

Cumbria Police Authority

Professional Standards Committee

19 July 2010

Agenda Item No.5

COMPLAINTS BY THE PUBLIC

Report by the Chief Constable

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BACKGROUND:

Quarterly report of complaint allegations made between 1 April and 30 June 2010.

RECOMMENDATION (s):

Members to note the report

DETAIL:

1. Overview

Eleven cases were referred to the Independent Police Complaints Commission during the quarter. One case is awaiting a decision, one is supervised and the rest are for local investigation. There is currently one managed investigation.

On 1 April 2010 the IPCC Revised Statutory Guidance was introduced, embedding the ethos of inspiring public confidence in the Police Complaints system with the emphasis focussed on resolving issues raised as early, learning the lessons and restoring public confidence in the Police. The PSD has embraced this change and is fully conversant with the new Statutory Guidance

2. Suspensions

At the commencement of the quarter two officers were suspended. Of those, one officer has pleaded Guilty to a Breach of Section 55 Data Protection Act, and has subsequently resigned from the Constabulary effective from 03/05/10. The other officer has he pleaded not guilty to a charge of Misconduct in a Public Office and is listed for trial at Carlisle Crown Court in October 2010. One officer remains suspended. There were no new officer suspensions in this quarter. Two members of police staff have been suspended in the period.

3. Allegations

3.1. Comparison of allegations recorded 01/04/2010 and 30/06/2010 with 2009

	April	May	June	Total
2009	36	12	23	71
2010	37	65	25	127

Increases in unprofessional conduct and Incivility are the main causes of the significant increase seen in May, these affected North & West BCUs UOS and HQ CID.

(Further analysis after area breakdown)

3.2. Allegations broken down into BCU

The table below shows the allegations broken down into BCU:

	April to June 10	April to June 09	Difference
North	41	28	+13
South	26	18	+8
West	47	20	+27
UOS/CID/OFA/HQ	13	5	+8
Unknown	0	0	0
TOTAL	127	71	+56

The increases mainly occurred in May particularly for North and West BCUs. North BCU had increases in incivility and unprofessional conduct; West BCU had small increases in incivility, breaches of pace and unprofessional conduct. UOS also had four complaints, all relating to incivility all separate cases and HQ CID had two of unprofessional conduct.

3.3. Comparison of cases and allegations recorded

	2009/10 Q1	2009/10 Q4	2010/11 Q1	Diff to Q. 1 2009/10		Diff to Q. 4 2009/10	
Cases	50	83	96	+46	78.87%	+13	15.66%
Allegations	71	109	127	+56	92.00%	+18	16.51%

There has been an increase in cases and allegations against the last quarter, 01/01/10 to 31/03/10, and compared to the previous 1st Quarter report, 01/04/09 to 30/06/2009.

3.4. Allegations Analysis

Allegations In the quarter 01/04 -30/06/09 compared to the quarter 01/04 - 30/06/10:

Allegation Type	01/04/10 - 30/06/10	01/04/09 - 30/06/09	Difference
Other neglect or failure in duty	26	4	22
Incivility, impoliteness and intolerance	23	21	2
Other assault	22	12	10
Oppressive conduct or harassment	13	10	3
Breach Code C PACE	10	4	6
Irregularity in evidence/perjury	8	2	6
Lack of fairness and impartiality	7	3	4
Unlawful/unnecessary arrest or detention	5	2	3
Discriminatory Behaviour	3	2	1
Improper disclosure of information	3	4	-1
Sexual assault	2		2
Traffic irregularity	2	1	1
Breach Code A PACE	1	1	0
Breach Code B PACE	1	1	0
Breach Code D PACE	1		1
Corrupt practice	1	1	0
Other	1		1
Mishandling of property		2	-2
Other irregularity in procedure		1	-1
Grand Total	127	71	56

The greatest increase is that of Other Neglect Failure of Duty which shows a 22 allegation increase, these allegations are from twenty three cases, eleven in North BCU and eight from West BCU. These relate to failing to take appropriate action when reporting crime (20), updating progress/responding to queries (2), property and Call handlers response (1 each).

There is a 6 allegation increase to 8, in Irregularity in evidence/perjury, these are all separate cases and six of these occur in West BCU. Two of these relate to perjury, one to incomplete disclosure the rest are allegations of lies or inaccurate statements when officers have dealt with individuals or submitted reports.

Incivility by Area	01/04/10 - 30/06/10	01/04/09 - 30/06/09	Difference
North	7	8	-1
West	6	7	-1
South	4	3	+1
UOS	6	3	+3
Total	23	21	+2

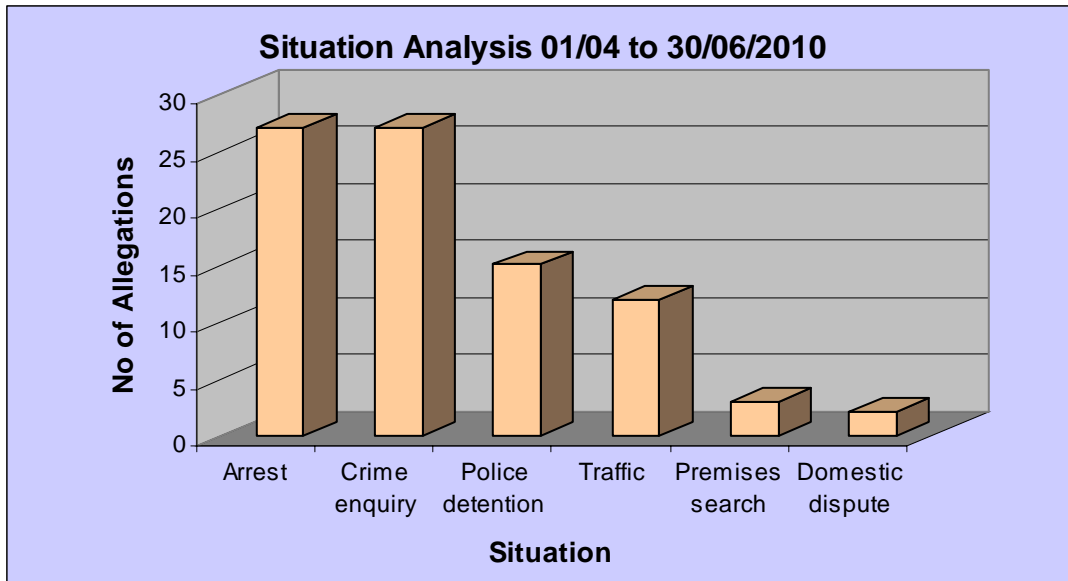
Note: The number of complaints categorised as incivility is a performance measure for monitoring the Policing Plan and Policing Pledge number 1. The Policing Pledge as a measure was removed on 26/06/10.

Unprofessional Conduct by Area (Codes S,T,V,Q,X)	01/04/10 - 30/06/10	01/04/09 - 30/06/09	Difference
North	15	4	+11
West	12	5	+7
South	7	4	+3
UOS/HQ	4	0	+4
Unknown/OFA	0	0	0
Total	38	13	+25

For this reporting quarter 33 cases (97.06%) have been resolved within the overall time scale of 120 days compared to 91.67% in the same quarter for 2009.

Note: The number of complaints involving conduct investigations resolved within 120 days is a performance measure for monitoring the Policing Plan. The performance aim is for at least 80% of investigations to be dealt with within that timescale.

The below graph indicates a comparison of complaints by situation for the quarter. The figures indicate that, for this period, allegations related predominantly to arrest, crime enquiry and traffic issues.



Continuing work is being undertaken in order to provide more detailed to this area of reporting.

4. Area breakdown - 1 April to 30 June 2010

	NORTH	SOUTH	WEST	HQ/UOS	Unknown	OFA
Breaches of PACE (Codes K,L,M, N, P , R)	2	5	0	4	-	-
Discrimination (Code F)	1	1	0	1	-	-
Incivility (Code U)	7	4	6	6	-	-
Malpractice (Codes G,H,J)	1	1	0	7	-	-
Oppressive Behaviour (Codes A,B,C, D, E, Y)	14	8	3	17	-	-
Other (Code W)	1	0	0	0	-	-
Unprofessional Conduct (Codes S,T,V,Q, X)	15	7	4	12	-	-
Total	41	26	13	47	-	-

5. Staff Breakdown

Within the quarter below table indicates how many staff have complaints

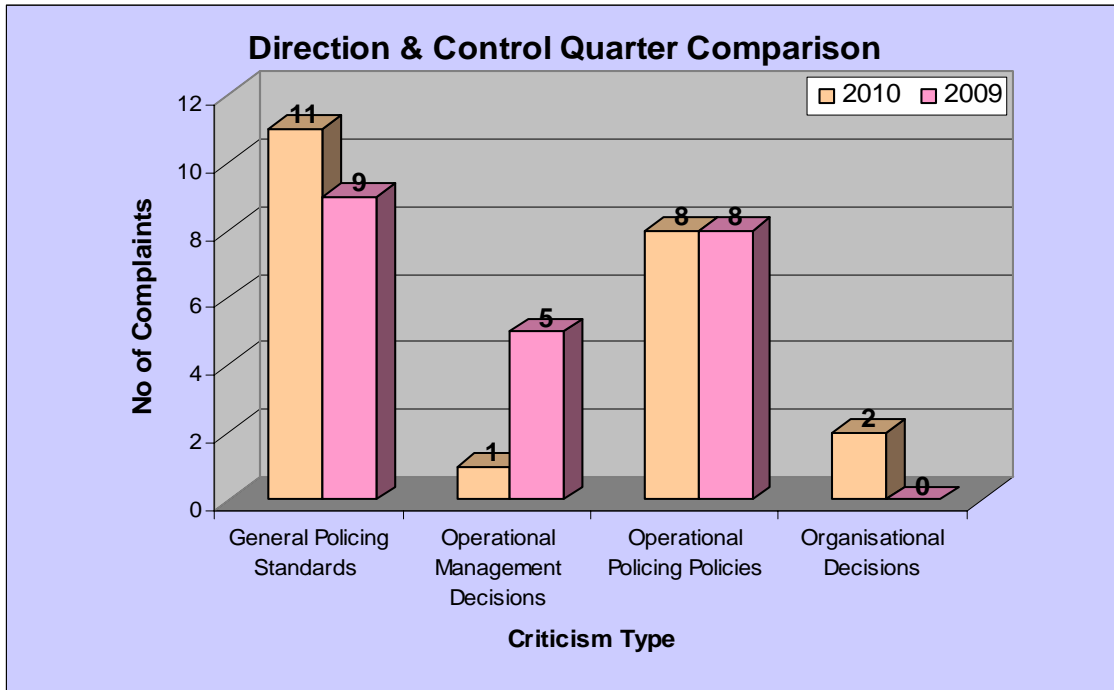
Police Officers including Specials	123
Police Staff	5
Police Community Support Officers	2

6. Best Practice Issues

No	Issue	Action
1	Handling of detainee re medical conditions/ health	Learning Point circulation to PSD
2	Bringing private life issues into policing role	Learning Point for officer involved

7. Direction and Control Complaints

Number of cases recorded in this quarter - 22



Breakdown by Area for this quarter:

North	6
West	6
South	1
PSD/HQ	5
UOS/CID	4
Total	22

8. Diversity

Allegations Made

There have been 3 allegations of discriminatory behaviour by the police recorded during the period 1 April to 30 June 2010.

Complainants

Gender & Age Breakdown (for target measures)

Date range	No of complainants	Male	Female	Unknown	All Complainants Aged 0 - 19 years
01/04/10 - 30/06/10	100	61	39	0	6
01/04/09 - 30/06/09	51	33	17	1	0

Ethnicity Breakdown (for target measures)

Date range	White British	Unknown	Other
01/04/10 - 30/06/10	67	31	2
01/04/09 - 30/06/09	38	12	1

9. Performance

The following sections show how the Constabulary has performed in acknowledging and resolving allegations. Those measures that are included in the performance framework for monitoring the Policing Plan are indicated and the target shown, where there is one.

Finalisation of allegations between 1 April and 30 June 2010:

During the above period, 98 allegations were finalised - 32 of these were local resolutions being dealt with by PSD and 13 being dealt with by Area. This compares to 66 allegations being finalised in the same period in 2009, with 21 being locally resolved by PSD and 10 by Area.

Result	01/04/10 - 30/06/10	01/04/09 - 30/06/09
Dispensation - by Force	5	4
Dispensation - by IPCC	5	15
Local Resolution - by Division	13	10
Local Resolution - by PSD	32	21
Substantiated	3	0
Unsubstantiated	30	13
Withdrawn	6	2
Withdrawn - Not proceeded with	3	1
Grand Total	97	66

NOT PROTECTIVELY MARKED

The percentage of local resolutions is 45.92% compared to 46.97% in the same quarter in 2009.

Percentage of Allegations finalised in quarter by Local Resolution within target of 40 days: (Policing Plan performance measure, target: 80% or above)

Complaint Result Description	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Grand Total
Local Resolution - by BCU	2009	83	100	80	67	50	100	60	0	100	100	100	0	79
	2010	100	100	100	100	100	100							100
Local Resolution - by PSD	2009	8	13	86	50	63	60	20	100	92	71	100	33	60
	2010	83	100	88	91	67	92							87
Grand Total	2009	33	36	84	57	60	71	33	100	93	73	100	33	64
	2010	87	100	92	92	95	95							90

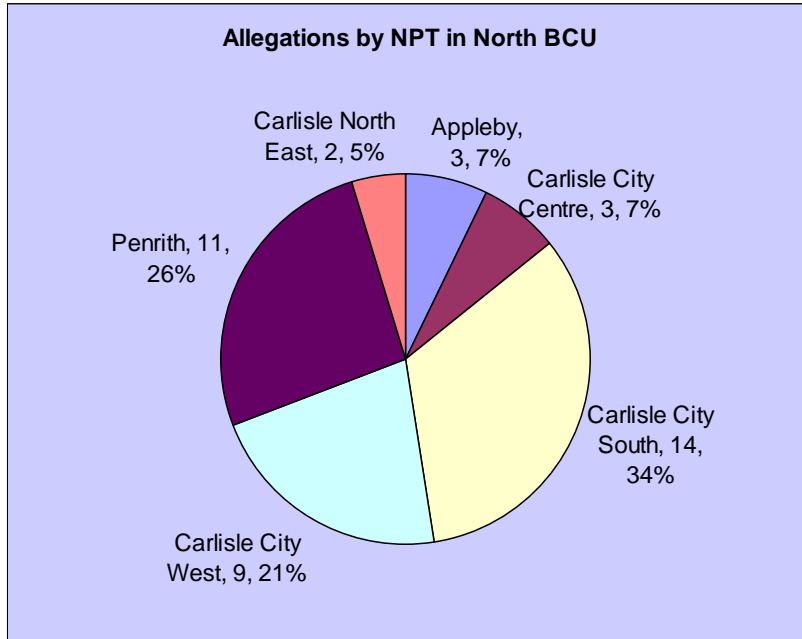
Requirement of acknowledgement of Direction and Control cases within 10 working days

DATES	NO OF CASES	% HITTING 10 DAY RESPONSE TARGET
01/04/10 - 30/06/10	19	100%
01/04/09 - 30/06/09	22	95%

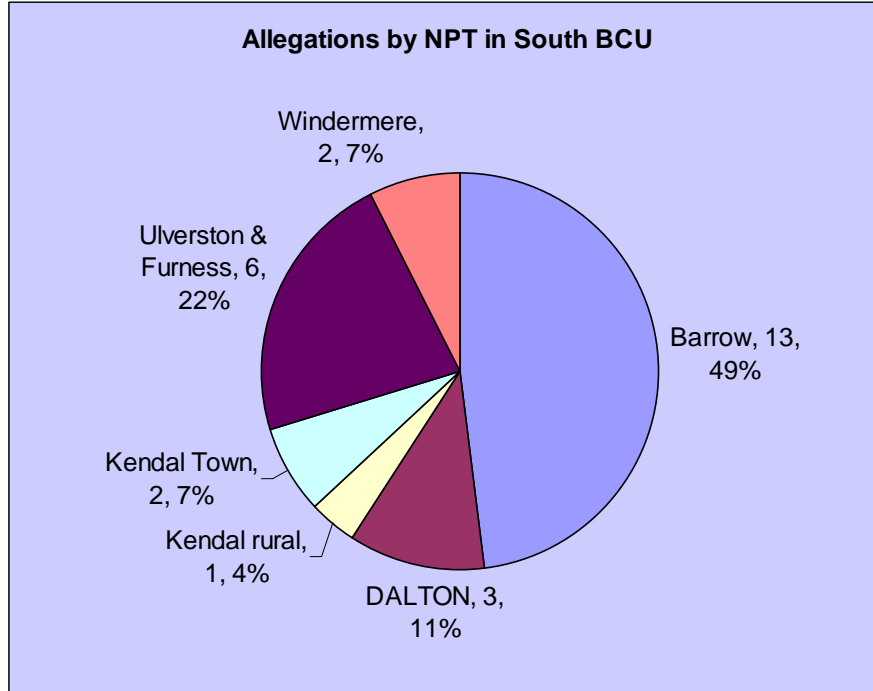
Acknowledgement of dissatisfaction in 24 hours

DATES	NO OF CASES	NUMBER NOT HITTING TARGET	% HITTING RESPONSE TARGET
01/04/10 - 30/06/10	74	4	94.59%
01/04/09 - 30/06/09	59	8	86%

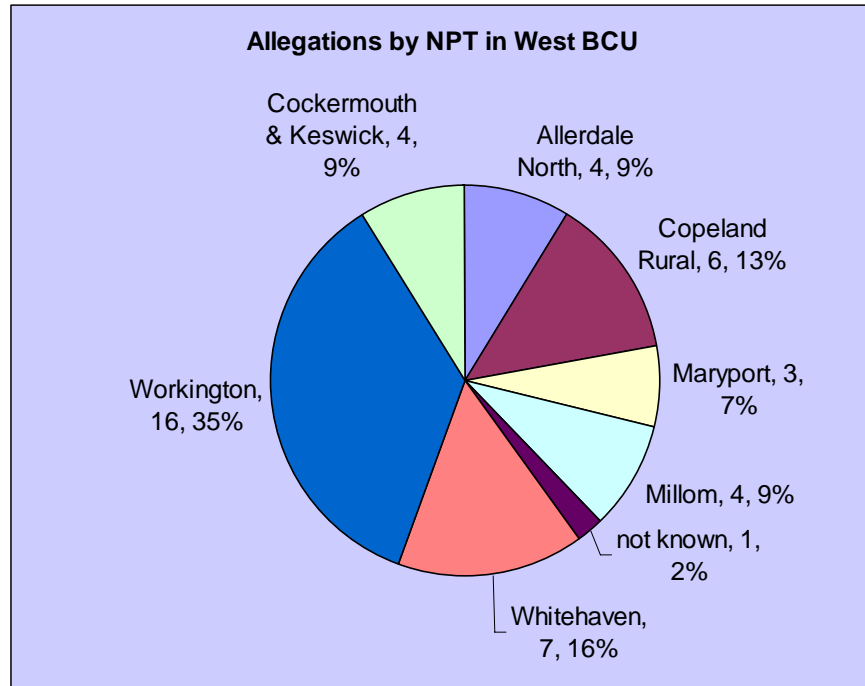
10. Local Policing Teams



North NPT	Total
Appleby	3
Carlisle City Centre	3
Carlisle City South	14
Carlisle City West	9
Penrith	11
Carlisle North East	2
Brampton	0



South NPT	Total
Barrow	13
Dalton	3
Kendal Rural	1
Kendal Town	2
Ulverston & Furness	6
Windermere	2



West NPT	Total
Allerdale North	4
Copeland Rural	6
Maryport	3
Millom	4
not known	1
Whitehaven	7
Workington	16
Cockermouth & Keswick	4

11. Appeals

DATE	LI	RESULT	LR	RESULT	NR	RESULT
01/07/09 - 30/09/09	6	6 Not upheld	1	Not upheld	1	1 Upheld
01/10/09 - 31/12/09	1	1 Not Upheld	1	1 Not Upheld	4	1 Not valid 2 Upheld 1 Awaiting IPCC decision
01/01/10 - 31/03/10	8	6 Not upheld 1 Not Valid 1 awaiting IPCC decision	2	2 Not Valid	6	2 Upheld 3 Not Upheld 1 awaiting IPCC decision
01/04/10 - 30/06/10	11	2 Not upheld 1 Not Valid 8 awaiting IPCC decision	1	1 awaiting IPCC decision	7	1 Not upheld 1 Not Valid 1 Upheld 3 awaiting IPCC decision

Craig Mackey
Chief Constable
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Human Rights Implications:

None identified.

Race Equality / Diversity Implications:

None identified.

Risk Management Implications:

None identified