

Mayors Action Plan Public Review Meeting - Complaints & Misconduct

**9th March 2023
Ashburton Croydon**



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More trust
Less crime
High standards



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Gold Strategy AC Gray

The threshold for assessing officers and staff behaviours, specifically racist, sexually motivated and other discriminatory acts must be assessed and understood within the current landscape. Public trust and confidence in the police is conditional and we know it has been severely damaged by a series of high profile and horrific crimes committed by Met officers. The public rightly expect high professional standards and ethics from members of the police service in every interaction they have.



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Legal Framework

Public complaints against the police are governed by a piece of legislation called : The Police Reform Act

The Act includes the Police (Complaints and Misconduct) regulations which were last updated by parliament in 2020.

There are three ways in which a public complaint can be addressed under the regulations.

- 1) By Investigation
- 2) Outside Schedule 3 &
- 3) Other than by investigation



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Legal Framework – By investigation

There will always be an investigation of a complaint when there is an indication, that:

- A person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings.
- There may have been the infringement of a person's rights under Articles 2 or 3 of the European Convention on Human Rights

Or :

- The complaint, has been referred to the IOPC and they have determined that it must be investigated, or the IOPC is treating the matter as having been referred
- The complaint has been reviewed by the IOPC and they have determined that it must be investigated or reinvestigated.



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Legal Framework – Outside schedule 3

Complaints dealt with outside the requirements of Schedule 3 must be handled with a view to resolving them to the complainant's satisfaction. Some complaints do not require detailed enquiries in order to address them. For example, the complainant may only want an explanation, or for their concerns to be noted or passed on. It can assure the complainant that their concerns have been listened to and addressed, while potentially providing a learning opportunity for the force (and, if appropriate, any individuals involved).

There is no set procedure for handling a complaint outside Schedule 3. The key consideration is whether a course of action is appropriate and whether it will be an effective response to a complaint, which will satisfy the complainant. Actions might include:

- providing information and an explanation – either by telephone or in writing
- providing an update on the complainant's outstanding matters
- answering questions the complainant has
- organising the return of property
- offering an apology for poor service
- signposting the complainant to appropriate processes – for example, the Information Commissioner's Office complaints process or Victim's Right to Review

If a complainant is dissatisfied with the way their complaint has been handled, complaint handlers should remind complainants that they can ask for their complaint to be recorded; and if it is recorded, that there will be a right to apply to have the outcome of their complaint reviewed.



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Legal Framework – Other than by investigation

The regulations allow police services to decide not to investigate certain recorded complaints.

This is called handling ‘otherwise than by investigation’.

Complaint handlers should think creatively about what action will be most useful to provide meaningful answers to issues or concerns raised, remedy the dissatisfaction of the complainant, and identify learning or changes required to policies and procedures.

Although the legislation distinguishes between those matters that are ‘investigated’ and those that are not, in practice, certain investigative steps may be required even when not carrying out an investigation.

Many of the same tactics used for a resolution outside Schd 3 may also be appropriate.



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CRU Mission

To help build trust and confidence externally and internally, the mission of the CRU is to:

- 1) Improve the experience of making a complaint against the MPS for all the communities of London
- 2) Improve the experience of being subject to a complaint for all officers and staff within the MPS
- 3) Handle the initial assessment of conduct matters in a timely manner

Our aspirations are to

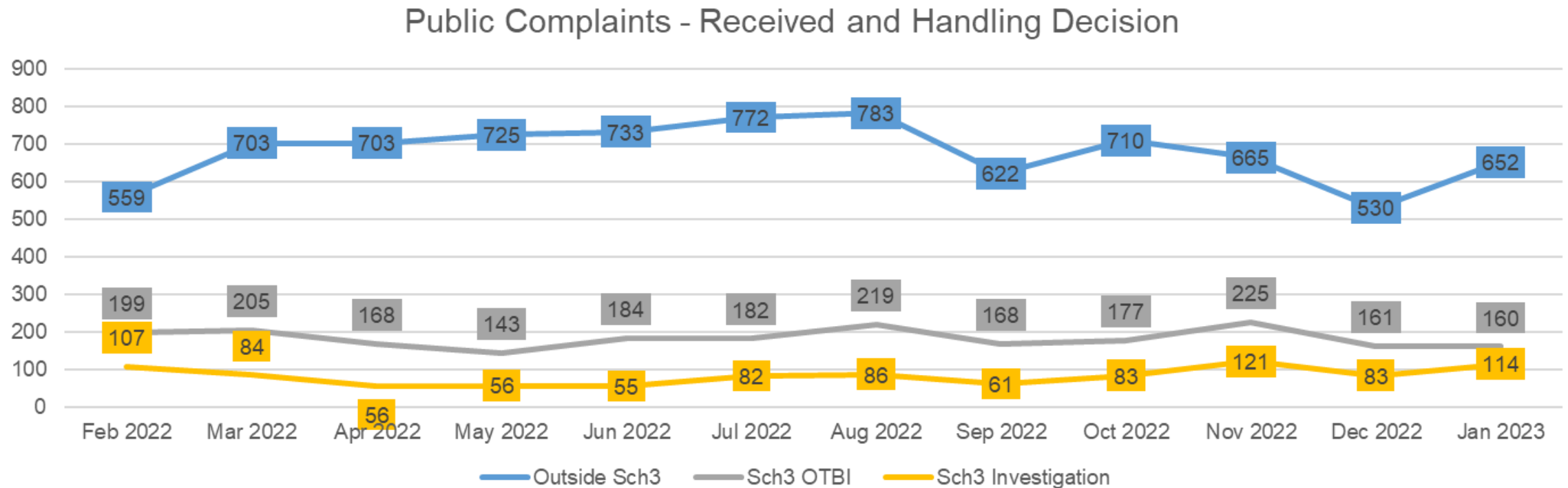
- 1) Make contact with all complainants within 48 working hours of the matter having been brought to the attention of the MPS.
- 2) Complete handling of matters suitable for resolution outside of schd 3 PRA within one working week.
- 3) Complete handling of matters within schd 3 other than by investigation within one month.
- 4) Pass matters for investigation to an Investigating officer within one working week.



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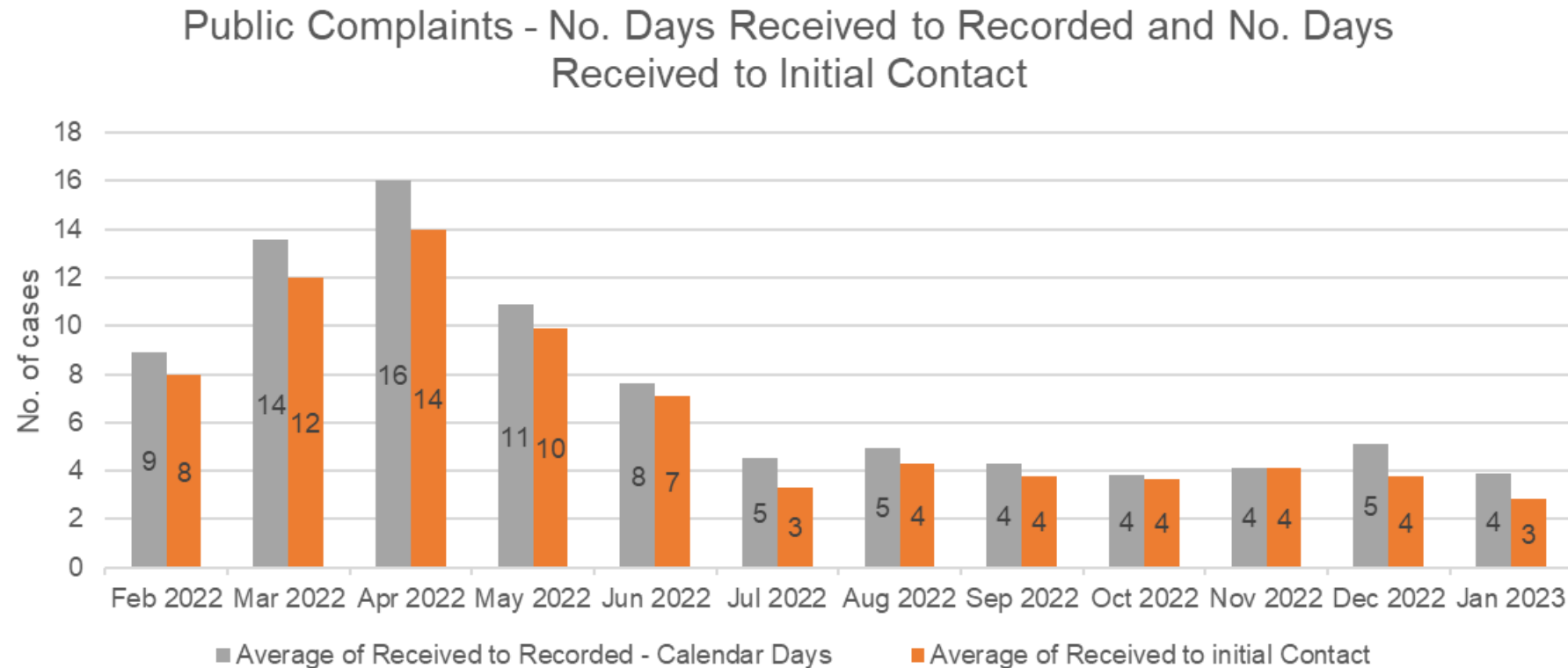
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Public complaints – no. received and handling decision



In the R12 months to January 2023 a total of 11,357 public complaints were received, up 4,488 cases compared to the previous R12 period (6,869).

With the change in recording processes under the introduction of the CRU, the % of complaints recorded outside Sch3 has increased from around 7% prior to the formation of the CRU to 72% over the last 12 months. The number cases being dealt with under Sch3 has decreased at the same time.



On average over the last 12 months to January 2023 it has taken 7 days from complaints being received to being recorded and 7 days from initial contact to complainants. There was a marked improvement in July and this has remained stable.

Case Timeliness – MPS Performance Framework

Metrics

Percentage of public complaints resolved through early intervention

Aspirations

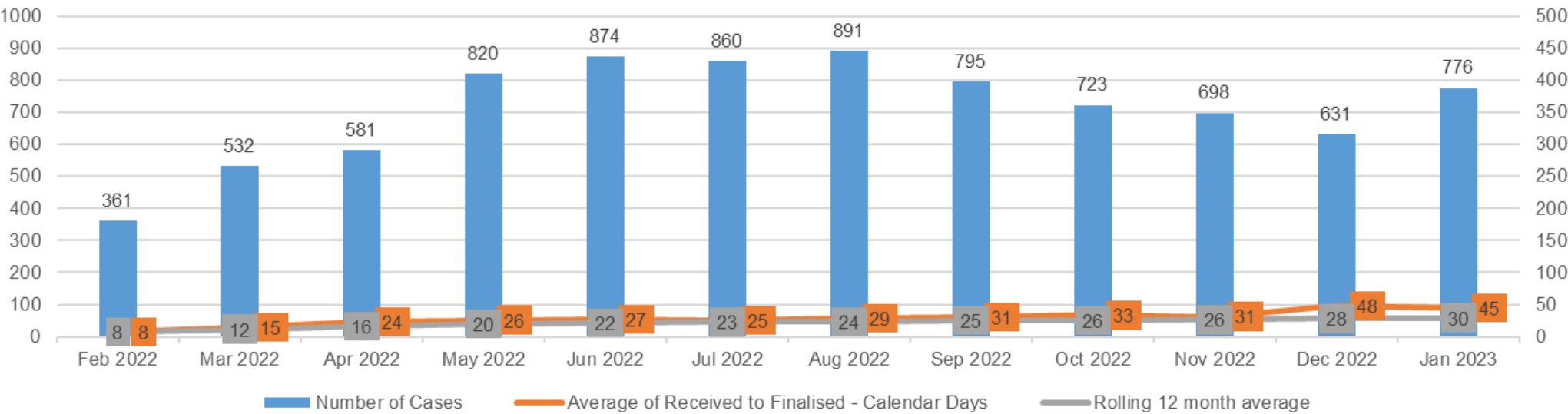
Increase from 2021/22 baseline

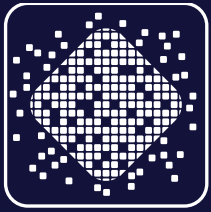
2021/22 Baseline

15% of public complaints finalised within 28 days

Since the introduction of the CRU and the accurate recording of Outside Sch3 complaints the overall timeliness of complaints has improved significantly on a rolling 12 month average of 30 days in January 2023.

Complaints Received to Finalised - CRU





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Data Empowered Policing

OFFICIAL - SENSITIVE

Complainant Ethnicity Breakdowns

Data from February 2022 to end of January 2023

Date: 24th February 2023

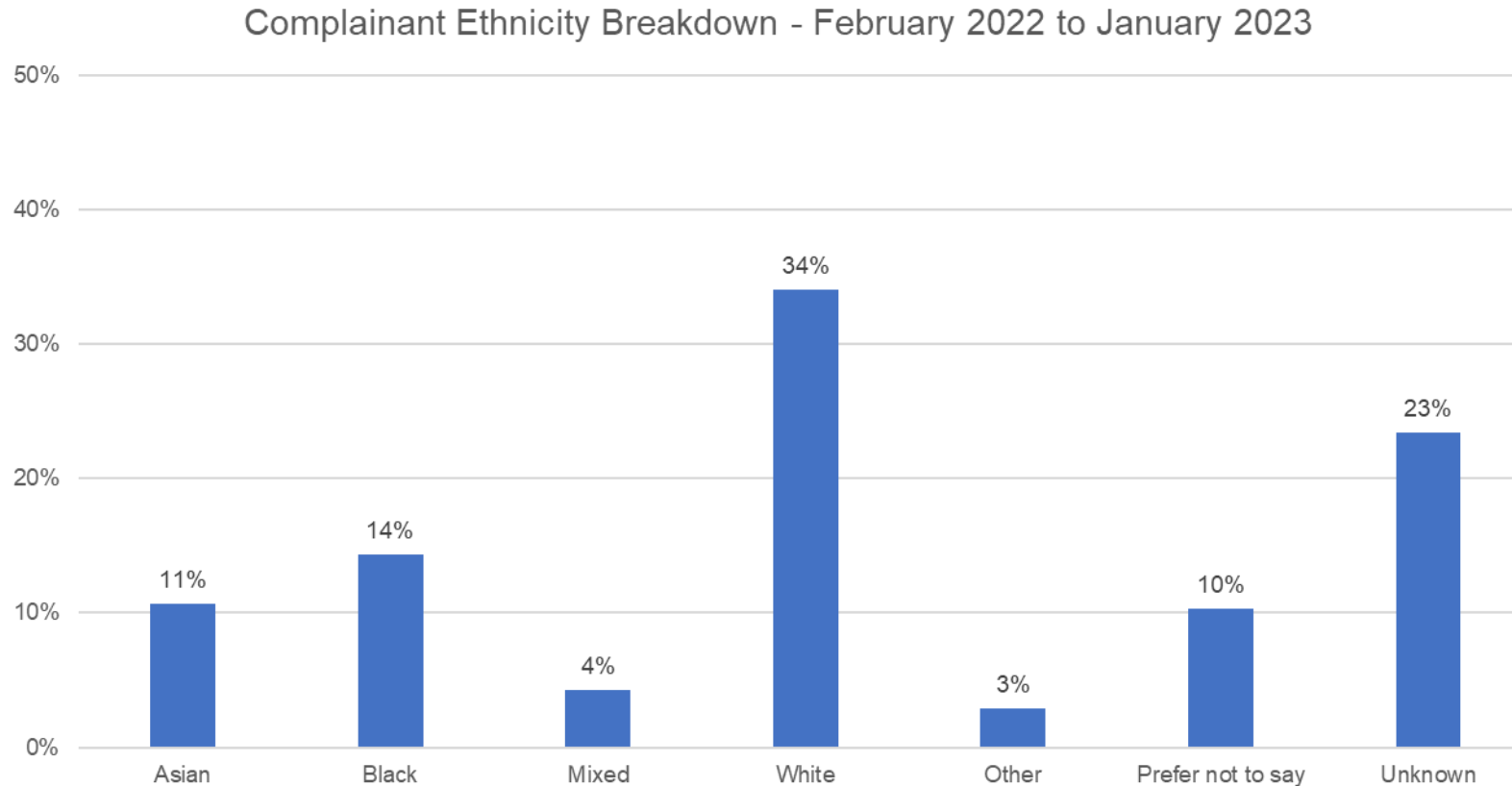
Meeting: Complainant Ethnicity Breakdowns



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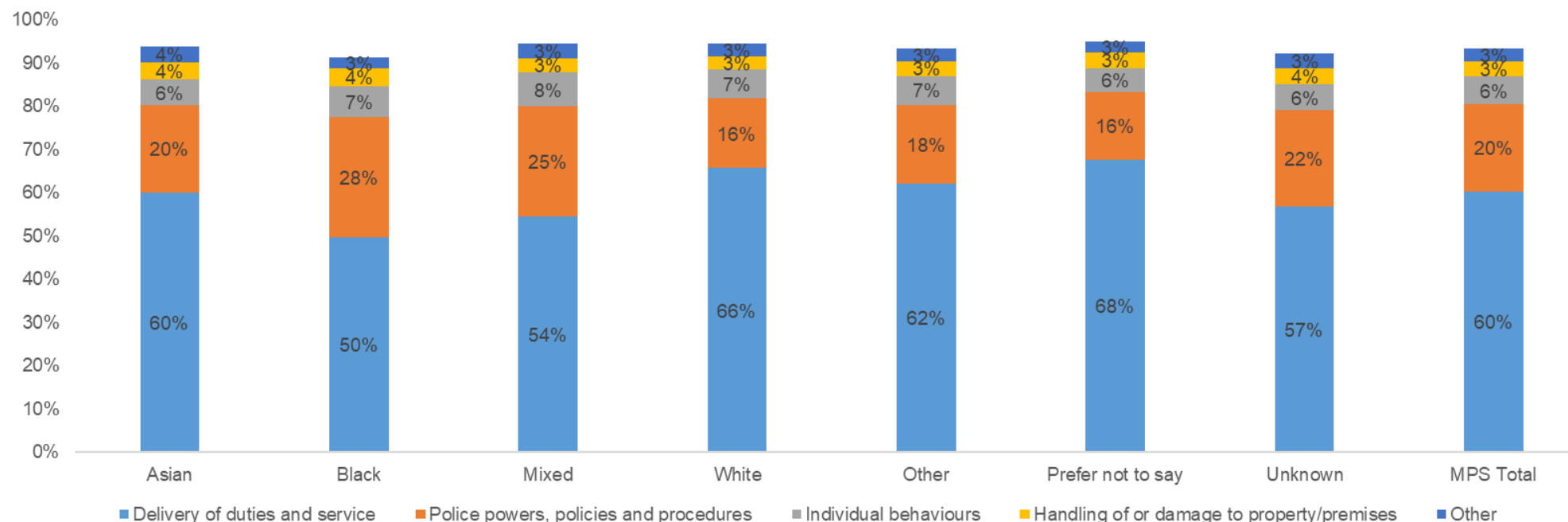
Ethnicity of complainants



In the 12 month period of February 2022 to January 2023 17,025 complainant allegations were received by the MPS. It is worth noting that 23% of the complainants ethnicity is recorded as unknown and a further 10% are recorded as prefer not to say. This makes it difficult to draw too many conclusions from the data as it is an incomplete picture with more than a third of the complainants ethnicity not known. However in 2019 52% of complainants ethnicity was unknown so the data quality has improved significantly.

Allegation types

Top 5 Allegation Types by Complainant Ethnicity - February 2022 to January 2023



This chart shows the top five allegation types split down by complainant ethnicity from February 2022 to January 2023. Across all ethnicity groups the highest allegation type was “delivery of duties and service”. This category is about the service received from the police. Complaints in this category can be organisational or can be about individual behaviour.

Across all ethnicity groups the second highest allegation type was “police powers, policies and procedures”. This category is about the use of police powers, including where an available power has not been used, and police policies and procedures. Complaints in this category can be organisational or about individual behaviour.

There is generally an even split across the ethnicity breakdowns, however the Black and Mixed group appear to raise more complaints regarding police powers, policies and procedures, 28% and 25% respectively compared to 20% of the MPS Total.

Case discussion 1

Public complaint made by a member of the public from a black African family.

The complainant was in mental health crisis, she was detained by police under the mental health act and removed to a place of safety. During the course of the engagement with police the complainant was subjected to force including physical restraint by officers and handcuffs. The nature of the complaint was that one officer in particular had been deliberately antagonising the complainant by referring to her ethnic appearance and using it as an excuse to justify his use of force. The complainant claimed that she was treated as a suspect rather than a person in mental health crisis.

The officers response was defensive, he claimed that on the contrary the complainant was discriminating against him, she was using his majority ethnic appearance as her only grounds for the complaint.

Outcome, matter escalated to DPS Discrimination Investigation Unit. BWV reviewed by DIU accounts taken from other attending officers. Case to answer for misconduct. Learning through reflection.



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Case discussion 2

Social media footage of a stop and search of a young black African man.

No public complaint was ever received. Neither the young man stopped or any direct witness ever raised concerns. The narrative on social media was that the officer had stopped the young man on the basis of his appearance alone. The commentary alleged that she was uncertain of her grounds and was making them up on the spot. The commentary further claimed that the young man was a paramedic employed by the London Ambulance service and was resident in the area and going about his private business.

The matter was initially reviewed by DPS CRU no misconduct was identified. The IOPC used their Power of Initiative. They caused the MPS to record Misconduct and the IOPC ran an independent Investigation.

The IOPC found that the officer had received specific intelligence that the young man in question was carrying offensive weapons and cannabis. She was shaky in giving her grounds because she knew that she could not reveal that she was acting on source intelligence. BWV footage showed the officer finding a knife, a quantity of drugs and a large amount of banknotes. This was sufficient for her to arrest the young man on suspicion of possession with intent to supply and possession of an offensive weapon. The young man was not a member of the LAS.

The officer received some adverse social media attention on her own private social media accounts, some was also received on the social media accounts belonging to her family.



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Case discussion 3

Conduct matter in the absence of a public complaint.

Allegation received from other attending officers. Subject was the supervising officer responsible for a team who attended and searched a home following an arrest. Present was the arrested person's disabled mother. She was unhappy with police attendance and concerned for the wellbeing and safety of her son. In order to facilitate the search unimpeded the subject officer deliberately disarmed a wheelchair and a stair lift rendering the lady immobile and confined. The reporting officers challenged their supervisor and were over-ruled at the scene. They reported inhumane and degrading treatment, incivility and excessive force.

Matter investigated as Gross Misconduct by DPS. The disabled lady refused to make a complaint or co-operate with the investigation stating that she never wanted contact with the MPS again.

Outcome, the arrested man was released with no further action. The case against him was incapable of proof and not proceeded by the CPS. The subject officer was dismissed from the MPS at a GM hearing.



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Case discussion 4

Strip searches of children in custody

This has been widely publicised in national media. Following the case of child Q the MPS were asked by the IOPC to review our systems and processes to give some reassurance that there could be no recurrence. Other cases came to light. The MPS recognised that our initial review had not been thorough enough. A more thorough review was conducted and a number of cases referred.

The investigations are ongoing but much learning has been identified. All custody officers have been reminded of their responsibilities under the Police and Criminal Evidence Act. This message is reinforced through their line management and senior leadership teams. DPS CRU triage process includes safeguards to identify any matter relating to children in custody. These are reported to the oversight group chaired by Deputy Assistant Commissioner Taylor.



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