



**Leicestershire
Constabulary**

Professional Standards Department

**Police Complaints & Conduct
Statistics for period**

1 April – 30 November 2011

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INTRODUCTION

This report presents details of public complaints and internal conduct matters for the period 1 April– 30 November 2011. It should be noted that all statistics relate to April – November, including those for previous years.

The Independent Police Complaints Commission (IPCC) has had responsibility for overseeing the complaints procedure since April 2004. The Professional Standards Department (PSD) continues to have a professional working relationship with the IPCC and endeavours to maintain this relationship by holding regular meetings and keeping an open passage for communication.

The format of the report follows, where possible that of the IPCC publications and as a result enables comparisons to be made with other forces.

A conduct matter differs from a complaint in that it originates internally rather than from an external complaint. These are defined as any allegation that either discloses the commission of a criminal offence or discloses a disciplinary wrongdoing that if proved, would result in the staff member appearing before a misconduct panel.

Under certain circumstances a conduct matter may be referred to the IPCC for a decision on the mode of investigation.

COMPLAINT CASES & ALLEGATIONS

There are three types of recording applied to public concerns about police actions. These are summarised below.

Complaint Cases

A complaint case represents a single investigation or local resolution process. It may contain one or more allegations, brought by one or more complainants, against one or more persons serving with the police. Complaint cases are not recorded by LPU because they could contain allegations involving more than 1 LPU; it is therefore the individual allegation that is recorded by LPU/Department.

Direction & Control

A direction & control complaint relates to matters of force policy, deployment of staff and operational policing etc and DOES NOT relate to any failure of standards on behalf of an individual or group of individuals.

Dissatisfaction

Dissatisfaction is an issue that does not amount to direction and control or the conduct of an individual or group of individuals.

The number of direction & control cases has tended to mirror that of the previous year although there was a 'spike' in August and September. This is now back on par with previous months and no reason has been identified to explain the increase in those 2 months. The number of dissatisfaction cases mirrors that of the previous year.

Graph 1

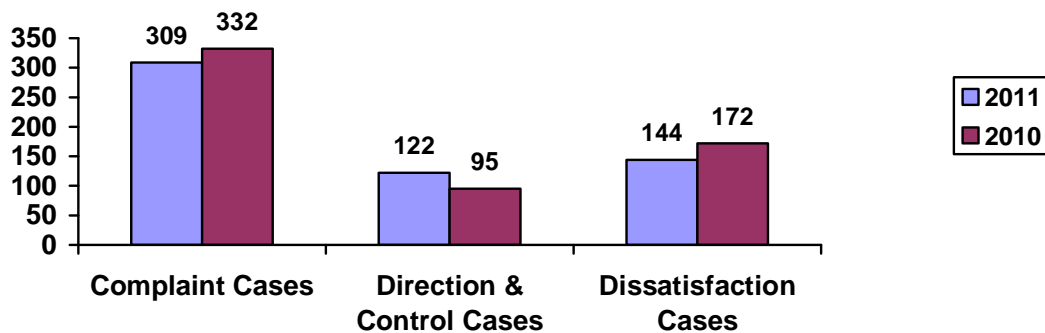


Table 1: Number of cases recorded April – November 2011 by most similar forces

During the current reporting period the force has seen a decrease of 23 cases (6.9%), this downward trend matches that of other similar forces. The number of cases recorded by Leicestershire is towards the lower end and counters a moderate increase in the previous year.

Number of Cases recorded by Most Similar Forces	<i>Apr – Nov 2009</i>	<i>Apr – Nov 2010</i>	<i>Apr – Nov 2011</i>	<i>% Change between 2010 & 2011</i>
Leicestershire	321	332	309	- 6.9%
Avon & Somerset	592	641	588	- 8.2%
Devon & Cornwall	760	741	682	- 8%
Essex	726	603	557	- 7.6%
Kent	533	543	470	- 13.4%
Lancashire	620	545	543	-0.4%
Northamptonshire	421	386	286	- 25.9%
Nottinghamshire	486	323	305	- 5.6%

Table 2: Number of allegations recorded April – November 2011 by most similar forces

The number of allegations traditionally exceeds the number of complaint cases because one case could contain more than 1 allegation e.g. a person could complain about their arrest, that excessive force was used and PACE was breached whilst they were in custody.

Between the same recoding period (April-November) the Force has seen a moderate increase of 5.85% (30 allegations) in the number of allegations compared with a 6.9% decrease in the number of cases in 2011 as compared to the same period in 2010. The picture across our most similar forces is very mixed with Essex seeing an increase of 19.79% compared with Northamptonshire who saw a decrease of 13%. What can be said is that those forces that saw an increase in the number of allegations also

witnessed a decrease in cases. Thus the figures vary from year to year and force to force with no discernable pattern.

Number of Allegations	<i>Apr – Nov 2009</i>	<i>Apr – Nov 2010</i>	<i>Apr – Nov 2011</i>	<i>% Change between 2010 & 2011</i>
Leicestershire	490	512	542	5.85%
Avon & Somerset	967	1029	927	- 9.9%
Devon & Cornwall	1100	1136	1024	- 9.9%
Essex	1129	899	1077	19.79%
Kent	884	807	735	- 8.9%
Lancashire	1323	951	993	4.4%
Northamptonshire	518	443	385	- 13.0%
Nottinghamshire	685	528	549	4%

Table 3: Family of forces allegations per 100 employees

Overall our performance in this area is comparable with our most similar forces.

Family of Forces	<i>Total No. of Employees</i>	<i>Total No. of Allegations</i>	<i>Allegations per 100 employees</i>
Leicestershire	3642	542	14.8
Avon & Somerset	6754	927	13.7
Devon & Cornwall	6251	1024	16.3
Essex	6553	1077	16.4
Kent	6779	735	10.8
Lancashire	6098	993	16.3
Northamptonshire	2794	385	13.7
Nottinghamshire	4264	549	12.8

Table 4: Allegations by BCU/Department

In comparison between to 2010 and 2011 the force has seen an increase of 5.85% in the number of allegations when looked at by BCU/Department.

Complaints with 'No Specific LPU/Dept' are allegations where no officer has been identified from the outset as being subject of complaint and therefore are not specific to any one LPU or Department. This occurs as a result of the complainant not knowing the identity of the officer(s). In the majority of these cases the member of staff will be identified by the conclusion of an investigation.

The Delivering Justice Directorate has seen an increase of 21% (8 allegations) however it should be noted that the force structures were altered in the last reporting year and as a result the directorate took on responsibility for more staff i.e. the Local Investigation Officers.

The County BCU has witnessed an increase of 12% compared with the City which saw a decrease of 17%. However, it should be noted that the City were significantly higher this time last year and that variations are random.

Corporate Services has seen a decrease of 62% which would indicate that the previous year was a 'spike' rather than a trend. This was due to one complaint in 2010 having many allegations.

Allegations	Apr – Nov 2009	Apr – Nov 2010	Apr – Nov 2011	% Change between 2010 & 2011
CITY BCU	180	207	171	- 17%
COUNTY BCU	187	163	182	12%
DELIVERING JUSTICE	25	38	46	21%
TASKING DIRECTORATE	146	50	46	- 8%
CORPORATE SERVICES	1	13	5	- 62%
FINANCE	0	1	0	100%
SECONDED	1	0	3	100%
UNKNOWN	50	40	89	122%
TOTAL	490	512	542	5.85%

Table 5: Top Five Allegations

Every month key stakeholders within the Professional Standards Department meet to review current data in order to assess and address trends in performance and conduct, where appropriate control strategies are developed and implemented.

Over the reporting period the three largest allegation categories are 'other neglect or failure in duty', 'incivility, impoliteness and intolerance' and 'oppressive conduct & harassment'. The incivility category has consistently featured in the top 3 and this has been reflected nationally therefore the current decrease is very welcome.

The 'Other neglect' category has seen a significant increase with it featuring as the top allegation consistently each month. From our research it would seem that we have been out of kilter with our most similar forces regarding our recording ratios for 'Other neglect' and 'Other irregularity' categories. This would go some way to explaining the disparity. Since January 2011 the force has had a dedicated recording officer who has adhered to the IPCC Statutory Guidance when making recording decisions. This is going some way to addressing the imbalance between the 2 categories whilst also ensuring transparency in our general recording practices.

TOP FIVE Allegations	<i>Apr – Nov 2007</i>	<i>Apr – Nov 2008</i>	<i>Apr – Nov 2009</i>	<i>Apr – Nov 2010</i>	<i>Apr – Nov 2011</i>
Other Assault	55	60	53	54	40
Other Neglect or failure in duty	45	78	78	57	130
Incivility, impoliteness and intolerance	95	124	95	117	90
Oppressive Conduct or Harassment	51	62	45	49	55
Other Irregularity in Procedure	33	84	78	47	21

Table 6: Referrals to the IPCC

Certain incidents and complaints must be referred to the IPCC for it to decide on the most appropriate mode of investigation and, in some cases undertake an independent investigation. For all other matters the Force can voluntarily refer matters it considers is in the public interest to do so. The Force has adopted an open approach to referrals where in any cases of doubt the matter will be referred or the views of the IPCC sought.

Referrals to IPCC	<i>Local</i>	<i>Supervised</i>	<i>Managed</i>	<i>Independent</i>
Apr – Nov 2011	15	4	0	0
Apr – Nov 2010	25	0	0	2

Table 7: Status of those subject to a complaint

It can be seen from the table that police officers have been the subject of more allegations when compared with all other members of staff; this is to be expected.

Other than FHQ, Euston Street has the highest number of officer's subject of complaint (76); this is to be expected in light of the City response officers now being based there. Hinckley and Blaby LPU's also have a high number of officer's subject of complaint however in the last 3 months (Sept-Nov) Hinckley has seen a drop in the number of cases month on month. Blaby has steadily been increasing resulting in PSD liaising with the LPU Commander and delivering training to Sergeants in order to develop their knowledge and skills to deal with complaints effectively and in a timely fashion. In November the LPU did not receive any complaints.

Status of those subject to a complaint	<i>Police Officers</i>	<i>Police Staff / PCSOs</i>	<i>Specials</i>	<i>Total</i>
City HQ Depts	14	0	0	14
Spinney Hill	10	1	0	11
Hinckley Road	6	1	0	7
City Centre	2	2	0	4
Welford Road	8	0	0	8
Beaumont Leys	15	2	0	17
Keyham Lane	14	5	1	20
Euston Street	76	0	0	76
City Totals	145	11	1	157
Counties HQ Depts	9	0	0	9
Harborough	12	0	0	12
Hinckley	35	2	0	37
Blaby	32	0	2	34
Oadby & Wigston	9	5	0	14
Charnwood	19	1	0	20
Loughborough	19	1	0	20
Melton	8	1	0	9
North West Leicestershire	26	3	0	29
Rutland	5	1	0	6

County Totals	174	14	2	190
FHQ Depts	71	35	0	106
Unknown	16	0	0	16
Outside	2	0	0	2
TOTALS	408	60	3	471

OUTCOME OF COMPLAINTS

Table 8: Investigation Categories

Upon receipt of a complaint an assessment is made as to whether the actions of the staff member amounts to either misconduct, gross misconduct or neither. Misconduct is defined as a breach of the Standards of Professional Behaviour. Gross misconduct is means a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

Investigation Categories	<i>Gross Misconduct</i>	<i>Misconduct</i>	<i>Not Misconduct</i>	<i>Total</i>
	3	284	22	309

Table 9: Time taken to complete investigations

The force continues to work towards reducing the time taken to complete the local resolution process and local investigations through the application of the Police Reform Act 2002 and the principles contained within the Taylor review of police discipline.

The PSD are actively working with the BCU's through the appointment of PSD single points of contact to inform and advise supervisors on the handling of complaint matters, this is improving timeliness and the quality of investigations. It should be noted that the majority of complaints are dealt with at a local level. As can be seen below the Force performs very well on the time taken to complete Local Investigations.

Average number of days to complete investigation	LR	Local Investigation
Leicestershire	48	29
Avon & Somerset	19	61
Devon & Cornwall	3	123
Essex	51	66

Kent	22	83
Lancashire	53	83
Northamptonshire	27	56
Nottinghamshire	50	97

Means by which cases were completed

The below chart provides a summary of the outcomes of cases and shows that we are achieving a local resolution rate of 45.2% for the year. In effect this means that Leicestershire is placed third out of eight when compared to similar forces. Discontinued/dispensed cases are where it is felt that it is no longer practical to continue with an investigation or where it is felt that no action should be taken about a complaint e.g. where 12 months or more have elapsed since the incident, a failure of the complainant to cooperate with the investigation etc.

Graph 2

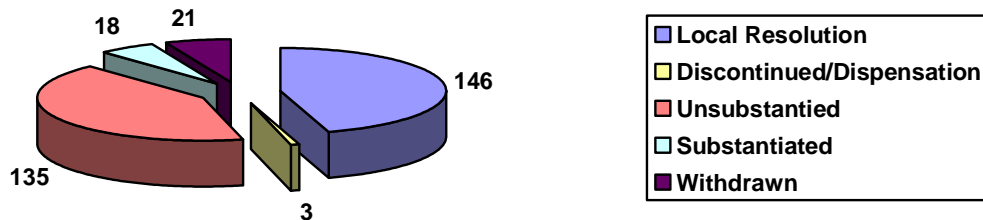


Table 10: Number of allegations finalised by most similar forces

The number of upheld allegations is one of the lowest in our family of forces. Research is currently ongoing as to the reasons for this being a relatively low figure.

Number of allegations finalised by most similar forces	Local Resolution	Withdrawn	Dispensation	Discontinued	Not Upheld	Upheld
Leicestershire	209	35	22	4	264	29
Avon & Somerset	290	89	44	2	467	70
Devon & Cornwall	295	99	97	2	323	73
Essex	254	122	116	0	360	62

Kent	236	43	30	38	279	50
Lancashire	437	105	39	2	399	57
Northamptonshire	103	21	10	3 (derecorded)	109	21
Nottinghamshire	166	36	44	5	219	29

**Table 11: Outcome of upheld cases for the period of April to November 2011 –
Police Officers & Special Constable**

Outcome of upheld cases	<i>Police Officers & Special Constables</i>
Not Guilty	0
Management Action	16
Management Advice	0
Written Warning	0
Final Written Warning	1
Dismissal with Notice	0
Dismissal without Notice	0
No Action	11
Officer Resigned	1
Total	29

Examples

That the complainant was falsely arrested as there was no evidence that she had been stealing from the supermarket in question

That the six hour review of the complainant's detention was carried out late with no explanation given on the Custody record.

Complainant states that the officer has accessed information through his position as a police officer and has used it for his own personal gain.

Table 12: Outcome of upheld cases for the period of April to November 2011 – Police Staff

Outcome of upheld cases	<i>Police Staff</i>
Not Guilty	0
Management Advice	1
Verbal Warning	0
Written Warning	0
Final Warning	0
Dismissal	0
Staff member resigned	0
Staff member resigned/retired	0
No Action	1
Total	2

Example

The complainant rang the force control room in order to get an update into a crime he had previously reported. That the complainant was asked quite abruptly by the call taker if he was eating whilst on the phone, the call taker told the complainant that officers have more than one crime to deal with and “it isn’t like The Bill – it doesn’t all get done in 30 minutes”. The complainant told the call taker that he wasn't interested and didn't need to know of the explanation she was providing, but wanted to stick to what he wanted to know, she replied 'OK you be quiet and let me read the crime report'.

At the end of the call the complainant asks to be transferred to the officer’s voice mail box. The call taker then said “ Don’t laugh like that because you are really peeing me off”

The complaint was upheld and the call taker received Management Action in the form of words of advice.

APPEALS

Table 13: Number of appeals recorded by most similar forces

There are 3 types of appeal the IPCC will consider following the making of a complaint. These are non-recording of a complaint, local resolution or outcome of investigation.

The appeal figures for any particular year may include appeals relating to cases from the previous year, this is because a complaint could be registered in one year and not concluded until the next.

There have been 63 complaints where the complainant has either not been satisfied with the non- recording of a complaint, the Local Resolution process or the outcome of an investigation and have appealed to the IPCC. The IPCC has upheld only 10 appeals (16%), each appeal that is upheld is reviewed in order to identify any future learning points.

The PSD continues to work with the BCUs to improve the quality and timeliness of local investigations however, it should be noted that the complainant has a right to appeal the outcome where they are unhappy with it. Engagement with the complainant through out and the managing of expectations could assist in this area. Where complaints are upheld by the IPCC then procedures are in place to review and where necessary re investigate or if there are learning points these are published and the relevant staff and Line Managers are advised.

Number of appeals (FIGURES IN BRACKETS = NUMBER UPHELD)	<i>Non-Recording of a complaint</i>	<i>Local Resolution</i>	<i>Outcome of Investigation</i>	<i>Total</i>	<i>% Upheld</i>
Leicestershire	23(6)	6 (1)	34 (3)	63 (10)	16%
Avon & Somerset	7 (2)	3 (1)	70 (10)	80 (13)	16%
Devon & Cornwall	28 (10)	12 (5)	63 (9)	103 (24)	23%
Essex	0 (0)	2 (0)	66 (4)	68 (4)	6%
Kent	2(0)	5 (1)	63 (5)	70 (6)	8%
Lancashire	2	13	73	88	Not captured by this Force
Northamptonshire	20 (5)	1 (1)	31 (13)	52 (19)	37%
Nottinghamshire	5 (4)	6 (1)	34 (10)	45 (15)	34%

DISSATISFACTION**Table 14: Dissatisfaction**

This category is for the capturing of matters that do not fall within the definition of a complaint or direction & control matter. The force has satisfaction targets and PSD ensure that issues of dissatisfaction are fed back into the organisation through learning the lessons processes to assist in the achievements of those targets.

The distribution reflects that of complaint allegations.

Dissatisfaction	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
City Totals	8	6	1	3	7	9	4	5					43
County Totals	9	5	6	9	8	11	11	9					68
Delivering Justice	1	0	0	2	1	1	1	1					7
Tasking Directorate	3	6	0	2	4	0	4	3					22
Corporate Services	0	1	0	0	0	0	0	0					1
Other	0	1	0	0	0	0	0	0					1
Unknown	0	0	1	0	0	0	1	0					2
Total	21	19	8	16	20	21	21	18					144

Examples

- Complainant raising issue regarding the length of time it took for Police to attend the scene of an RTC in which the offending driver was suspected of being drunk.
- Complainant raising issue regarding the use of resources to inform her that an issue regarding a hedge at her property was a civil matter.
- Complainant raising issue regarding the Police handling of a family dispute, specifically the issue of harassment warning(s).
- Complainant raising issue regarding being apparently repeatedly stopped by Police whilst driving his vehicle.

CONDUCT DATA

A conduct matter differs from a complaint in that it originates internally rather than from an external complaint. These are defined as any allegation that either discloses the commission of a criminal offence or discloses a disciplinary wrong doing that if proved, could result in the staff member appearing before a misconduct panel.

Table 15: Conduct allegations recorded

Up until September the number of allegations per month has remained steady but in October and November the figure increased from 11 to 15 and 16 respectively. There is no apparent reason to explain this increase but the situation will continue to be monitored.

Conduct Allegations	Apr – Nov 2009	Apr – Nov 2010	Apr – Nov 2011	% Change between 2010 & 2011
City Totals	26	16	18	12.5%
County Totals	25	21	20	- 4.7%
Delivering Justice	7	7	5	- 28.5%
Tasking Directorate	5	10	8	- 20%
Corporate Services	3	1	3	200%
Finance Directorate	1	1	4	300%
Unknown	3	4	0	- 100%
Seconded Officer	0	0	1	100%
TOTAL	70	60	59	- 1.6%

Table 16: Top Three conduct allegations recorded by BCU/Department

TOP THREE Conduct Allegations	City	County	Delivering Justice	Tasking Directorate	Corporate Services	Finance	Seconded Officer	Total
Authority, Respect & Courtesy	4	8	1	1	2	1	0	17
Duties & Responsibilities	7	6	2	1	0	1	1	18
Discreditable Conduct	5	2	1	1	1	1	0	11

Investigation category

Misconduct is defined as a breach of the Standards of Professional Behaviour. Gross misconduct means a breach of the Standards of Professional Behaviour so serious that dismissal would be justified. It should be noted that compared to the Gross Misconduct cases for public complaints there is a much higher number for conduct matters. This reflects the fact that this is normally more serious matters that is brought to the attention of the PSD internally.

Graph 3

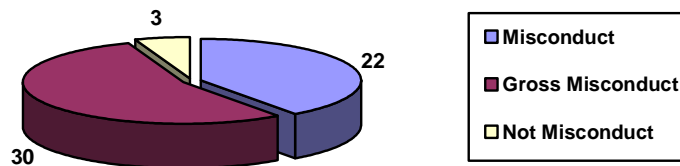


Table 17: Outcome of conduct investigations – Police Officers

The principles of the new discipline system are of learning & development rather than blame and punishment and to this end it is expected that management action would feature heavily in the outcomes. This also reflects the case that only a small number are serious enough to warrant formal action through discipline proceedings.

Management action is not a disciplinary outcome but is considered to be part of the normal managerial responsibility of managers.

Outcomes	<i>Total</i>
No Action	11
Management Action	5
Management Advice	1
Written Warning	2
Final Written Warning	2
No Action due to officer resigning	2
Dismissal	2
UPP	0

Still under Investigation	19
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Table 18: Outcome of conduct investigations – Police Staff & Special Constables

Outcomes	<i>Total</i>
No Action	2
Informal Action	7
First Written Warning	1
Final Written Warning	2
Verbal Warning	1
Dismissal	2
Resigned before Hearing	3
Still under Investigation	9

LESSONS LEARNT

The focus of this process is to learn from where things have not gone quite as expected and then feeding the lessons learnt back into the workplace. Such lessons will be identified from a number of sources including complaints investigations, direction & control matters, civil claims, incident reviews, health & safety and national forums.

The Force has launched the Lessons Learnt website on the Intranet where a database to store all 'lessons' from a variety of sources including IPCC investigations, PSD investigations, Serious Case Reviews, Review & Good Practice reports and other reviews has been developed.

Table 19: Lesson Learnt

During the reporting period there were 13 cases of learning identified incorporating 21 separate lessons. The PSD learning the lessons process forms part of the wider force learning regime and is over seen by the Learning the Lessons Delivery Group chaired by the Head of PSD. A new force website has been developed to act as a central repository of learning.

Examples of lessons learnt:

Lesson	Action Taken
Number of recent cases has identified the posting of inappropriate and sometimes offensive threads on social network sites by members of staff. Staff have also been identifying themselves as employees of the force.	Intranet news article published for attention of all staff & details forwarded to City and County for inclusion on their respective publications.
Complaint investigation into the way an individual was dealt with who was suffering from a disability. The interviewing officer used the term 'normal' when referring to other people. This was not meant to be derogatory.	Officer debriefed by Line Manager & given words of guidance. Diversity web page includes communication tips on a number of disabilities.

<p>Report issued under Rule 43 of the Coroners Rules 1984 to the police service (ACPO lead) regarding an inquest following the death of a man from hanging. The Coroner raised concerns about the possibility that the delay in sending an ambulance to such calls could lead to an otherwise preventable death.</p>	<p>Letter sent by ACPO lead to all forces highlighting the case and concerns. Details placed on CMC staff info centre section. To be included within future call taker training courses.</p>
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The learning the lessons policy was introduced April 2007 and in that time it has been established within the processes and procedures of the Professional Standards Department. Links have been made to other sections and departments resulting in a number of valuable lessons being identified and appropriate actions being taken.