



**Police and Crime Commissioner Role in Police Complaints
Report to the
West Midlands Police and Crime Panel**

Report of West Midlands Police and Crime Commissioner

Purpose

1. To provide an update on the work of the Commissioner related to complaints against West Midlands Police, and the work of the Professional Standards Department (PSD).

Background

2. The Commissioner has a duty to monitor complaints about conduct made against West Midlands Police officers, whilst having direct responsibility for handling complaints against the Chief Constable.
3. The Commissioner fulfils this duty in a number of ways including:
 - Regular reports are prepared by the Chief Constable and are presented to the Strategic Policing and Crime Board. The reports are public, and provide an overview of the work of PSD, including complaints made against West Midlands Police. The most recent report was presented on 4 October 2016, and is attached.
 - Dip sampling complaints and appeals to check that they are being handled properly. Two or three times each year members of the Strategic Policing and Crime Board review a small number of completed complaints cases. The cases are selected at random, and Board members review the files to consider:
 - Does the decision in the case appear reasonable? (this is different from looking for a decision that is legally correct)
 - Has the complaint been dealt with in a timely manner and were all communications polite and reasonable?
 - Does the way in which the complaint was investigated inspire confidence.The next dip sampling will take place in December 2016.
 - The Commissioner is responsible for the initial recording of complaints, conduct matters and death or serious injury matters concerning the Chief Constable, and for further handling of the complaint or conduct matter, including, should it be necessary, taking any disciplinary proceedings against the Chief Constable.
 - The Commissioner meets on a regular basis with IPCC Commissioner Derick Campbell to discuss cases of particular community concern and to oversee the effectiveness of Force in regard to complaints and disciplinary matters.
 - Assistant PCC Judy Foster has responsibility for oversight of Professional Standards, and help with this, she meets the Head of PSD regularly to discuss performance.

- Judy Foster attends meetings of the PSD Scrutiny Panel. This Panel invites representatives from staff associations to meet with PSD management to discuss areas of concern or common interest.

4. The Policing and Crime Bill introduces legislation to strengthen police accountability. This includes an enhanced function for PCCs to secure effective and efficient delivery of the police complaints system. The timetable for the legislation is not yet clear, but once enacted, PCCs will be able to choose between three models for managing complaints at a local level. The three models are summarised in the table below. The Commissioner is working with the SPCB and with West Midlands Police to explore the most beneficial model for the West Midlands:

PCCs to choose between three models for the future structure.

Model A – Mandatory
<ul style="list-style-type: none"> • Enhanced role of oversight • Hear all appeals currently heard by chief constable (estimated national cost of £2.4 million) • PCC powers on appeal would be similar to powers held by current IPCC on appeals – to recommend to chief constable that he reviews the approach to resolving the complaint, that he investigates the complaint or that an appropriate remedial action is taken (eg apology or mediation)
Model B – PCCs can opt-in to this model
Model A plus <ul style="list-style-type: none"> • Ability for PCC to resolves issues outside complaints system • Duty to make initial contact with complainant to understand how issue can best be resolved • Recording of complaints
Model C – PCCs can opt-in to this model
Models A and B plus <ul style="list-style-type: none"> • Responsible for all statutory duties regarding contact with the complainant throughout the process (PCC to be single point of contact)