



Professional Standards

Complaints Statistics

01/04/2013 – 31/03/2014

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Executive Summary

This report presents figures on complaints relating to Suffolk Constabulary recorded during the period 1 April 2013 to 31 March 2014. These complaints are made by members of the public in relation to the conduct of those serving with the Police and are dealt with under the Police Reform Act 2002 (PRA 2002). The PRA 2002 introduced a number of changes with regard to complaints against the Police. These changes came into effect on 1 April 2010 and aimed to improve the way that complaints are handled. Under the PRA 2002, forces are required to record all complaints made by the public in relation to the conduct of those serving in the force. Amendments made to the police complaints system by the Government in the Police Reform and Social Responsibility Act 2011, introduced in November 2012, were designed to streamline and remove unnecessary bureaucracy from the system, ensure that complaints are handled at the lowest appropriate level, and focus more on putting right the complaint made by the member of the public. As a result of the amendments Direction and Control issues are now recorded as Public Complaints and allegations referred to as Organisational.

Key Findings

- Complaint numbers have increased by 46%, from 259 in 2012/13 to 379 in 2013/14. Allegations have increased by 62%, from 351 in 2012/13 to 570 in 2013/14.

The rise and fall of figures presented in the report could be interpreted in both a positive and negative light. By way of example, a rise in complaint numbers could indicate an increase in the number of people complaining about the conduct of the force and therefore be viewed negatively. Conversely, such increases may also indicate that procedural changes have been made, making the complaint process more straightforward thus increasing public confidence in the appropriate conclusion of grievances.

The increase in complaints has been felt nationally and following response from those Forces in our Most Similar Forces Group they have all, apart from West Mercia, shown a rise in their complaints recorded.

National Figures will be reported by the IPCC and their next bulletin will be due May/June.

- The main areas of public complaint remain the same as in previous quarters with 'Other neglect or failure in duty' recording the largest percentage of all allegations. The following are comparisons with the reporting year 2012/13
 - a) 'Other neglect or failure in duty' representing 26% of all recorded allegations (previously 32%)
 - b) 'Incivility, impoliteness and intolerance' representing 11% of all recorded allegations (previously 14%)
 - c) 'Other assault' representing 11% of all recorded allegations (previously 13%)
 - d) 'Oppressive conduct or harassment' representing 14% of all recorded allegations (previously 8%)

e) Organisational allegations represent 8% of all recorded allegations

- The Local Resolution (LR) rate for allegations for the reporting period is 29% in comparison to 24% for the year 2012/13.
- Direction and Control complaints have increased by 313%, from 8 cases in 2012/13 to 33 cases in 2013/14

Complaint Reduction

The Professional Standards Department have responded to the increase in complaints by initiating a Complaint Reduction Strategy of which the emphasis is to prevent/reduce complaints and educate staff about their behaviour and how they are perceived by the public. The key areas of work are around:

- Statistical analysis
- Officer/staff complaint history
- Lessons Learned
- Review of complaints handling
- Partnership working
- Education/training

A Complaint Reduction Strategy Working Group has been set up to meet quarterly and includes representatives from all areas of the Force. Training packages are being delivered to new Officers/Staff and Special Constables, focusing on Integrity. Additional training is also being offered to supervisors, including those newly promoted or in temporary roles, in how to deal effectively with complaints. Drop in sessions have been offered to officers and staff to give them a better understanding of the complaints process and a podcast has been recorded on Integrity.

Service Recovery

Service Recovery is being introduced to replace the Dissatisfaction process and aims to deal with low level matters, where there is no complaint, quickly and to the satisfaction of the member of public. This process will be managed by Professional Standards which will allow a consistent approach to dealing with all issues raised by the public concerning the service they have received.

COMPLAINT CASES AND ALLEGATIONS

Table A: Key Indicators Relating to Handling of Complaints

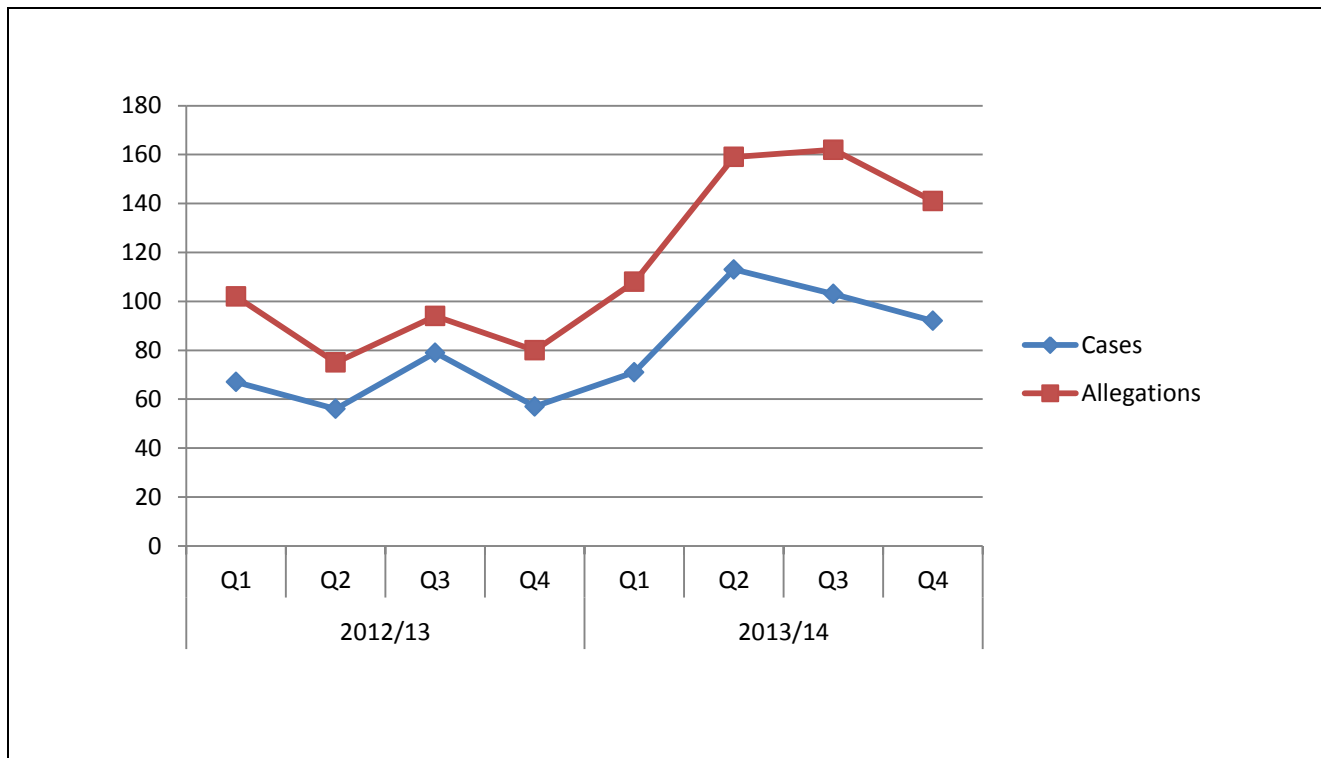
<u>Measure</u>	<u>01.04.13– 31.03.14</u>	<u>Same period 12 months previously</u>
% of cases recorded within 10 working days	98%	95%
Average number of days to Locally Resolve complaint*	40	38
Average number of days to Investigate complaint*	76	78

*The data relates to complaint cases, not allegations. The IPCC bulletin will provide information regarding the average number of days to resolve allegations.

Table B: Contextual Information Relating to Allegations and Outcome

<u>Measure</u>	<u>01.04.13- 31.03.14</u>	<u>Same period 12 months previously</u>
<u>Recorded allegations</u>		
% of 'incivility, impoliteness and intolerance'	11	14
% of 'other neglect or failure in duty'	26	32
% of 'other assault'	11	13
% of 'oppressive conduct or harassment'	14	8
<u>Outcome of Allegations</u>		
% discontinued/disapplication	6	11
% withdrawn	8	14
% upheld	11	8
% locally resolved	29	24

Complaint Cases and Allegations



(Chart 1)

Above shows the number of complaint cases and number of allegations recorded during the reporting period.

Table C: Complaint cases and allegations recorded

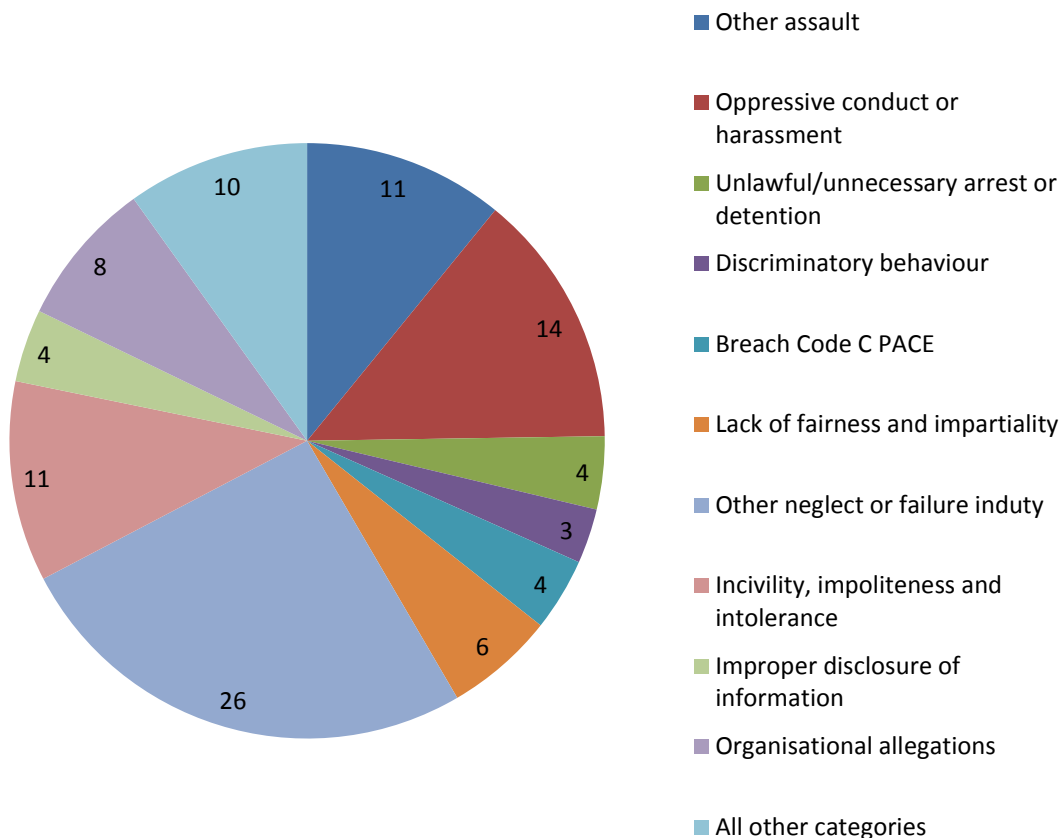
<u>Period</u>	<u>Complaint Cases Recorded</u>	<u>Allegations Recorded</u>
2012/13 Q1	67	102
Q2	56	75
Q3	79	94
Q4	57	80
2013/14 Q1	71	108
Q2	113	159
Q3	103	162
Q4	92	141

Note: Allegations recorded during specified periods may also include allegations added to existing cases. i.e. 100 allegations may have been recorded during Q3. Of those, a proportion may be new allegations added to cases already recorded in Q2.

Direction and Control cases are recorded as Public Complaints and therefore recorded in the above figures

Allegations

Largest categories of allegations recorded (percentage) – 01.04.13 to 31.03.14

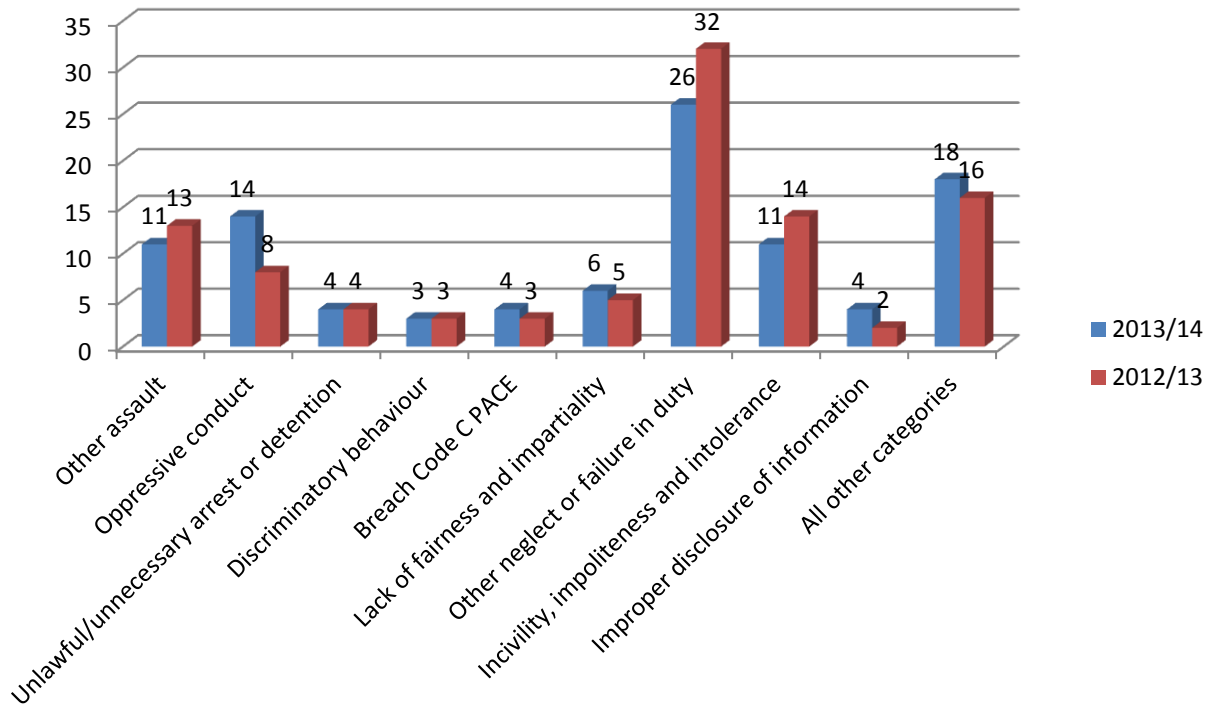


(Chart 2)

Shows most frequently recorded allegations by type as a percentage of all allegations recorded.

Due to calculation rounding, total percentage may not always equal 100%

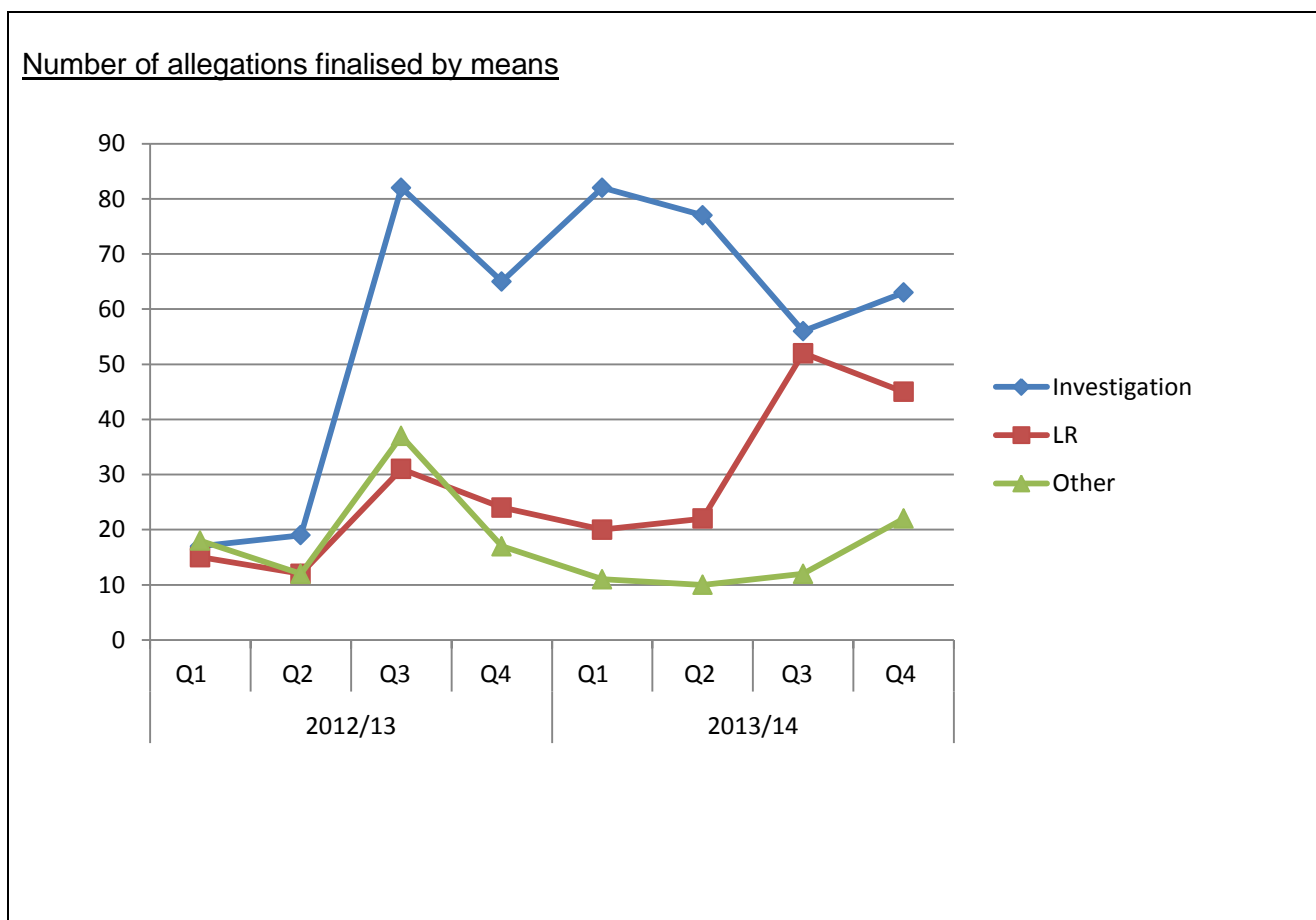
Largest categories of allegations recorded (percentage), comparison between the same period in 2012/13



(Chart 3)

The above chart shows the comparison between the reporting period 2013/14 and the same period the previous year 2012/13, the percentage recorded for the largest categories of allegations. There has been an increase in the allegations recorded as 'Oppressive conduct or harassment' and this is being looked at within the Complaint Reduction Strategy

Allegations finalised by means



(Chart 4)

Shows the means by which allegations have been finalised. The means by which an allegation can be finalised are 'Investigation' (local, supervised, managed and independent), 'Local Resolution' and 'Other' (discontinuance, disapplication and withdrawal).

<u>Period</u>	<u>Investigation</u>	<u>Local Resolution</u>	<u>Other</u>
2012/13 Q1	17	15	18
Q2	19	12	12
Q3	82	31	37
Q4	65	24	17
2013/14 Q1	82	20	11
Q2	77	22	10
Q3	56	52	12
Q4	63	45	22

Finalisation of Allegations

Table D: Outcome of allegations finalised by investigation (recorded against complaint cases post-April 2010)

<u>Period</u>		<u>Upheld</u>	<u>Not Upheld</u>
2012/13	Q1	6	11
	Q2	2	17
	Q3	10	72
	Q4	7	58
2013/14	Q1	26	56
	Q2	14	63
	Q3	8	48
	Q4	6	57

Details the outcome of investigated allegations that were recorded against a complaint case started on or after 01.04.2010. This reflects statutory guidance. The complaint is upheld where there has been an unreasonable breakdown in service or failure in service which has adversely affected the complainant. This does not imply that there is a case to answer for misconduct/unsatisfactory performance by a police employee.

Table E: Allegations finalised by other means

<u>Period</u>	<u>Local Resolution</u>	<u>%</u>	<u>Withdrawn</u>	<u>%</u>	<u>Dispensed/ Discontinued/ Disapplication</u>	<u>%</u>	
2012/13	Q1	15	30	10	20	8	16
	Q2	12	28	10	23	2	5
	Q3	31	21	15	10	22	15
	Q4	24	23	12	11	5	5
2013/14	Q1	20	18	6	5	5	4
	Q2	22	20	8	7	2	2
	Q3	52	43	5	4	7	6
	Q4	45	35	14	11	8	6

Force Appeals

The appeal body for complaints changed with the introduction of the new legislation on 22 November 2012. This places the responsibility on the individual Force for dealing with the majority of appeals. The IPCC will remain the appeal authority for all formal investigations and those cases which were referred to the IPCC.

Within the reporting period, 1 April 2013 to 31 March 2014, 52 appeals against all categories were received by the Force.

Of those 52 appeals, 45 have been reviewed, 44 were valid and the outcomes are detailed below

	Live	Upheld	Not upheld	W/drawn	Not valid	% Upheld
Outcome of police investigation	5	10	19	0	1	34%
Outcome of local resolution process	1	3	3	0	0	50%
Application of Disapplication	1	0	8	1	0	0%
Total	7	13	30	1	1	30%

The percentage of valid appeals upheld across all categories is 30%

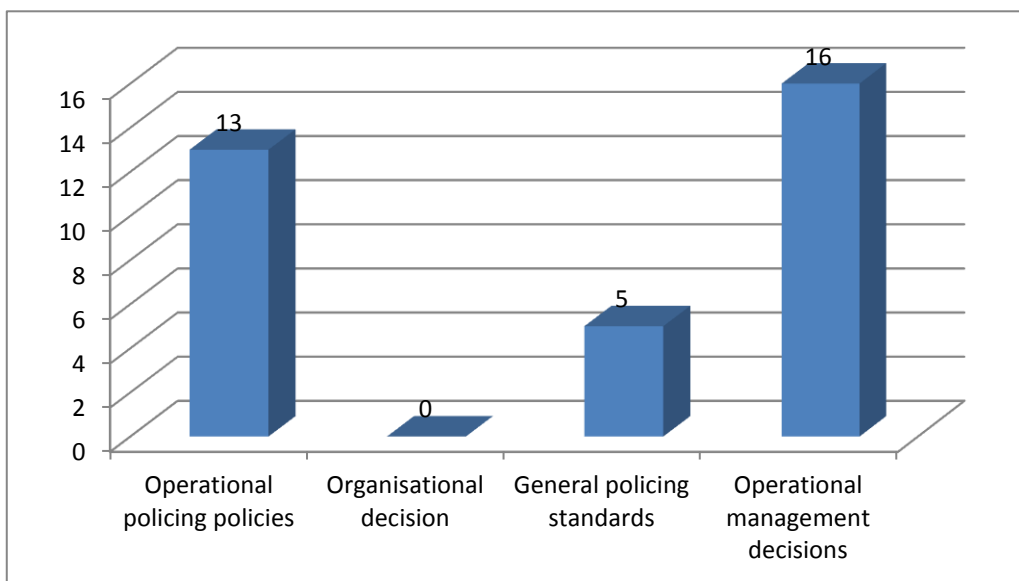
The average number of working days taken to finalise appeals within the reporting period is 40 days.

Direction and Control Complaints

On 22 November 2012, new legislation was introduced in the form of the Police Reform and Social Responsibility Act 2011 which changed the way that Direction and Control Complaints are recorded. All complaints of this nature are now recorded as Public Complaints and the allegations relate to Organisational issues and are categorised in the following way:

1. Operational policing policies
2. Organisational decisions
3. General policing standards
4. Operational management decisions

In the reporting period 33 Direction and Control Complaints have been recorded and the allegations fall into the categories as per the below chart



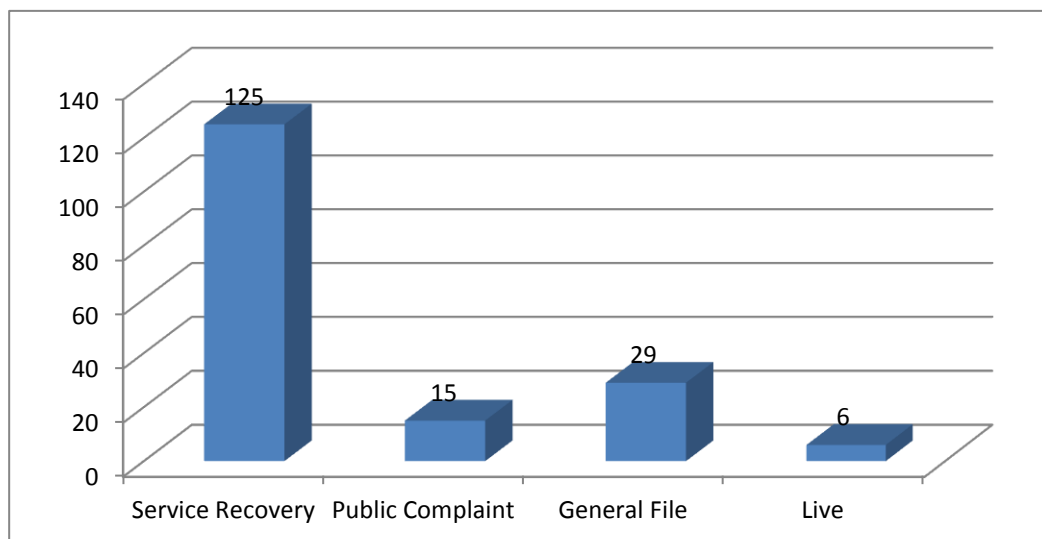
The new recording process allows Organisational allegations to be recorded on Public Complaint cases that relate to Conduct of the individual. In the reporting period 44 Organisational allegations have been recorded, 34 on Direction and Control Complaints and 10 on Public Complaints.

A selection of the type of complaints received is listed below:

- Complainant states Police have failed to deal with a neighbour dispute over several years – *Operational management decisions*
- The complainant is unhappy that despite many complaints to Police about speeding no action has been taken – *Operational policing policies*
- The complainant states Police have not proceeded with his reports of malicious acts – *Operational management decisions*
- General policing standards Police forced entry to the complainant's address whilst she was on holiday causing damage. It transpired police had forced entry to the wrong address – *Operational management decisions*

Service Recovery

Service Recovery outcomes between 01.04.13 to 31.03.14



(Chart 5)

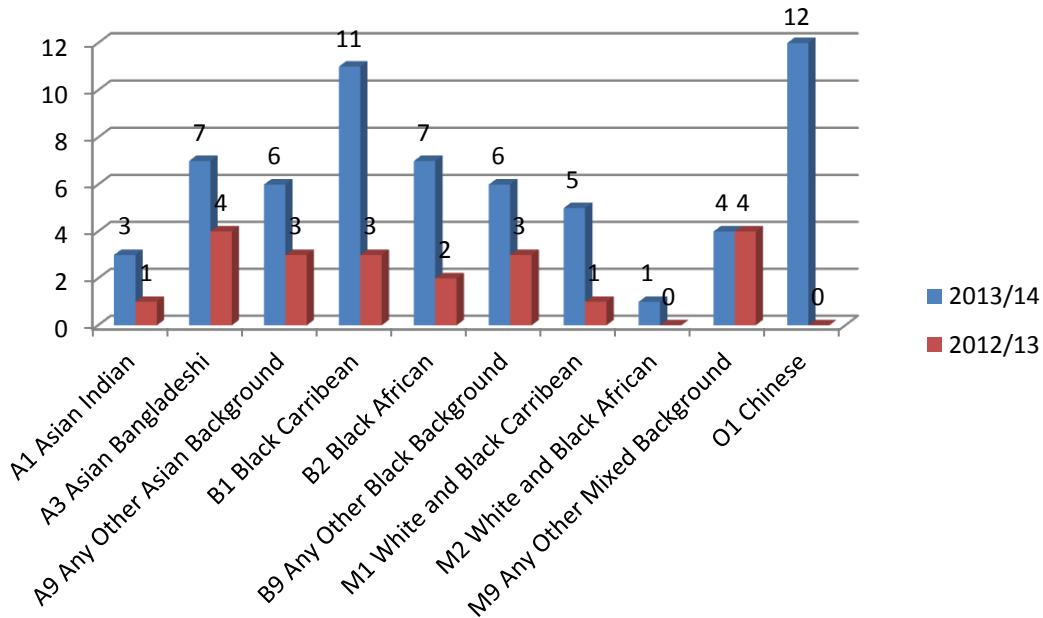
The above chart shows the outcome of those issues dealt with as Service Recovery.

Service Recovery was introduced on 23.07.12 to deal with issues received where it was not clear whether a formal complaint was intended. This provides Professional Standards with the opportunity to deal with the matter quickly to ensure a good level of customer service and satisfaction.

Within the reporting period 175 service recovery issues have been recorded and finalised as per the above chart

Complaints made by Visibly Ethnic Minority Groups

Allegations originating from members of Ethnic Minority Groups between 01.04.13 and 31.03.14



(Chart 6)

Above shows the total number of allegations originating from Visibly Ethnic Minority Groups

Of the 570 individual and organisational allegations recorded for the period, 62 [11%] were made by a complainant from a Visibly Ethnic Minority Group. This is in comparison to 6% of allegations the previous year.

Examples of some allegations recorded between 01.04.13 and 31.03.14 are detailed as follows;

A3 – Asian Bangladeshi	Complainant believes the officer was demeaning in their manner because of their ethnicity
B1 – Black Caribbean	The complainant was stopped in their vehicle and was handcuffed even though not under arrest and was fully co-operative
M1 – White and Black Caribbean	Allegation that the officer became involved in custody issues regarding the complainant and ex-partner’s child. States the officer was rude and made threats
O1 - Chinese	Bailiff attended complainant’s home to collect fine or goods to the value. The complainant called police and states officer would not check the bailiff’s credentials and took their word over the complainant

Lessons Learned

Listed below is a selection of the Lessons Learned recorded following investigation.

<u>Origin of Lesson</u>	<u>Summary</u>	<u>Lessons identified</u>	<u>Action</u>
Public Complaint	Issue regarding officers impartiality when dealing with a domestic dispute and ownership of property	Current guidance is unclear for officers	PSD to look at guidance for officers when dealing with civil disputes
Public Complaint	Property was seized during a search following arrest. The complainant states the property had been damaged	The condition of property when seized should be agreed between the officers and the member of public	Digital cameras sourced to take photographs of property
Public Complaint	Complainant issued with a Police Information Notice following a long running neighbour dispute	Officers advised regarding the issuing of PINs	Policy to be reviewed in respect of how harassment crimes are dealt with
Public Complaint	Complaint regarding lack of contact following the reporting of an incident.	Officers had failed to communicate updates to the victim	Officers given words of advice and an apology has been given to the complainant

Glossary

Complaint Case – A single complaint case may contain one or more linked allegations, made by one or more complainants, against one or more persons serving with the Police.

Allegation – Describes the type of behaviour complained about. A single complaint case can have one or more attached allegations. For example, a person may allege that they were pushed by an officer and that the officer was then rude to them. This would be recorded as two separate allegations forming one complaint cases. An allegation is recorded against an allegation category.

Local Resolution – For less serious cases, such as rudeness or incivility, a complainant may agree to Local Resolution. This usually involves a local police supervisor handling the complaint and agreeing with the complainant a mutually acceptable way of addressing the issue. This may be through a more thorough explanation, an apology or an outline of what actions will be taken in order to prevent future complaints of a similar nature.

Investigation – In other circumstances (or if complainant declines local resolution) a thorough investigation of circumstances may be necessary. This involves the appointment of an investigating officer which will examine allegations and report upon whether each allegation is 'Upheld' or 'Not Upheld'. A complaint will be recorded as 'Upheld' if the service or conduct complained about does not reach the standard a reasonable person would expect. The outcome, therefore, is not solely linked to proving misconduct.

Local Investigations – Investigations carried out entirely by the Police. Complainants have a right of appeal to the IPCC following a local investigation.

Supervised Investigations – Investigations carried out by the Police under their own direction and control. IPCC sets out what the investigation should examine (terms of reference) and will receive the investigation report upon completion. Complainants have a right of appeal to the IPCC following a supervised investigation.

Managed Investigations – Investigations carried out by Police under the direction and control of the IPCC.

Independent investigations – Investigations carried out by IPCC investigators and are overseen by IPCC Commissioners.

Dispensation – On occasion, a complaint may not be carried forward due to insufficient information, or complaint may be viewed as vexatious, oppressive of an abuse of the complaint procedures. In such cases, Police can apply to the IPCC for a dispensation. If granted, no further action needs to be taken in relation to the complaint.

Discontinuance – Forces may find it impractical, on occasion, to conclude an investigation. This could occur if a complainant fails to cooperate, if the complaint is repetitious or refers to an abuse of procedure. In such cases, an application can be made to the IPCC to discontinue the investigation.

Disapplication – Introduced in the new Statutory Guidance, to replace Dispensation, an application can be made to the IPCC to disapply a complaint on the grounds that the complaint is over 12 months old, already subject of a complaint, remains anonymous, is vexatious or repetitious.

Withdrawn – No further action may be taken with regard to a complaint if the complainant retracts the allegation(s).

Subjudice – Subsequent to recording, the start of any work on a complaint may be postponed due to the matter being considered ‘sub judice’. This is when a person linked to a complaint cases is associated with separate criminal proceedings.

Investigation appeal - This applies to all complaints investigated by the force itself or where the investigation has been supervised by the IPCC. There is no avenue of appeal from independent or managed investigations.

Local resolution appeal – Complainants are entitled to appeal against the local resolution process if they did not agree to a local resolution; the police did not explain sufficiently that they must agree to the process; or they think the police did not follow the process agreed for the local resolution of the complaint. Complainants cannot appeal against the outcome of a local resolution.

Complainants - Under the PRA 2002, a complaint about the conduct of someone serving with the Police can be made by the following types of people:

- a) Any member of the public who alleges that police misconduct was directed at them
- b) Any member of the public who alleges that they have been ‘adversely affected’ by police misconduct, even if it was not directed at them
- c) Any member of the public who claims that they witnessed misconduct by the police³
- d) A person acting on behalf of someone who falls within any three of the categories above. This category of person is classed as an ‘agent’ or ‘representative’, not as a complainant in their own right, and must have the written permission of the complainant.

Being ‘adversely affected’ is broadly interpreted in the legislation and includes distress, inconvenience, loss or damage, or being put in danger or at risk. This might apply, for example, to other people present at the incident, or to the parent of a child or young person, or a friend of the person directly affected. It does not include someone distressed by watching an incident on television. A witness is defined in the PRA 2002 as someone who ‘acquired his knowledge of that conduct in a manner which would make him a competent witness capable of giving admissible evidence of that conduct in criminal proceeding’. This includes, for example, someone in control of CCTV cameras or in possession of material evidence. One complaint case can have multiple complainants attached and one individual can make more than one complaint within the reporting year.

Subjects – The PRA 2002 broadened the range of people who could be subject to a complaint. Complaints can be made against the following police personnel;

- a) Police officers of any rank
- b) Police staff, including Community Support Officers and Traffic Wardens
- c) Special constables
- d) Contracted-out staff designated under section 39 of the PRA 2002 – for example, escort or custody officers employed by another company.