



# Police and Crime Commissioner for Devon and Cornwall

## Police and Crime Panel Meeting

20 December 2013

## Report of the CEO of the Office of Police & Crime Commissioner

### Complaints received against the PCC under Police Reform Act

#### Recommendations:

1. That the Police and Crime Panel agree that consideration and approval of Chief Executive's proposed method of handling or resolving the complaint is delegated to the Chair and Vice-chair of the PCP and that the Chair and Vice-chair may exercise the delegation both jointly and severally.

#### Governance and Procedural matters

1. The Police and Crime Panel (PCP) holds the statutory responsibility for handling non-criminal conduct complaints against the Police and Crime Commissioner (PCC). The PCP previously exercised an option to delegate parts of this responsibility to the former Chief Executive Officer of the Office of Police and Crime Commissioner (OPCC). An interim Chief Executive, Andrew White has been appointed and he has indicated that he is prepared to accept the responsibility for complaints which enables the delegation to continue.
2. The CEO receives records and categorises complaints and is responsible for their informal resolution. Allegations/complaints of criminal conduct must be referred, by law, to the Independent Police Complaints Commission (IPCC). Non-criminal complaints are handled by the OPCC in accordance with IPCC statutory guidance for handling police complaints and subject to the Elected Local Policing Bodies (Complaints and Misconduct) regulations 2012.
3. In October PCP chair Roger Croad, vice-chair Carolyn Rule and PCP officers Sarah Hopkins and Lynn Clark met with OPCC officers to review the agreed system of complaints management for non-criminal complaints against the PCC. It is understood that the PCP has expressed a preference for a closer involvement with the process as part of its accountability to the public. The PCP should retain oversight of the complaints process. However the police complaints process requires complaints handling to be timely and to this end it is not always realistic for a decision as to how a complaint should be handled to be delayed until the PCP meet as there may be several months between receipt of a complaint and the next scheduled panel meeting.
4. Following liaison with the Chair and Vice-chair it is therefore proposed that an overview of incoming complaints is referred to them, who on behalf of the PCP will consider and grant approval (or otherwise) of the proposed method of handling the complaint. In order to make the system as efficient as possible it is also recommended that the responsibility is delegated to the Chair and Vice-chair

on a joint and several basis so that complaints resolution should not be delayed if either one is unavailable.

5. Complainants will be informed that the responsibility for their complaint lies with PCP and that in order to appropriately discharge that responsibility the panel has been involved in the consideration and approval of the method by which the complaint is handled.

**Update on Complaints**

6. During the period 25 September – 25 November 2013 the OPCC received four complaints against the PCC from members of the public. The complaints remain open until their handling is approved by the PCP. For more information see Appendix A
7. The number of 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 | Total | Complaints forwarded to IPCC by the OPCC |
|----------------------------|---------------------|------------------------------|---------------------------------|-------|--|
| 15 Nov 2012 – 9 April 2013 | 0                   | 0                            | 0                               | 0     | 0  |
| 9 April – 24 Sept          | 2                   | 1                            | 1                               | 2     | 0  |
| 24 Sept – 25 Nov 2013      | 4                   | 4                            | 0                               | 4     | 0  |
| Grand total                |                     |                              |                                 | 6     | 0  |

(One complaint was received in the OPCC via the IPCC).

**Andrew White**  
 Chief Executive  
 Office of Police and Crime Commissioner  
 04 December 2013

**Appendix A**  
**Complaints against the Police & Crime Commissioner – Report for Panel**

| <b>Date Complaint received</b> | <b>Summary</b>  | <b>Handled by</b>                                      | <b>Outcome</b>   | <b>Live or closed</b> | <b>For PCP consideration</b>   |
|--------------------------------|---|--|--|-----------------------|--|
| COM4                           | Allegations that PCC: <ul style="list-style-type: none"> <li>• Has not exercised prudent financial management</li> <li>• Was abusive and offensive to Justin Leigh when appearing on BBC Spotlight</li> </ul>   | OPCC<br><br>Decision-maker =<br><br>AW CEO of the OPCC | regarding financial management is an opinion and confirming that all expenditure was authorised within the legal powers of the PCC. The CEO recommends that the PCC was not rude and offensive when interviewed and this element should be upheld. | OPEN                  | Proposed outcome: Letter of explanation to be sent explaining the complaint regarding financial management is an opinion and confirming that all expenditure was authorised within the legal powers of the PCC. The CEO recommends that the PCC was not rude and offensive when interviewed and this element should not be upheld. Currently referred to Chair and Vice-chair of the PCP for their agreement |
| COM 5                          | Allegations that the PCC: <ul style="list-style-type: none"> <li>• has wasted over six hundred thousand pounds on consultants.</li> <li>• does not provide value for money and that the money spent on consultants and OPCC staff would be better spent on putting officers on the beat.</li> <li>• declined a TV interview on 19 November 2013 because he did not</li> </ul> | OPCC<br><br>Decision-maker =<br><br>AW CEO of the OPCC |  | OPEN                  | Proposed outcome: Letter of explanation to be sent explaining the complaint is an opinion rather than evidenced misconduct and confirming that all expenditure was authorised within the legal powers of the PCC. Currently  |

|       |   |  |  |      |   |
|-------|---|--|--|------|---|
|       | want to face criticism  |  |  |      | referred to Chair and Vice-chair of the PCP for their agreement   |
| COM 6 | <p>Complainant expressed views that:</p> <ul style="list-style-type: none"> <li>it is unacceptable that £500,000 has been spent on external consultants and that PCC needs to spend more time outside of his office to see how, (what complainant terms) the “misappropriation of scarce funds” has affected the community</li> <li>the PCC’s reliance on a large office staff and external consultants is the hallmark of weakness and incompetence</li> <li>the PCC displayed gross arrogance by not being interview by the BBC on 19 Nov 2013</li> </ul> | <p>OPCC</p> <p>Decision-maker = AW CEO of the OPCC</p> |  | OPEN | <p>Proposed outcome: Letter of explanation to be sent explaining the complaint is an opinion rather than evidenced misconduct and confirming that all expenditure was authorised within the legal powers of the PCC. The CEO recommends that the PCC was not rude and offensive when interviewed and this element should not be upheld. Currently referred to Chair and Vice-chair of the PCP for their agreement</p> |