



# Police and Crime Commissioner for Devon and Cornwall

**Police and Crime Panel Meeting**  
**11 July 2013**  
**Report of the Police and Crime Commissioner**

## Complaints received against the PCC under Police Reform Act

**Recommendation:**

That the Police and Crime Panel note this update

1. At the last meeting of the Police and Crime Panel (PCP) it was agreed that the day to day handling of non-criminal conduct complaints against the Police and Crime Commissioner (PCC) was to be delegated to the Chief Executive of the OPCC. Allegations/complaints of criminal conduct must be referred, by law, to the Independent Police Complaints Commission (IPCC).
2. The CEO accepted the delegation and as such receives, records and categorises complaints and is responsible for their informal resolution. Overall responsibility for complaints against the PCC remains with the PCP.
3. During the period 9 April 2013 to 25 June 2013 the OPCC has received one complaint against the PCC from a member of the public. The complaint was not recorded. For further details, please see Appendix A attached.
4. Complaints received and handled since the PCC's election on 15 November 2012 are shown below at Table 1.

**Table 1**

| Dates                      | Complaints received | Number of Complaint recorded | Number of Complaints unrecorded | Complaints forwarded to IPCC | Total |
|----------------------------|---------------------|------------------------------|---------------------------------|------------------------------|-------|
| 15 Nov 2012 – 9 April 2013 | 0                   | 0                            | 0                               | 0                            | 0     |
| 9 April – 25 June 2013     | 1                   | 0                            | 1                               | 0                            | 1     |
|                            |                     |                              | Grand total                     |                              | 1     |

**Sue Howl**  
 Chief Executive  
 Office of Police and Crime Commissioner  
 25 June 2013

## Complaints against the Police &amp; Crime Commissioner – Report for Panel

| Date Complaint received | Summary  | Handled by  | Outcome   | Live or closed   |
|-------------------------|--|---|---|--|
| 14 June 2013            | <p>The complainant initially made a complaint against the Chief Constable. The complaint was not recorded under the Police Reform Act by the CEO of the OPCC acting under delegated powers from the PCC. The complainant appealed against the non-recording to the IPCC. The appeal was not upheld.</p> <p>However, in writing to the IPCC the complainant indicated that he wished to complain that the PCC was not in a “right and proper mind” in not recording his complaint. The IPCC directed that as the complainant had indicated he wanted to complain against the PCC this must be treated as a new complaint and considered afresh.</p> | <p>WR/PM</p> <p>Decision-maker =</p> <p>CEO of OPCC</p> | <p>The complaint has not been recorded on the basis that it is an abuse of the process.</p> <p>The complainant has previously been advised that his complaint relates to an operational decision taken by a junior officer within Devon &amp; Cornwall Police and that the Professional Standard Dept (PSD) is the correct forum within the force to consider the issue he has raised.</p> <p>The initial complaint was not a “conduct” issue attributable to the Chief Constable and as such was not one the PCC could uphold.</p> <p>To then make a second formal complaint that the PCC has not upheld the complaint was adjudged vexatious and an abuse of the process.</p> | <p>Open – to enable the complainant’s right of appeal against non-recording to the IPCC.</p> |