

**CUMBRIA POLICE AUTHORITY
PROFESSIONAL STANDARDS COMMITTEE**

3 MAY 2006

Agenda Item No: 7

**COMPLAINTS BY THE PUBLIC
A Report by the Acting Chief Constable**

1. Independent Police Complaints Commission

During the last twelve months the Constabulary made 3 mandatory and 4 voluntary referrals to the IPCC. This resulted in 2 Managed investigations relating to deaths during police contact and road traffic collisions. There were also 5 Supervised investigations.

In addition, the Constabulary has conducted Managed investigations for the IPCC in other Forces (Manchester, Derbyshire and Merseyside).

There have been 326 recorded complaints in 2005/06 a very similar number to the previous year (321 in 2004/05). During the year there have been 43 appeals (18 following Local Investigation, 6 following Local Resolution and 19 against Non Recording.) This shows a rise on the previous year (27 appeals) with the biggest rise in the area of Local Investigation appeals (18 in 2005/06, 3 in 2004/05). This may be explained by the fact that the Constabulary provides very detailed explanations to complainants, which other forces do not and is proactive in promoting the complaints and appeals process. It is interesting that whilst appeals have risen the number upheld has fallen, (11 upheld in 2004/05 and 5 upheld in 2005/06). All 5 appeals upheld in 2005/06 related to non-recording issues. The department has been dip sampled twice by the IPCC which is aimed at identifying any gap between our local procedures and IPCC statutory guidance. No major issues were identified.

2. Suspensions

During the year 4 officers were suspended from duty, however, at 31 March 2006 only one officer remains suspended from duties within the Constabulary. One Officer is on restricted duties whilst under investigation, the nature of the allegation is such it was seen as necessary to remove him from operational duties whilst the investigation is being done and a file is currently being prepared.

3. Trends

Quarter 1.1.06 to 31.03.06

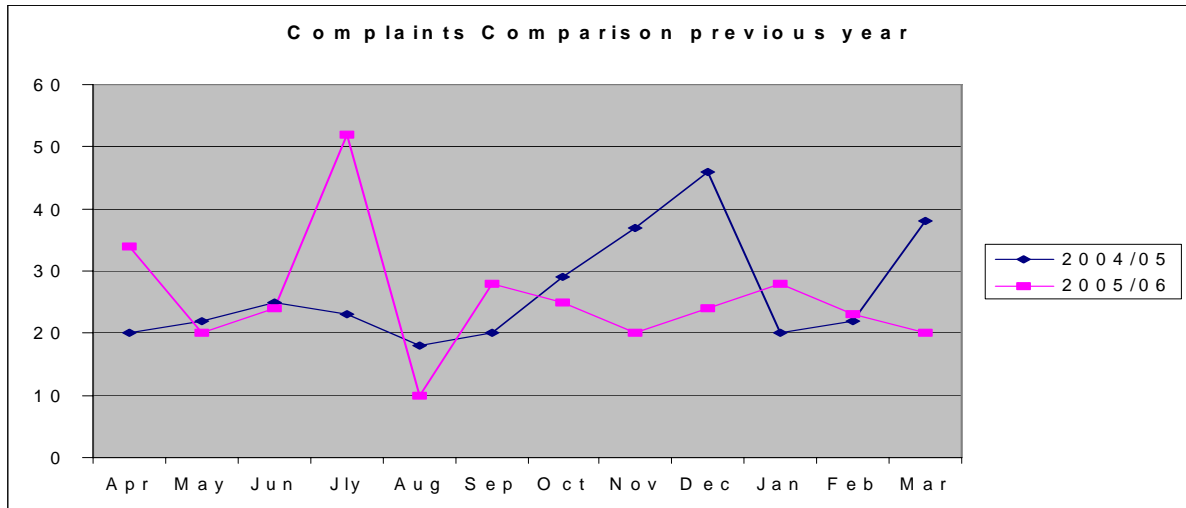
	<i>January</i>	<i>February</i>	<i>March</i>
2004/05	20	22	38
2005/06	28	23	20

Overall the trend for this Qtr is a reduction in recorded complaints with March showing a considerable decrease against the same month last year.

Year End to 31st March 2006

Attached to this report at Appendix A is a comparison with the year 2004/05 which indicates a small increase in the total number of complaints recorded. It is pleasing to see that figures in relation to complaints of assault, unlawful arrest and detention and incivility show reductions. However Neglect/Failure in duty by members of the Constabulary indicates a 75% increase and Breach of Code C of PACE complaints a 60% increase. The 400% or 5 in number increase in 'Other' complaints include allegations of criminal damage by police officers.

With the exception of July which showed a massive spike for increase in complaints, the trend throughout the year has been fairly constant.



Local Resolution

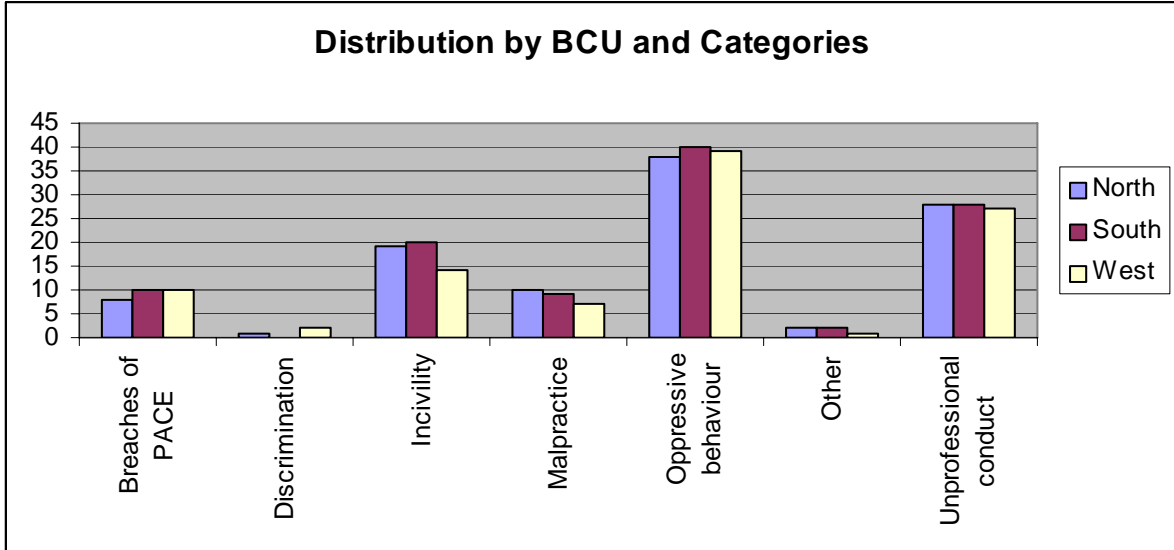
	Complaints Recorded	Finalised by local resolution	%
2004/05	321	185	57
2005/06	326	166	50.9

The local resolution rate for the year 2005/06 will increase as there are still complaints from February and March in the LR pipeline.

4. Area breakdown for the year

	<i>North</i>	<i>South</i>	<i>West</i>
Breaches of PACE	8	10	10
Discrimination	1	0	2
Incivility	19	20	14
Malpractice	10	9	7
Oppressive behaviour	38	40	39
Other	2	2	1
Unprofessional conduct	28	28	27

When put into a chart format, it is remarkable how similar all three BCUs now look, particularly after the concerns over disproportionate numbers of excessive use of force complaints in the West BCU.



5. Best Practice/Policy issues

Issues identified and dealt with in Qtr 4 were as follows:

No	Issue	Action
1	Completion of Witness Statements	Email to all staff from Professionalising Investigation Project at HQ
2	Data Security in North Cumbria – cause for concern	Problem Profile to be prepared by Ethical Standards
3	Policing of A685 HGV van	Reminder to Appleby officers to continue reporting HGV drivers who flout ban
4	Complaints reduction - Planning and execution of operations	PIP Training Module 4 to cover this area
5	Approval by CC of residency of police officers Reporting of criminal proceedings	Reminders on Force Orders
6	Risk Assessment - officers on managed return to work	Advice to BCU
7	Handling of confidential information by Intelligence Unit	Memo to ensure security, sanitisation and dissemination in future via action plan

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8	Harassment and Powers of Arrest	Discussion with supervisory officer re his staff's knowledge of law and custody officer's acceptance of arrest
9	Use of internet web sites for communications in respect of Cumbria Safety Camera Scheme	Contributions ceased
10	Self-deployment of officers to incidents – update to Communications Centre	Force Orders entry reminding operational staff of the need to ensure that the Comms Centre is made aware of their availability through timely status updates.
11	Search Warrants/Forced Entry	Memo to Area Commanders Raising Standards Newsletter
12	Police vehicles – wearing of seatbelts Warrant Cards/ID	Reminder on Force Orders
13	Multi agency policy and procedures for vulnerable adults	Staff awareness and training for Enquiry office staff when dealing with vulnerable persons
14	Use of handcuffs on 80 year old female with health problems – not proportionate	Raising Standards Newsletter and Officer Safety Training
15	Disclosure of motor accidents/claims/convictions by staff driving police owned vehicles/hire vehicles to their own personal motor insurance company	Ops Board approved and disseminated advice to Officers
16	Road Traffic Collisions – Scene Management and Evidence Gathering Guidance	Placed in Guidance Section of Policy Library

6. Results/Finalisation

During the year to 31.03.06:

18 complaints were substantiated which represents 4.8% of the total of 373 complaints finalised.

28 misconduct cases were recorded in the period 1.4.05 to 31.3.06 and finalised as follows: -

- 2 hearings were held (one officer was dismissed and one officer was reprimanded)
- 7 officers received written warnings
- 2 officers received formal advice

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The current force establishment is 1267 officers with 0.9% self-categorised as BME or Visible Minority Ethnic. 27% of the police officer establishment is female.

Force Establishment	1267	(dismissed/reprimand/written warnings/formal advise)	11
% V/BME	0.9	% V/BME	0
% Female	27	% Female	9%

The Constabulary is not taking disproportionate action against either female or minority ethnic officers.

Within the year 388 staff were subject of complaints by members of the public – 298 male; 90 female and 11 unknown because the Officer was never identified. Of the 298 males – 2 were self-categorised as Asian (A1); 2 Black (B1/B2) and 1 Asian Other (M3).

7. Race Equality and Ethnicity of Complainants

Of the 3 complaints recorded under the category Discriminatory Behaviour:-

- Allegation of victimisation, the complainant perceived he was prosecuted after failing to co-operate with a criminal investigation. This was complaint was unsubstantiated.
- Allegation that complainant was treated differently following his arrest. This complaint was locally resolved.
- Allegation of discrimination relating to treatment whilst in custody because of the complainant's sexual orientation. This matter is currently under investigation.

In the period 1 April 2005 to 31 March 2006 – ethnicity for the 256 complainants is broken down as follows:-

<u>1.4.05 to 31.3.06</u>			<u>1.4.04 to 31.3.05</u>		
White	185		White	187	
African	2		White/Black Caribbean	1	
Unknown	69	(26.9%)	Unknown	33	(14.9%)

This compares with the previous year of 14.9% of unknown ethnicity classification for complainants. However receipt of complaints by methods which does not allow the obtaining of ethnicity data i.e. letter, facsimile and e-mail has increased considerably from 85 to 120 i.e. 41%. PSD's Departmental Plan for this coming year includes an objective to improve on this data.

Christine E Twigg
Acting Chief Constable

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	Complaint category	2004/05	2005/06	Up/down	% change
A	Serious non-sexual Assault	0	0	0	
B	Sexual assault	0	1	1	100.00%
C	Other assault	90	77	-13	-14.44%
D	Oppressive conduct or harassment	24	26	2	8.30%
E	Unlawful/unnecessary arrest or detention	24	18	-6	-25.00%
F	Discriminatory behaviour	2	3	1	100.00%
G	Irregularity in evidence/perjury	12	19	6	50.00%
H	Corrupt practice	2	4	2	100.00%
J	Mishandling of property	7	5	-2	-28.57%
K	Breach of PACE Code A	2	0	-2	-100.00%
L	Breach of PACE Code B	10	4	-6	-60.00%
M	Breach of PACE Code C	15	24	9	60.00%
N	Breach of PACE Code D	0	0	0	
P	Breach of PACE Code E	0	0	0	
Q	Lack of fairness and impartiality	12	7	-5	-41.60%
R	Multiple or unspecified breaches of PACE	1	0	-1	-100.00%
S	other neglect or failure in duty	36	63	27	75.00%
T	Other irregularity in procedure	3	0	-3	-100.00%
U	Incivility, impoliteness and intolerance	62	55	-7	-11.29%
V	Traffic irregularity	7	8	1	14.28%
W	Other	1	5	4	400.00%
X	Improper disclosure of information	9	7	-2	-22.22%
Y	Other sexual conduct	2	0	-2	-100.00%
		321	326	5	1.5%

*Notes Categories Q, X and Y were only introduced from 1/4/04 for IPCC purposes

NOT PROTECTIVELY MARKED

Force Learning and Development Strategies

HMIC Marking Guide

Explanatory notes for users.

- This marking guide is intended primarily for the use of HMIC staff whilst conducting analysis of force learning & development strategies. It can also be used by forces as part of their self assessment processes.
- Please refer to Annex B of HO Circular 44/2005 when using the guide.

Learning & Development strategies should contain eight key sections:

- 1. Introduction**
- 2. Statement of Values**
- 3. Strategic Objectives**
- 4. Race, Equality & Diversity**
- 5. Management Responsibilities**
- 6. Standards of Performance**
- 7. Assessment, Learning & Development Needs & Prioritisation**
- 8. Evaluation**

The marking guide which follows assists in ensuring that the relevant sections of force Learning & Development strategies are present.

Force Learning and Development Strategies

HMIC Marking Guide

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
Section 1 Introduction				
There should be a brief introduction on what the force considers is the purpose of the Strategy and its aims.	Not Evident	Unclear	Clear	
The Strategy should have an anticipated life of between 3-5 years, the number of years being stated in the Strategy. It should therefore avoid references to details liable to change from year to year. Such details should be included in successive annual learning and development business plans.	Not Evident	Unclear	Clear	

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
Section 2 Statement of Values				
There shall be a clear statement agreed jointly by the Chief Constable and Police Authority that sets out the force's commitment to learning & development and to the continuous development of staff.	Not Evident	Unclear	Clear	
This section should include the Force Values, Vision, and Mission. relative to Learning & Development	Not Evident	Unclear	Clear	
Section 3 Strategic Objectives				
<p>This section will explain how objectives are met and will identify the strategic direction towards staff learning and development. The objectives themselves are to be included in the Specification of the Learning Requirement.</p> <p>This section should describe <u>the process</u> of how the organisational approach to staff learning and development will address the national objectives set by Ministers</p>				

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
This section should describe the process of how the organisational approach to staff learning and development will address local objectives agreed by the Police Authority	Not Evident	Unclear	Clear	
This section should describe the Force's strategic methodology for implementing the Initial Police Learning and Development Programme.	Not Evident	Unclear	Clear	
<p>Section 4 Race, Equality and Diversity</p> <p>This section is to address race, equality and diversity issues and shall include:</p>				
A statement of commitment to diversity and equality.	Not Evident	Unclear	Clear	
How race and diversity will be mainstreamed. What national standards are being implemented	Not Evident	Unclear	Clear	

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
(such as The Police Race and Diversity Learning and Development Programme) and any plans or programmes that have been developed and implemented, are to be expanded upon.				
How the learning and development requirements under the Race Relations (Amendment) Act 2000 have been met (see recommendation 4.3 of “Diversity Matters”).	Not Evident	Unclear	Clear	
An explanation of how the learning and development implications of wider diversity requirements will be met. This should also include compliance with the Disability Discrimination Act 1995 (Amendment) Regulations 2003.	Not Evident	Unclear	Clear	
Information on how individual competence in Race and Diversity will be assessed.	Not Evident	Unclear	Clear	
How the community will be involved in all aspects of the learning and development cycle. This should	Not Evident	Unclear	Clear	

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
include the planning, design, delivery and evaluation stages.				
<p>Section 5 Management Responsibilities</p> <p>This section shall outline how responsibilities for training activities are expected to be discharged by the various levels of management. This will include the following:</p>				
Police Authority	Not Evident	Unclear	Clear	
Chief Constable	Not Evident	Unclear	Clear	
Chief Officer holding the learning and development portfolio	Not Evident	Unclear	Clear	
Head of Training	Not Evident	Unclear	Clear	
BCU Commanders	Not Evident	Unclear	Clear	
Line Managers	Not Evident	Unclear	Clear	
Individuals	Not Evident	Unclear	Clear	
Any other positions of responsibility for learning and development activities, for example Learning and Development	Not Evident	Unclear	Clear	

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
Panels and Learning and Development Departments will be detailed.				
A distinct client and contractor relationship should be apparent (details of which should be provided in an appendix).	Not Evident	Unclear	Clear	
<p>Section 6 Standards of Performance</p> <p>This section will identify the standards that staff are expected to meet.</p>				
It shall provide a statement of the relationship between the force and National Occupational Standards/ACPO requirements, PLDE Models for Learning and Development, IT Standards, etc.	Not Evident	Unclear	Clear	
Performance Indicators on the learning and development function (learning and development department) itself should be identified in this section. This should include PI's defined by locally within forces. (HMIC PI's will	Not Evident	Unclear	Clear	

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
comprise of the validated scores from the self assessments)				
<p>Section 7</p> <p>Assessment, Learning and Development Needs and Prioritisation</p> <p>This section will summarise the processes that the force will adopt in relation to assessment of learning and development needs and their prioritisation, (for example, implementation of the national guidelines on prioritisation by Skills for Justice or alternatives).</p>				
It should identify the existence of a prioritisation model and also include the arrangements for evaluating it.	Not Evident	Unclear	Clear	
It should also demonstrate that a balance has been achieved between learning and development needs at the organisational, team and individual level.	Not Evident	Unclear	Clear	
How learning and development is delivered and what methods are employed. This should indicate local and force level delivery.	Not Evident	Unclear	Clear	
How force policy is to be delivered	Not	Unclear	Clear	

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
should be detailed here.	Evident			
Force approach to/policy on Regional Collaboration, in particular progress through the Foundations for Change.	Not Evident	Unclear	Clear	
<p>Section 8</p> <p>Evaluation:</p> <p>There are three components to this section.</p>				
<p><i>Component 1:</i></p> <p><i>Evaluation of the effectiveness of learning and development:</i></p>				
The Strategy will explain how the effectiveness of learning and development will be evaluated and what performance indicators should be used.	Not Evident	Unclear	Clear	
It should state what types of evaluations are carried out and by whom.	Not Evident	Unclear	Clear	

Requirement	Assessment (Circle appropriate descriptor)			Areas for Improvement/Noteworthy Practice
Component 3: Evaluation of Strategy	Not Evident	Unclear	Clear	
This section will state how the Strategy is to be evaluated, when and by whom	Not Evident	Unclear	Clear	
It should include evidence of flexibility within the Strategy and how it will be refined and amended.	Not Evident	Unclear	Clear	
Component 3: Review of Strategy	Not Evident	Unclear	Clear	
This section will state the frequency of review and by whom.	Not Evident	Unclear	Clear	

**CUMBRIA POLICE AUTHORITY
PROFESSIONAL STANDARDS COMMITTEE**

3 MAY 2006

Agenda Item No: 7

**DIRECTION AND CONTROL COMPLAINTS
1 JANUARY TO 31 MARCH 2006**

Addendum to a report by the Acting Chief Constable

This report is submitted in accordance with the direction and control procedure agreed at a previous meeting on 23rd January 2006. Because the categories as defined by Home Office and APA Circulars were only introduced within the Constabulary with effect from 1st January 2006, comparisons with previous years are not possible.

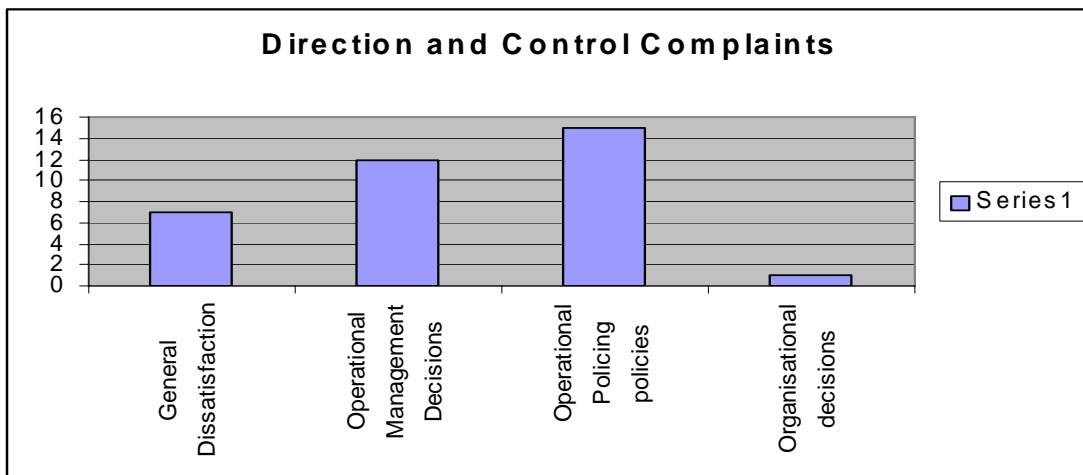
There have been 35 Direction and Control complaints recorded in the past quarter. There is no single BCU giving cause for concern as the complaints are evenly distributed. The main categories of complaint are Operational Management Decisions (34%) and Operational Policing Policies (43%). The target time for resolving these complaints is 40 days, and of the cases finalised 68% have been within 40 days. Systems were not in place previously to collate figures centrally on Direction and Control complaints hence we are not able to compare to previous periods to assess progress and identify areas of good practice or for improvement. No Best Practice issues have been raised from the complaints.

No of cases recorded Qtr 4: 35

Breakdown by Area:

HQ	4
North	11
West	11
South	9

Breakdown by Category:



Monitoring has not revealed any trends; the issues complained about vary from traffic issues, crime enquiries, police response/actions, number of searches/stop checks and quality of service.

Christine E Twigg
Acting Chief Constable