



**Office of
Derbyshire
Police and Crime
Commissioner**

*Protecting Communities,
Fighting Crime*



Police and Crime Commissioner's Office for Derbyshire
Complaint Review Report
2021 - 22

1st June 2022

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Introduction

From 1st February 2020 new rules were introduced for dealing with appeals following complaint investigations that have been recorded under Schedule 3 of the Police and Reform Act 2002. Where a complaint has been concluded by Derbyshire Constabulary and the complainant has received a complaint outcome letter from the Professional Standards Department (PSD), that complainant has a right to apply for a review of that outcome to the Police and Crime Commissioner.

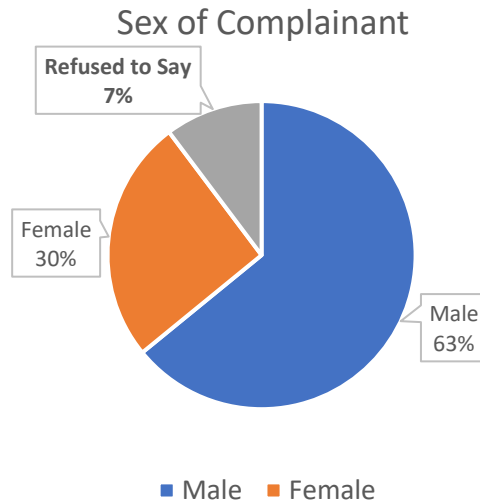
The Commissioner purpose of undertaking the complaint reviews is to ensure that any inadequate service given by the Constabulary when handling complaints is identified and passed through to the Constabulary to consider accordingly. The Commissioner reviews the complaints and makes unbiased determinations based on the facts of the case and whether the complaint has been handled in a reasonable and proportionate manner by the Constabulary.

Below is the overview of the complaint reviews undertaken by the Police and Crime Commissioner from April 2021 to the end of March 2022.

Complaint Numbers

Number of complaint reviews received from April 2021 to March 2022 – **54**

N.B. Previous year the OPCC received **35** complaint reviews.



The majority of individuals who asked for the Commissioner to review their complaint outcome were male (34), (16 were female). 4 complainants refused to reveal their gender.

N.B. Previous Year - Male 25 (71%), Female 10 (29%).

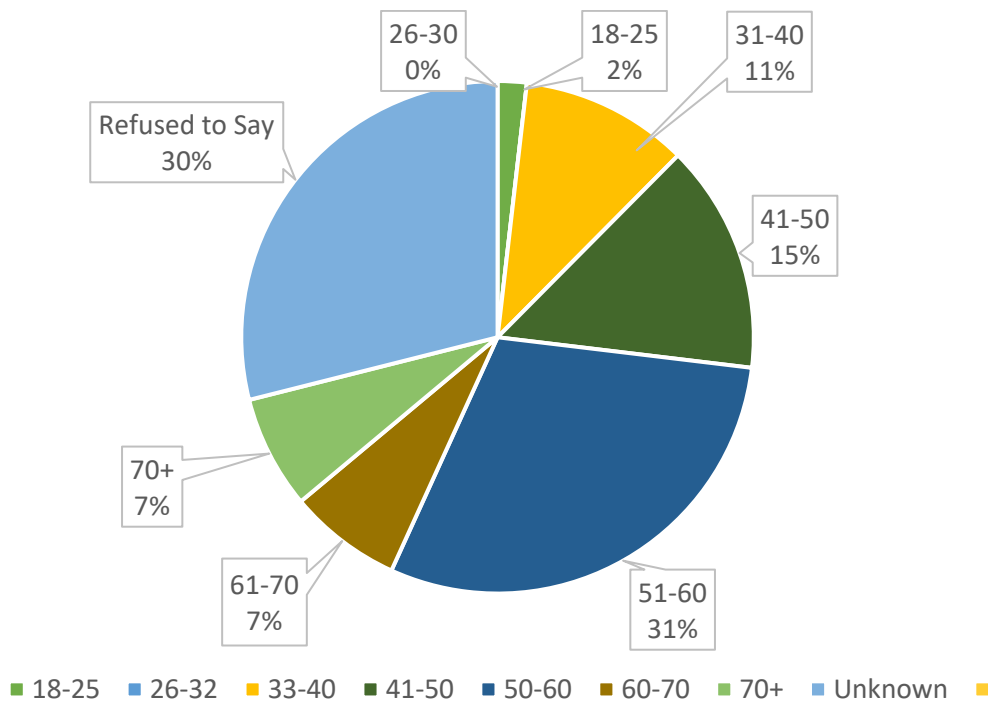
Ethnicity of Complainants



As shown in the graph above, the majority 24 out of 54 (44%) complainants refused to reveal their ethnicity. 22 complainants (41%) were White British and 8 (15%) were from a BAME background.

N.B. Previous year – 28 (80%) White British, 4 (11%) BAME background, 3 (9%) refused to reveal their ethnicity.

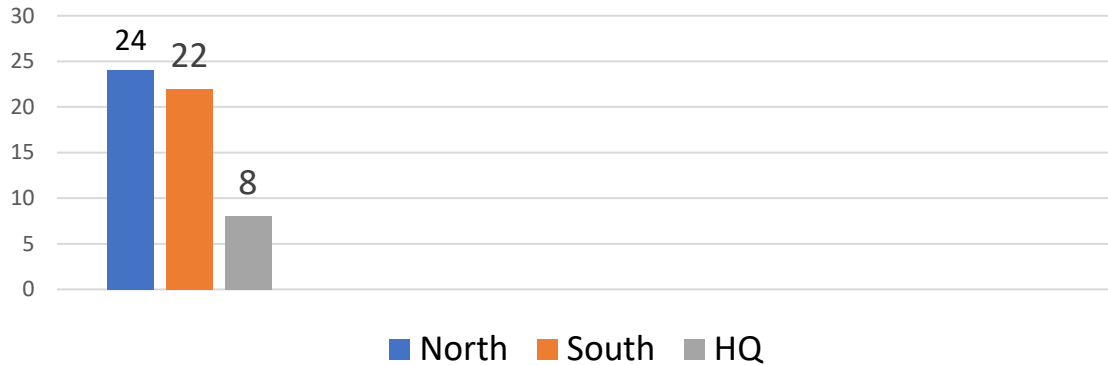
Age of Complainants



Most complaints (17 - 31%) were from individuals aged between 51 - 60 years old, with the second highest being 14 – 30% being refused to reveal their age.

N.B. Previous year – the highest was ages 41-50 with 32%

Force area who dealt with the complaint originally



The majority of the complaint reviews have been submitted by individuals in the **North** of the County, although this is only marginal.

***N.B.** Previous year - 22 North, 10 South 3 HQ.*

Timescales of a review response

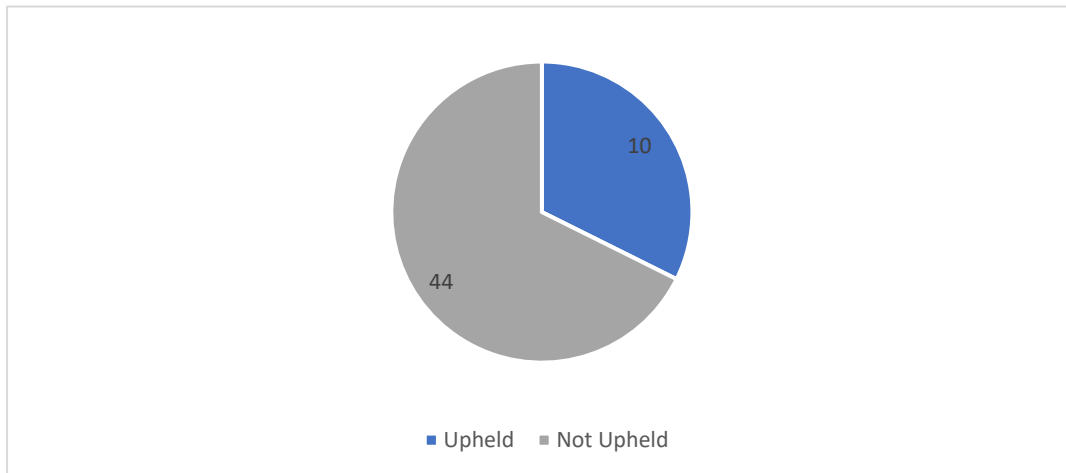
The average timescale that it takes for the Office of the Police and Crime Commissioner to deal with a complaint review is **34 working days**. The quickest review was completed in 7 working days and the longest review was completed in 161 working days.

***N.B.** Previous Year was **38 working days** so there has been a positive decrease.*

Complaint Trends

- Not happy with treatment in custody **x 2**
- Not happy with the Constabulary's actions regarding a neighbour dispute **x 7**
- Not happy with arrest and treatment by the Constabulary.
- Not happy with the Constabulary's response regarding speeding in village.
- Not happy with arrest and alleged discrimination **x 4**
- Not happy with evidence heard in court.
- Not happy with the way family member was interviewed and COVID alleged breaches **x 2**
- Not happy that the Constabulary response to parking issues in village.
- Not happy that an officer wore uniform at court when not on police duties.
- Alleged data breach by Constabulary.
- Alleged fraud not being investigated by the Constabulary.
- Not happy with the way the Constabulary searched house.
- Not happy with the way officer spoke to them/actions taken **x 4**
- Not happy with the way the Constabulary handled a non-molestation order.
- Not happy that the Constabulary never charged an individual with assault.
- Alleged discrimination by the Constabulary.
- Not happy regarding seizing of vehicle and personal items in vehicle **x 2**
- Regarding historic complaints.
- Not happy with the force used by the Constabulary **x 3**
- Not happy with the communication from the Constabulary **x 2**
- Not happy with the Constabulary's Legal Services (EMLS).
- Not happy about the case not going to court **x 4**
- Not happy with investigation into alleged crimes **x 11**
- Not happy as not been classed as a victim.

Outcome of the review

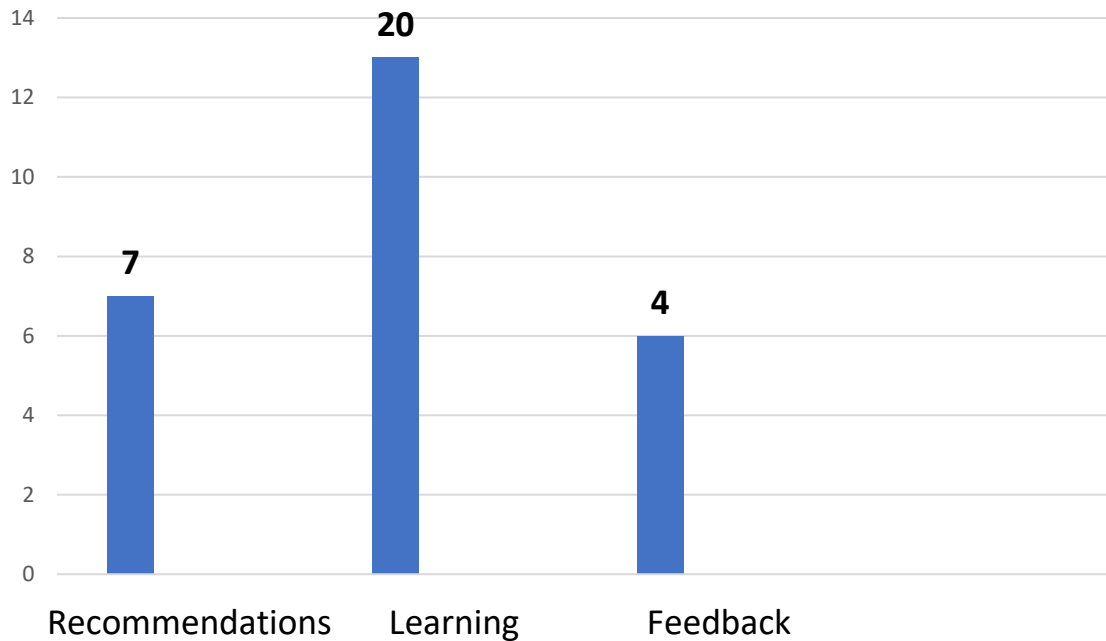


The data available shows that 44 of the complaint reviews have not been upheld by the Commissioner, meaning that the Commissioner determined that the actions taken by the Constabulary regarding the original complaint were reasonable and proportionate in the circumstances of the case.

However, 10 complaint reviews were either upheld or partially upheld, which means the Commissioner determined that the actions taken by the Constabulary were not reasonable and proportionate in the circumstances of the case and recommendations, learning and/or feedback will have been provided back to the Constabulary for them to consider further and take any relevant action.

N.B. Previous year – 24 Not Upheld, 11 Upheld.

Recommendations, Learning and Feedback identified from the reviews



At the end of the review the Commissioner can make recommendations back to the Force – i.e.

- **Recommendations** – The Commissioner is recommending the Constabulary takes some sort of action (recommend that an apology is given to the complainant for example).
- **Learning** – The Commissioner is giving some learning that has been identified as part of the complaint review back to the Constabulary or individual officer.
- **Feedback** – The Commissioner is giving some general feedback that has been identified as part of the complaint review back to the Constabulary or individual officer.

On some reviews there may only be learning that has been identified however, on some other reviews there may also be recommendations and feedback that have been identified, it all depends on the determinations made by the Commissioner regarding that complaint review. Also, some reviews may be determined as not – upheld

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however, some feedback may have still been identified on the back of the review, which will be fed back to the Constabulary for consideration.

***N.B.** More than one piece of learning or a recommendation could be given per review therefore, the numbers will not match up exactly to the amount of complaint reviews undertaken.*

Recommendations - 7

- Constabulary should liaise with the complainant regarding their email in which they are raising new complaints, as the Constabulary closed the complaint down before these were addressed, so these items are still outstanding.
- The Constabulary should look to re-issue to all colleagues its policy on uniforms. Especially, regarding wearing uniforms when not in a work environment or performing work duties. This ensures that all colleagues are aware of their responsibilities and understand the Constabulary's uniform standards.
- The Constabulary should apologise to the complainant for agreeing a deadline for a response and then not sticking to that deadline, which meant that the complainant's concerns raised in their letter were not considered or addressed by the Constabulary. The Constabulary should look to liaise with the complainant and answer any concerns ASAP.
- The Constabulary should offer an apology to the Complainant as they did not receive an HCP assessment when they were detained in the custody suite. The Constabulary should re-issue to the custody staff the Annual APP Custody Staff Refresher Training, so that all staff are aware of their responsibilities and the processes to follow whilst detainees are in custody.

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- The Constabulary should review their definitions for a victim/witness alongside that of the MOJ and other legislation and guidance to ensure that the Constabulary's definition is correct and fit for purpose. The Constabulary should issue an apology to the complainant, if it is determined that they should have classified them as a victim and not a witness and any inconvenience and distress this may have caused the complainant.
- The Constabulary should consider offering an apology to the complainant for the error made in the closing letter. This error has caused the complainant to complain to the Commissioner and has raised further questions regarding discrepancy between what was discussed and the narrative in the closing letter.
- The Constabulary should review the complaint again to consider if there have been any criminal offences committed with the order that was in place. The Constabulary should also give the complainant a response to the questions they have raised. The Complainant should be kept updated by the Constabulary when the complaint is reviewed again.

Learning - 20

- The Constabulary should ensure officers are discussing a date deadline for responses from complainants to be received back into the Constabulary. That way the complaint is not closed down prematurely by the Constabulary and any additional responses from complainants are dealt with accordingly.
- The Constabulary should undertake some training for officers regarding the importance of activating Body Worn Video (BWV).
- The Constabulary should re-iterate to all colleagues the procedures for referring requests for information for legal aid through to the CDU, so that all colleagues are aware of the correct procedure and process to follow in the future.
- The Constabulary should review their current procedures regarding action plans, to ensure action plans are fully signed and dated by the Investigation

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Officer/Constabulary, which would make the document look more professional to the complainant receiving it. The Constabulary should then re-iterate the procedure through to the Investigation Officers, so they are aware that action plans should always be signed and dated before sending to a complainant.

- The Constabulary should give some learning back to the Sergeant, that if a deadline has been given to a complainant then a final complaint report should not be submitted for sign off by a superior officer until this deadline has passed. That way, the complainant's concerns can be addressed either prior to the final complaint report or as part of the final complaint report, depending on which is the most appropriate course of action to take at that time.
- The Constabulary should give some learning back to the Professional Services Department (PSD), that if an officer has already given a complainant a deadline for a response, then from a customer service perspective, this deadline should have lapsed before a final complaint report is submitted for sign off. This then ensures that all relevant information has been received and considered accordingly by the investigation officer.
- The Constabulary should determine why on this occasion the complainant was not assessed by an HCP when they should have been according to PACE CODE C guidance and they should ascertain what learning can be taken from this incident to ensure the same does not happen again in the future.
- The Constabulary should give the Sergeant some learning around the processes followed in the custody suite and the guidance – PACE CODE C, especially if they are going to be investigating custody related complaints in the future.
- The Constabulary should give some learning back to the relevant colleagues in the Organisational, Learning, Culture and Ethics (OLCE) department, around having a deeper knowledge of PACE CODE C guidance and other applicable guidance/legislations, so they are able to sense check the complaint responses from the investigation officers accordingly, to ensure that any relevant

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guidance/legislations have been adhered to by the Constabulary and to query with investigation officers when this is not the case.

- The Constabulary need to consider their current processes around communication to the registered owners when a vehicle has been ceased. They should consider from a customer service perspective, what the owner of a vehicle would expect to receive in terms of communication from the Constabulary.
- The Constabulary should consider some learning for the legal department, regarding ensuring that individuals are made aware of any delays in the process to compensation claims, so that the complainant's expectations are addressed accordingly, and they are fully aware of the process and timescales at the outset of submitting their compensation claim.
- The Constabulary should look to review the current process of not recording physician details when undertaking preliminary tests on an individual in hospital and whether for audit purposes, it might be worth advising officers to record such details in their pocket notebook for future reference.
- The Constabulary should consider giving some learning back to the Sergeant to ensure that in future they take notes of the complainants preferred method of contact, as per the IOPC Statutory Complaint Guidance Section 2, Paragraph 2.19. The should have emailed the complainant to discuss his complaint if this was the complainants preferred communication method.
- The Constabulary should consider giving some learning back to the Professional Standard Department (PSD), to ensure that the Record of Complaint (ROC) contains sufficient narrative and covers the points of the complaint in full, as this will give reassurance back to the complainant that all aspects of their complaint has been captured thoroughly.
- The Constabulary should ensure that complaint Investigations Officer contacts complainants to explore the nature of their complaint to ensure it is understood in its entirety and to understand the outcome that the complainants wants.

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- The Constabulary should review the documentation that is left with individuals when officers visit and the individual is not at home. Some form of card that can be left with the individual would be ideal, so that the individual then has the direct contact details of the officer to liaise with should they wish to do so.
- The Constabulary should ensure that officers are updating individuals of the results of their submissions to the CAPTURE system in line with the NPCC guidance detailed under Point 2 of the review. Individuals should not have to chase the Constabulary for an update.
- The Constabulary should ensure that all officers are aware that whilst the majority of North Derbyshire area prosecution goes to Manchester Courts, all traffic related offences stay within Derbyshire and are not transferred across to Manchester. Also, the Constabulary should ensure that all officers are aware of the Witness Care Teams involvement in road traffic offences, so that they are able to give individuals the correct information regarding updates and timescales given.
- The Constabulary should consider giving some learning back to the police staff member who drafted the closing letter to ensure that the content in future letters is correct and to seek clarity from the Investigation Officer on any areas of uncertainty.
- The Constabulary should remind officers that if a request for information is received, then best practice from a customer service perspective would be let requesters know how to apply for the information through the FOI/SAR department. However, if the requester insists that the request is forwarded on to the FOI/SAR department then this should be done by the officer ASAP for the FOI/SAR 19 department to then liaise with the requester and progress the information request accordingly.

Feedback – 4

- The Constabulary need to alter the wording on their final complaint response letters, as there are no forms to fill in for a complaint review.
- The Constabulary should ensure that the officer reflects on the incident and considers that members of the public will not always be aware of covert or live pursuits taking place therefore, officers should have more patience when dealing with the public, who are completely unaware of the situation at hand.
- The Constabulary should review its BWV policy to ensure that the policy explicitly states to offers the exceptional circumstances in which BWV does not need to be activated, so that all officers are aware of the process and there is a consistent approach force wide.
- The Constabulary should give some feedback to the officer about the tone of their response, remaining professional and spelling mistakes in correspondence.

Accepted Recommendations, Learning and Feedback

Once the Commissioner has determined any recommendations, learning or feedback PSD have to state whether they agree with the determinations made and if so, what action they are going to take and if they are not taking any action, then why that is the case.

Out of the 31 recommendations, learning and feedback that have been identified, all have been accepted and addressed by the Constabulary to the satisfaction of the Commissioner.

Positive outcomes from Complaint Reviews

The below are some of the positive outcomes from complaint reviews have been identified in the last year -

- Review of BWV policy to ensure officers are aware of their responsibilities.
- Force – wide update given on the uniform policy to ensure officers are aware of their responsibilities.
- Apologies given to Complainants when errors have been made.
- Force - wide learning regarding FOI/SAR process.
- Re-issue of annual APP Custody Refresher Training to ensure officers are aware of their responsibilities.
- Review of the definition of witness/victim alongside the Ministry of Justice (MOJ) guidance.
- Legal Aid refresher training to ensure officers are aware of their responsibilities.
- Review of communication methods to individuals who have had their vehicles ceased.
- Record of Complaint (ROC) review, to ensure that complaints are fully documented.
- Force – wide Capture learning in line with National Police Chief's Council (NPCC) guidance.
- Force – wide learning regarding road traffic related offences not being transferred to Manchester courts.

Conclusions

Following on from the complaint review report in 2020 – 2021, PSD devised a process where the draft complaint responses from Investigation Officers (IO's), were being sense checked by complaint trainer staff before being sent out to complainants. This ensured that all parts of a complaint were addressed accordingly and there was general cohesion with complaint responses force wide.

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Due to this process change, the Commissioner has seen a decrease in the amount of complaint reviews that are being upheld, as well as a decrease in the numbers of recommendations, learning and feedback that were being identified previously.

The Commissioner is pleased to see that the Constabulary have identified a more efficient way of working and is pleased to see that this change has had a positive impact on the amount of complaint reviews that are being upheld under the complaint review process.

The Commissioner is also assured that the Constabulary are acting quickly on any recommendations, learning or feedback that are identified as part of the complaint review process, and that they are using the complaint review process to shape policies and procedures and to better aid understanding of complaints, which will undoubtedly improve the complainant's customer service journey in the future.

The next complaint review report is due in June 2023.