



COMMUNITY JUSTICE SECURITY

Northamptonshire Police & Crime Commissioner

COMPLAINTS ABOUT THE CHIEF CONSTABLE

The law says that police and crime commissioners should deal with complaints about chief constables. A complaint is defined as:

An expression of dissatisfaction by a member of the public about the conduct of a person serving with the police. This could, for example, be about the way the person has been treated or the service he or she has received. A complaint does not need to be communicated in writing nor does it need to say explicitly it is a complaint. It can simply be a statement of dissatisfaction.

This means that if you are not satisfied with the level of police service you have received and you let the police, or the Commissioner know, this counts as a complaint.

(IPCC Statutory Guidance 3.9, p.17)

You can make a complaint if what you are complaining about happened to you, if what happened has affected you, if you saw what happened or on someone else's behalf – but if you want to complain on behalf of someone else, you must have their written permission.

(Section 12 Police Reform Act 2002)

Complaints about the Chief Constable should be directed to:

Northamptonshire Police & Crime Commissioner
West Wing
Wootton Hall
NORTHAMPTON
NN4 0JQ

Tel 101 ext. 346460
(or 03000 111 222 ext. 346460 if you calling from outside the county)

All other complaints should be directed to:

Professional Standards Department
Wootton Hall
NORTHAMPTON
NN4 0JQ

Tel 101 (or 03000 111 222 from outside the county)

COMPLAINTS

There are 2 types of complaints, those about the organisation and those about individuals. The following table, taken from the IPCC Statutory Guidance, shows some of the types of complaint which would be classified as Organisational Complaints (these used to be known as Direction & Control) and those classified as Individual Complaints (Conduct matters). It should be noted that this table is taken from the IPCC Statutory Guidance and applies to officers of all ranks, not specifically to Chief Constables. Complaints against the Chief Constable must relate to the individual's personal conduct not to the conduct of those under their command:

ORGANISATIONAL COMPLAINTS	INDIVIDUAL COMPLAINTS
Operational management decisions – including force-wide crime initiatives and the making of general strategic decisions about how certain police powers should be exercised	The making of a specific decision on the deployment of officers for a particular investigation or operation
The drafting of operational policing policies and the process leading to their approval	The decision to, or not to, arrest and prosecute a particular suspect for a certain crime
Organisational decisions – including decisions about the configuration and organisation of policing resources, where officers or police staff should be located, how they should be managed and what equipment should be procured for them.	Decisions about the deployment of a particular tactic on a particular occasions, and the use of that tactic
General policing standards in the Force	The application of Force policies, in particular, circumstances where the application of the policy involves an officer exercising their discretion
	Day-to-day operational decisions made in response to a particular set of circumstances

(IPCC Statutory Guidance, p. 22)

RECORDING COMPLAINTS

Any complaint about the conduct of the Chief Constable must be recorded unless it falls within the categories outlined below. This means that the Commissioner will look at the complaint and judge if it relates to the conduct of the Chief Constable, as an individual officer, rather than as the head of the organisation as a whole. For example - A complaint relating to how the Chief Constable behaved in a public meeting would probably be recorded whereas a complaint about the Chief Constable as the head of the organisation that has issued you with a speeding ticket would not.

Other reasons for non-recording would include:

The Commissioner is satisfied that the subject matter of the complaint is already being dealt with;
 The complaint has been withdrawn;
 The complaint falls within a description of complaints specified by the Police (Complaints and Misconduct) Regulations 2012. These are special cases and apply if:

The matter is already the subject of a complaint made by or on behalf of the same complainant

The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address i.e. an anonymous complaint

The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;

The complaint is repetitious; or

The complaint is fanciful.

(Paragraph 2, Schedule 3, Police Reform Act 2002

Regulation 3, Police (Complaints & Misconduct) Regulations 2012

The Commissioner will assess a complaint against these criteria and progress it accordingly. The Commissioner will write to tell you what will happen within 10 working days of receiving your complaint.

(IPCC Statutory Guidance 3.21, p. 20)

If your complaint does not relate to the specific behaviour or conduct of the Chief Constable it will be passed to Northamptonshire Police Professional Standards Department. If this happens you will be told and given their contact details.

LOCAL RESOLUTION

If the Commissioner thinks a complaint relates to the conduct of the Chief Constable, he will look to locally resolve it with you. This is an alternative to formal investigation into a complaint and may solve, explain, clear up or settle the matter directly with you. Local Resolution is not a disciplinary process so no misconduct proceedings follow.

(IPCC Statutory Guidance Section 5, p.30 onwards)

To do this, the Commissioner must be satisfied that the conduct being complained about, if it were proved, would not justify bringing criminal or disciplinary proceedings against the Chief Constable; and the conduct complained about, even if proved, would not involve the infringement of a person's rights under Article 2¹ or 3² of the European Convention on Human Rights.

(Paragraph 6, Schedule 3, Police Reform Act 2002)

For a complaint to go through Local Resolution, you must agree to it. If not a senior member of staff from the Northamptonshire Police & Crime Commission will ask to meet you to try to understand your concerns.

If Local Resolution cannot be undertaken the complaint will then be taken forward for investigation. You have a right to appeal against a Local Resolution; you would put this appeal, in writing, to the Independent Police Complaints Commission (IPCC).

¹ Right to Life

² Prohibition of torture and inhuman or degrading treatment or punishment

INVESTIGATION OF A COMPLAINT

Investigation establishes the facts and reaches conclusions. Investigations can also provide learning for the Force arising from the incident itself or how it was handled.

(IPCC Statutory Guidance 9.2, p.51)

Due to the seniority of the Chief Constable, the Chief Constable of another force will carry out an investigation on behalf of the Commissioner, who will determine the investigation's terms of reference. You will receive an update on progress every 28 days.

*(Paragraphs 16, 17 & 18, Schedule 3, Police Reform Act 2002
Regulation 24, Police (Complaints & Misconduct) Regulations 2012
IPCC Statutory Guidance, p.52)*

Some circumstances may call for the suspension of the Chief Constable. The very specific guidelines around suspension of any police officer will be followed. More information will be provided by the Commissioner should this arise.

(Police (Conduct) Regulations)

DISCONTINUANCE (Stopping an investigation)

The Commissioner has the right to stop (discontinue) an investigation in certain circumstances. If so, the Commissioner will write to you to say that you have 28 days to make representations as to why the complaint should not be stopped. Grounds for discontinuing an investigation are:

*(Police (Complaints & Misconduct) Regulations 2012
Regulation 10, Police (Complaints & Misconduct) Regulations 2012)*

You refuse to co-operate to the extent that it is not reasonably practicable to continue the investigation

The complaint is determined to be suitable for Local Resolution

The matter is vexatious, oppressive or an abuse of procedures for dealing with complaints

The complaint is repetitious

It is not reasonably practicable to proceed with the investigation

(IPCC Statutory Guidance 10.5 – 10.15, p. 70/71)

You have the right to appeal the decision to discontinue the investigation, in writing, to the Independent Police Complaints Commission (IPCC)

(IPCC Statutory Guidance 10.18, p. 73)

THE INVESTIGATOR'S REPORT

Following the investigation, the Commissioner receives a report from the investigating Chief Constable, in plain language, free of technical jargon containing,:

(IPCC Statutory Guidance 11.2, p.72)

An explanation of the complaint

The terms of reference, if any, for the investigation

A clear account of the evidence gathered
Explanation that the investigation has met the objectives set
Clearly reasoned conclusions based on evidence
Highlighting of any learning opportunities for either the Chief Constable, an individual or the organisation, where appropriate, even where no allegation is proved

(IPCC Statutory Guidance 11.9, p.73)

In reaching conclusions the investigator must apply the *Civil Standard* of proof i.e. 'The Balance of Probabilities' – whether it is more likely than not that the conduct alleged did, in fact, take place.

(IPCC Statutory Guidance 11.13, p.74)

If the investigation shows that there is a case to answer by the Chief Constable then the complaint should be upheld. If it shows that there is no case to answer against the Chief Constable, the complaint should not be upheld. There may, however, be organisational learning that results from the complaint or investigation.

(IPCC Statutory Guidance 11.15 – 11.19, p.74/75)

You have the right to appeal, in writing, to the IPCC against the findings and conclusions of the investigation.

NEXT STEPS

If the investigator's report shows that there is a case to answer the Commissioner must determine if the conduct constitutes Misconduct or Gross Misconduct. How the matter progresses and potential outcome(s) will be affected by this decision. The Commissioner will then convene a panel to hold a Misconduct Meeting or Hearing³. This panel will be made up of:

(Police (Conduct) Regulations)

A legally qualified person who will be the Chair⁴

Her Majesty's Chief Inspector of Constabulary (or their nominated Inspector of Constabulary)

A person selected from a list of candidates maintained by the local policing body (PCC)⁵

(Schedule 6, Police Act 1996 (as amended))

The matter will then follow the process outlined in the Police (Complaints & Misconduct) Regulations 2012. These outline how a meeting or hearing take place and the potential sanctions that may be imposed if the conduct issue is proved. You will be kept informed of progress and will be informed of the outcome.

(Police (Complaints & Misconduct) Regulations 2012)

³ In cases of alleged misconduct it will be a misconduct meeting; in cases of alleged Gross misconduct it will be a misconduct hearing. Gross Misconduct means a breach of the standards of professional behaviour so serious that dismissal would be justified.

⁴ A list of such legally qualified persons is maintained by the Home Office

⁵ This is a list of independent people who have been trained on the Police Misconduct Regulations

APPEALS

You have the right to appeal against decisions made during the complaints handling process. Details of the right to appeal, and to whom the appeal should be sent, will be included in any letters sent to you.

REVIEW OF POLICY

Northamptonshire Police & Crime Commission is one of the first to publish their complaints against a Chief Constable policy. The Commission will be looking at what other commissions are publishing and may take learning from other areas to improve this policy if necessary.