



**SUFFOLK  
CONSTABULARY**

## **Professional Standards**

## **Complaints Statistics**

**1 April 2016 to 31 March 2017**

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## **Executive Summary**

This report presents figures on public complaints relating to Suffolk Constabulary recorded during the period 1 April 2016 to 31 March 2017. 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 the allegations referred to as Organisational.

Data for the report is extracted from the Professional Standards database on a quarterly basis. The data is sourced from a live case management system and as such is a snap shot of the information as it was at the time therefore it should be noted that there may be variances between the quarterly figures and the accumulative data.

## **Key Findings**

- Public complaint numbers have increased by 10%, from 289 complaints recorded in 2015/16 to 317 in 2016/17. Allegations recorded have also increased, by 24% from 503 allegations in 2015/16 to 623 in 2016/17.

The 10% increase is in real terms 28 complaints which amount to 2.3 extra complaints per month.

This is the first increase in complaint numbers since 2013/14 however it should be noted that the number of public complaints recorded this year are not as high as they were in 2013/14 and also 2014/15.

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.

- a) 'Other neglect or failure in duty' represents 38% of all recorded allegations. In the reporting period, 237 allegations were recorded in comparison to 32%, 162 allegations in 2015/16.
- b) 'Incivility, impoliteness and intolerance' represents 10% of all recorded allegations. A total of 64 allegations were recorded under this category in 2016/17, in comparison to 15%, 76 allegations the previous year.
- c) 'Other assault' represents 10% of all recorded allegations. A total of 65 allegations were recorded under this category in 2016/17, in comparison to 9%, 43 allegations the previous year.
- d) Organisational allegations represent 1% of all recorded allegations. In the reporting period 8 allegations were recorded in comparison to 1%, 4 allegations in the same period the previous year.

In 2015/16 a total of 48 allegations were recorded under 'Oppressive conduct or harassment' and this represented 10% of the total allegations recorded however in 2016/17 this dropped to 5%, 34 allegations.

Of note is the increase in allegations recorded under the Home Office category of 'Lack of fairness and impartiality'. In the reporting period 53 allegations were recorded which is 9% of the total. This compares to 26 allegations, 5% in 2015/16.

The number of allegations recorded under 'Breach Code C PACE' has shown a slight increase, from 35 allegations (7%) in 2015/16 to 49 allegations (8%) in 2016/17.

### **Learning the Lessons**

All learning identified during the course of an investigation into a complaint, conduct matter or service recovery is recorded on the PSD database. Those lessons relating to the individual are dealt with directly by the investigating officer and these will generally result in management action in the form of words of advice or a sanction under the misconduct or disciplinary process. The lessons relating to organisational learning are all reviewed by the Detective Inspector within the Appeals and Policy Unit in Professional Standards and action taken to address the issues which have been raised. This involves highlighting the matter with the department who is responsible for that area of business. They are directed to respond to the learning issue and all action taken is reviewed and recorded on a separate spreadsheet.

Learning Times publications are produced by PSD on a monthly basis to disseminate the lessons actioned which have the most impact for officers and staff and to aid as a complaint reduction tool. These monthly publications provide information regarding up to date issues and cover a range of topics. Bespoke Learning Times have also been produced to cover such areas as Social media, Custody, Post Incident Management, Post mortems, Code of Ethics and Driving matters.

The Learning Times has received some excellent feedback from officers and staff within Suffolk Constabulary and has been shared with other Forces who have equally have given good feedback. The Independent Police Complaints Commission has also been sighted on the publication and has been pleased with the quality and regularity of the document.

The lessons identified by the IPCC nationally are also reviewed by the Appeals and Policy Unit and those which are considered relevant to the Force are disseminated as part of the Learning Times bulletin. Consideration is given to highlighting lessons learned on cases to the IPCC for national learning should this be deemed appropriate. One lesson has been referred during the reporting period and it is anticipated this will be published by the IPCC later this year. This is detailed within the Lessons Learned section of this report.

Lessons learned feed into the work undertaken with regards to the Complaint Reduction Strategy and the Practitioner Groups. Officers and staff are asked about their knowledge of the disseminated lessons to ensure the document is being viewed and is useful. A total of 37 practitioner groups have been held with officers and staff in the reporting period within the Control Room, Roads Policing, Dogs section, Multi-Agency Safeguarding Hub, Custody, Custody Investigation Unit and Neighbourhood Response Teams and Safer Neighbourhood Teams. Practitioner groups were first held in November 2015 and are ongoing.

The lessons which have been highlighted around Autism resulted in contact with Autism Anglia who provided training in this area and this information is fed back through the training sessions and Practitioner Groups held by PSD.

A programme of training was rolled out across the Force to deliver an input on the Code of Ethics, conduct and integrity, focusing on student officers, Specials, Sergeants, newly promoted police officers/staff and Inspectors/managers undertaking investigations and this training is ongoing and evolving.

**COMPLAINT CASES AND ALLEGATIONS****Table A: Key Indicators Relating to Handling of Complaints**

| <u>Measure</u>                                       | <u>01.04.16<br/>to<br/>31.03.17</u> | <u>Same<br/>period 12<br/>months<br/>previously</u> |
|--|-------------------------------------|---|
| % of cases recorded within 10 working days           | <b>92%</b>                          | <b>97%</b>  |
| Average number of days to Locally Resolve complaint* | <b>48</b>                           | <b>43</b>   |
| Average number of days to Investigate complaint*     | <b>68</b>                           | <b>62</b>   |

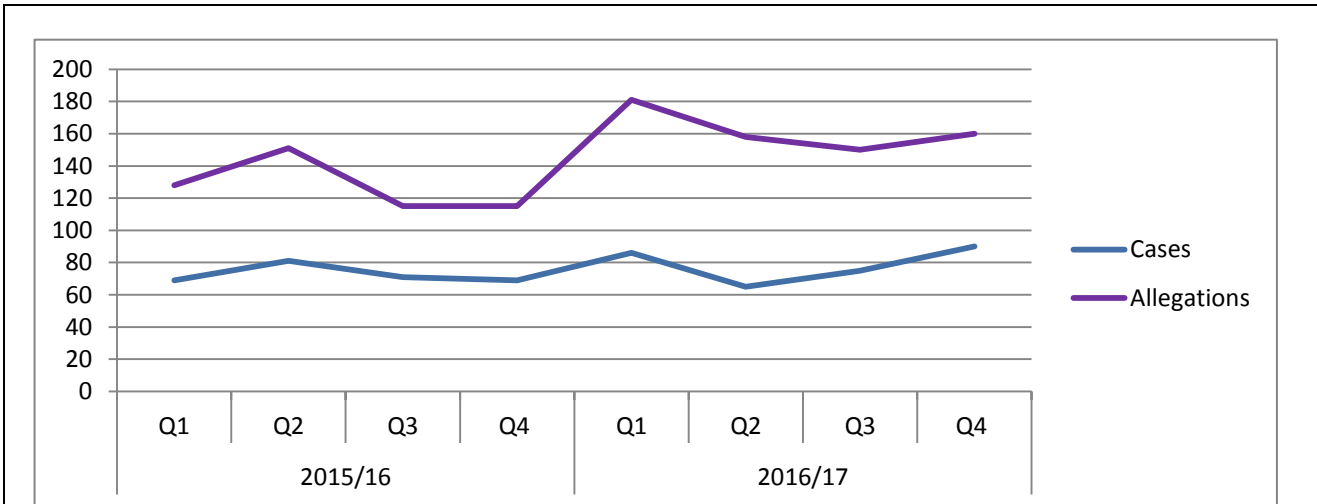
*\*The data relates to complaint cases, not allegations. The IPCC bulletin provides information regarding the average number of days to resolve/investigate allegations.*

**Table B: Contextual Information Relating to Allegations and Outcome**

| <u>Measure</u>                                  | <u>01.04.16<br/>to<br/>31.03.17</u> | <u>Same<br/>period 12<br/>months<br/>previously</u> |
|---|-------------------------------------|---|
| <b><u>Recorded allegations</u></b>              |                                     |   |
| % of 'other neglect or failure in duty'         | 38                                  | 32  |
| % of 'incivility, impoliteness and intolerance' | 10                                  | 15  |
| % of 'other assault'                            | 10                                  | 9   |
| % of 'lack of fairness and impartiality'        | 9                                   | 5   |
| % of 'Breach of Code C PACE'                    | 8                                   | 7   |
| % of 'oppressive conduct or harassment'         | 5                                   | 10  |
|   |                                     |   |
| <b><u>Outcome of Allegations</u></b>            |                                     |   |
| % discontinued/disapplication                   | 5                                   | 7   |
| % withdrawn                                     | 4                                   | 5   |
| % upheld investigations                         | 12                                  | 16  |
| % locally resolved                              | 42                                  | 31  |
| % special requirements*                         | 1                                   | -   |

\*The IPCC Statutory Guidance indicates that where a complaint is subject to special requirements (the officer may have committed a criminal offence, or behaved in a manner which would justify the bringing of disciplinary procedures) the investigator should indicate their opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer rather than stating the complaint is upheld or not upheld. Following a court judgment the way in which outcomes are recorded on the database was amended to accurately reflect those cases subject to special requirements.

**Public Complaint Cases and Allegations**



(Chart 1): The above chart shows the number of public complaint cases and 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> |
|---------------|---------------------------------|-----------------------------|
| 2015/16 Q1    | 69                              | 128                         |
| Q2            | 81                              | 151                         |
| Q3            | 71                              | 115                         |
| Q4            | 69                              | 115                         |
| 2016/17 Q1    | 86                              | 181                         |
| Q2            | 65                              | 158                         |
| Q3            | 75                              | 150                         |
| Q4            | 90                              | 160                         |

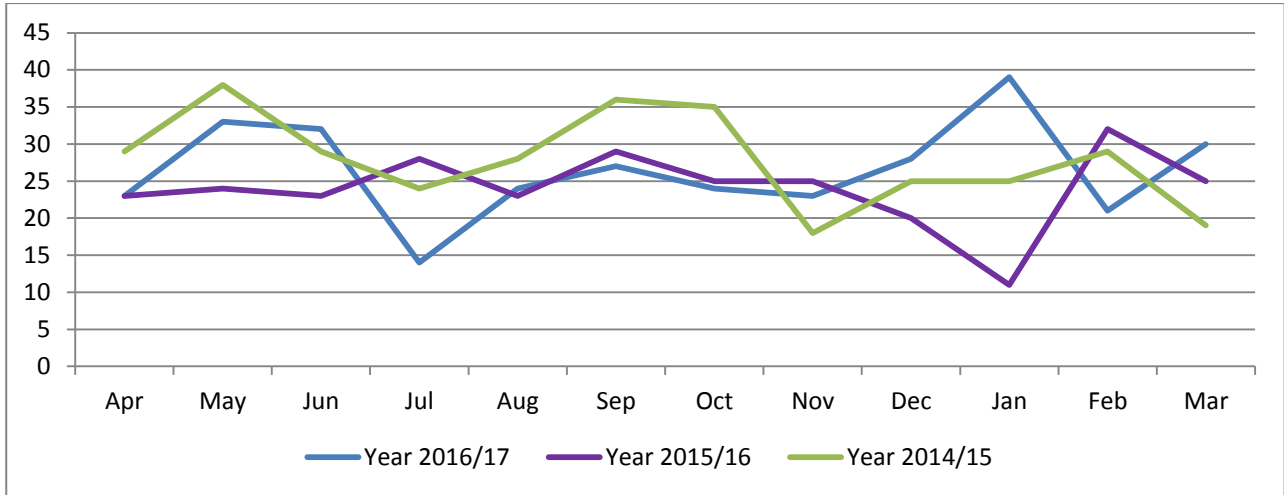
**Note:** Allegations recorded during specified periods may also include allegations added to existing cases. i.e. 158 allegations have been recorded during Q2. Of those, a proportion may be new allegations added to cases already recorded in Q1.

The accumulative quarterly complaint figures above do not take into account any cases which may have been initially recorded against Suffolk Constabulary and then changed to Norfolk Constabulary, or vice versa, following identification of the subjects. Equally, accumulative quarterly allegation figures do not take into account those allegations which are removed, amended or added to complaint cases during investigation and finalisation of the allegations, outside of the reporting quarter.

**Public Complaints recorded – three year comparison**

**Table D:** The below table and graph details the public complaints recorded monthly over the last three years

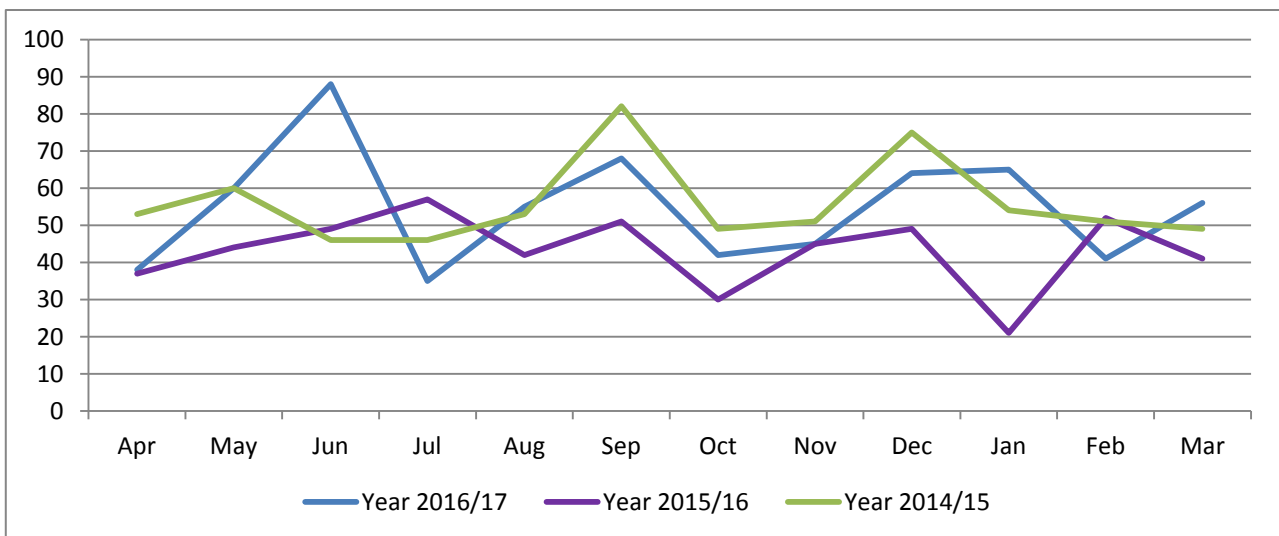
| Month        | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar |
|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Year 2016/17 | 23  | 33  | 32  | 14  | 24  | 27  | 24  | 23  | 28  | 39  | 21  | 30  |
| Year 2015/16 | 23  | 24  | 23  | 28  | 23  | 29  | 25  | 25  | 20  | 11  | 32  | 25  |
| Year 2014/15 | 29  | 38  | 29  | 24  | 28  | 36  | 35  | 18  | 25  | 25  | 29  | 19  |



**Allegations recorded – three year comparison**

**Table E:** The below table and graph details the allegations recorded monthly over the last three years

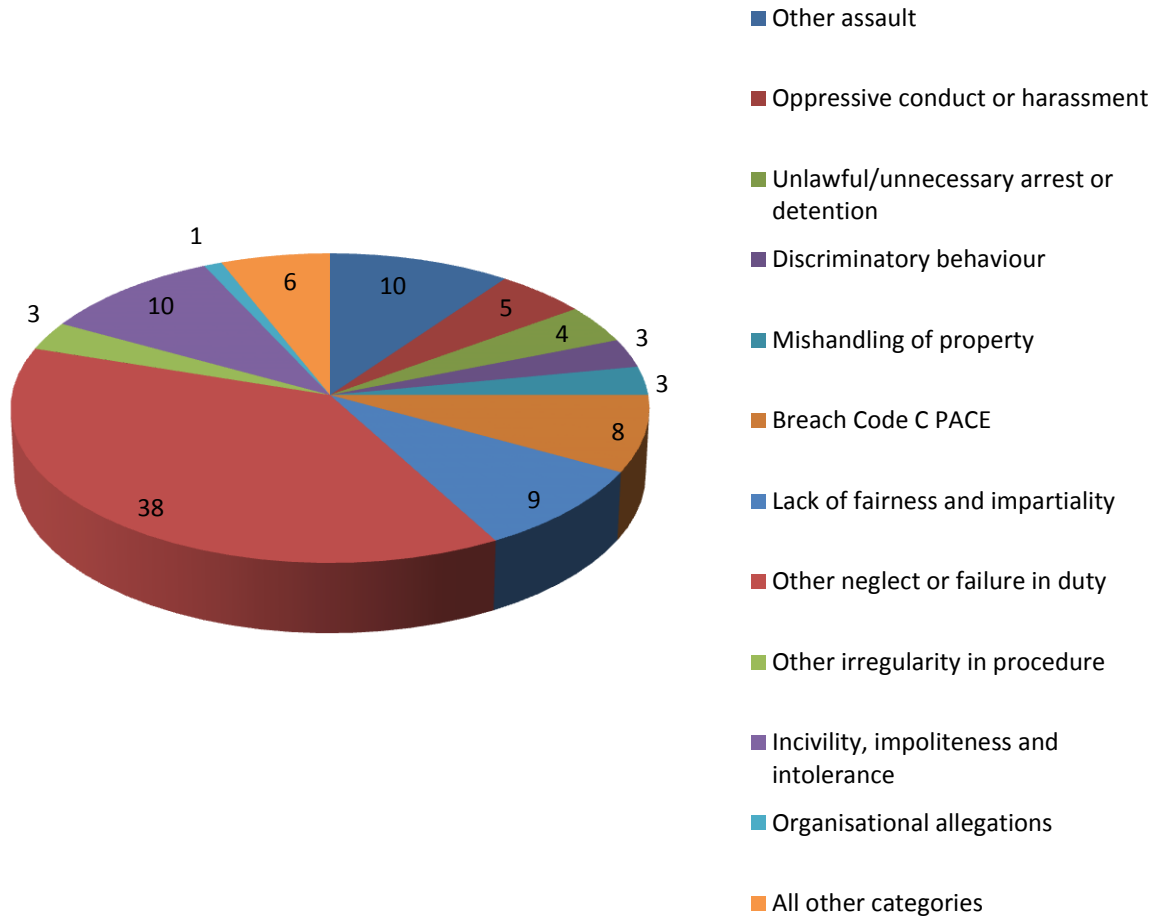
| Month        | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar |
|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Year 2016/17 | 38  | 60  | 88  | 35  | 55  | 68  | 42  | 45  | 64  | 65  | 41  | 56  |
| Year 2015/16 | 37  | 44  | 49  | 57  | 42  | 51  | 30  | 45  | 49  | 21  | 52  | 41  |
| Year 2014/15 | 53  | 60  | 46  | 46  | 53  | 82  | 49  | 51  | 75  | 54  | 51  | 49  |





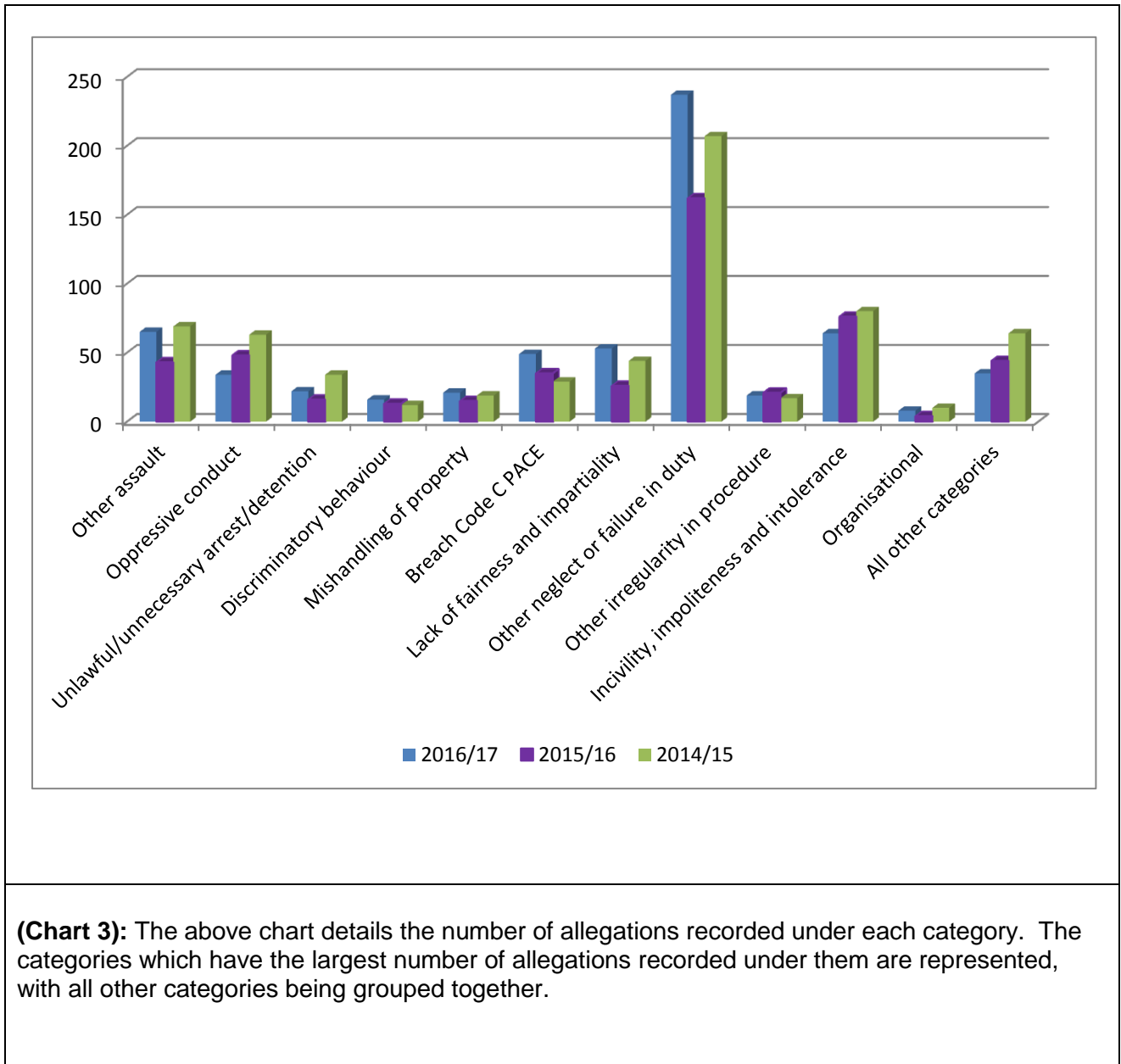
**Allegations**

Allegation categories recorded (percentage) between 1 April 2016 and 31 March 2017



**(Chart 2):** The above chart shows the most frequently recorded allegations by type as a percentage of all allegations recorded. The categories which record the largest percentage (3% of the allegations and above) are displayed individually, with all others being grouped together.

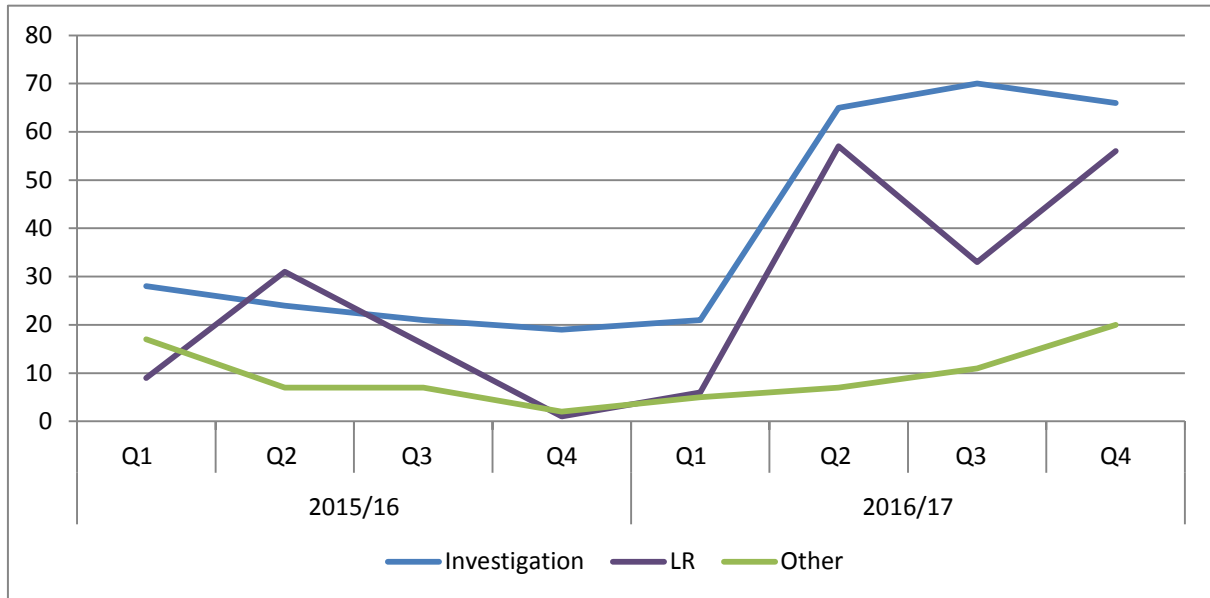
**Allegations Recorded – Three year allegation comparison**



**(Chart 3):** The above chart details the number of allegations recorded under each category. The categories which have the largest number of allegations recorded under them are represented, with all other categories being grouped together.

**Allegations finalised by means**

**Number of 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> |
|---------------|----------------------|-------------------------|--------------|
| 2015/16 Q1    | 28                   | 9                       | 17           |
| 2015/16 Q2    | 24                   | 31                      | 7            |
| 2015/16 Q3    | 21                   | 16                      | 7            |
| 2015/16 Q4    | 19                   | 1                       | 2            |
| 2016/17 Q1    | 21                   | 6                       | 5            |
| 2016/17 Q2    | 65                   | 57                      | 7            |
| 2016/17 Q3    | 70                   | 33                      | 11           |
| 2016/17 Q4    | 66                   | 56                      | 20           |

Allegations resulted as 'Special Requirements' have been investigated and are therefore included in the investigations

**Finalisation of Allegations****Table F: Outcome of allegations finalised by investigation (recorded against complaint cases post-April 2010)**

| <u>Period</u> |    | <u>Upheld</u> | <u>Not Upheld</u> | <u>Special Requirements</u> |
|---------------|----|---------------|-------------------|-----------------------------|
| 2015/16       | Q1 | 6             | 22                | -                           |
|               | Q2 | 3             | 21                | -                           |
|               | Q3 | 2             | 19                | -                           |
|               | Q4 | 0             | 19                | -                           |
| 2016/17       | Q1 | 1             | 20                | -                           |
|               | Q2 | 8             | 54                | 3                           |
|               | Q3 | 11            | 59                | -                           |
|               | Q4 | 3             | 63                | -                           |

The above table details the outcome of investigated allegations that were recorded against public complaint cases. 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 G: 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> |    |
|---------------|-------------------------|----------|------------------|----------|--|----------|----|
| 2015/16       | Q1                      | 9        | 17               | 1        | 2  | 16       | 30 |
|               | Q2                      | 31       | 50               | 4        | 6  | 3        | 5  |
|               | Q3                      | 16       | 36               | 2        | 5  | 5        | 11 |
|               | Q4                      | 1        | 5                | 0        | 0  | 2        | 9  |
| 2016/17       | Q1                      | 6        | 19               | 2        | 6  | 3        | 9  |
|               | Q2                      | 57       | 44               | 4        | 3  | 3        | 2  |
|               | Q3                      | 33       | 29               | 8        | 7  | 3        | 3  |
|               | Q4                      | 56       | 39               | 7        | 5  | 13       | 9  |

The percentage totals are against all allegations finalised during the reporting quarter.

**Force Appeals**

The appeal body for complaints changed with the introduction of the Police Reform and Social Responsibility Act 2011 on 22 November 2012. This places the responsibility on the individual Force for dealing with the majority of appeals. The IPCC will remain the appropriate authority for all formal investigations, those cases which were referred to the IPCC and cases where a non-recording decision was made. An assessment of the complaint is conducted on receipt to determine the relevant appeal body (RAB). An additional RAB test is completed in respect of each appeal received to ensure that correct appeal body has been identified.

Within the reporting period, 1 April 2016 to 31 March 2017, 43 appeals against all categories were received by the Force, with 42 of those being valid appeals.

Of the 42 valid appeals recorded within the reporting period, 34 have been finalised.

**Table H:** The table below details the categories under which the appeal was made and details the outcome and a percentage of valid appeals upheld:

|                                     | Live | Upheld | Not upheld | Not Valid | Total | % Upheld |
|-------------------------------------|------|--------|------------|-----------|-------|----------|
| Outcome of police investigation     | 3    | 1      | 10         | 0         | 14    | 9%       |
| Outcome of local resolution process | 5    | 5      | 13         | 1         | 24    | 28%      |
| Application of Disapplication       | 0    | 1      | 4          | 0         | 5     | 20%      |
| Application of Discontinuance       | 0    | 0      | 0          | 0         | 0     | 0%       |
| Total                               | 8    | 7      | 27         | 1         | 43    | 21%      |

The percentage of valid appeals upheld across all categories is 21%

The average number of working days taken to finalise valid appeals within the reporting period is 30 days.

To compare the data to the year 2015/16, a total of 53 appeals were received and 47 had been reviewed at the time of the data collection.

The percentage of valid appeals upheld across all categories was 11% and it took on average 23 working days to finalise the appeals.

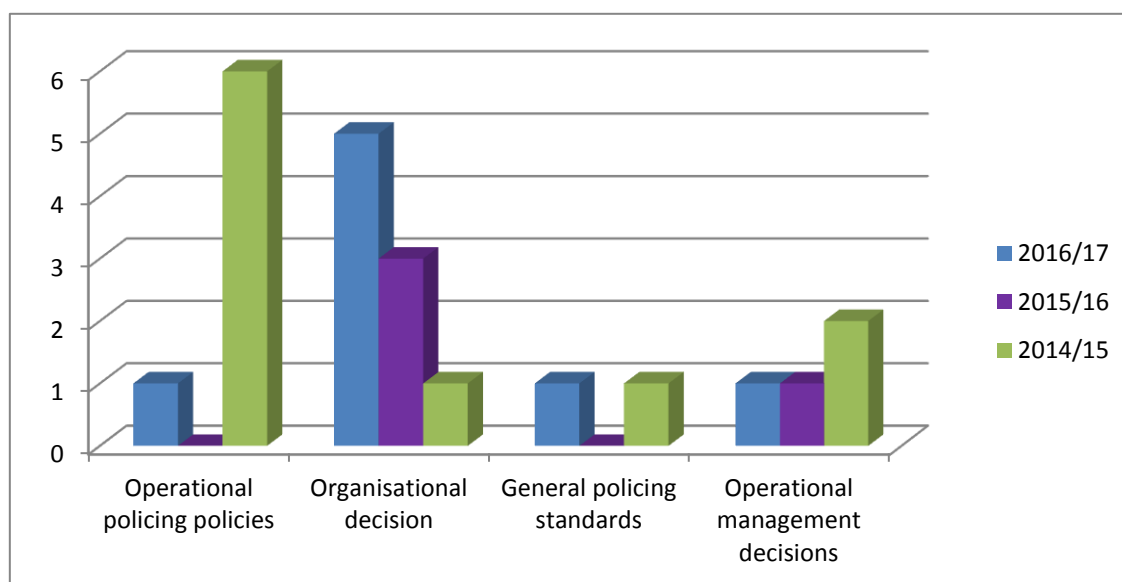
## Direction and Control Complaints

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 5 Direction and Control Complaints were recorded. Organisational allegations can also be linked to public complaints regarding the conduct of officers. In addition to the 5 Direction and Control complaints a further 3 Organisational allegations have been linked to public complaints.

The graph below details the all the Organisational allegations recorded in the reporting period, 1 April 2016 to 31 March 2017, in comparison to the previous two years:



Examples of each category of complaint received within the reporting period is listed below:

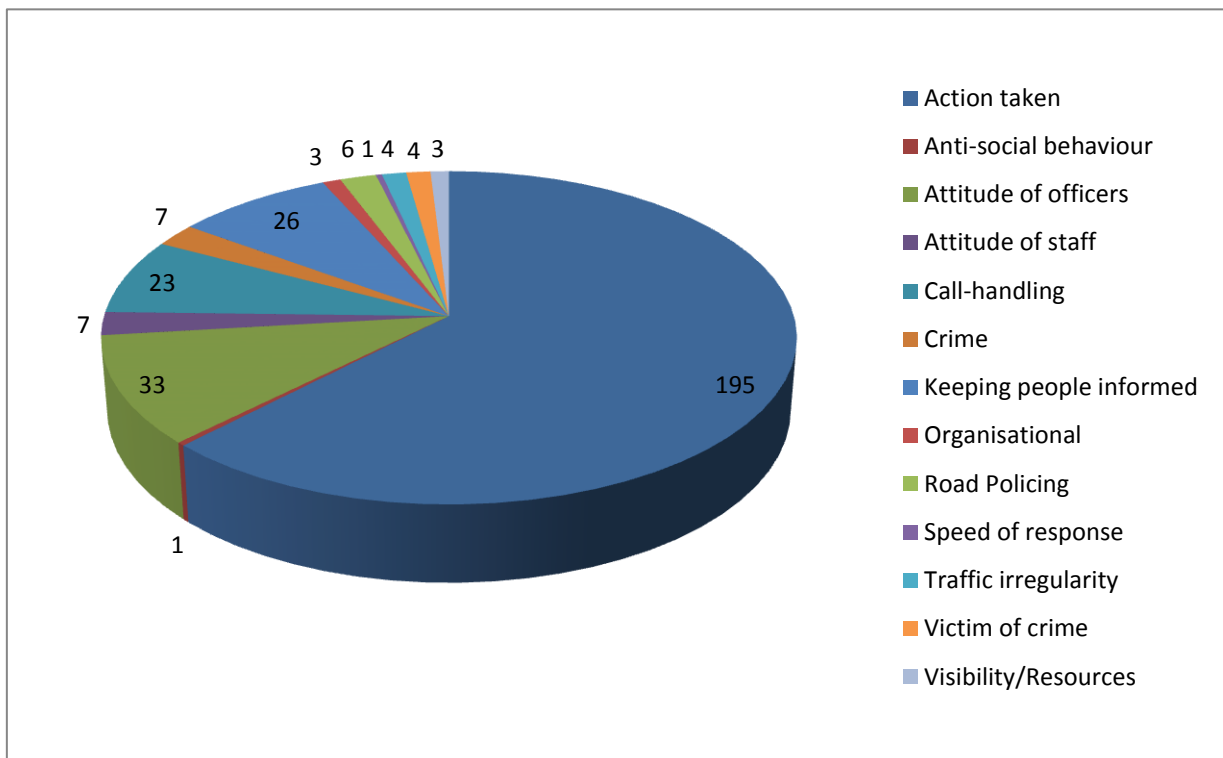
- **Operational policing policies** – Complaint about the wording of the bail cancellation letter (*not upheld – policy not reviewed*)
- **Organisational decisions** – Complaint regarding delay in follow up contact to the complainant by the Force due to issue with Force system (*locally resolved – policy not reviewed*)
- **General policing standards** – Complaint regarding the taking of DNA when arrested (*not upheld – policy not reviewed*)
- **Operational management decisions** – Complaint regarding the Force's policy around lost and found property (*not upheld – policy not reviewed*)

**Service Recovery**

On 7 July 2014, Service Recovery was introduced to replace the Dissatisfaction process in order to deal with low level matters, where there is no complaint, quickly and to the satisfaction of the member of public. This process is managed by Professional Standards which allows a consistent approach to dealing with all issues raised by the public concerning the service they receive.

During the period, 1 April 2016 to 31 March 2017, 313 Service Recovery issues have been recorded. Each issue is categorised into the reasons for the matter being raised.

**(Chart 5):** The below chart details those categories and the numbers recorded under each:



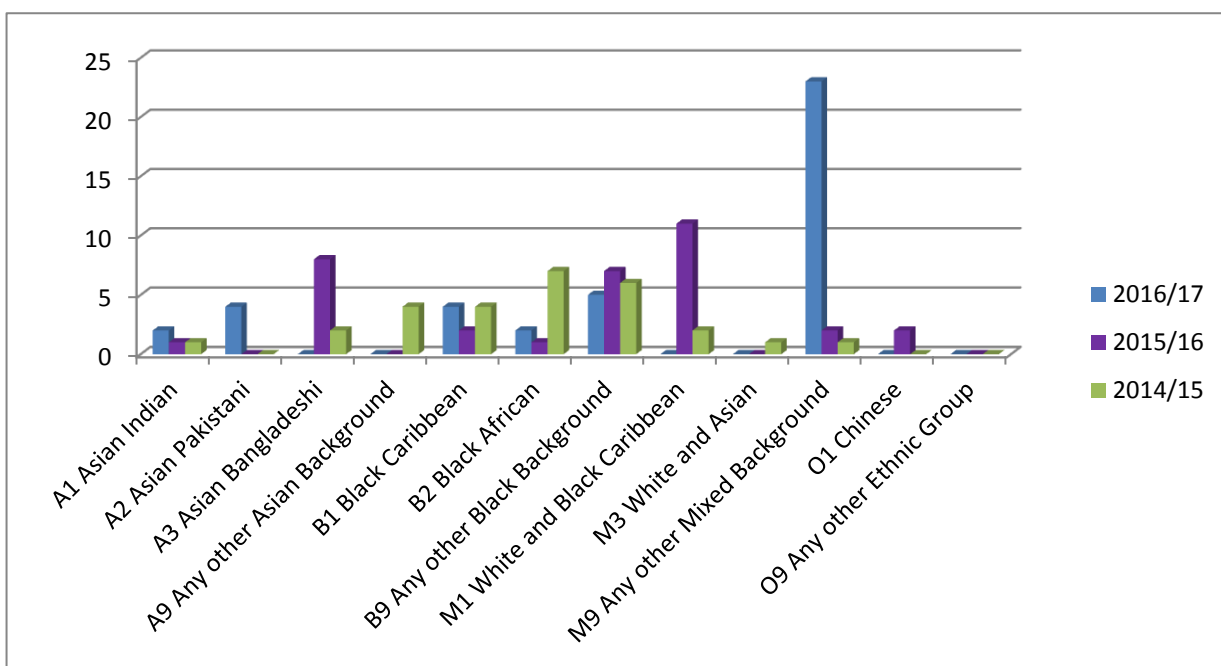
Once the Service Recovery process is entered, the member of public is still able to make a formal complaint if they wish to do so. Of those issues recorded as Service Recovery, 8 (2.5%) were unable to be resolved under this process, were recorded as public complaints and dealt with under the Police Reform Act 2002 (PRA 2002).

**Complaints made by Black and Minority Ethnic Groups**

In the reporting period, 1 April 2016 to 31 March 2017, 16 public complaint cases were recorded where the complainant is self-declared as Black and Minority Ethnic.

A total of 16 complainants are linked to the complaint cases and 35 separate allegations have been recorded. In addition to those 35, a further 5 allegations have been recorded against complaint cases recorded prior to the reporting period.

Of the 623 total allegations recorded for the period, 6.4% were made by a complainant from a BAME group. This compares to 34 allegations in 2015/16 (6.7%) and 28 allegations in 2014/15 (4.3%).



**(Chart 6):** The above chart displays the 40 allegations recorded within the reporting period for 2016/17 in comparison to the same period the previous two years, against the self-classification of the complainant, provided at the time the complaint was reported or during the investigation.

The most common allegation made by the complainants is ‘Discriminatory behaviour’. A total of 9 allegations have been recorded which is 22.5% of the total. This is closely followed by ‘Breach Code C PACE’ and ‘Other neglect or failure in duty’ where 8 allegations were recorded under each of the codes. A total of 6 allegations were made of ‘Unlawful/unnecessary arrest or detention’ and 3 of ‘Other assault’. Two allegations were each recorded as ‘Incivility, impoliteness and intolerance’ and ‘Other irregularity in procedure’ and one each of ‘Oppressive conduct or harassment’ and ‘Mishandling of property’.



Examples of some of the allegations recorded between 1 April 2016 and 31 March 2017 are detailed as follows;

|  |  |
|--|--|
| <b>A1 – Asian Indian</b>               | Allegation that officers have failed to investigate the complainant's reports of crime due to the Force being homophobic     |
| <b>A2 – Asian Pakistani</b>            | Allegation the arrest was unlawful due to the caution being given for a different offence                                    |
| <b>B1 – Black Caribbean</b>            | Allegation the officers' motivation for acting the way they did was racial   |
| <b>B2 – Black African</b>              | Complaint that the investigation into the allegations against the complainant too too long and the delay affected their life |
| <b>B9 – Any other Black Background</b> | Allegation officers failed to investigate crime due to the colour of the complainant's skin                                  |
| <b>M9 – Any other Mixed Background</b> | Allegation the officer administered a caution despite the complainant not admitting the offence                              |

### **PCC Case Sampling**

Professional Standards Department and the Office of the Police and Crime Commissioner have agreed a protocol for the process of case sampling public complaint files which have been finalised. The purpose of this protocol is to ensure that complaints are being dealt with proportionately and fairly in accordance with the IPCC Statutory Guidance to the Police service on handling of complaints (2013) and the Force's Policy documents and processes. For example, that cases and related allegations are recorded appropriately and stages of the process of dealing with the complaint are consistently in line with expectations of the guidance.

Case sampling takes place on a quarterly basis. The member of the OPCC randomly selects a number of cases for inspection from a list of those finalised in the period. It is not practical to inspect all files and therefore the following types and quantities were agreed as a suggested guide:

Local resolution – 4 or a percentage (5%)  
Local investigation – 4 or a percentage (5%)  
Direction and Control – 2 or a percentage (5%)  
Appeal files (Force appeals) – 3 or a percentage (10%)  
Disapplication/Discontinuance – 2 or a percentage (10%)

This process allows issues to be raised and fed back to Professional Standards to assist with future learning on an individual and/or department basis.

Due to staff changes within the Suffolk OPCC no complaint cases have been sampled during this time period. Processes are in place to conduct further case sampling in the near future and data will be available for the next report.

**Discipline Outcomes**

| <b>GROSS MISCONDUCT MEETINGS<br/>1 APRIL 2016 TO 31 MARCH 2017</b> |  |   |
|--|--|---|
| 1  | A member of police staff attended a disciplinary hearing in respect of Discreditable conduct<br><br>Inappropriate behaviour within a police building     | Final Written Warning   |
| 2  | A member of police staff attended a disciplinary hearing in respect of Fitness for duty<br><br>Attended work whilst unfit                                | Dismissed without notice                                      |
| 3  | A police officer attended a misconduct hearing in respect of Authority, respect and courtesy<br><br>Relationship with vulnerable person whilst on duty   | Dismissed without notice                                      |
| 4  | A member of police staff attended a disciplinary hearing in respect of Honesty and integrity<br><br>Accessed Force systems for non-policing purpose      | Written Warning   |
| 5  | A member of police staff attended a disciplinary hearing in respect of Discreditable conduct<br><br>Inappropriate relationship with member of the public | Dismissed without notice                                      |
| 6  | A police officer attended a misconduct hearing in respect of Honesty and integrity<br><br>Conviction at court of Breach of the Data Protection Act       | Dismissed without notice<br><br>The outcome has been appealed |
| 7  | A police officer attended a misconduct hearing in respect of Discreditable conduct<br><br>Driving with excess alcohol                                    | Dismissed without notice                                      |
|  |  |   |
| 1  | A Special Constable attended a misconduct meeting in respect of Confidentiality<br><br>Disclosure of information   | Management advice   |

NOT PROTECTIVELY MARKED

|   |  |   |
|---|--|---|
| 2 | A member of police staff attended a disciplinary meeting in respect of Honesty and integrity<br><br>Accessed and disclosed confidential police information                     | Written Warning   |
| 3 | A member of police staff attended a disciplinary meeting in respect of Duties and responsibilities<br><br>Failed to appropriately deal with a call from a member of the public | Final Written Warning – Appeal hearing and FWW to stand |

**Lessons Learned**

Below is a small selection of the Lessons Learned which have been recorded as a result of Public Complaints made in Suffolk. All lessons identified during the investigation are collated, actioned and tracked to ensure a suitable conclusion. A monthly 'Learning Times' bulletin is produced by PSD in order to disseminate the learning Force wide. The Independent Police Complaints Commission (IPCC) publish their own 'Learning the Lessons' bulletin focusing on national lessons identified and each bulletin is reviewed within Professional Standards and issues disseminated for awareness.

| <b><u>Origin of Lesson</u></b> | <b><u>Summary</u></b>   | <b><u>Lessons identified</u></b>  | <b><u>Action</u></b>  |
|--------------------------------|---|---|---|
| Public Complaint               | Complaint received that the reported crime took too long to complete and was not updated during the process. The officer had a period of sickness and leave during the investigation.                                   | It was identified that when the officer's workload was reviewed the crime should have been reallocated due to the extended period of sickness and the complainant contacted. The complainant did not sign up to the Victims contract but should have been updated more regularly. | The issue was highlighted to the supervisors and a dip sample process put in place. The lesson has been disseminated to both Forces County Policing Commands.   |
| Public Complaint               | The complainant was intoxicated when brought into custody declaring they suffer from depression, anxiety and are bi-polar. Complaint made that an appropriate adult was not provided.                                   | Despite the complainant suffering the effects of alcohol the custody Sergeant was aware of the mental health issues and should have provided an appropriate adult.  | Management Action given in the form of words of advice. Circulated to Custody and County Policing Command and included on the Custody Learning Times published in March 2017.   |
| Public Complaint               | The complainant had called police to report an assault and despite making many calls they were not contacted and did not know what was happening.   | Officers were unable to attend in the first instance but the complainant was not contacted to advise why and that there would be a delay. All forms of contact should be taken from the victim to ensure they can be contacted and updated.                                       | Details circulated to County Policing Command and Control Room. Raised with Command Heads at 1:1 meetings and is due to be included in a special edition of the Learning Times specifically around the Victims Code of Practice |
| General file                   | A member of the public contacted police as they had potentially been the victim of a fraudulent transaction. Police attended an address and assisted the victim to obtain the parcel from Royal Mail prior to delivery. | Royal Mail Security and Intelligence Team rose that this action was likely to have been unlawful. Guidance provided by them around the legislation in existence around the interception of the mail.  | Included in the January edition of the Learning Times to make officers aware of the legislation. Sent to the IPCC for national learning.  |

## **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.

**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 Appropriate Authority to discontinue the investigation.

**Disapplication** – Introduced in the new Statutory Guidance, to replace Dispensation, an application can be made to the Appropriate Authority 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 case is associated with separate criminal proceedings. The view of the Crown Prosecution Service is sought regarding any prejudice in investigating the complaint.

**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 to the Appropriate Authority against the local resolution outcome.

**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 police
- 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.