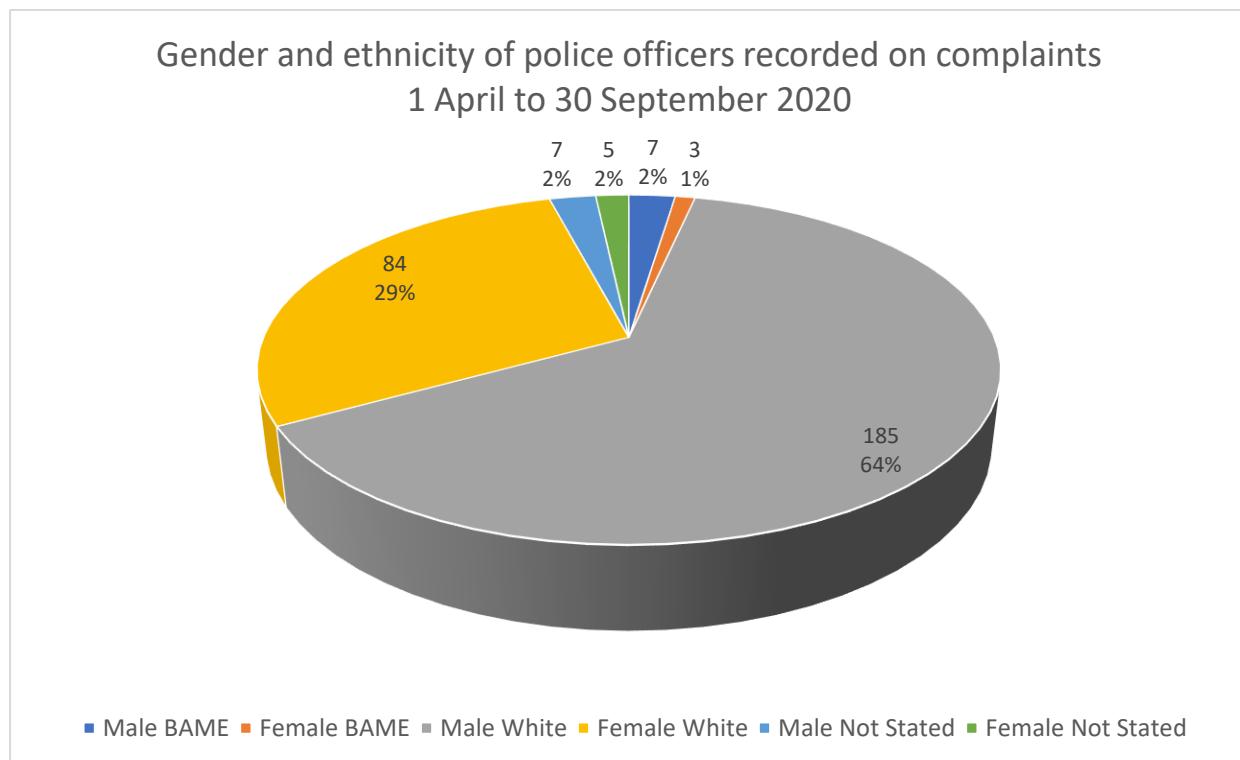
The 226 complaints received in the reporting period have been made against 375 police officers and members of police staff (subjects).

Not all officers and staff are identified at the point the complaint is made as the complainant may not know the details of the person they had contact with.

A total of 313 officers and staff have been named on the 226 complaints received however it is likely that this number will increase during the investigation / resolution of the complaint.

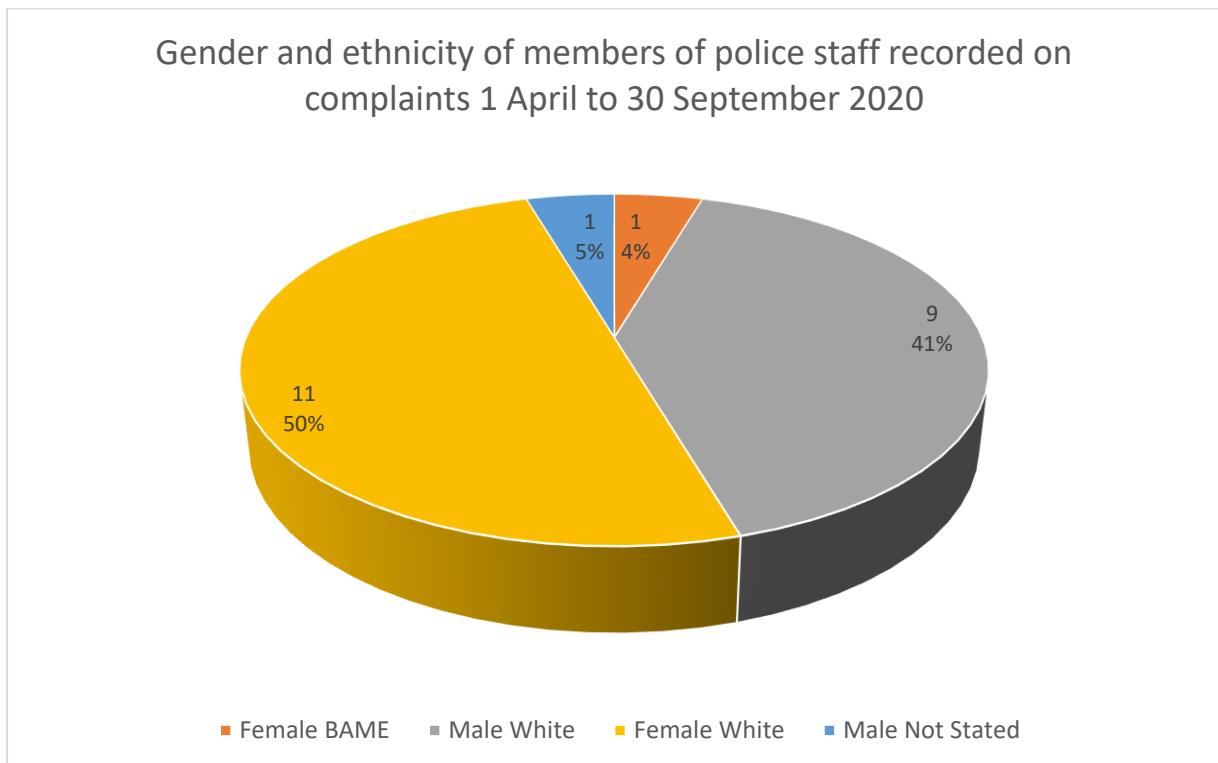
Police officers

(Chart 14): Of the named subjects, 291 are police officers and details of their gender and ethnicity are detailed in the chart below:



Members of police staff

(Chart 15): Of the named subjects, 22 are members of police staff and details of their gender and ethnicity are detailed in the chart below:



Organisational learning

An important part of the complaints process is to identify learning either individually or as an organisation. Learning is also identified through conduct and other matters referred to PSD.

The following examples highlight some of the organisational learning from the reporting period where follow up action has been completed in order to reduce the likelihood of the same problem reoccurring:

- 1) Complainant was an appropriate adult for their child who had been arrested. The complainant's first language was British Sign Language, and felt there were a lack of reasonable adjustments put in place to offer support and raised an issue with the way they were treated in custody. Complaint handler has provided learning to all Custody Sergeants about the importance of ensuring parents are kept fully informed of matter, and ensuring we accommodate to any specific requirement that may be needed.
- 2) Issue raised about the lack of PPE worn by staff in custody, when social distancing could not be maintained. Lesson learned and staff reminded to wear PPE when unable to maintain social distancing. The wearing of a surgical mask became compulsory very early on during the COVID19 pandemic, and continues to this day – with regular refreshed guidance sent out by the COVID Response Team.
- 3) Police forced entry into an address to conduct a legitimately authorised premises search. Attending officers did not conduct basic checks, which would have identified a keyholder who could have allowed access without the need to cause damage. The lesson learned has been circulated via the Learning Times Bulletin and the complainant contacted by the Suffolk Insurance Claims department to discuss a claim against the Constabulary, in recognising our fault.
- 4) Complaint relating to the way a serious injury road traffic collision was handled by the investigating officers, resulting in the statutory time limit barring any prosecution. The lack of checks and balances conducted during the investigation resulted in such a review and a process change to guard against any repetition. Team Leaders and Assistance Team Leader now monitor cases involving significant injury to ensure postal requisitions are raised in time. Case Management officers completing reviews are now required to set a task on the Athena record to act as a reminder to check that the requisition has been raised and court date booked. There will be a further assessment about the way in which injury traffic collisions are dealt with to ensure they are prioritised. Significant process changes have been made in the department and the changes have increased efficiency and reduced staff workloads.
- 5) Complaint raised about the manner in which officers conducted a number of stop searches on the complainant's child. Following investigation, the complaint handler recommended that the officers involved partake in review of the incident with Personal Safety Trainers to identify anything that could have been done differently; following advice provided by the trainers.

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In respect of individual learning the vast majority appear to be standalone incidents involving a single staff member or officer which was adequately dealt with by way of reflection or advice from the individual's line manager. The common theme amongst the individual learning points was around the lack of use of body worn video, managing people's expectations, and the lack of use of COVID PPE by staff. There was a theme of victims and relevant parties receiving insufficient updates during the course of, and at the conclusion of investigations. Where appropriate, these points have been highlighted within the Learning Times monthly bulletin; owing to the common nature of the issues being highlighted on an individual basis. Other minor elements have been successfully resolved by way of the complaint handler recognising the error, and offering an apology to the complainant.

A further theme was highlighted regarding police actions and intervention at neighbour/property boundary disputes. A bespoke message has been added to the November Learning Times bulletin, following discussions with Operational Partnership Team, Safer Neighbourhood Teams, Problem Solving Tactical Advisors and Design Out Crime Officers; to provide front line officers a go-to-guide for advice, and signposting.

Complaint training

Prior to the introduction of the new reforms in February 2020, a number of presentations were delivered to supervisors and senior managers in both counties, to raise awareness. It was anticipated that more bespoke training for those managing complaint cases would be provided following the introduction of the new reforms. COVID-19 and the lock-down has meant that we were unable to go ahead with the training which had been planned.

We have ensured that our Intranet page and communications, including Learning Times has included the most up to date information on the new process and that staff in Complaints Management Unit are available to respond to queries and to offer support and guidance in the management of cases. Since February, some training has been provided, which has included presentations to new supervisors as part of their development, as well as mini masterclasses on complaint handling to individuals and small groups via teams, which has been arranged by local managers.

We are currently working with Learning & Development to produce a bespoke learning package for complaint handling for new supervisors on the Leadership Development Course. This learning module will be mandatory and will also involve a masterclass to be led by the Complaints Manager, including a knowledge check of supervisors understanding of the module content and an opportunity to ask questions. We will also look to develop something similar for Inspectors who will be responsible for managing more complex investigations.

Reviews

Complaints recorded under Schedule 3 of the PRA 2002 from 1 February 2020, allows the complainant to request a review if they remain dissatisfied with the outcome of their complaint.

The request for review is made to either the Independent Office of Police Conduct (IOPC) or the Local Policing Body (Police and Crime Commissioner - PCC). The Relevant Review Body (RRB) will be confirmed to the complainant within the outcome letter provided on completion of the complaint.

IOPC reviews

In the reporting period the IOPC received 5 requests to review the outcome of the complaint. Of those 5 reviews, 3 have been concluded and the outcome of the complaint was reasonable and proportionate in all of the cases.

Local Policing Body (PCC) reviews

Where the relevant review body is the PCC, the Office of the PCC (OPCC) will review the complaint and consider whether the response provided by Suffolk Constabulary appears 'reasonable and proportionate' based on the evidence supplied. The review will also consider whether the outcome of the complaint was reasonable and proportionate and whether there is a need to make any recommendations to Suffolk Constabulary.

In the event that any recommendations are necessary, Suffolk Constabulary must provide a written response to both the complainant and the PCC.

A total of 15 reviews were recorded by the Local Policing Body (PCC) in the reporting period of 01/04/20 – 30/09/20 and all of those have been concluded.

The outcome of the 15 finalised reviews for period 01/04/20 – 30/09/20 are as follows:

- 3 reviews remitted to IOPC as Relevant Review Body;
- 10 not upheld – 1 of these reviews did include observations that required additional action from the Constabulary;
- 1 upheld – No formal recommendations were made because the missing explanation was provided to complainant within the review response;
- 1 review request was withdrawn.

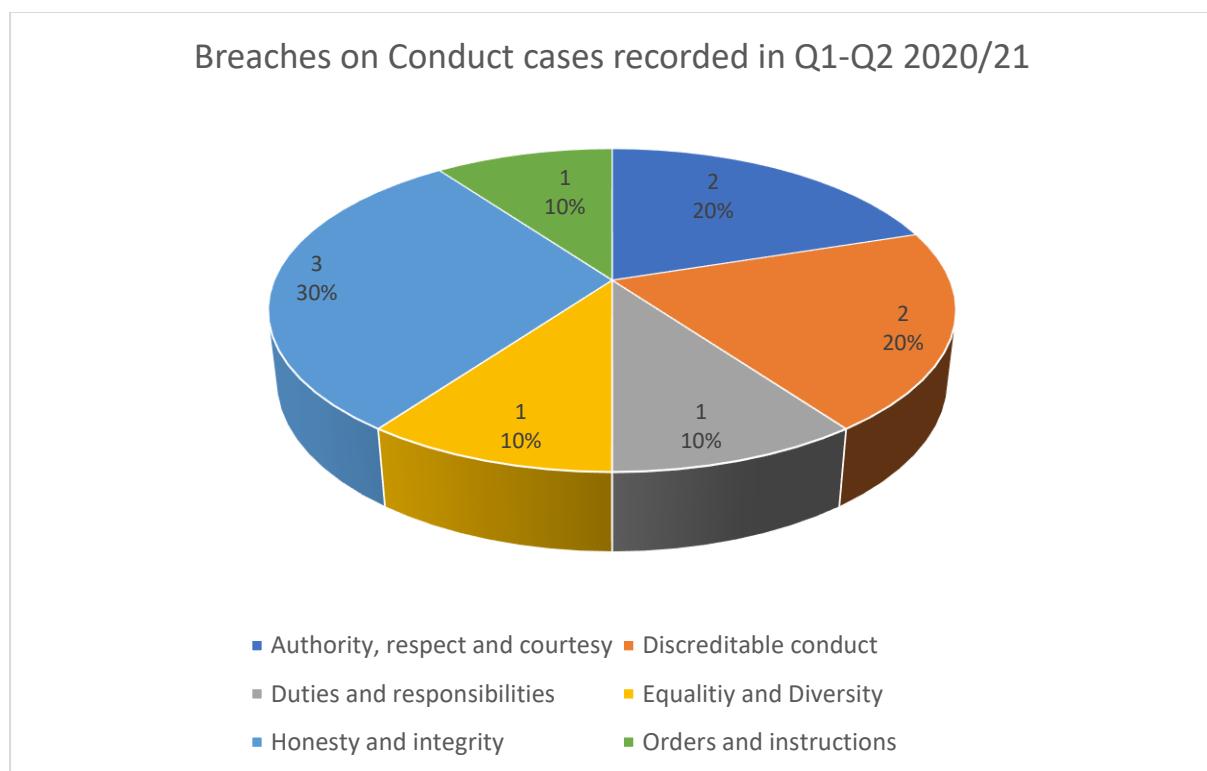
Internal Investigations

In the reporting period, 1 April to 30 September 2020, 8 internal conduct cases were recorded.

A total of 10 separate breaches of the Standards of Professional Behaviour have been recorded on the 8 conduct cases. These breaches relate to 4 Police officers, 2 members of Police staff and 2 members of the Special Constabulary.

The most frequently recorded breach in Q1-Q2 was 'Honesty and integrity' which was 30% of the total recorded. This was followed 'Authority, respect and courtesy' and 'Discreditable conduct' both at 20%.

(Chart 16): The chart below displays a breakdown of the breaches recorded on the conduct cases under each category and as a percentage overall:



Examples of the breaches recorded are as follows:

- Allegation the officer made inappropriate comments and sent an inappropriate image to colleagues
 - *Reflective Practice Review Process*
- Allegation the officer has disobeyed an instruction given by a supervisor in relation to use of a Force vehicle
 - *Live investigation*
- Allegation the member of the Special Constabulary has made an inappropriate comment about a member of the public
 - *Live investigation*

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- Allegation the police officer was off duty at an address where persons present took a controlled substance
 - *Officer resigned and no further action taken*

Of the conduct cases recorded in the reporting period, 5 have been finalised to date:

- 1 case resulted in no case to answer for misconduct and no action was taken
- 2 cases resulted in the officer/member of staff resigning and no further action was taken
- 1 case resulted in the matter being determined as Practice Requiring Improvement and was referred for Reflective Practice
- 1 case resulted in a case to answer and was referred to a misconduct meeting.

Reflective Practice Review Process

The Reflective Practice Review Process (RPRP) encourages officers to reflect and learn from any mistakes or errors and was introduced to increase the emphasis on finding solutions, rather than focussing on a punitive approach. It is not a disciplinary process or a disciplinary outcome.

Of the conduct cases finalised in the reporting period, 2 police officers have been subject of a decision by the appropriate authority as Practice Requiring Improvement and referred to the Reflective Practice Review Process

Misconduct/discipline outcomes

(Table 5): The following table provides details of the misconduct and disciplinary outcomes recorded against police officers, police staff and members of the Special Constabulary as a result of hearings and meetings.

MISCONDUCT HEARINGS 1 APRIL TO 30 SEPTEMBER 2020			
1	<p>A misconduct hearing was held for an ex-police officer for Authority, respect and courtesy and Confidentiality</p> <p>Commenced an inappropriate relationship with a victim</p> <p>Took video and photographs of a crime scene and shared with others on social media</p>	Would have been dismissed had they not resigned	
2	<p>A misconduct hearing was held for an ex-member of police staff for Confidentiality</p> <p>Accessed software without a policing purpose and shared confidential information</p>	Would have been dismissed had they not resigned	
3	<p>A member of police staff attended a misconduct hearing for Confidentiality</p> <p>Accessed Force systems and information without a policing purpose</p>	Dismissed	
4	<p>A member of police staff attended a misconduct hearing for Authority, respect and courtesy</p> <p>Inappropriate behaviour towards a colleague</p>	Final Written Warning	
MISCONDUCT MEETINGS			
1	<p>A member of the Special Constabulary attended a misconduct meeting for Orders and instructions</p> <p>Drove a marked police vehicle and exceeded driving authorisation.</p>	Final Written Warning	
2	<p>A police officer attended a misconduct meeting for Duties and responsibilities</p> <p>Failed to complete accurate records and provide an accurate account to supervisors</p>	Final Written Warning	

Resignations

The Policing and Crime Act (PCA) 2017 contains a number of reforms and from 15 December 2017 allows officers under investigation to resign or retire however there is an expectation that misconduct proceedings for gross misconduct will be taken to conclusion.

The Police Barred List is a list of all officers, special constables and staff members who have been dismissed from policing after investigations under the Police (Conduct) Regulations 2012 or Police (Performance) Regulations 2012 as well as the equivalents for police staff.

The Police Advisory List is a list of all officers, special constables and staff members who have resigned or retired during an investigation into a matter that could have resulted in their dismissal, or who leave before such an allegation comes to light. They will remain on the Advisory list until the outcome of the investigation is determined. This list also includes designated volunteers who have had their designated status withdrawn due to conduct or performance matters.

Both lists are held and administered by the College of Policing.

In the reporting period one police officer and one member of staff resigned. Both resulted in misconduct hearings which determined they would have been dismissed had they not resigned.

In addition to the above, one police officer resigned and it was determined that it was not in the public interest to continue with the hearing.

Public Hearings

Since 1 May 2015, in cases where an officer is given notice of referral to misconduct proceedings under regulation 21 (1) or 43 (1) of the conduct regulations, the case will be heard in public. This is also the case for special case hearings (fast track cases). Exemptions from this are subject to the discretion of the person chairing or conducting the hearing to exclude any person from all or part of the hearing.

The regulations do not apply to misconduct meetings or third stage unsatisfactory performance meetings.

Venues for public hearings will be carefully selected according to the nature of the hearing.

In cases where an officer is given notice of referral to misconduct proceedings under regulation 21 on or after 1 January 2016 the hearing is heard by legally qualified chairs. Any cases prior to this date will continue to be heard by a member of the National Police Chief's Council (NPCC).

One misconduct hearing was held for a Police officer in the reporting period.

Dip Sample by the Office of the Police and Crime Commissioner

Dip sampling of complaint files is a key component of the oversight arrangements which are implemented by the Police and Crime Commissioners in pursuit of the statutory duties set out in the Police Reform and Social Responsibility Act 2011, and further strengthened in the Policing and Crime Act 2017.

Since the last report was presented to the Accountability and Performance Panel, the OPCC has completed Dip Sampling from the finalised cases provided by the Constabulary's Professional Standards Department for the periods of 1 January 2020 to 31 March 2020 and 1 April 2020 to 30 June 2020.

A total of 20 files were subject to Dip Sampling which included cases finalised by Local Resolution and Investigation conducted by both the Constabulary and PSD (and included complaints both upheld and not upheld). The files sampled also included examples where a complaint was disapplied or withdrawn. To ensure consideration of the full complaints process, the sample also included two cases which were subject to an appeal. This sample also included complaints that were handled under the new complaint system introduced as part of the Policing and Crime Act 2017 that came into effect on 1 February 2020.

The files reviewed were predominantly completed to a high standard with no issues highlighted with the process followed. Overall the final reports provided to the complainant were detailed and well written covering all the issues raised by the complainant. There were a number of examples where sympathy and understanding was shown to the complainant, which included cases where complaints were not upheld, as well as additional learning being identified and actioned that may not have formed the main element of the complaint.

The most common issue highlighted within the Dip Sample was delay in progressing the complaint. Examples of these delays included delay in the assessment and recording of complaints, delay in allocating complaints to the correct Investigating Officer and internal delay in providing final documentation to the complainant. Whilst these examples would often not directly affect the experience of the complainant, there is a potential for delays in the complaint process to cause additional frustration for the complainant.

Other issues highlighted included:

- Issues with the tone and language used by officers.
- Recording and communication of the complainant's issues.
- Issues with information being entered onto police systems.

Overall it must be stated that this was a very positive Dip Sample with clear examples of detailed investigations including some very sensitive cases. The Dip Sample also provided evidence on how valuable Body Worn Video (BWV) can be for those investigating complaints. There were also a number of examples of apologies being provided to complainants in line with the new complaint procedures, which will help maintain positive relations between the public and the Constabulary.

All the findings have been shared with Professional Standards who have provided reassurance that this feedback has been actioned as appropriate.

Glossary

Appropriate authority - the appropriate authority for a person serving with the police is:

- for a chief officer or an acting chief officer, the local policing body for the area of the police force of which that officer is a member; or
- in any other case, the chief officer with direction and control over the person serving with the police

In relation to complaints not concerning the conduct of a person serving with police, the appropriate authority is the chief officer of the police force with which dissatisfaction is expressed by the complainant.

Complaint – any expression of dissatisfaction with police expressed by or on behalf of a member of the public

Complaint handler – is any person who has been appointment to handle a complaint

IOPC Statutory Guidance – is the guidance from the IOPC to assist local policing bodies and Forces to achieve high standards in the handling of complaints, conduct matters, and death or serious injury (DSI) matters concerning those serving with the police, and to comply with their legal obligations.

Schedule 3 – of the Police Reform Act 2002

Outside Schedule 3 – handling a matter outside of the Police Reform Act 2002

Investigation – an investigation of the matter recorded under Schedule 3.

Otherwise than by investigation – responding to concerns raised and seeking to resolve them under Schedule 3.

Service provided was not acceptable – the service provided (whether due to the actions of an individual, or organisational failings) did not reach the standard a reasonable person could expect.

Not been able to determine if the service provided was acceptable – should only be determined in situations where despite the complaint being handled in a reasonable and proportionate manner, there is too little information available on which to make the determination.

Local Policing Body – is the term for the Police and Crime Commissioners

Practice requiring improvement – underperformance or conduct not amounting to misconduct or gross misconduct, which falls short of the expectations of the public and the police service.

Regulation 41 – the Regulation under the Police (Complaints and Misconduct) Regulations 2020 under which the appropriate authority contacts the complainant following a suspension of the investigation of a complaint to ascertain whether they wish for the investigation to be started or resumed. If the complainant does not want the investigation started or fails to reply the appropriate authority must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

Reflective Practice Review Process – the procedures set out in Part 6 of the Police (Conduct) Regulations 2020, for handling practice requiring improvement

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Relevant review body (RRB) – the relevant body (the IOPC or the Local Policing Body) to consider a review made under Paragraph 6A or 25, Schedule 3, Police Reform Act 2002.

Withdrawn complaints – a complaint that is withdrawn in accordance with regulations 38 and 39, Police (Complaints and Misconduct) Regulations 2020 following an indication or notification from the complainant.