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**SUFFOLK
CONSTABULARY**

Professional Standards Department

Review

1 April 2019 to 31 March 2020

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| <u>CONTENTS</u> | <u>Page Number</u> |
|--|---------------------------|
| Introduction and Executive Summary | 3-6 |
| Complaint Key Indicators Contextual Information | 7-8 |
| Public Complaint Cases and Allegations | 9 |
| Allegation Types Recorded | 10-11 |
| Allegations Finalised by Means | 12 |
| Outcome of Allegations Allegations Finalised by Other Means | 13-14 |
| Force Appeals | 15 |
| Service Recovery | 16 |
| Complaints made by BAME | 17-18 |
| Complaints of Discriminatory Behaviour | 19 |
| Allegations of Discriminatory Behaviour | 20-21 |
| Complaints made by under 18's | 22 |
| Most Similar Forces data | 23 |
| Internal Investigations | 24-25 |
| Misconduct and Disciplinary outcomes | 26 |
| Resignations Public Hearings | 27 |
| Lessons Learned | 28 |
| OPCC Dip Sampling | 29 |
| Glossary | 30-31 |

Introduction

This report presents figures on public complaints relating to Suffolk Constabulary, recorded during the period 1 April 2019 to 31 March 2020 (Quarter 1 to Quarter 4 2019/20). These complaints are made by members of the public and under the Police Reform Act 2002 (PRA 2002), forces are required to record complaints made by the public in relation to the conduct of those serving in the Police. The Policing and Crime Act 2017 made significant changes to the police complaints system introducing a number of changes designed to achieve a more customer-focused complaints system.

From 1 February 2020 all dissatisfaction received is handled under new Regulations. Instead of a complaint being defined as relating to the conduct of an individual officer, a complaint can now be made about a much wider range of issues including the service provided by police as an organisation.

The changes allow for certain types of complaints to be recorded and resolved outside the requirements of Schedule 3 of the PRA 2002, while those which have been recorded under Schedule 3 may be handled reasonably and proportionately by investigation, otherwise than by investigation or in some circumstances, by taking no further action.

There is an increased focus on responding to matters in a timely way to secure confidence in the police complaints system, providing good customer service and on learning and improvement. A Reflective Practice Review Process has been introduced which encourages officers to reflect and learn from any mistakes or errors but with an emphasis on finding solutions rather than focusing on a punitive approach.

Changes to legislation replaced the right of appeal with a right to apply for a review of the outcome of the complaint and the responsibility for these reviews is with the local policing body. This change is aimed to increase independence and transparency.

Data for this report is extracted from the Professional Standards live case management system on a quarterly basis and includes complaints handled under both the old and new Regulations.

Executive Summary

- Public complaint numbers recorded in the reporting period, 1 April 2019 to 31 March 2020, have increased by 17% compared 2018/19. A total of 331 public complaints were recorded in the reporting period compared to 283 complaints in 2018/19. Allegations recorded have increased by 16% from 617 allegations in 2018/19 to 714 in the reporting period.

A rise in complaint figures was expected due to the changes in Regulations and recording standards resulting in more complaints being recorded. An increase in allegation numbers was also expected and both totals have increased by a similar percentage.

The allegation categories have been reviewed by the Independent Office for Police Conduct and have increased from 27 to 45 categories/sub categories meaning that direct comparison cannot be made to previous years.

For the purposes of reporting, data relating to complaints recorded under the new Regulations have been separated from those recorded prior to 1 February 2020.

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Of the complaints recorded under old Regulations, 'Other neglect or failure in duty' allegations remain the largest percentage of all allegations recorded.

- 'Other neglect or failure in duty' represents 40% of all allegations recorded under the old Regulations. In the reporting period, 242 allegations were recorded compared to 39%, 244 allegations in 2018/19. This is the highest recorded category recorded by all Forces and the IOPC reported in Q1-Q3 2019/20 that the National average was 41%. Allegations of this nature are typically in relation to a failure to update/contact the victim, failure to investigate, length of time taken to investigate. All learning identified through investigation of the complaints is fed back to the Professional Standards Department and this is regularly disseminated to the Force to highlight the key areas of learning to officers and staff.

The allegation category of 'Other neglect or failure in duty' no longer exists under new Regulations and issues of this type will now generally be recorded as 'Delivery of duties and service' which contains four sub categories of:

- A1 Police action following contact
- A2 Decisions
- A3 Information
- A4 General level of service

Since the introduction of the new Regulations, 54 allegations have been recorded under 'Delivery of duties and service' which is 50% of the total 108 allegations recorded under new Regulations.

Initial review of the common themes recorded under the new category relate to timeliness of investigations, not arresting offenders, quality of investigations and lack of updates.

- 'Incivility, impoliteness and intolerance' is the second largest category recorded under the old Regulations. The 69 allegations represent 11% of allegations recorded, compared to 13% in 2018/19, 81 allegations.

The allegation category of 'Incivility, impoliteness and intolerance' has been replaced by 'Individual behaviours' however this also includes the categories of 'Oppressive conduct or harassment' and 'Lack of fairness and impartiality'. This new allegation category is broken down into the following sub categories:

- H1 – Impolite language/tone
- H2 – Impolite and intolerant actions
- H3 – Unprofessional attitude and disrespect
- H4 – Lack of fairness and impartiality
- H5 – Overbearing or harassing behaviours

Since the introduction of the new Regulations, 21 allegations have been recorded under the category of 'Individual behaviours' which is 19% of the total recorded.

- The third largest category of 'Other assault' represents 8% of all recorded allegations. A total of 49 allegations were recorded under this category in the reporting period, in comparison to 9%, 56 allegations in 2018/19.

Under new Regulations the allegation of 'Other assault' has been replaced by 'Police powers, policies and procedures'. The sub categories are recorded as follows:

- B1 Stops, and stop search
- B2 Searches of premises and seizure of property

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- B3 Power to arrest and detain
- B4 Use of force
- B5 Detention in police custody
- B6 Bail, identification and interview procedures
- B7 Evidential procedures
- B8 Out of court disposals
- B9 Other policies and procedures

Just two Organisational allegations (complaints about how the Force is run) were recorded in the reporting period.

- On average it took 84 working days to finalise allegations by local resolution during the reporting period which is a decrease from the 101 working days for 2018/19. It took on average 123 working days to locally investigate allegations which is a decrease from the 141 working days in 2018/19. The complaints management unit has put resources into managing complaints and offering more support to investigating officers.

Indications from the Independent Office for Police Conduct are that they will measure timeliness for complaint cases handled outside of Schedule 3 and Schedule 3 complaints both by local investigation and not subject to investigation.

- Public complaints recorded under the old Regulations were monitored to measure the Force's compliance with the IOPC requirement to record public complaints within 10 working days. Of the 270 public complaints recorded in 2019/20, under the old Regulations, 82% were recorded within 10 working days.

Under the new Regulations, public complaint recording times will not be measured in the same way. There is no longer a requirement to log complaints within a specific time period however the IOPC have advised they will measure timeliness in respect of the time taken to log complaints and to make initial contact with the complainant.

- Of the allegations finalised on public complaints recorded under the old Regulations, 39% were locally investigated and 52% were locally resolved.

The way in which complaints are handled has changed significantly with the introduction of the new Regulations. The principle of '**Listen, say sorry, fix it**' allows officers to be creative about what action will be most useful to provide meaningful answers to the concerns raised, and any actions should be reasonable and proportionate. The aim is to remedy the dissatisfaction and identify any learning.

Complaints handled outside of Schedule 3 will either be resolved or not resolved, while Schedule 3 complaints will determine if the service provided was acceptable or not.

- A total of 30 public complaint allegations were upheld which is 15% of all allegations investigated. This is a decrease from 57 allegations upheld in 2018/19 which was 21% of the allegations investigated.

Allegations are resulted as upheld or not upheld following a local investigation only. The number of allegations resulted following investigation over the year has fallen from 45% in 2018/19 to 39% in the reporting period and this may have impacted the number of allegations upheld.

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- In 2019/20 the Force received 27 valid appeals against all categories of appeal. A total of 2 appeals have been upheld which is 8%.
- The service recovery process allowed for low level matters, where there is no complaint, to be dealt with quickly and to the satisfaction of the member of public.

In 2019/20, 162 service recovery matters were recorded. Of those, 8 cases (4.9%) were unable to be resolved and were converted to formal complaints.

Issues received in Force after 1 February 2020 are no longer handled through service recovery but are assessed and recorded as complaints outside Schedule 3 where appropriate.

- 18 complainants from BAME backgrounds made complaints, which is 5.2% of the 348 individual complainants who contacted police. Complainants are not required to provide their ethnicity when making a complaint and the complainant ethnicity has been completed on 57% of records therefore 149 complainants are recorded where their ethnicity is shown as unknown.
- In the reporting period, 31 allegations of 'Discriminatory behaviour' were recorded which is 4.3% of the total allegations recorded. The majority of allegations were recorded against the protected characteristic of Race and Disability.

The number of 'Discriminatory behaviour' complaints have risen and it would appear that more complainants are seeking support to make their complaints about police.

- A total of 32 internal conduct cases were recorded against police officers, members of the Special Constabulary and members of police staff in 2019/20 relating to breaches of the Standards of Professional Behaviour. In the reporting period one police officer attended a misconduct hearing and four members of police staff attended disciplinary hearings. One police officer attended a misconduct meeting.
- A total of 11 Learning Times bulletins have been published and disseminated across the Force in the reporting period together with three InFocus documents containing bespoke learning covering Body Worn Video, a publication detailing the changes to the complaints Regulations and a publication in response to COVID-19 offering advice to officers and staff.

Table A: Key Indicators Relating to Handling of Complaints

| Measure | Q1-Q4 2019/20 | Q1-Q4 2018/19 | Q1-Q4 2017/18 |
|---|--------------------------|--------------------------|--------------------------|
| Average number of working days to locally resolve allegations | 84 | 101 | 89 |
| Average number of working days to finalise allegations by local investigation | 123 | 141 | 112 |
| % of cases recorded within 10 working days | 82% | 91% | 87% |

The data above relates to all complaints recorded under the old Regulations, prior to 1 February 2020. Under the old Regulations, the IOPC recording guidance required public complaint to be recorded within 10 working days.

Table B: Key Indicators Relating to Handling of Complaints – New Regulations

Complaints recorded under new Regulations will be measured on the length of time taken to log the complaint and make initial contact with the complainant. Of the 61 public complaints recorded in February and March 2020 the timeliness has been reviewed as follows:

| Measure | 1 February to 31 March 2020 |
|---|------------------------------------|
| % of cases logged within 2 working days | 88% |
| % of complainants contacted within 5 working days | 69% |

Table C: Contextual Information Relating to all Allegations and Outcome

A total of 714 allegations have been recorded in the reporting period. Of those allegations, 606 are recorded under the old Regulations. The table below details allegations and outcomes recorded under old Regulations in comparison to the previous two years:

| Measure | Q1-Q4 2019/20 | % | Q1-Q4 2018/19 | % | Q1-Q4 2017/18 | % |
|--|--------------------------|----------|--------------------------|----------|--------------------------|----------|
| Recorded allegations | | | | | | |
| Number of 'other neglect or failure in duty' | 242 | 40 | 244 | 39 | 278 | 48 |
| Number of 'incivility, impoliteness and intolerance' | 69 | 11 | 81 | 13 | 59 | 10 |
| Number of 'other assault' | 49 | 8 | 56 | 9 | 46 | 8 |
| Number of 'breach Code C PACE' | 37 | 6 | 31 | 5 | 22 | 4 |
| Number of 'lack of fairness and impartiality' | 29 | 5 | 21 | 3 | 18 | 3 |
| | | | | | | |
| Outcome of allegations | | | | | | |
| Number of discontinued/disapplied | 26 | 5 | 33 | 5 | 62 | 11 |
| Number of withdrawn | 19 | 4 | 54 | 9 | 39 | 7 |
| Number of upheld investigations | 30 | 15 | 57 | 21 | 24 | 10 |
| Number locally resolved | 267 | 52 | 259 | 42 | 220 | 39 |
| Special Requirement investigations* | 3 | 2 | 13 | 5 | 11 | 4 |

*The IOPC Statutory Guidance indicates a complaint is subject to special requirements where the officer may have committed a criminal offence, or behaved in a manner which would justify the bringing of disciplinary procedures.

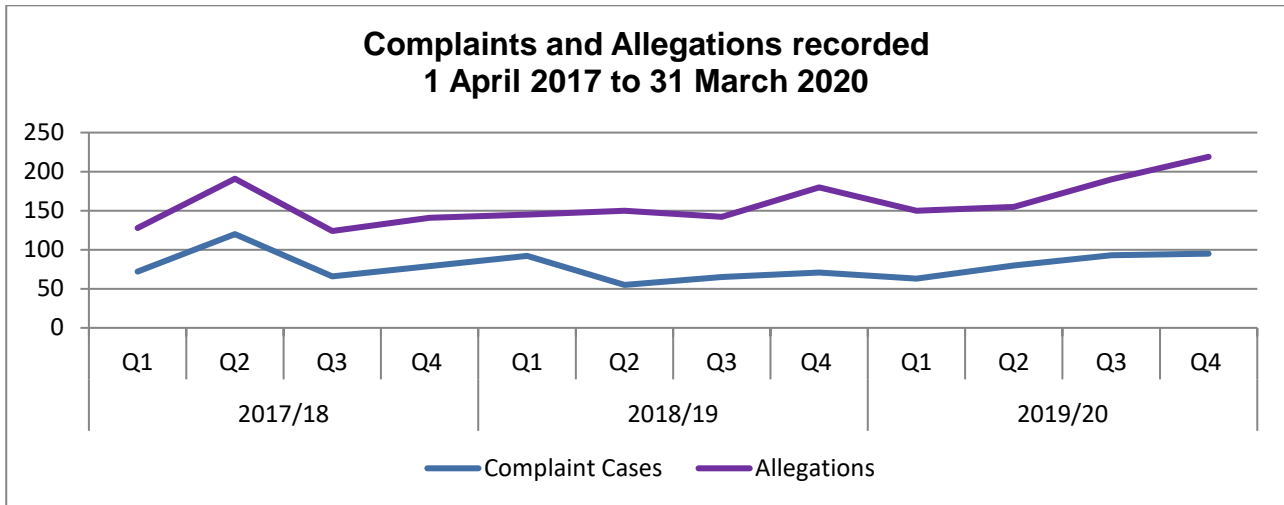
Table D: Contextual Information Relating to all Allegations and Outcome – New Regulations

A total of 108 allegations have been recorded on complaints handled under new Regulations and the top 5 allegation categories recorded are detailed in the table below:

| <u>Measure</u> | <u>Feb-March 2020</u> | <u>%</u> |
|--|----------------------------------|-----------------|
| Recorded allegations | | |
| Number of 'Delivery of duties and service' | 54 | 50 |
| Number of 'Individual behaviours' | 21 | 19 |
| Number of 'Police powers, policies and procedures' | 17 | 16 |
| Number of 'Discriminatory behaviour' | 8 | 7 |
| Number of 'Handling of or damage to property/premises' | 5 | 5 |
| Outcome of allegations | | |
| Number of the service provided was acceptable | 1 | 3 |
| Number of resolved allegations | 17 | 59 |
| Number of not resolved – No further action | 2 | 7 |
| Number of no further action allegations | 9 | 31 |

Only a small number of complaints received in Force after 1 February 2020 have been finalised.

Public Complaint Cases and Allegations



(Chart 1): The above chart shows the number of public complaint cases and allegations recorded quarterly over the last three years

Table E: Public Complaint cases and allegations recorded

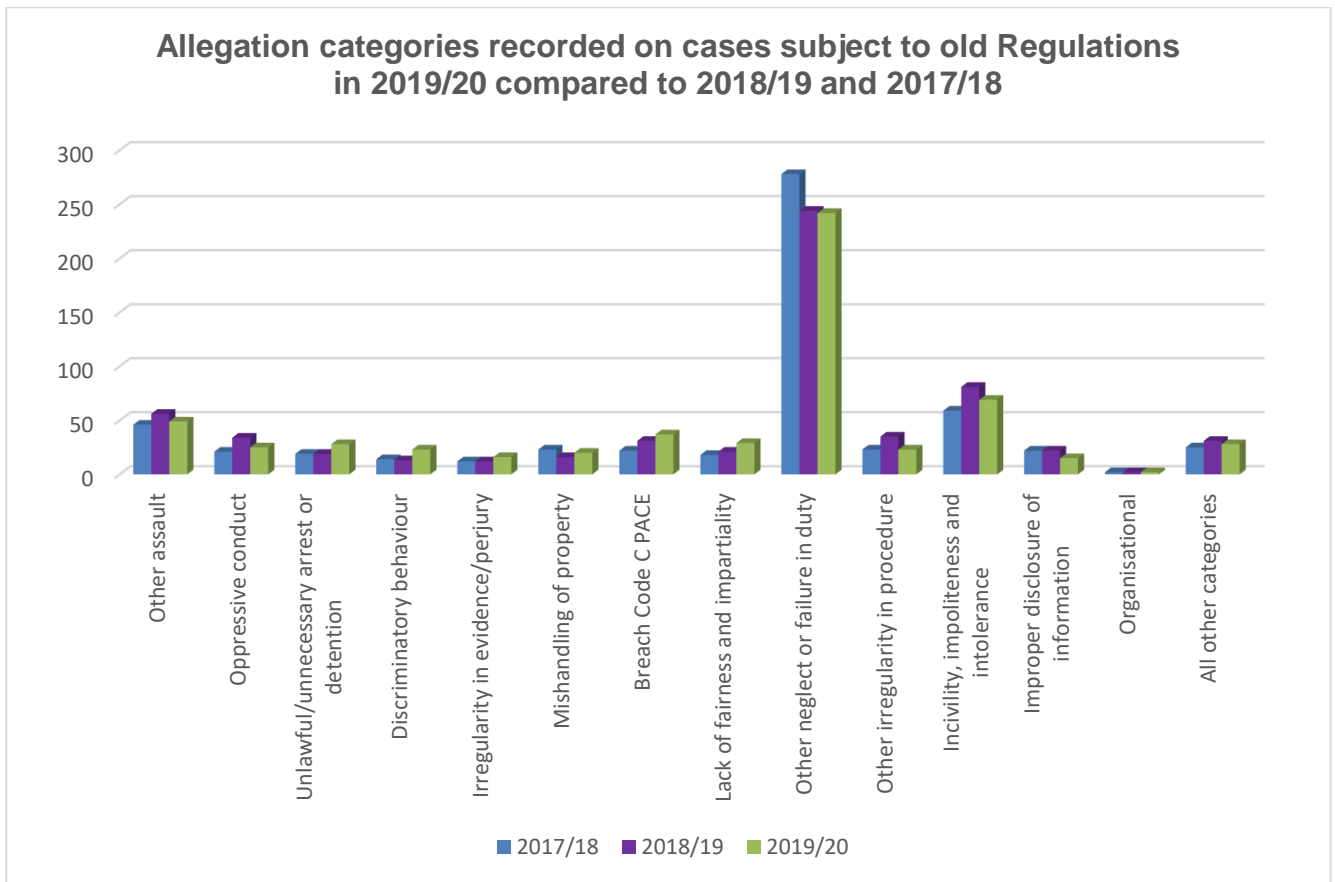
| <u>Year</u> | <u>Quarter</u> | <u>Complaint Cases Recorded</u> | <u>Allegations Recorded</u> |
|----------------|----------------|---------------------------------|-----------------------------|
| 2017/18 | Q1 | 72 | 128 |
| | Q2 | 120 | 191 |
| | Q3 | 66 | 124 |
| | Q4 | 79 | 141 |
| 2018/19 | Q1 | 92 | 145 |
| | Q2 | 55 | 150 |
| | Q3 | 65 | 142 |
| | Q4 | 71 | 180 |
| 2019/20 | Q1 | 63 | 150 |
| | Q2 | 80 | 155 |
| | Q3 | 93 | 190 |
| | Q4 | 95 | 219 |

Note: Allegations recorded during specified periods may also include allegations added to existing cases. i.e. 190 allegations have been recorded during Q3 2019/20. Of those, a proportion may be new allegations added to cases already recorded in the previous quarter.

The increase in complaint and allegation numbers in Q4 2019/20 are attributable to the changes in Regulations whereby all dissatisfaction received in PSD is assessed and where appropriate recorded as public complaints and handled either outside or under Schedule 3 of the Police Reform Act 2020.

Of the 95 complaints recorded in Q4 2019/20, 61 were recorded under the new Regulations. Of those, 38 have been recorded under Schedule 3 and 23 have been recorded as outside of Schedule 3.

Allegation Types Recorded – old Regulations



(Chart 2): The above chart details the number of allegations under each category recorded on public complaints handled under the old Regulations. The allegation categories which have the largest number of issues recorded under them are represented, with all other categories being grouped together. A total of 606 allegations have been recorded on the public complaints.

The top five highest recorded allegation categories for the reporting period are:

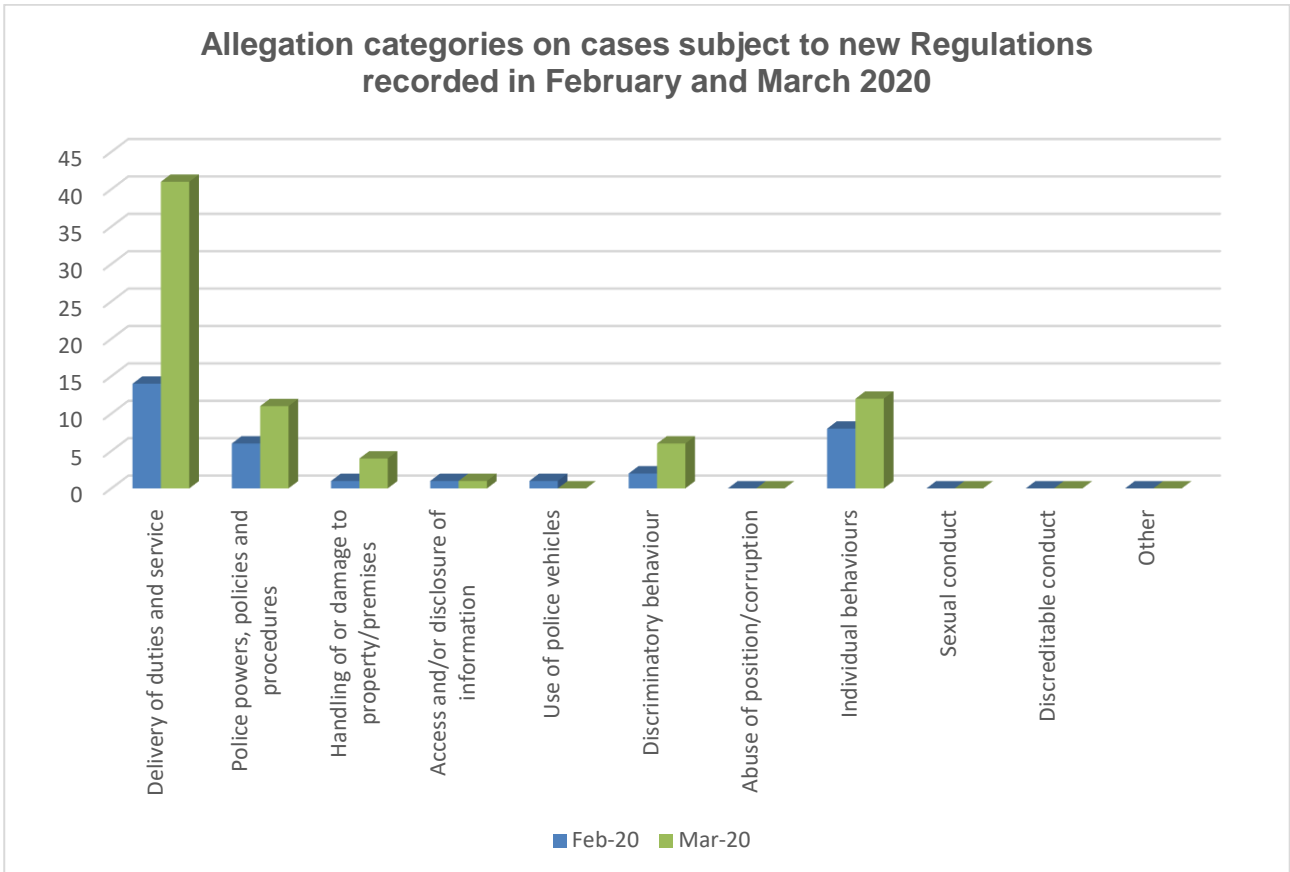
- Other neglect or failure in duty – 242 allegations recorded (40%)
- Incivility, impoliteness and intolerance – 69 allegations recorded (11%)
- Other assault – 49 allegations recorded (8%)
- Breach Code C PACE – 37 allegations recorded (6%)
- Lack of fairness and impartiality – 29 allegations recorded (5%)

The percentage of allegations recorded under the category of ‘Other neglect or failure in duty’ increased slightly compared to 2018/19 when 39% of allegations were recorded under this category.

Just two Organisational allegations were recorded in the reporting period both relating to ‘Organisational decisions. One concerned the Force’s handling of social media communication and managing the expectations of the complainant and the other related to the time taken for a call to be answered when phoning 101.

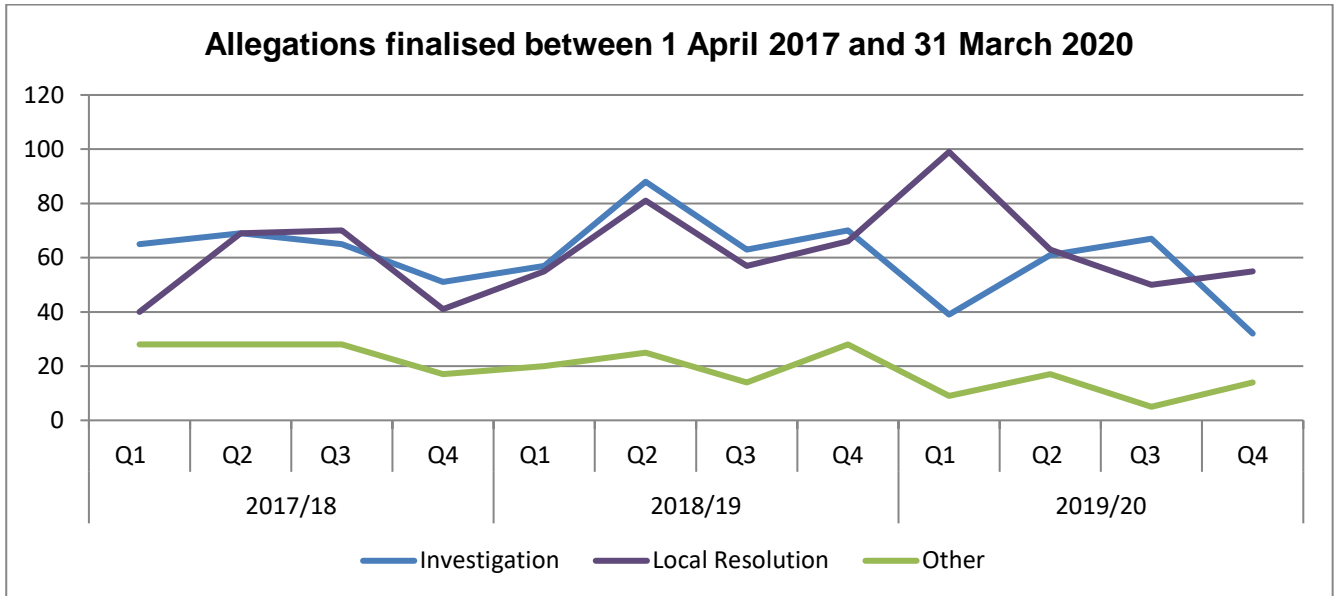
In addition to the 606 allegations recorded on public complaints under the old Regulations, a total of 108 allegations have been recorded on complaints recorded under the new Regulations. The introduction of the new Regulations on 1 February 2020 brought with it a change to the allegation categories.

(Chart 3): The below chart shows the categories recorded in the first two months since the introduction of the new Regulations



Allegations Finalised by Means

All public complaints received and recorded before 1 February 2020 are subject to the old Regulations and as such will continue to be handled by way of local investigation, local resolution, disapplied, discontinued and withdrawn.



(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’ (disapplication, discontinued and withdrawn)

Table F: Outcome of allegations

| <u>Year</u> | <u>Quarter</u> | <u>Investigation</u> | <u>Local Resolution</u> | <u>Other</u> |
|----------------|----------------|----------------------|-------------------------|--------------|
| 2017/18 | Q1 | 65 | 40 | 28 |
| | Q2 | 69 | 69 | 28 |
| | Q3 | 65 | 70 | 28 |
| | Q4 | 51 | 41 | 17 |
| 2018/19 | Q1 | 57 | 55 | 20 |
| | Q2 | 88 | 81 | 25 |
| | Q3 | 63 | 57 | 14 |
| | Q4 | 70 | 66 | 28 |
| 2019/20 | Q1 | 39 | 99 | 9 |
| | Q2 | 61 | 63 | 17 |
| | Q3 | 67 | 50 | 5 |
| | Q4 | 32 | 55 | 14 |

Of the allegations finalised in Q1-Q4 2019/20, 39% were locally investigated and 52% were locally resolved.

Table G: Outcome of allegations finalised by investigation

| <u>Year</u> | <u>Quarter</u> | <u>Upheld</u> | <u>%</u> | <u>Not Upheld</u> | <u>%</u> | <u>Special Requirements</u> | <u>%</u> |
|----------------|----------------|---------------|----------|-------------------|----------|-----------------------------|----------|
| 2017/18 | Q1 | 6 | 9 | 55 | 85 | 4 | 6 |
| | Q2 | 3 | 4 | 66 | 96 | 0 | 0 |
| | Q3 | 10 | 15 | 51 | 78 | 4 | 6 |
| | Q4 | 5 | 10 | 43 | 84 | 3 | 6 |
| 2018/19 | Q1 | 13 | 23 | 38 | 67 | 6 | 11 |
| | Q2 | 19 | 22 | 65 | 74 | 4 | 5 |
| | Q3 | 12 | 19 | 48 | 76 | 3 | 5 |
| | Q4 | 13 | 19 | 57 | 81 | 0 | 0 |
| 2019/20 | Q1 | 5 | 13 | 34 | 87 | 0 | 0 |
| | Q2 | 7 | 11 | 53 | 87 | 1 | 2 |
| | Q3 | 8 | 12 | 58 | 87 | 1 | 1 |
| | Q4 | 10 | 31 | 21 | 66 | 1 | 3 |

Due to rounding up/down the percentages may not add up to 100%

The above table details the outcome of allegations recorded against public complaint cases which were subject to local investigation. 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. The recorded percentage is of those cases locally investigated only.

Of the allegations locally investigated in the reporting period, 1 April 2019 to 31 March 2020, 15% of allegations were upheld.

Three allegations were finalised under Special Requirements in the reporting period. One resulted in a case to answer for which management action was determined and the remaining two resulted in no case to answer for misconduct.

Table H: Allegations finalised by other means

| <u>Year</u> | <u>Quarter</u> | <u>Local Resolution</u> | <u>%</u> | <u>Withdrawn</u> | <u>%</u> | <u>Discontinued/ Disapplication</u> | <u>%</u> |
|----------------|----------------|-------------------------|----------|------------------|----------|-------------------------------------|----------|
| 2017/18 | Q1 | 40 | 30 | 14 | 11 | 14 | 11 |
| | Q2 | 69 | 42 | 8 | 5 | 20 | 12 |
| | Q3 | 70 | 43 | 8 | 5 | 20 | 12 |
| | Q4 | 41 | 38 | 9 | 8 | 8 | 7 |
| 2018/19 | Q1 | 55 | 42 | 10 | 8 | 10 | 8 |
| | Q2 | 81 | 42 | 16 | 8 | 9 | 5 |
| | Q3 | 57 | 43 | 7 | 5 | 7 | 5 |
| | Q4 | 66 | 40 | 21 | 13 | 7 | 4 |
| 2019/20 | Q1 | 99 | 67 | 5 | 3 | 4 | 3 |
| | Q2 | 63 | 45 | 11 | 8 | 6 | 4 |
| | Q3 | 50 | 41 | 2 | 2 | 3 | 2 |
| | Q4 | 55 | 54 | 1 | 1 | 13 | 13 |

The recorded percentage is of all cases finalised during the reporting period.

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Complaints recorded and handled outside of Schedule 3 of the Police Reform Act 2002 will be resulted as either 'resolved' or 'not resolved'. If the complaint is not resolved the options will be to take no further action or to record the complaint under Schedule 3.

Schedule 3 complaints will be handled either by way of investigation, otherwise than by investigation or no further action.

The available outcomes for handling complaints by way of investigation or other than by investigation are:

- the service provided by the police was acceptable
- the service provided by the police was not acceptable
- we have looked into the complainant but have not been able to determine if the service provided was acceptable

A total of 29 allegations recorded under the new Regulations have been finalised in the reporting period.

- 17 allegations were resolved (handled outside of Schedule 3)
- 2 allegations were not resolved – no further action (handled outside of Schedule 3)
- 1 allegation was resulted as the service provided was acceptable (Schedule 3 complaint)
- 9 allegations were resulted as no further action (Schedule 3 complaints)

Force Appeals

The appeal body for complaints recorded under the old Regulations is either the Appropriate Authority (the Force) or the IOPC. An assessment of the complaint is conducted on receipt to determine the relevant appeal body (RAB) and a review of the RAB is completed at the conclusion of the investigation of the complaint.

New Regulations introduced from 1 February 2020 replaced the right of appeal with a right to apply for a review of the outcome of the complaint and the responsibility for these reviews is with the local policing body (Office of the Police and Crime Commissioner). The change is aimed at increasing independency and transparency.

The following data relates to appeals made under the old Regulations where the Force holds the responsibility for conducting the appeal.

Within the reporting period, 1 April 2019 31 March 2020, 27 valid appeals against all categories of public complaint were received by the Force.

Of the 27 appeals received, 26 were finalised in the reporting period.

Table I: The table below details the categories under which the appeal was made and the outcome together with the percentage of appeals upheld

| Category of Appeal | Upheld | Not Upheld | No data | Total | % Upheld |
|---------------------------------|----------|------------|----------|-----------|-----------|
| Outcome of Police Investigation | 0 | 1 | 0 | 1 | 0% |
| Outcome of Local Resolution | 1 | 21 | 1 | 23 | 4% |
| Application of Disapplication | 1 | 2 | 0 | 3 | 33% |
| TOTAL | 2 | 24 | 1 | 27 | 8% |

The percentage of upheld appeals across all categories is 8%

The average number of working days taken to finalise appeals within the reporting period is 26 days.

To compare the data to 2018/19, a total of 43 valid appeals were recorded. The percentage of valid appeals upheld across all categories was 16% and it took on average 24 working days to finalise the appeals.

The length of time taken to consider appeals can vary depending on the number of appeals under review at any one time and the complexity of the investigations.

Service Recovery

The service recovery process allowed for low level matters, where there is no complaint, to be dealt with quickly and to the satisfaction of the member of the public.

Under the new Regulations, service recovery matters are no longer recorded as such. Low level matters of dissatisfaction which are referred to PSD are assessed and where appropriate recorded as public complaints and in many cases are suitable for handling outside of Schedule 3 of the Police Reform Act 2002. Recording this information allows forces and local policing bodies to learn from complaints.

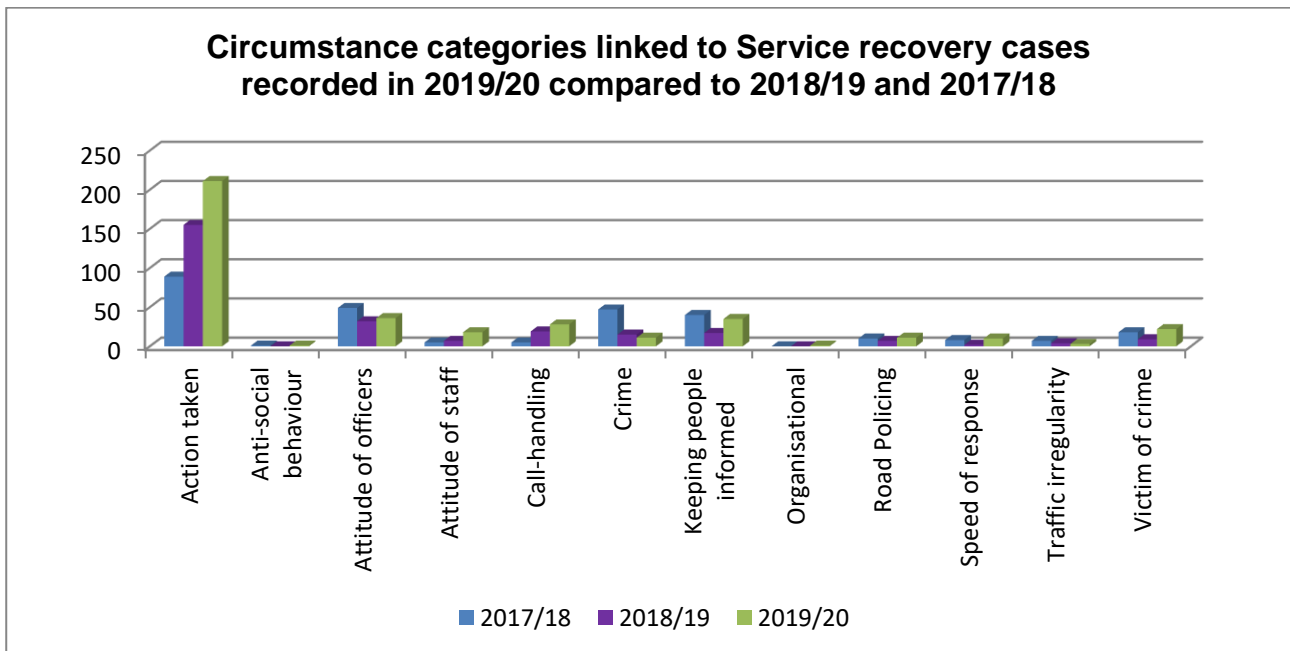
Of the 61 public complaints received after 1 February 2020 and recorded under the new Regulations, 23 have been recorded and handled outside of schedule 3.

During the period 1 April 2019 to 31 March 2020, a total of 162 matters of dissatisfaction were received by the Force and recorded as service recovery matters. This compares to 214 service recovery cases recorded in year 2018/19 and 290 cases in 2017/18

The figure for the reporting period is lower than previous years due to dissatisfaction received after 1 February 2020 no longer being recorded as service recovery, however there would appear to have been a 3 year downward trend.

Each issue is given a category relating to the reasons for the matter being raised and can have more than one recorded against it. A total of 279 circumstance categories were recorded against the 162 service recovery cases.

(Chart 5): The below chart shows the number of different circumstance categories recorded on the service recovery cases:

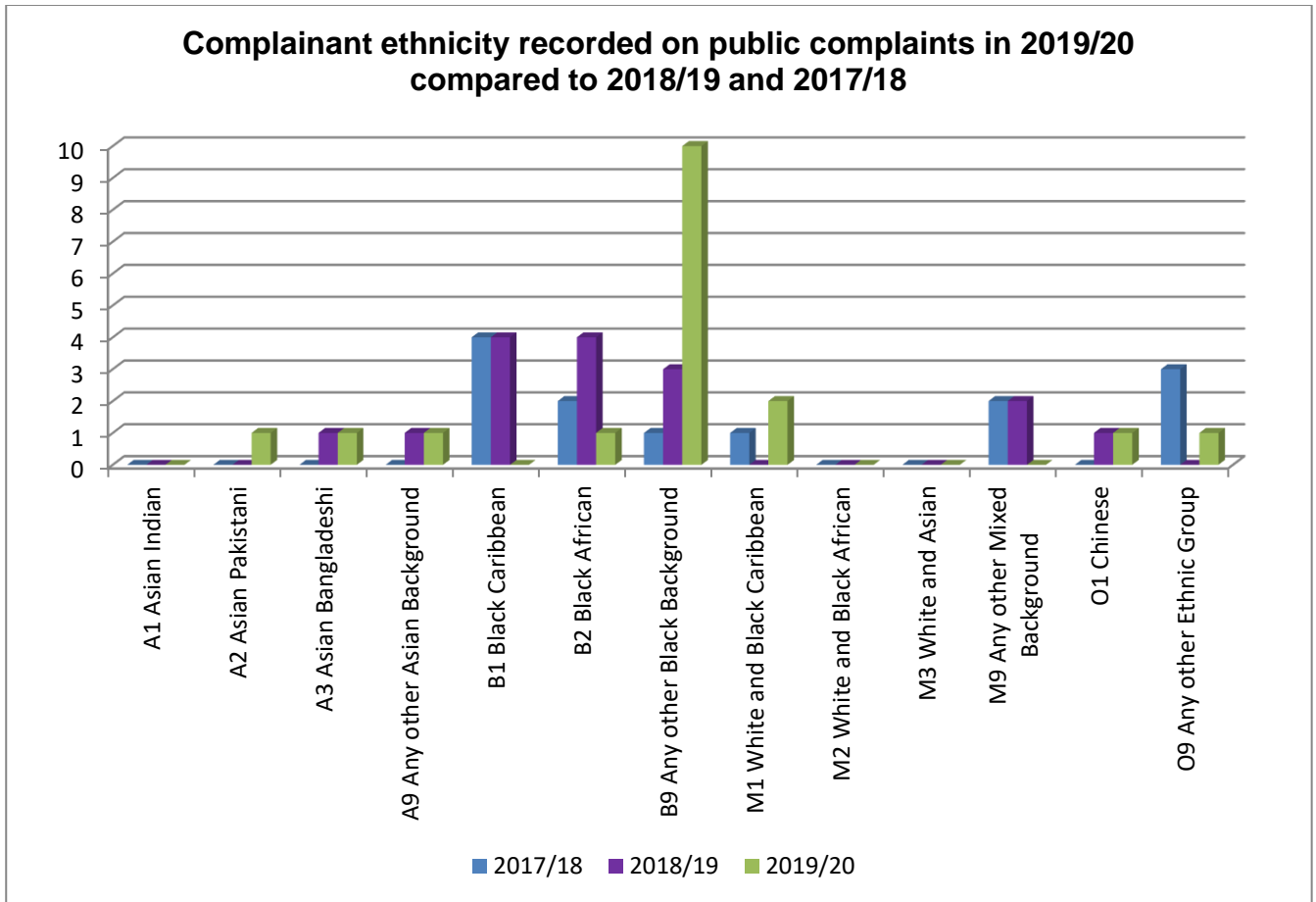


The service recovery process allowed the member of public to be able to make a formal complaint if they chose to. Of the 162 issues recorded as service recovery in 2019/20, 8 were unable to be resolved under this process, were recorded as public complaints and dealt with under the Police Reform Act 2002. This amounts to 4.9% of all service recovery issues recorded. This is an increase from the 3.7% of failed service recovery matters in 2018/19 and the 4.8% in 2017/18.

Complaints made by Black and Minority Ethnic Groups

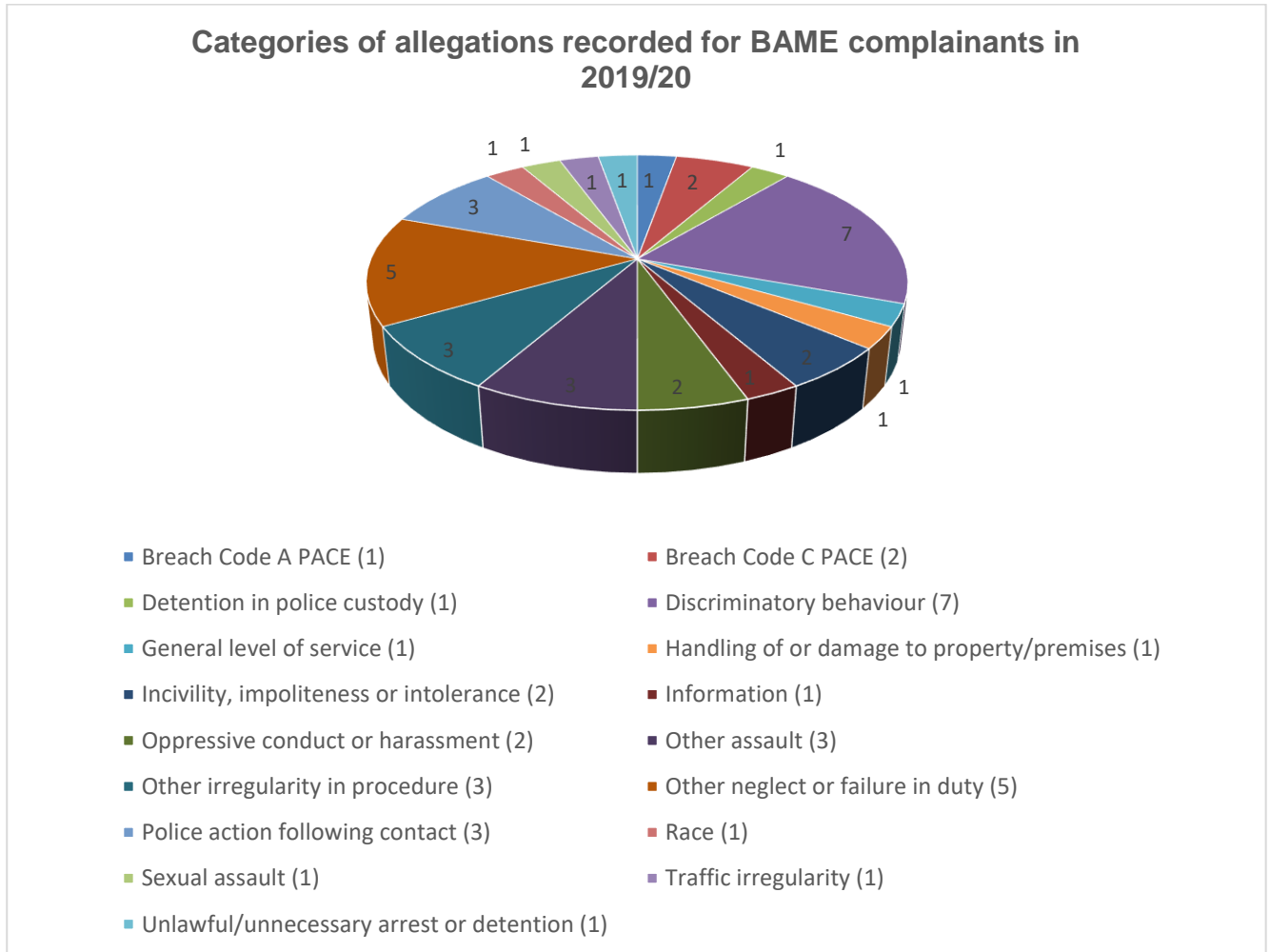
In the reporting period, 1 April 2019 to 31 March 2020, 331 public complaints were recorded. A total of 348 individual complainants are recorded on the cases and of those, 18 complainants have advised PSD that they are Black and Minority Ethnic (BAME). This is 5.2% of all the complainants recorded. This is a small decrease from the 5.3% BAME complainants in 2018/19 but an increase on the 3.7% of BAME complainants recorded on complaints in 2017/18.

(Chart 6): The chart below displays the ethnicity of the BAME complainants recorded on the complaint cases in the reporting period compared to the previous two years:



It should be noted that there is no requirement for complainants to provide their ethnicity when making a complaint and on the complaints recorded in 2019/20, the ethnicity has been recorded for 57% of complainants.

(Chart 7): The 18 complainants from BAME backgrounds have made 36 separate allegations on complaint cases recorded in the reporting period and these are broken down into the following categories:



Examples of some of the allegations recorded between 1 April 2019 and 31 March 2020 under the categories are detailed as follows:

- **Discriminatory behaviour** - the complainant alleges police took no action in respect of the reported crime because of their ethnicity
- **Other neglect or failure in duty** – allegation the officer failed to investigate a crime appropriately
- **Other assault** – allegation the officer used excessive force when arresting the complainant
- **Other irregularity in procedure** – officers entered the complainant’s garden without permission to search for a wanted person
- **Police action following contact** – allegation that following reporting an ongoing issue to police have failed to investigate appropriately

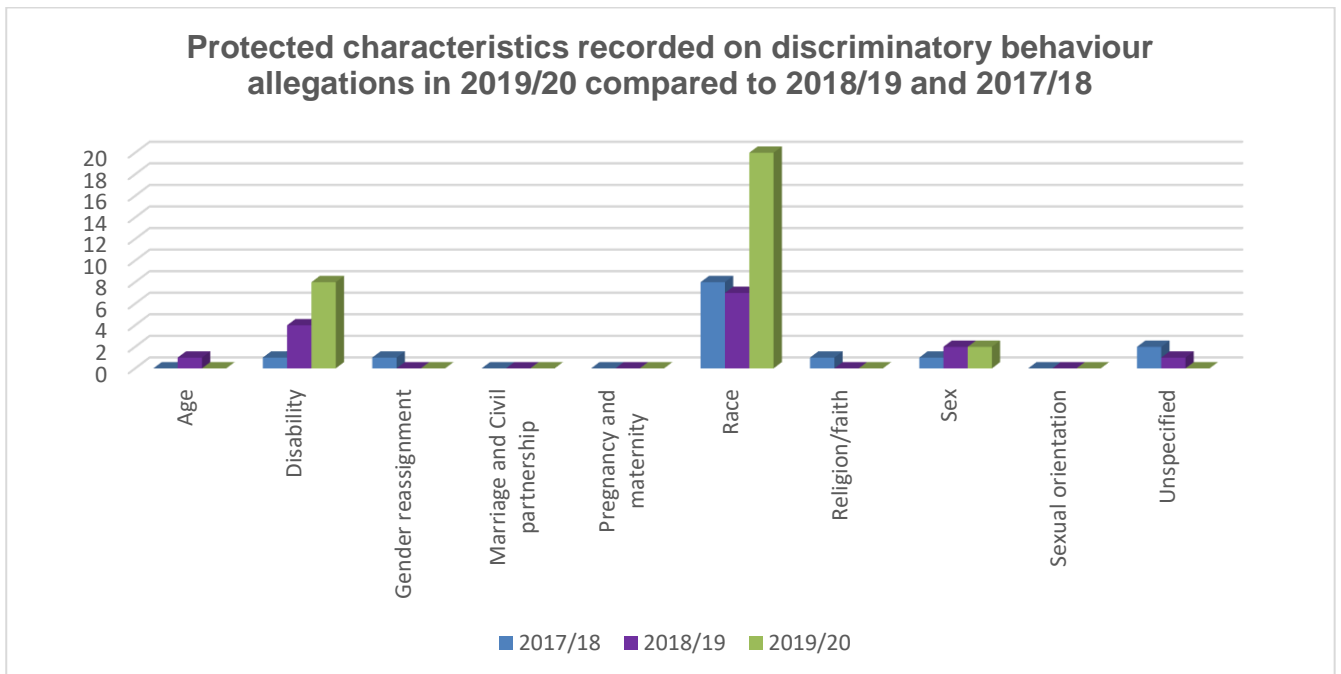
Complaints of Discriminatory Behaviour

In the reporting period 1 April 2019 to 31 March 2020, the Professional Standards Department recorded a total of 714 allegations. Of this total, 31 allegations were recorded against the category of ‘Discriminatory behaviour’ which amounts to 4.3% of the total allegations recorded.

To compare this percentage to the same period in previous years, 2.1% of the allegations recorded in 2018/19 were recorded as discriminatory behaviour and 2.4% in 2017/18.

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 unspecified.

(Chart 8): Shows the protected characteristics breakdown of the allegations within the recording period, in comparison to the previous two years:



The current status of the 31 allegations recorded is as follows:

- 12 were finalised as being not upheld
- 2 allegations were locally resolved
- 2 the service was acceptable
- 2 no further action
- 1 was withdrawn
- 1 disapplication
- 11 live investigation

Under new Regulations, complaints of discrimination will continue to be recorded under the category of ‘Discriminatory behaviour’ and the sub categories are listed as the protected characteristics.

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**ALLEGATIONS OF DISCRIMINATION
RECORDED 1 APRIL 2019 TO 31 MARCH 2020**

1. Allegation the officer failed to recognise the complainant's disabilities as they are not visible – **DISABILITY** (locally resolved)
2. The complainant believes that a lack of police action is due to their medical condition – **DISABILITY** (locally resolved)
3. The complainant alleges Suffolk Police have a racial hatred towards black people in Ipswich – **RACE** (not upheld)
4. The complainant believes they were targeted because of their race and that police consider them a greater risk due to their colour – **RACE** (not upheld)
5. A traffic stop took an excessive amount of time and the complainant believes they were taken advantage of due to not being able to speak fluent English – **RACE** (not upheld)
6. The complainant is unhappy with the way the officer spoke to them and made them feel as though they had done something wrong – **RACE** (not upheld)
7. The complainants are victims of crime and state officers have discriminated against them as they are not British. They allege they were treated less favourably than a British person in similar circumstances would be treated – **RACE** (not upheld)
8. Police attended an incident at the complainant's home address but feels officers did not treat them fairly because of their background – **RACE** (not upheld)
9. The complainant alleges excessive force during arrest and that the treatment by police was because of their ethnicity – **RACE** (not upheld)
10. Allegation police failed to investigate the matters raised by the complainant as they are not English – **RACE** (withdrawn)
11. The complainant feels they were discriminated against when trying to report a crime because of their disability – **DISABILITY** (not upheld)
12. Allegation that the complainant's treatment in custody was because they are black – **RACE** (live investigation)
13. The complainant believes police were gender bias when dealing with a domestic violence incident – **SEX** (not upheld)
14. Allegation the police did not make reasonable adjustments for the complainant – **DISABILITY** (not upheld)
15. The complainant believes the stop search carried out was due to their race – **RACE** (not upheld)
16. Allegation police mocked the complainant due to their nationality – **RACE** (live investigation)

OFFICIAL

17. The complainant's son was arrested and the police did not account for him being vulnerable – **DISABILITY** (live investigation)
18. The complainant alleges police took no action regarding an assault due to their colour – **RACE** (live investigation)
19. Allegation the action taken by police into the investigation is due to their colour – **RACE** (live investigation)
20. The complainant believes they have been discriminated against due to having come to the attention of the police previously – **OTHER** (not upheld)
21. Allegation the officer made an inappropriate comment to the complainant when they had been stopped for a vehicle check – **RACE** (live investigation)
22. The complainant alleges officers have failed to investigate a crime and discriminated against them – **RACE** (disapplication)
23. Allegation police have failed to deal with reported incidents adequately – **RACE** (live investigation)
24. Two allegations made that following a reported incident, the complainant alleges they have been treated less favourably than a British person – **RACE** (the service provided was acceptable)
25. The complainant called police to report an incident and alleges the officer treated them differently due to their mental health issues – **DISABILITY** (live investigation)
26. Allegation the complainant was discriminated against because of their race – **RACE** (no further action)
27. The complainant is unhappy with the investigation and feels discriminated against as the officer failed to consider their disabilities – **DISABILITY** (no further action)
28. The complainant was stopped by police and given a form which they were unable to understand given their disability and they were offered no support – **DISABILITY** (live investigation)
29. Allegation the police were gender bias when dealing with a domestic incident – **SEX** (live investigation)
30. The complainant was stopped for a traffic offence and alleged the officer laughed at them – **RACE** (live investigation)

The majority of complaints made about discrimination have been recorded under the protected characteristic of Race (20), followed by Disability (8). Of the allegations relating to Race, 12 have been made by complainants from BAME backgrounds, 6 are unknown and 2 are from white backgrounds. The allegations made against the protected characteristic of Disability relate to police failing to recognise the disability or make adjustments for the complainant.

There has been a rise in complaints of discrimination and it should be noted that more complainants are supported by a third party in making their complaints about police. In 2017/18 just one complainant was supported by an advocate which is 7% of the complainants. In 2018/19 this rose to 17% of complainants (2) and in 2019/20, 8 complainants had support in making their complaints which is 27%.

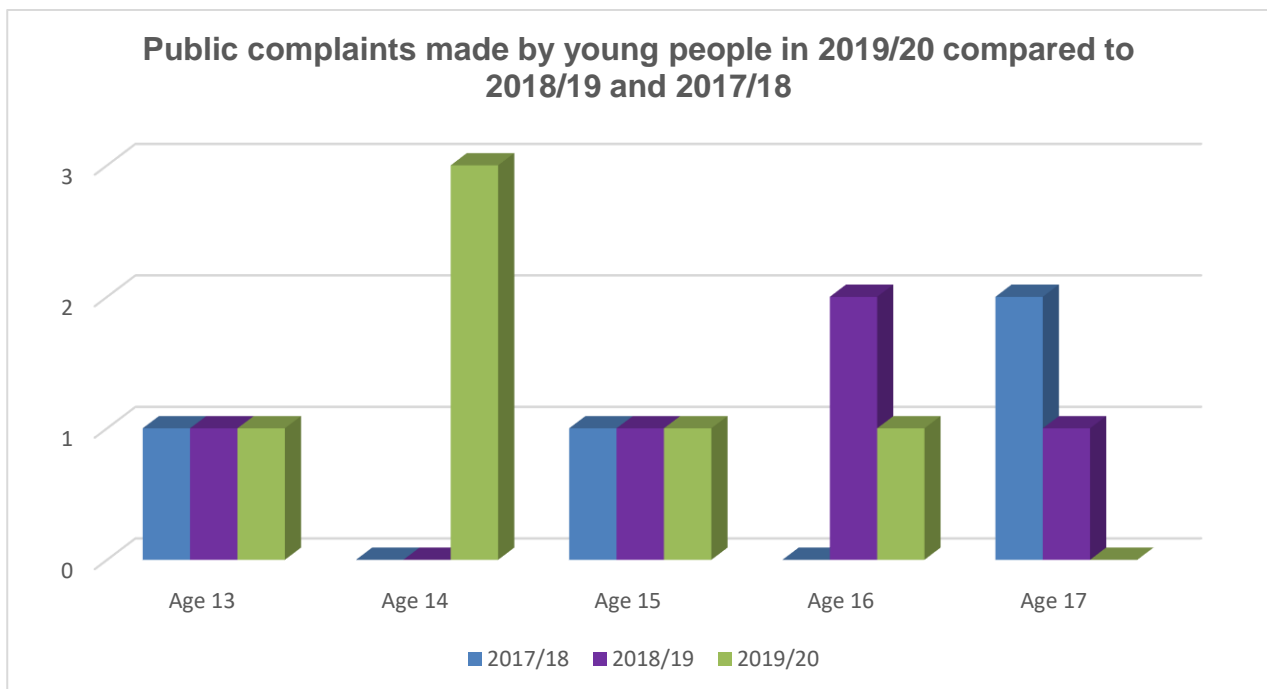
Complaints made by under 18's

Young people under the age of 16 can make a public complaint in their own right and would not normally need to provide written permission for a parent, guardian or advocate to make the complaint on their behalf. In many cases the young person will be supported by a parent, guardian or other appropriate adult however if this is not the case, this should not prevent them from making a complaint.

The appropriate authority will consider whether a parent or guardian should be informed of the complaint and involved in the complaints process or whether another form of support would be appropriate to assist the young person.

Complainants are not required to provide their date of birth therefore from the data available; six public complaints were made by young people under the age of 18 in the reporting period. This compares to five recorded in 2018/19 and four in 2017/18.

(Chart 9): The chart below shows the number of complaints made by young people and their age at the time the complaint was recorded:



Four of the complaints recorded in the reporting period were made by the parents of the young people.

One young person made the complaint in their own right and another was supported by Social Services.

Two of the complaints have been finalised to date. Both complaints have been investigated, one was upheld and the officer involved received management action and the other was not upheld.

Most Similar Forces Group

Most Similar Forces Groups are designed to help make fair and meaningful comparisons between forces. Forces operate in very different environments and face different challenges. It can be more meaningful to compare a force with other forces which share similar social and economic characteristics, than, for example, a neighbouring force.

The IOPC have advised they are considering not publishing the Q1-Q4 bulletin however the annual report should be available later in the year.

Table J: The table below is an extract of data from the Independent Office for Police Conduct quarterly statistics bulletins for Q1-Q3 2019/20 (1 April to 31 December 2019) and is presented to gain an understanding of where Suffolk sits within the MSF Group. National data is included in the end column for context and comparison.

| <u>Q1-Q3 01.04.19 to 31.12.19</u> | <u>Suffolk</u> | <u>Norfolk</u> | <u>North Wales</u> | <u>West Mercia</u> | <u>North Yorkshire</u> | <u>Warwickshire</u> | <u>Devon & Cornwall</u> | <u>Wiltshire</u> | <u>National Result</u> |
|--|-----------------------|-----------------------|---------------------------|---------------------------|-------------------------------|----------------------------|------------------------------------|-------------------------|-------------------------------|
| <u>Complaint case timeliness</u> | | | | | | | | | |
| % complaint cases recorded within 10 working days | 82% | 80% | 94% | 94% | 89% | 97% | 91% | 93% | 89% |
| Ave number of days to finalise complaint cases (not including sub judge) | 104 | 97 | 134 | 105 | 104 | 113 | 112 | 120 | 98 |
| <u>Allegations Recorded</u> | | | | | | | | | |
| % of Other neglect or failure in duty allegations | 40% | 36% | 40% | 37% | 52% | 32% | 54% | 44% | 41% |
| % of Incivility, impoliteness and intolerance allegations | 11% | 11% | 13% | 16% | 16% | 13% | 9% | 11% | 12% |
| % of Other assault allegations | 9% | 7% | 5% | 5% | 7% | N/A | 4% | 6% | 7% |
| Allegations per 1000 employees | 230 | 226 | 154 | 125 | 250 | 138 | 294 | 346 | 205 |
| <u>Allegations Finalised</u> | | | | | | | | | |
| % allegations locally resolved | 52% | 49% | 50% | 37% | 79% | 29% | 60% | 69% | 50% |
| % allegations locally investigated | 41% | 41% | 46% | 55% | 6% | 55% | 27% | 19% | 38% |
| % allegations disapplied | 3% | 3% | 1% | 2% | 12% | 9% | 6% | 3% | 5% |
| Ave number of days to locally resolve allegations | 87 | 87 | 90 | 65 | 95 | 51 | 66 | 109 | 70 |
| Ave number of days to finalise allegations by local investigation | 132 | 99 | 193 | 104 | 106 | 145 | 203 | 196 | 152 |

*N/A – data not available within the quarterly statistics (does not appear within their top five allegation categories)

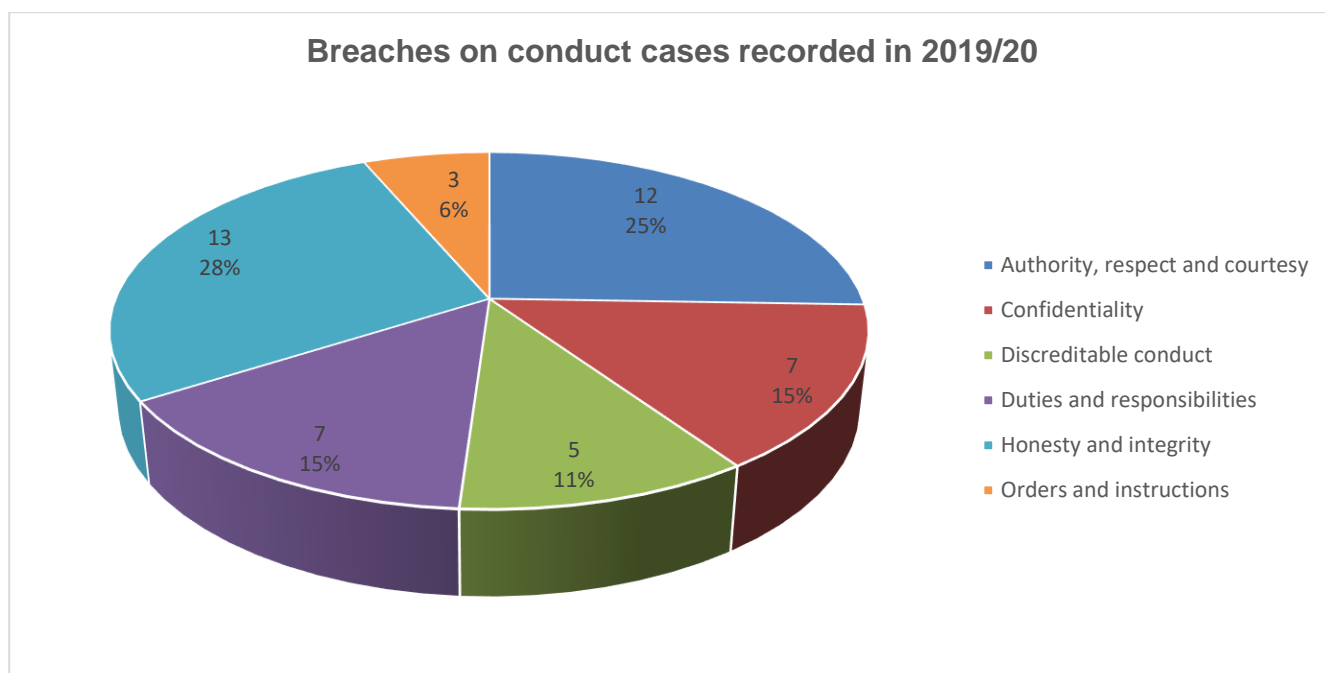
Internal Investigations

In the reporting period, 1 April 2019 to 31 March 2020, 32 internal conduct cases were recorded.

A total of 47 separate breaches of the Standards of Professional Behaviour have been recorded on the 32 conduct cases. These breaches relate to 28 Police officers, 9 members of Police staff and one member of the Special Constabulary.

The most frequently recorded breach in 2019/20 was ‘Honesty and integrity’ which was 28% of the total recorded. This was followed ‘Authority, respect and courtesy’ at 25% and ‘Duties and responsibilities’ and ‘Confidentiality’ both at 15%.

(Chart 10): The chart below displays a breakdown of the breaches recorded on the conduct cases under each category and as a percentage overall:



Of the conduct cases recorded in the reporting period, 20 have been finalised to date:

- 4 cases resulted in no case to answer for misconduct
- 1 case resulted in a case to answer but resulted in no action
- 11 cases resulted in a case to answer for which management action was the outcome
- 1 case resulted in a case to answer and was referred to misconduct meetings
- 3 cases resulted in a case to answer and were referred to misconduct hearings

Examples of the issues recorded under the most commonly recorded breaches of ‘Honesty and integrity’, ‘Authority, respect and courtesy’, ‘Duties and responsibilities’ and ‘Confidentiality’ are as follows:

- Allegation the police officer was involved in a minor collision with road furniture whilst driving a police vehicle and failed to report the damage
 - *Management action*

OFFICIAL

- Allegation the police officer was absent from work for personal reasons without permission and was not honest in the account given to a supervisor
 - *Management action*
- Allegation the officer made inappropriate and unacceptable comments to a colleague
 - *Written warning issued*
- Allegation the police officer made comments about a colleague to others which failed to treat the individual with courtesy and respect
 - *Management action*
- Allegation the police officer has failed to complete rostered tours of duty without good reason or authorisation
 - *Written warning issued*
- Allegation the member of staff excessively used work email for personal use
 - *No case to answer*
- Allegation the police officer covertly recorded a meeting with colleagues
 - *Management action*
- Allegation the police officer disclosed sensitive police information to their partner
 - *Management action*

MISCONDUCT/DISCIPLINE OUTCOMES

Table K: The following table provides details of the misconduct and disciplinary outcomes recorded against police officers and members of police staff as a result of hearings and meetings.

| MISCONDUCT HEARINGS 1 APRIL 2019 TO 31 MARCH 2020 | | |
|--|---|-----------------------|
| 1 | A member of police staff attended a misconduct hearing for Honesty and Integrity Breach of advice provided as initial management action and infringement of the terms of the Business Interest approval. | Final Written Warning |
| 2 | A police officer attended a misconduct hearing for Authority, respect and courtesy Made inappropriate and unacceptable comments to a colleague | Written Warning |
| 3 | A member of police staff attended a misconduct hearing for Authority, respect and courtesy Behaved negatively towards a colleague and used Force systems to correspond with colleagues which was deemed unprofessional | Written Warning |
| 4 | A member of police staff attended a misconduct hearing for Authority, respect and courtesy Used Force systems to correspond with colleagues which was deemed unprofessional | Written Warning |
| 5 | A member of police staff attended a misconduct hearing for Authority, respect and courtesy Behaved negatively towards a colleague and used Force systems to correspond with colleagues which was deemed unprofessional | Written Warning |
| MISCONDUCT MEETINGS | | |
| 1 | A police officer attended a misconduct meeting for Duties and Responsibilities Failed to complete rostered tours of duty without good reason or authorisation. | 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 two police officers resigned during the course of the investigation. In both cases the officers conduct was considered under the Former officer Regulations and it was determined there was no case to answer for misconduct.

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.

Lessons Learned

Table L: Below is a small selection of the recent 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 selection of the lessons identified are disseminated to the Force within the PSD Learning Times bulletin. The Independent Office for Police Conduct (IOPC) publish their own 'Learning the Lessons' bulletin focusing on national lessons identified and these are disseminated to the Force.

A total of 11 Learning Times bulletins have been published and disseminated across the Force in 2019/20 together with three InFocus documents containing bespoke learning covering Body Worn Video, a publication detailing the changes to the complaints Regulations and a publication in response to COVID-19 offering advice to officers and staff.

| <u>Origin of Lesson</u> | <u>Complaint</u> | <u>Recommendations/Actions</u> |
|--------------------------------|---|--|
| Public Complaint | The complainant informed custody staff of their injuries however they state no assistance was provided. | The Learning Times bulletin published in February 2020 reminded officers that wherever possible, they <u>must ask</u> detainees about any injuries, current or recent mental health or medical conditions. They should also ask about any medication they are currently taking. The arresting or escorting officer should monitor the welfare of the detainee that they are responsible for until such time as they bring them before the custody officer. The presence of a health condition and its severity affects decisions about <u>how</u> and <u>where</u> a person should be treated. |
| Public Complaint | A caution was issued to the complainant however it related to the incorrect section of the Protection from Harassment Act 1997. | The Learning Times publication in October 2019 reminded officers of the Harassment legislation and that for Section 4 Harassment, there needs to be evidence of fear <u>on at least two occasions</u> , or consider whether the behaviours better suit Section 2, or 2A Stalking/4A Stalking causing serious alarm or distress with substantial adverse effect. Officers were also signposted to further guidance and advice published on the Force's website. |
| Public Complaint | The complainant was stopped by officers and no clear explanation and rationale as to the reason for the stop was given. | The Learning Times publication in July 2019 reminded officers of their duty under PACE Code A when conducting a stop/search to provide a clear explanation of the purpose of the search in terms of why that person is being searched, article(s) there is a power to search for, and the powers under which the search is being conducted. Officers duty is to provide the following information when conducting a stop/search: <ul style="list-style-type: none"> • Grounds for the search • Object/Purpose of the search • Warrant card (if not in uniform) • Identity of the Officer (Unless linked to terrorism) • Station you are based at • Entitlement to a copy of the search record • Legal power used • Your detention for the search |

OPCC Dip Sampling

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 Professional Standard Department (PSD) report was presented to the Accountability and Performance Panel, the OPCC has completed Dip Sampling from the finalised cases provided by PSD for the periods of 1 July 2019 to 30 September 2019 and 1 October 2019 to 31 December 2019.

A total of 23 files were reviewed 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 four cases which were subject to an appeal.

The files reviewed were predominantly completed to a high standard with no issues highlighted with the process followed. There were a number of examples where the final report provided to the complainant included a detailed account of the decisions made as well as explanations on the process followed to reach the decisions made.

There were examples where learning opportunities and feedback were identified by the Constabulary during complaint investigations which did not directly relate to the complaint made, these were however still acted upon within the organisation with the relevant explanation provided to the complainant.

The most common issues highlighted within the Dip Sample was the delay in progressing the complaint. This delay often took place when the complaint was first allocated to area and there were examples of the complainant chasing for an update during this period. Whilst this would often not alter the quality of the process followed it can cause additional frustration for the complainant.

Other issues highlighted included:

- Written evidence that officers were not notified of complaint receipt and outcomes. These were often completed verbally but not always referenced.
- There was one example where the final correspondence did not cover all the complaint elements, however this was rectified within the appeal process with a satisfactory outcome provided to the complainant.
- There was one example when a standard template form was provided to the complainant when a more detailed correspondence was required. This was rectified within PSD with an apology provided to the complainant.

Overall it must be stated that this was a 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, especially with complaints of a serious nature, as this allows the complainant to be provided with the most comprehensive response available.

Glossary

Complaint Case – Made by a member of the public about the service provided by the police, either about the conduct of an individual or about the Organisation.

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.

Schedule 3 – The section under the Police Reform Act 2002 which relates to the handling of public complaints.

Local Resolution – For less serious cases, such as rudeness or incivility, a complaint may be suitable for 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.

Local Investigation – In other circumstances 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.

Supervised Investigations – Investigations carried out by the Police under their own direction and control. IOPC 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 IOPC following a supervised investigation.

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

Independent investigations – Investigations carried out by IOPC investigators.

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 – 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).

Sub judice – 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 decision is made by Professional Standards and the complainant has a right to appeal the decision to the IOPC.

OFFICIAL

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

Local resolution appeal – Complainants are entitled to appeal to the relevant appeal body 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 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.