

**To:** Professional Standards Committee

**From:** Chief Constable

**Date:** 8th March 2010

**OVERVIEW OF COMPLAINTS FOR THE PERIOD 1<sup>ST</sup> OCTOBER 2009 TO 31<sup>ST</sup> DECEMBER 2009**

**1. Purpose**

1.1 To provide the Committee with detail of complaints data for the third quarter of 2009/10. The paper will also comment on comparative performance between reporting periods and identify improvements and/or decline in specific aspects of performance.

**2. Summary**

2.1 The number of new complaint cases recorded Year to Date (YTD) shows an increase of nineteen cases from 291 in 2008/09 to 310 in 2009/10.

The number of individual complaints recorded YTD is virtually unchanged from 516 YTD in 2008/9 to 515 YTD in 2009/10.

A table showing the number of complaint cases and the number of individual complaints over the past seven quarters is shown below:

	<b>08/09 Q1</b>	<b>08/09 Q2</b>	<b>08/09 Q3</b>	<b>08/09 Q4</b>	<b>09/10 Q1</b>	<b>09/10 Q2</b>	<b>09/10 Q3</b>
<b>No. of Cases</b>	97	94	103	85	98	102	110
<b>No. of Complaints</b>	170	187	198	136	154	190	177

**Complaint Categories**

While the overall number of complaints recorded in 2009/10 YTD is almost the same as 2008/9 YTD, this masks notable changes in a number of complaint categories. The significant changes are:

Unlawful arrest – Increase of 180% YTD (10 to 28)  
Breach of Code C PACE – Increase of 158% YTD (12 to 31)  
Neglect of Duty – Increase of 11% YTD (129 to 143)  
Incivility – Decrease of 35% YTD (146 to 105)

The increases in complaints of Unlawful Arrest will continue to be monitored by PSD to establish if this is an anomaly or a trend.

The increase in complaints of Breach of Code C may well be due to improved complaint recording systems introduced into custody suites during summer 2009. Again this complaint category will be monitored closely over the next quarter.

BCUs and Departments are required to demonstrate to the Force Performance Group that they are proactively addressing allegations of incivility and neglect of duty with Officers. Quarterly reports on trends and hotspots in relation to these complaint types are prepared for the Force Executive Board.

The Professional Standards Department was restructured on 1<sup>st</sup> February 2010. An Inspector is now in post responsible for implementing measures to comply with point 10 of the Policing Pledge.

All expressions of dissatisfaction recorded on Command and Control 3, particularly those concerning allegations of incivility and neglect of duty are now being reviewed on a daily basis. As only a proportion of such reports result in complaints being raised, this process monitors more data and allows trends and patterns to be more readily discerned.

A project has been commenced to ensure that all expressions of dissatisfaction and satisfaction are recorded and responded to in an appropriate and timely manner.

#### Complaint Resolution

41% of complaints finalised in 2009/10 were resolved by means of investigation. 34% of complaints finalised were found not proven and 7% (33) were found proven.

37% of complaints finalised YTD in 2009/10 were resolved by means of Local Resolution. This is a 2% increase compared to the 2008/09 YTD figure.

It is notable that 20% of all complaints are either withdrawn or subject to a successful application for dispensation.

### **3. Additional Detail**

#### **3.1 Appendix A – Complaint Data**

##### Subjects of Complaints

There has been no significant change in the relative proportion of complaints against Police Officers, Special Constables, PCSOs and other police staff.

The percentage of complaints made by black and Asian complainants rose slightly from 9% (29) YTD 2008/09 to 10% (35) YTD in 2009/10. Five complaints were received from black complainants in the third quarter of 2009/10, which suggests that the sharp rise seen in the second quarter of the year was an anomaly.

The continued effort by PSD to capture complainant ethnicity data has resulted in the percentage of complainants whose ethnicity is unknown dropping from 33% to 27% to 22% in successive quarters.

There has been no significant change in the proportion of complaints about Officers from BME backgrounds.

#### Complaint Referrals

Five complaint referrals were made to the IPCC in the last quarter and the total number of referrals YTD is similar to 2008/09. Of the 33 complaints substantiated 26 resulted in No Further Action or the Officers/staff being given informal management guidance. The remaining 7 complaints resulted in Officers being given written warnings.

#### Appeals

A total of 12 appeals were made to the IPCC during the quarter and 14 were finalised.

No appeals against the local resolution process were made in the last quarter. In the same period none were upheld or dismissed.

In the last quarter four appeals were made against non-recording of complaints. Three appeals made against none recording were upheld during the quarter, with the IPCC determining that the complaint was about the conduct of individual Officers as opposed to Force policies and procedures.

Eight appeals against the outcome of investigations were made during the quarter. In the same period one appeal against outcome was upheld and 10 were dismissed by the IPCC

### 3.2 Appendix B – Conduct Data

Eight conduct cases involving 10 allegations were raised during the quarter making a total of 20 for the YTD. This is a significant reduction from 28 (29%) YTD in 2008/09.

Nine cases involving 13 allegations were resulted during the quarter. One allegation resulted in an Officer receiving a final written warning, two resulted in Officers receiving written warnings and one resulted in an Officer receiving management advice. No further action was taken in respect of seven allegations

### 3.3 Appendix C – Direction and Control Data

The number of Direction and Control cases recorded has dropped from 19 to 17 to 16 in successive quarters. The number of Direction and Control cases recorded YTD is 52, down from 61 YTD in 2008/09.

#### 4. Recommendation

4.1 The Committee is recommended to note the contents of this report.

#### BIBLIOGRAPHY

Source Document (s)	Contact Officer	Location
	ACC Mark Hopkins (01480) 422205	Cambridgeshire Constabulary Hinchingsbrooke Park, Huntingdon, Cambs, PE29 6NP.

Originating Officer .....

Is it considered that this report contains 'exempt information' and should be considered in private?    No

If the answer is "YES", please state the nature of the exempt information **and the relevant clause** in Part 1 of revised Schedule 12 to the Local Government Act 1972.

.....

The attached report has been cleared with the undermentioned Officers: (delete as appropriate)

Chief Constable and Chief Executive

Others .....

Submitted on .....25<sup>th</sup> February 2010.....

A report will not be sent to the Authority unless this box has been satisfactorily completed and all necessary consultation carried out - the responsibility for which rests with the originator (except for consultation with the Chairman and this will be undertaken by the Chief Executive).

**PROFESSIONAL STANDARDS DEPARTMENT  
QUARTERLY OVERVIEW REPORT  
1<sup>st</sup> October 2009 – 31<sup>st</sup> December 2009**

COMPLAINT DATA		Current Quarter		YTD 2009/2010		YTD 2008/2009	
		No	%	No	%	No	%
<b>New Cases Recorded:</b>							
Number of New Cases		110		310		291	
Number of New Complaints		177		515		516	
Number of Complainants		127		343		327	
Number of Subjects	TOTAL	170		488		444	
	Police Officers	145	85%	419	86%	353	79.5%
	Special Constables	1	1%	9	2%	13	3%
	Support Staff	4	2%	16	3%	25	5.5%
	PCSO's	5	3%	11	2%	17	4%
	Unknown	15	9%	33	7%	36	8%
<b>IPCC Complaint Referrals</b>							
TOTAL		5		22		20	
Independent		0		0		0	
Managed		0		0		0	
Supervised		0		0		0	
Local		5		22		20	
<b>Finalised Complaints:</b>							
TOTAL		148		442		489	
Withdrawn		6	3%	24	5%	32	7%
Withdrawn – Not proceeded with		15	10%	34	8%	17	3%
Dispensation – by Force		0		0		6	1%
Dispensation – by IPCC		10	7%	32	7%	26	5%
Discontinuance		2	1%	2		0	
Unsubstantiated		44	30%	152	34%	209	43%
Substantiated		12	8%	33	7%	26	5%
Local Resolution – by Division		57	39%	161	36%	157	32%
Local Resolution – by PSD		2	1%	4	1%	16	3%

<b>Outcome of Substantiated Complaints (YTD)</b>	
Misconduct Hearing (Police)	0
Final Written Warning (Police)	0
Written Warning (Police)	7
Management Advice (Police)	0
Management Action (Police)	20
Police Staff Hearing	0
Final Written Warning (Police Staff)	0
Written Warning (Police Staff)	0
Oral Warning (Police Staff)	0
Management Action (Police Staff)	2
No further action (Police and Police Staff)	4
Other	0

Ethnicity of Complainants	2009/2010 (YTD)		2008/2009 (YTD)	
	No	%	No	%
Asian	14	4%	20	6%
Black	21	6%	9	3%
White	226	66%	230	70%
Unknown	77	22%	64	20%
Other	5	1%	4	1%
Total	343		327	

Ethnicity of Subjects	2009/2010 (YTD)		2008/2009 (YTD)	
	No	%	No	%
Asian	7	1%	11	2%
Black	3	1%	3	1%
White	436	89%	383	86%
Unknown	38	8%	37	8%
Other	4	1%	10	2%
Total	488		444	

APPEAL DATA		Current Quarter		YTD 2009/2010		YTD 2008/2009	
<b>IPCC Appeals</b>		No		No		No	
TOTAL		12		32		44	
Number of Appeals to the IPCC	Against Non-Recording	4		10		9	
	Against Outcome of Investigation	8		22		29	
	Against Local Resolution	0		0		6	
TOTAL FINALISED		14		29		42	
Number of Appeals Upheld	Against Non-Recording	3		4		3	
	Against Outcome of Investigation	1		3		5	
	Against Local Resolution	0		0		1	
Number of Appeals Not Upheld	Against Non-Recording	0		2		6	
	Against Outcome of Investigation	10		19		24	
	Against Local Resolution	0		1		3	

**PROFESSIONAL STANDARDS DEPARTMENT  
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**FINALISED COMPLAINT ANALYSIS, LOCAL RESOLUTION – YTD**

Locally Resolved	165
Open – suitable for local resolution	33

The current target for local resolution timeliness is 65% within 28 days. Current performance is 61%. The average number of days taken to locally resolve a complaint is 40 days (end of year 08/09 was 33).

**RECORDED COMPLAINTS**

The table below shows the total number of Complaints Recorded for the period and comparative figures for the same period the previous year.

<b>Code</b>	<b>Type of Complaint</b>	<b>Current Quarter</b>	<b>YTD 2009/2010</b>	<b>YTD 2008/2009</b>
A	Serious non-sexual assault	1	4	9
B	Sexual assault	0	0	2
C	Other assault	24	65	63
D	Oppressive Conduct/Harassment	7	19	28
E	Unlawful arrest	11	28	10
F	Discriminatory Behaviour	6	14	8
G	Perjury/Irregularity in practice	1	8	19
H	Corrupt Practice	2	3	9
J	Mishandling Property	3	9	8
K	Breach Code A	0	1	1
L	Breach Code B	3	9	4
M	Breach Code C	16	31	12
N	Breach Code D	0	0	0
P	Breach Code E	0	0	0
Q	Lack of fairness and impartiality	8	16	13
R	Breach unspecified or multiple	0	1	2
S	Other neglect of duty	41	143	129
T	Other Irregularity in Procedure	7	16	13
U	Incivility	33	105	146
V	Traffic	3	9	6
W	Other	3	17	21
X	Improper disclosure of information	8	17	13
Y	Other Sexual Conduct	0	0	0
	<b>TOTAL</b>	<b>177</b>	<b>515</b>	<b>516</b>

**PROFESSIONAL STANDARDS DEPARTMENT  
QUARTERLY OVERVIEW REPORT  
1<sup>st</sup> October 2009 – 31<sup>st</sup> December 2009**

<b>MISCONDUCT DATA</b>		<b>Current Quarter</b>	<b>YTD 2009/2010</b>	<b>YTD 2008/2009</b>
<b>Cases Recorded:</b>				
Number of Cases		8	20	28
Number of Allegations		10	29	35
Number of Subjects	TOTAL	8	22	30
	Police Officers	5	18	17
	Special Constables	0	1	3
	Support Staff	2	2	8
	PCSO's	1	1	2
Number of Cases Open at end of Period		9		
Number of Allegations Open at end of Period		11		

**YEAR TO DATE BREAKDOWN OF MISCONDUCT ALLEGATIONS**

<b>Cases Finalised:</b>			
Number of Cases finalised	9	19	30
Number of Allegations finalised	13	28	35
Misconduct Hearing (Police)	0	0	1
Final Written Warning (Police)	1	1	0
Written Warning (Police)	2	5	7
Management Advice (Police)	1	1	0
Management Action (Police)	1	3	4
Police Staff Hearing (Police Staff)	1	1	0
Final Written Warning (Police Staff)	0	0	0
Written Warning (Police Staff)	0	0	3
Oral Warning (Police Staff)	0	0	2
Management Action (Police Staff)	0	0	0
No Further Action	7	12	7
Other	0	5	11

**ETHNICITY OF SUBJECTS OF MISCONDUCT ALLEGATIONS**

<b>Ethnicity</b>	<b>2009/2010</b>		<b>2008/2009</b>	
	<b>No</b>	<b>%</b>	<b>No</b>	<b>%</b>
Asian	2	9%	1	3%
Black	2	9%	0	
White	18	82%	28	93%
Unknown	0		0	
Other	0		1	3%
TOTAL	22		30	

**PROFESSIONAL STANDARDS DEPARTMENT  
 QUARTERLY OVERVIEW REPORT  
 1<sup>st</sup> October 2009 – 31<sup>st</sup> December 2009**

<b>DIRECTION AND CONTROL DATA</b>	<b>Current Quarter</b>	<b>YTD 2009/2010</b>	<b>YTD 2008/2009</b>
<b>Cases Recorded:</b>			
Number of Cases	16	52	61
Number of Cases Finalised	11	49	61
<b>Case Type Overview</b>			
General Policing Standards in the Force	12	28	20
Operational Management Decisions	0	6	21
Operational Policing Policies	3	12	17
Organisational Decisions	1	6	3