

**CUMBRIA POLICE AUTHORITY
PROFESSIONAL STANDARDS COMMITTEE**

4 MAY 2005

Agenda Item No: 5

**COMPLAINTS BY THE PUBLIC
A Report by the Professional Standards Department**

1. Independent Police Complaints Commission

The IPCC has now celebrated its first anniversary, its impact on the Constabulary over the last 12 months can be summarised as follows:

- We have conducted 2 Managed investigations in other Constabularies
- The IPCC have Supervised 2 of our investigations
- There have been 11 public complaints against police staff members
- There have been 4 public complaints against members of the Special Constabulary
- Appeals against decisions/outcomes
 - 20 appeals against non-recording of a complaint with 6 upheld, 7 not upheld and decision awaited on 7 remaining cases
 - 4 appeals against Local Resolution process, only 1 decision yet received from IPCC (not upheld)
 - 2 appeals against outcomes of Local Investigations, no decisions yet received
- The consultation period has now closed on the draft statutory guidance; towards the end of the year, HMIC and IPCC intend to conduct thematic inspections of PSDs.

2. Suspensions

There are no Officers currently under suspension 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 with the Crown Prosecution Service for consideration of criminal proceedings. The file was sent to CPS during December 2004 and a decision has still not been made. Both the Head of PSD and the DCC have both written expressing concerns on timescales.

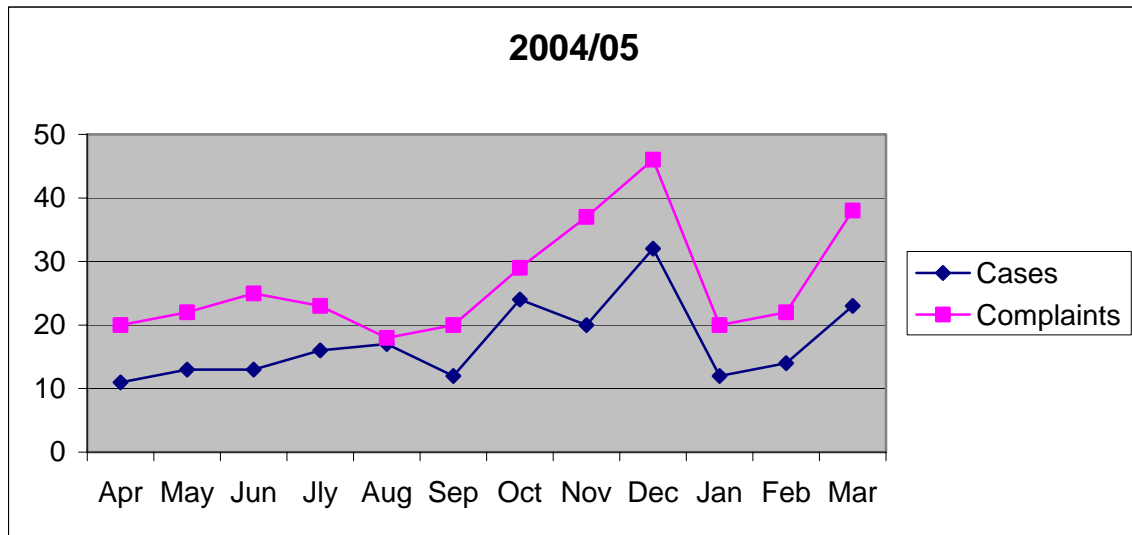
3. Trends

Quarter 1.1.05 to 31.03.05

The figures for January and February remained within the upper and lower control limits. However, this is not the case for March 2005 when 23 cases or 38 complaints were recorded. The table below reflects the format being used to display certain data within the Constabulary's new performance process.

Cases	Apr to Mar 2003/04	Apr to Mar 2004/05	% Change	Monthly average 2003/04	Performance Feb 2005	Performance Mar 2005
	153	208	Up 36	12.66	14	23
Complaints	Apr to Mar 2003/04	Apr to Mar 2004/05	% Change	Monthly average 2003/04	Performance Feb 2005	Performance Mar 2005
	227	321	Up 41.4	19	22	38

The upward trend in complaints from September through to December 2004 returned to the average for January 2005 but then started to rise again in February through to March.



Year end to 31.03.05

The expected increase in complaints as a result of the introduction of the IPCC did not materialise. Certainly up until September 2004, PSD was not reporting any increase in complaints but at the year-end we are seeing a 41% increase. Attached to this report at Appendix A is a comparison with the year 2003/04 which highlights increases in the categories of use of force, incivility and neglect or failure in duty.

	Complaints Recorded	Finalised by local resolution	%
2003/04	227	89	39%
2004/05	321	166	51%

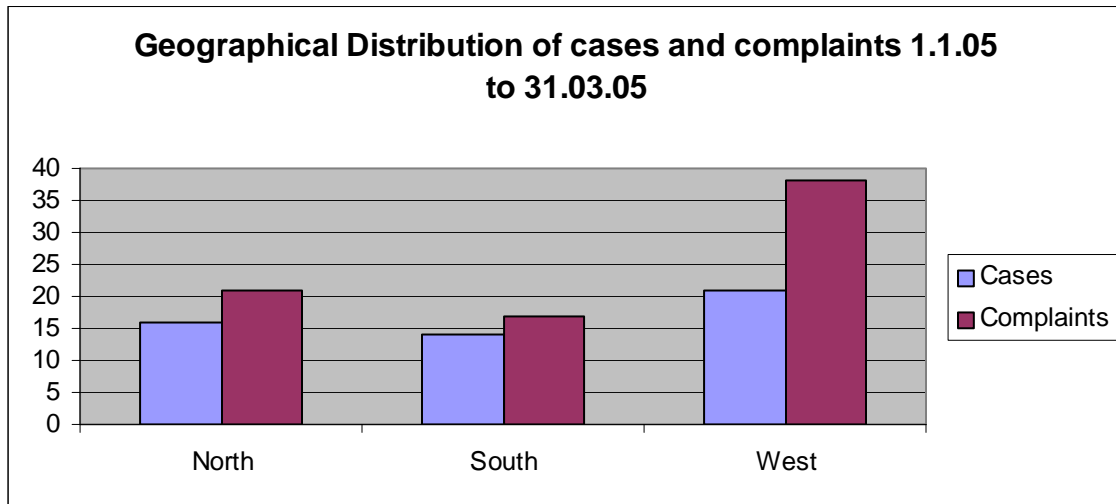
This table above is supportive of a more open complaints system where minor matters are being resolved quickly at local level. This is exactly what is advocated within the new complaints system and recommendations from recent inquiries/reviews.

4. Area breakdown

Geographically, the largest increase is being recorded in the West BCU. The figure below is recorded cases and complaints by BCU (NOT by Officer). Complaints against members of the Operational Support Department are included where the activity subject of the complained occurred. The following are having a disproportionate effect on figures in the West BCU:

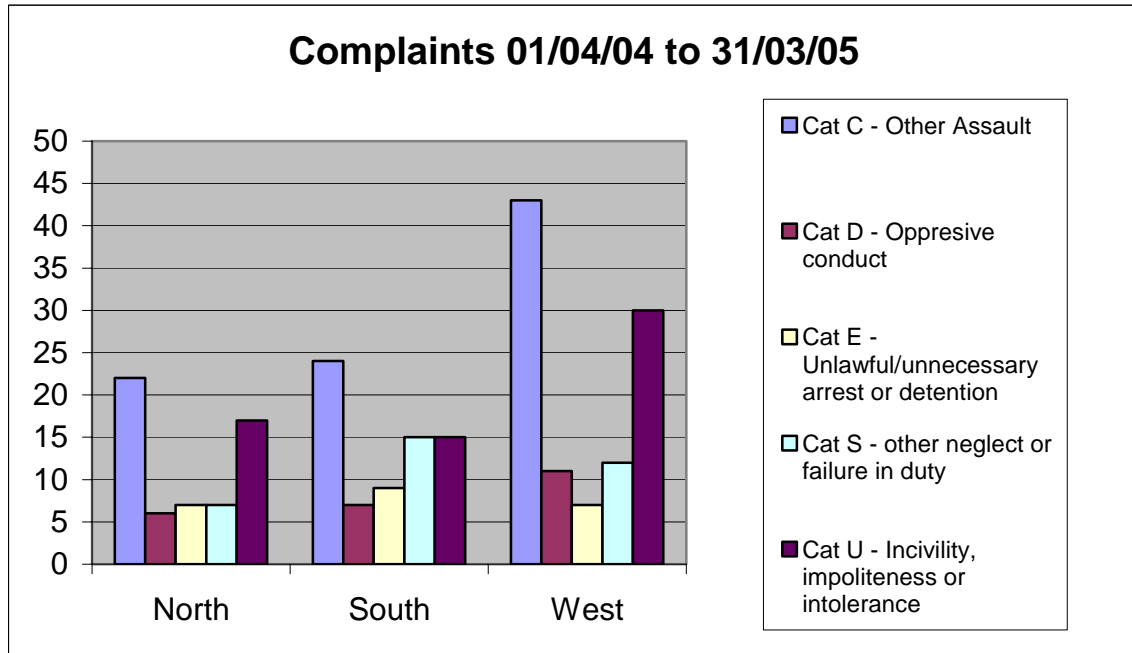
- Police activity against a particular couple in Workington has attracted 3 cases and 14 complaints which all relate to searching of premises.
- One case or incident on Murray Road, Workington (arrest of a young person) has resulted in 6 complaints being recorded (assault, incivility, traffic irregularity, performance of duties).

In addition, in the North BCU, 2 cases and 5 complaints have been recorded from a persistent letter writer.



Categories C, D and E, which, could arguably reflect our policing, style show an increase despite changes in interpretation on recording and counting. Category U - Incivility represented 19% of the Constabulary's complaints for the year ending 31st March 2005 with 11% being Category S - other neglect or failure in duty. A common feature is the failure to keep complainants updated during the course of investigations.

Interestingly, community surveys indicate that a small % of users find officers to be rude (2%), uncaring (4%) or off-handed (4%) (Source – Strategic Development “Planning for the Quality of Service Commitment”).



5. Best Practice/Policy issues

Issues identified and dealt with were as follows:

Issue	Action
Inconsistency in procedure for administration of warnings under Protection of Harassment Act.	Legal Services progressing with Prosecutions Working Group
Informing Custody Officer of any known injuries to detainee at time of “booking in”.	Force Orders and Custody Forum (Custody has been suggested as an area for audit by Internal Audit and PSD).

6. Results/Finalisation

During the year to 31.03.05:

5 complaints were substantiated and these resulted in advice being given to Officers/Staff. A total of 23 misconduct cases were recorded in the same period and disposed of as follows:

- 5 No Further Action
- 9 Formal or Informal Advice
- 9 written warnings
- 0 Hearings (1 Officer reigned prior to hearing)

7. Race Equality and Ethnicity of Complainants

Ethnicity of complainants:

From a total of 216 complainants in the year, 181 are recorded as White British, 1 as other white background, 1 white and black Caribbean and 33 unknown (this arises from persons writing letters which are finalised without personal contact with the complainant or are not recorded by the Recording Officer).

The following two complaints of discrimination were recorded during the year:

June 2004 complained that whilst in a Whitehaven nightclub, a person claiming to be a Special Constable made a racist comment about her companion. The "Special Constable" was never identified despite considerable effort due to the nature of the complaint. Also, the complainant failed to co-operate and the IPCC granted a dispensation.

March 2005 complained that a Sergeant discriminated against her, abused his position and arranged for her to be arrested and handcuffed. This case is still being investigated.

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	Complaint category	2003/04	2004/05	Up/down	% change
A	Serious non-sexual Assault	2	0	-2	
B	Sexual assault	0	0	0	0.00%
C	Other assault	59	90	31	52.54%
D	Oppressive conduct or harrassment	37	24	-13	-35.14%
E	Unlawful/unnecessary arrest or detention	18	24	6	33.33%
F	Discriminatory behaviour	1	2	1	100.00%
G	Irregularity in evidence/perjury	9	12	3	33.33%
H	Corrupt practice	1	2	1	100.00%
J	Mishandling of property	4	7	3	75.00%
K	Breach of PACE Code A	0	2	2	
L	Breach of PACE Code B	5	10	5	100.00%
M	Breach of PACE Code C	14	15	1	7.14%
N	Breach of PACE Code D	0	0	0	0.00%
P	Breach of PACE Code E	0	0	0	0.00%
Q	Lack of fairness and impartiality	0	12	12	
R	Multiple or unsepcified breaches of PACE	0	1	1	
S	other neglect or failure in duty	23	36	13	56.52%
T	Other irregularity in procedure	10	3	-7	-70.00%
U	Incivility, impoliteness and intolerance	39	62	23	58.97%
V	Traffic irregularity	4	7	3	75.00%
W	Other	1	1	0	0.00%
X	Improper disclosure of information	0	9	9	
Y	Other sexual conduct	0	2	2	
		227	321	94	41%

*Notes Categories Q, X and Y were only introduced from 1/4/04 for IPCC purposes
Also from 1/4/04 there was a shift from recording excessive force/ use of handcuffs
from Cat D to Cat C. Nevertheless when you look at both together, there is still a substantial
increase

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