



STRATEGIC POLICING AND CRIME BOARD
11 September 2014

**Professional Standards
Quality of Service**

PURPOSE OF REPORT

1. The purpose of this report is to provide members of the Strategic Policing Crime Board with an overview of the recent work of the Professional Standards Department (PSD) of West Midlands Police (WMP).

BACKGROUND

2. This report provides statistics and explanation regarding the number of complaints dealt with by WMP, the type of allegations the complaints relate to and the numbers of complaints that have been referred to the Independent Police Complaints Commission (IPCC). The report details the outcome of the complaints received, the timeliness of the investigations, results of appeals and outcomes of proceedings. The report then goes onto explore the breakdown of complaints and internal discipline cases relating specifically to black and ethnic minority (BME) officers in comparison to white officers. Unless stated otherwise the information provided in this report relies on data as at 31 July 2014.

COMPLAINTS AGAINST THE POLICE

Table 1

How Many Complaints are yet to be concluded?

Cases recorded in

Apr 2014 - Jul 2014	321
Apr 2013 - Mar 2014	586
Apr 2012 - Mar 2013	102
Apr 2011 - Mar 2012	19
Apr 2010 - Mar 2011	4
Total	1032

3. Table 1 shows the number of complaints from members of the public that are still to be concluded by reference to the financial year in which they were recorded, therefore showing the current workload of the force in relation to complaints.
4. The 4 outstanding complaints from April 2010 – March 2011 have been reviewed due to the length of time they have been under investigation. Of these four cases, one is subject of an ongoing IPCC Independent Investigation; and the remaining three are cases subject of appeal to the IPCC.

Table 2

How Many Complaints are yet to be concluded?

by timeliness

Less than one month old	64 (including 8 pending appeal)
Between 1 and 3 months old	172 (including 41 pending appeal)
Between 3 and 6 months old	276 (including 113 pending appeal)
Between 6 and 12 months old	295 (including 167 pending appeal)
Over 12 months old	225 (including 159 pending appeal)
Total	1032 (including 490 pending appeal)

5. Table 2 shows the number of complaints that are still to be concluded by reference to the age of the complaint since it was recorded, therefore showing the current workload of the force in relation to complaints. By referring to the age of the complaint, it can be seen that 1032 are yet to be concluded. (This is an increase from 869 cases in March 2014). Of these 1032 cases, 501 are allocated to PSD and the remainder 531 are allocated to Local Policing Units (LPU)/Departments. However 470 of the 1032 cases are completed investigations, but are showing as pending on the database. In some cases this may be due to the appeal period or simply awaiting finalisation on the database. This leaves 562 cases that are still subject to current investigation which is the same amount as in March 2014. This indicates there is a delay in updating the database, rather than falling behind in dealing with complaints. The delay in updating the database is likely to have been caused due of staffing changes and vacancies within the PSD administration team, and also the move of premises from Lloyd House to Balsall Heath.
6. Under the 2008 Regulations the appeal body for complaints against the police was solely the IPCC. This changed with the 2012 Regulations when in November 2012 only appeals in the more serious cases would be considered by the IPCC, all remaining appeals are sent to the police force PSD to consider. Currently the IPCC continue to have approximately a 26 week turnaround time for considering appeals. This impacts on the timeliness data of concluded complaints that are subject of appeal. WMP are currently dealing with appeals within four weeks. Due to the progressive increase in appeals shifting from the IPCC to WMP and the associated increase in workload as a consequence WMP are finding it a challenge to maintain swift turnaround times for complainants.

Table 3

How many Complaints have been recorded?

<i>Cases recorded in</i>		<i>Year on Year comparison</i>
Apr 2014 - Jul 2014	336	<i>Projected 31% reduction</i>
Apr 2013 - Mar 2014	1479	9% increase
Apr 2012 - Mar 2013	1341	12% reduction
Apr 2011 - Mar 2012	1538	18% reduction
Apr 2010 - Mar 2011	1876	

7. Having seen the current workload, from two perspectives, Table 3 shows the number of complaints recorded. The current year figures relate only to a part year hence the projected 31% reduction is an estimated figure.
8. The increase in complaint numbers in 2013 to 2014 was anticipated due to the changes introduced with the 2012 Regulations. Since November 2012 all "Direction and Control" complaints are now recorded as a complaint against police. Prior to November 2012 all "Direction and Control" complaints were recorded on a separate database called "Quality of Service" held on LPUs/Departments. This database is no longer used and all "Direction and Control" complaints are recorded as complaints against police and captured within these figures. An example of a "Direction and Control" complaint might be a member of the public complaining there are not enough foot patrol officers in Walsall town centre.
9. In addition to complaints that are recorded, the force may make decisions to not record complaints. There is an appeal process to the IPCC for complaints not recorded. Table 4 shows the number of complaints not recorded, the reason for not recording and the appeal status, including any direction by the IPCC. The changes with the 2012 Regulations saw changes to the grounds required for not recording, therefore the numbers are shown in different sections within Table 4.

Table 4**How many Complaints have NOT been recorded, and why?****Apr 2014 - Jul 2014**

<i>Reason</i>	<i>Amount</i>	<i>Appeal</i>	<i>Outcome</i>
Vexatious, oppressive or abuse of procedures	14	2	1 Not Upheld; 1 Upheld and complaint recorded.
Repetitious and previously concluded	4	2	2 Not Upheld
Already subject of complaint	0	0	
Not within provisions of Police Reform Act	0	0	
Fanciful	0	0	

Apr 2013 - Mar 2014

<i>Reason</i>	<i>Amount</i>	<i>Appeal</i>	<i>Outcome</i>
Vexatious, oppressive or abuse of procedures	25	9	1 Upheld and complaint recorded; 6 Not Upheld; 2 Not Valid.
Repetitious and previously concluded	28	8	2 Upheld and complaint recorded; 5 Not Upheld; 1 Not Valid.
Already subject of complaint	6	0	
Not within provisions of Police Reform Act	13	1	1 Not Valid
Fanciful	1	0	

Apr 2012 - Mar 2013

<i>Reason</i>	<i>Amount</i>	<i>Appeal</i>	<i>Outcome</i>
<i>2008 Regulations</i>			
Does not fall within the provisions of the Act	25	7	7 Not upheld
Has been made by a person serving with the police	4	nil	
Has been made under the Police Act 1996	2	1	1 Not upheld
Is solely about direction and control	67	nil	
Already subject of complaint	5	2	2 Not upheld
<i>2012 Regulations</i>			
Vexatious, oppressive or abuse of procedures	3	2	1 Not Upheld; 1 Not valid
Repetitious and previously concluded	19	6	2 Upheld and complaint recorded; 4 Not upheld
Complaint is fanciful	3	1	1 Not upheld
Has previously been withdrawn	1	1	1 Upheld, to give further information
Already subject of complaint	14	6	3 Not Upheld; 1 Upheld No Action. 2 Upheld complaint recorded;

10. Having identified the number of complaints recorded, each complaint (representing a dissatisfied member of the public) may be made up of more than one allegations. e.g. *One person makes one allegation that the arresting officer used excessive force and one allegation that later while in detention, the Custody Sergeant failed to deal with them correctly.* The result of this is that there will be one complaint recorded but two allegations recorded, hence a higher number of allegations recorded than complaints. It can be seen in Table 5 that the allegations of Neglect, Incivility and Assault remain those matters that consistently generate the highest number of complaints.

Table 5

Allegation Types

The complaints recorded contained the following allegation types.

Apr 2014 - Jul 2014

Operational policing policies	1
Organisational decisions	2
General Policing Standards	0
Operational Management decisions	0
Serious non-sexual assault	2
Sexual assault	2
<i>Other assault</i>	84
Oppressive conduct or harassment	53
Unlawful/unnecessary arrest or detention	36
Discriminatory Behaviour	13
Irregularity in evidence/perjury	23
Corrupt practice	7
Mishandling of property	22
Breach Code PACE (Police Criminal Evidence Act)	51
Lack of fairness and impartiality	46
Multiple or unspecified breaches of PACE.	0
<i>Other neglect or failure in duty</i>	150
Other irregularity in procedure	10
<i>Incivility, impoliteness and intolerance</i>	92
Traffic irregularity	1
Other	3
Improper disclosure of information	14
Other sexual conduct	0
Total	612

11. Having recorded a complaint against the police, the force is required in certain circumstances to refer cases to the IPCC. Table 6 provides the details of cases referred.

<u>Table 6</u>	
<u>How many complaints were referred to the IPCC?</u>	
(By reason for referral)	
<u>Apr 2014 - Jul 2014</u>	
Criminal offence or discriminatory behaviour	4
Death or serious injury	3
Gravity or exceptional circumstances	0
Relevant offence (see explanatory note)	2
Serious assault	3
Serious corruption	7
Serious sexual offence	0
Taser	0
Voluntary	3
TOTAL (out of 336 recorded) (6.5%)	22
<u>Apr 2013 - Mar 2014</u>	
Criminal offence or discriminatory behaviour	12
Death or serious injury	15
Gravity or exceptional circumstances	1
Relevant offence (see explanatory note)	12
Serious assault	45
Serious corruption	13
Serious sexual offence	3
Taser	7
Voluntary	13
TOTAL (out of 1479 recorded) (8.2%)	121
<u>Apr 2012 - Mar 2013</u>	
Criminal offence or discriminatory behaviour	19
Death or serious injury	15
Gravity or exceptional circumstances	0
Relevant offence (see explanatory note)	7
Serious assault	26
Serious corruption	14
Serious sexual offence	2
Taser	1
Voluntary	11
TOTAL (out of 1341 recorded) (7.3%)	95

12. Where a case is referred to the IPCC they will determine whether the matter should be returned to the force to investigate themselves, or whether the IPCC should have some level of involvement or take on the whole investigation as an Independent Investigation. Due to the IPCC workload they are currently experiencing a backlog in assessing cases referred to them by forces. For this reason they have made a local request that WMP only refer the cases that are absolutely necessary, hence there is a reduction in the number of voluntary referrals to the IPCC. The IPCC have assured forces this situation will improve once new staff have been trained.

13. Tables 7, 8 and 9 are a summary of the cases either retained by the IPCC as Independent Investigations, or determined some level of IPCC intervention, these are classified as either Supervised or Managed by the IPCC. The difference between the three classifications is as follows:

- Independent means investigated and managed by the IPCC with very little involvement from the Force.
- Managed means the IPCC take complete control of the investigation but use PSD staff to carry out the majority of the investigation.
- Supervised means the investigation is managed by PSD with each stage being approved by the IPCC.

Table 7

IPCC

Independent

Apr 2014 - Jul

2014

None

Apr 2013 - Mar

2014

		OUTCOMES
1.	Serious Corruption	Current Investigation
2.	Criminal / Discipline	Current Investigation
3.	Death or serious injury	Upheld. No Case to Answer
4.	Relevant offence	Current Investigation
5.	Voluntary	Current Investigation
6.	Serious assault	Current Investigation
7.	Voluntary	Current Investigation
8.	Serious corruption	Current Investigation
9.	Serious corruption	Current Investigation

**Apr 2012 - Mar
2013**

1.	Criminal / Discipline	Current Investigation
2.	Criminal / Discipline	Current Investigation
3.	Death or serious injury	Current Investigation
4.	Serious assault	Current Investigation
5.	Serious corruption	Current Investigation
6.	Serious corruption	Not Upheld
7.	Serious corruption	Current Investigation
8.	Serious corruption	Current Investigation

Table 8

IPCC Managed

OUTCOMES

**Apr 2014 - Jul
2014**

None

**Apr 2013 - Mar
2014**

None

**Apr 2012 - Mar
2013**

1.	Relevant offence	Current Investigation
2.	Voluntary	Current Investigation

Table 9

IPCC Supervised

OUTCOMES

**Apr 2014 - Jul
2014**

1. Criminal offence or discriminatory behaviour Current Investigation

**Apr 2013 - Mar
2014**

1. Criminal offence or discriminatory behaviour Current Investigation

2. Death or serious injury Not Upheld

3. Serious assault Current Investigation

4. Serious assault Not Upheld

5. Serious assault Current Investigation

6. Serious assault Current Investigation

7. Serious assault Current Investigation

8 Gravity or exceptional circumstances Current Investigation

9 Serious sexual offence Current Investigation

**Apr 2012 - Mar
2013**

1 Criminal / Discipline Local Resolution

2 Criminal / Discipline Withdrawn

3 Death or serious injury Upheld- Management Action

4 Serious assault Not upheld

5 Serious assault Upheld - Management Action

6 Serious assault Appeal Made

7 Serious corruption Current Investigation

8 Voluntary Upheld - No Action Required

9 Voluntary Not upheld

14. The remainder of cases fall to the force to investigate without further reference to the IPCC and Tables 10 and 11 show the current status of the cases recorded since April 2012, and divided between those matters dealt with by PSD and those dealt with by LPU or Depts.

<u>Table 10</u>	
<u>Force Investigation</u>	
<u>by Professional Standards</u>	
Cases Recorded Apr 2014 - Jul 2014	140
Current Investigation	95
Sub Judge	8
Appeal Made	6
Pending Appeal	16
Finalised	15
Cases Recorded Apr 2013 - Mar 2014	556
Current Investigation	128
Sub Judge	24
Appeal Made	15
Pending Appeal	121
Finalised	268
Cases recorded Apr 2012 - Mar 2013	549
Current Investigation	18
Sub Judge	2
Appeal Made	29
Pending Appeal	24
Finalised	476

<u>Table 11</u>	
<u>Force Investigation</u>	
<u>by Local Policing Unit</u>	
Cases Recorded Apr 2014 - Jul 2014	196
Current Investigation	128
Sub Judge	3
Appeal Made	5
Pending Appeal	60
Finalised	6
Cases Recorded Apr 2013 - Mar 2014	884
Current Investigation	113
Sub Judge	14
Appeal Made	26
Pending Appeal	145
Finalised	586
Cases recorded Apr 2012 - Mar 2013	773
Current Investigation	4
Sub Judge	2
Appeal Made	11
Pending Appeal	12
Finalised	744

15. Complaint cases dealt with by the PSD will involve all those cases that are assessed as being likely to lead to criminal or misconduct proceedings if the facts are proved. LPU/Depts will deal with those less serious complaints which are suitable to be dealt with by way of Local Resolution.

16. The outcomes of complaints are determined and recorded in accordance with legislation and IPCC Statutory guidance.

The different available outcomes are:

17. **Local Resolution**: The force may carry out Local Resolution of a complaint where there is no likelihood of misconduct or criminal proceedings resulting from a complaint and can agree actions with the complainant and officer subject of complaint of how to resolve the complaint, usually through development or apology and improvement of service delivery.
18. **Not Upheld**: This is an outcome of an investigation where on the balance of probabilities, the allegations in the complaint cannot be supported.
19. **Upheld**: This is an outcome of an investigation where on the balance of probabilities, the allegations in the complaint are supported. Action will be identified as a result of an upheld complaint. The action might be one of the following:
 - Management Action. This is intended to address minor failings of officers with the intention of improving how they do their job and provide a better service to communities.
 - Misconduct Meeting. This forms formal misconduct proceedings and occurs whereby the officers behaviour falls below the “Standards of Professional Behaviour” and is considered too serious to deal with as immediate Management Action. A Misconduct Meeting is chaired by a Superintendent and the purpose of the Meeting is to consider if the case against the officer is proven on the balance of probabilities. If the case against the officer is proven the chair must then decide upon the appropriate outcome. The options are: Management Advice, Written Warning (which remains live for 12 months) or a Final Written Warning (which remains live for 18 months).
 - Misconduct Hearing. This is also formal proceedings and occurs whereby the officers behaviour falls so far below the “Standards of Professional Behaviour” that dismissal should be an option. A Misconduct Hearing is chaired by a member of the Command Team (Assistant Chief Constable or above) and if the case is proven then all of the above outcomes are an option with the additional option of Dismissal.
20. **De Recorded**: This is where a complaint is recorded in error (usually administrative error) where a duplication of recording takes place.
21. **Disapplication**: This is an IPCC term that the force or IPCC can authorise in certain circumstances. Disapplication means that the force, either on its own, or with authority from the IPCC, can decide to take no action, or no further action in relation to a complaint. The reasons this may be approved are:
 1. Where the complaint is over 12 months since the incident alleged and no good reason has been shown for the delay in making the complaint;
 2. the same complaint has already been made by or on behalf of that complainant;
 3. The complainants name or address has not been identified;
 4. The complaint is either vexatious, oppressive or an abuse of the complaints process;
 5. The complaint is repetitious and has previously been dealt with.
22. **Discontinuance**: The force or IPCC can authorise discontinuance in certain circumstances. Discontinuance means that the force, either on its own, or with authority from the IPCC, can decide to take no action, or no further action in relation to a complaint. The reasons this may be approved are:
 1. Where the complainant refuses to cooperate and it is not reasonably practicable to continue the investigation;
 2. the matter is suitable for Local Resolution;
 3. The complaint is either vexatious, oppressive or an abuse of the complaints process;

4. The complaint is repetitious and has previously been dealt with.

23. **Dispensation:** The force or IPCC (under the 2008 Regulations) can authorise dispensation in certain circumstances. Dispensation means that the force, either on its own, or with authority from the IPCC, can decide to take no action, or no further action in relation to a complaint. The reasons this may be approved under the 2008 Regulations for the IPCC) are similar to disapplication.

Under the 2012 Regulations, the force can authorise dispensation where:

1. The complaint investigation has been suspended until the end of criminal proceedings; and
2. The complainant fails to indicate after the conclusion of those proceedings that he wants the complaint resumed; and
3. Reasonable steps have been taken to contact the complainant to ascertain their wishes and the complainant says NOT to start the investigation or FAILS to give such an indication within 28 days of a letter sent asking for such a decision AND
4. The matter does not amount to a Recordable Conduct Matter.

24. **Withdrawn:** A complainant may at any time after making a complaint decide to either withdraw their complaint or ask for no further action to be taken in respect of that complaint.

25. Table 12 shows how cases that were recorded between the dates shown have been concluded.

Table 12**OUTCOMES of Force
Finalised Cases****by Professional
Standards
Cases Recorded Apr
2014 - Jul 2014**

De Recorded	0
Disapplication - by Force	0
Disapplication - by IPCC	1
Discontinued - by Force	0
Discontinued - by IPCC	0
Dispensation - by Force	0
Dispensation - by IPCC	0
Local Resolution	0
Not Upheld	0
Upheld	0
Withdrawn by Complainant	0
Total	1

**by Professional
Standards
Cases Recorded Apr
2013 - Mar 2014**

De Recorded	5
Disapplication - by Force	40
Disapplication - by IPCC	1
Discontinued - by Force	4
Discontinued - by IPCC	0
Dispensation - by Force	0
Dispensation - by IPCC	0
Local Resolution	43
Not Upheld	111
Upheld	26
Withdrawn by Complainant	57
Total	287

**by Professional
Standards
Cases recorded Apr
2012 - Mar 2013**

De Recorded	3
Disapplication - by Force	19
Disapplication - by IPCC	1
Discontinued - by Force	2
Discontinued - by IPCC	1
Dispensation - by Force	21
Dispensation - by IPCC	28
Local Resolution	96
Not Upheld	200
Upheld	58
Withdrawn by Complainant	64
Total	493

**by Local Policing Unit
Cases Recorded Apr
2014 - Jul 2014**

De Recorded	0
Disapplication - by Force	0
Disapplication - by IPCC	0
Discontinued - by Force	0
Discontinued - by IPCC	0
Dispensation - by Force	0
Dispensation - by IPCC	0
Local Resolution	10
Not Upheld	2
Upheld	1
Withdrawn by Complainant	1
Total	14

**by Local Policing Unit
Cases Recorded Apr
2013 - Mar 2014**

De Recorded	1
Disapplication - by Force	2
Disapplication - by IPCC	0
Discontinued - by Force	1
Discontinued - by IPCC	0
Dispensation - by Force	0
Dispensation - by IPCC	0
Local Resolution	311
Not Upheld	168
Upheld	56
Withdrawn by Complainant	53
Total	592

**by Local Policing Unit
Cases recorded Apr
2012 - Mar 2013**

De Recorded	1
Disapplication - by Force	0
Disapplication - by IPCC	0
Discontinued - by Force	3
Discontinued - by IPCC	0
Dispensation - by Force	0
Dispensation - by IPCC	1
Local Resolution	255
Not Upheld	321
Upheld	108
Withdrawn by Complainant	52
Total	741

26. Table 13 shows the number of cases and their outcomes that have been concluded between the dates shown (regardless of when they were first recorded).

Table 13					
OUTCOMES of Force Finalised Cases					
<u>by Professional Standards</u>		<u>by Professional Standards</u>		<u>by Professional Standards</u>	
Cases Recorded Apr 2014 - Jul 2014		Cases Finalised Apr 2013 - Mar 2014		Cases Finalised Apr 2012 - Mar 2013	
<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>	
De Recorded	0	De Recorded	6	De Recorded	2
Disapplication - by Force	5	Disapplication - by Force	53	Disapplication - by Force	2
Disapplication - by IPCC	1	Disapplication - by IPCC	2	Disapplication - by IPCC	0
Discontinued - by Force	0	Discontinued - by Force	6	Discontinued - by Force	1
Discontinued - by IPCC	0	Discontinued - by IPCC	0	Discontinued - by IPCC	4
Dispensation - by Force	0	Dispensation - by Force	13	Dispensation - by Force	20
Dispensation - by IPCC	0	Dispensation - by IPCC	1	Dispensation - by IPCC	36
Local Resolution	5	Local Resolution	60	Local Resolution	90
Not Upheld	30	Not Upheld	207	Not Upheld	189
Upheld	11	Upheld	81	Upheld	48
Withdrawn by complainant	8	Withdrawn by complainant	72	Withdrawn by Complainant	53
Total	60	Total	501	Total	445
<u>by Local Policing Unit</u>		<u>by Local Policing Unit</u>		<u>by Local Policing Unit</u>	
Cases Recorded Apr 2014 - Jul 2014		Cases Finalised Apr 2013 - Mar 2014		Cases Finalised Apr 2012 - Mar 2013	
<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>	
De Recorded	0	De Recorded	1	De Recorded	2
Disapplication - by Force	0	Disapplication - by Force	2	Disapplication - by Force	0
Disapplication - by IPCC	0	Disapplication - by IPCC	0	Disapplication - by IPCC	0
Discontinued - by Force	0	Discontinued - by Force	4	Discontinued - by Force	1
Discontinued - by IPCC	0	Discontinued - by IPCC	0	Discontinued - by IPCC	0
Dispensation - by Force	0	Dispensation - by Force	0	Dispensation - by Force	3
Dispensation - by IPCC	0	Dispensation - by IPCC	0	Dispensation - by IPCC	1
Local Resolution	48	Local Resolution	340	Local Resolution	259
Not Upheld	24	Not Upheld	309	Not Upheld	353
Upheld	19	Upheld	113	Upheld	107
Withdrawn by Complainant	9	Withdrawn by Complainant	65	Withdrawn by Complainant	56
Total	100	Total	834	Total	782

Appeals

27. Following finalisation of the complaint there is a right of appeal to either the Force or the IPCC, depending on the severity of the case.

28. Tables 14-19 show details of the IPCC and Force appeals, their categories and outcomes for all complaints recorded between April 2012 to 31 March 2014. *(The relevance of 22 November 2012 is that is the date of changes to Police regulations creating a right of appeal to police forces, as opposed to just the IPCC. These appeals will be in relation to less serious complaints which would not lead to criminal or misconduct proceedings.)*

Table 14

IPCC APPEALS - Apr 2014 to Jul 2014

<u>Category</u>	<u>IPCC Decision</u>	
Application of Discontinuance	Awaiting decision	1
Outcome of a Police Investigation	Awaiting decision	14
	Not Upheld	4
	Not Valid	2
	Upheld	2
Total		23

Table 15

IPCC APPEALS - Apr 2013 to Mar 2014

<u>Category</u>	<u>IPCC Decision</u>	
Application of Disapplication	Not Upheld	1
Outcome of Local Resolution	Awaiting decision	1
	Not Upheld	1
	Not Valid	4
Outcome of a Police Investigation	Awaiting decision	20
	Not Upheld	39
	Not Valid	25
	Upheld	45
Total		136

Table 16

IPCC APPEALS - Apr 2012 to Mar 2013

<u>Category</u>	<u>IPCC Decision</u>	
Discontinuance	Not Upheld	1
Local Resolution Process	Not Upheld	4
	Not Valid	1
	Upheld	5
Outcome of Local Resolution	Not Valid	1
	Upheld	1
Outcome of a Police Investigation	Awaiting decision	10
	Not Upheld	107
	Not Valid	27
	Upheld	94
Total		251

Table 17

Force Appeals - Apr 2014 to Jul 2014

<u>Category</u>	<u>Force Decision</u>	
Application of Disapplication	Not Upheld	1
Outcome of Local Resolution	Not Upheld	4
	Upheld	2
Outcome of a Police Investigation	Awaiting Decision	6
	Not Upheld	20
	Not Valid	1
	Upheld	5
Total		39

Table 18

Force Appeals - Apr 2013 to Mar 2014

<u>Category</u>	<u>Force Decision</u>	
Application of Disapplication	Awaiting Decision	0
	Not Upheld	16
Outcome of Local Resolution	Awaiting Decision	1
	Not Upheld	27
	Upheld	11
Outcome of a Police Investigation	Awaiting Decision	3
	Not Upheld	87
	Not Valid	4
	Upheld	15
Total		164

Table 19

Force Appeals - 22 November 2012 to 31 March 2013

<u>Category</u>	<u>Force Decision</u>	
Application of Disapplication	Not Valid	1
Outcome of Local Resolution	Upheld	2
Outcome of a Police Investigation	Not Upheld	2
	Not Valid	1
Total		6

Recordable Conduct Matters

29. Recordable Conduct Matters are allegations against officers that are identified internally within the organisation and are outside of the complaints against the police system and are matters that, if proven, would justify criminal or misconduct proceedings.

30. Table 20 shows an overall decrease in the number of Recordable Conduct Matters recorded in the most recent 12 months. 2013 to 2014 saw the lowest number of recordable conduct matters for four years, however this current year identifies a projected increase in the number of conduct matters predicted from what has been recorded so far. It is possible that this is due to the introduction and internal marketing of the 'Code Of Ethics' and bespoke training currently being provided to all 1st and 2nd line supervisors.

Table 20**Recordable Conduct Matters**

Apr 14 to Jul 14	117	(projected 31% increase)
Apr 13 to Mar 14	268	(8% reduction)
Apr 12 to Mar 13	291	(5% increase)
Apr 11 to Mar 12	276	(14% reduction)
Apr 10 to Mar 11	320	

31. Having identified the number of conduct matters recorded, each matter (representing one member of the organisation) may be made up of more than one allegation. *e.g. One allegation that an officer failed to follow a lawful order and one allegation that the officer treated a colleague disrespectfully.* The result of this is that there will be one conduct matter recorded but two allegations recorded, hence a higher number of allegations recorded than conduct matters. It can be seen in Table 21 that Discreditable Conduct, Duties and Responsibilities and then Honesty and Integrity allegations remain consistently the highest categories of allegations.

Table 21**Recordable Conduct Allegations**

	Apr 11 to Mar 12	Apr 12 to Mar 13	Apr 13 to Mar 14	Apr 14 to Jul 14
Honesty and Integrity	61	54	53	18
Authority, Respect and Courtesy	34	31	34	16
Equality and Diversity	6	4	9	3
Use of Force	12	12	9	6
Orders and Instructions	42	44	35	16
Duties and Responsibilities	61	58	53	25
Confidentiality	36	35	22	14
Fitness for Duty	1	3	3	0
Discreditable Conduct	134	137	147	51
Challenging and Reporting Improper Conduct	2	1	4	2
Total	389	379	369	151

Combined Conduct and Complaint Investigation

32. Table 22 that shows 28 officers or staff members that are currently suspended.

Table 22

Suspended Officers

(as at 9 August 2014)

1. Inspector – Business Interest (Conduct)
2. Constable – Business Interest (Conduct)
3. Sergeant – Pervert the Course of Justice (Conduct)
4. Special Constable – Sexual Offence (Conduct)
5. Constable – Assault (Conduct)
6. Constable – Sexual Offence (Conduct)
7. Constable – Assault (Conduct)
8. Sergeant – Pervert the Course of Justice (Complaint)
9. Constable – Theft (Conduct)
10. Constable – Pervert the Course of Justice (Complaint)
11. Constable – Pervert the Course of Justice (Complaint)
12. Constable – Traffic Offence – (Conduct)
13. Sergeant – Pervert the Course of Justice (Conduct)
14. Constable – Assault (Conduct)
15. Police Staff – Data Protection (Conduct)
16. PCSO – Data Protection (Conduct)
17. Police Staff – Assault (Complaint)
18. Chief Inspector – Sexual Offence (Conduct)
19. Constable – Assault – (Conduct)
20. Constable – Data Protection (Conduct)
21. PCSO – Pervert the Course of Justice (Conduct)
22. Special Constable – Assault (Conduct)
23. Constable – Sexual Offence (Conduct)
24. Constable – Racial Abuse (Conduct)
25. Police Staff – Confidentiality (Conduct)
26. Constable – Assault (Complaint)
27. Sergeant – Assault and Sexual Offence (Conduct)
28. Constable – Assault (Conduct)

33. The outcomes of both complaint and conduct investigation, may result in the misconduct proceedings. Table 23 shows the numbers and outcomes of misconduct proceedings during the periods shown and provides the breakdown of ethnicity of officer.

Table 23

Apr 2014 to Jul 2014			
Special Case Hearings			
Dismissal Without Notice	6	White British	2 (33.3%)
		White Other	1 (16.7%)
		Black - Other	1 (16.7%)
		Mixed white Black Caribbean	1 (16.7%)
		Asian - Pakistani	1 (16.7%)
Misconduct Hearings			
Dismissal	2	White British	2 (100%)
Final Written Warning	1	White British	1 (100%)
Written Warning	2	White British	2 (100%)
Management Advice	1	White British	1 (100%)
Not Proven/Case Dismissed	6	White British	6 (100%)
Total	18		

Misconduct Meetings			
Written Warning	5	White British	5 (100%)
Management Advice	1	White British	1 (100%)
No Further Action	2	White British	2 (100%)
Total	8		

Apr 2013 to Mar 2014			
Special Case Hearing			
Dismissal Without Notice	3	White British	3 (100%)
Misconduct Hearings			
Dismissal	6	White British	5 (83.3%)
		Asian - Indian	1 (16.7%)
Final Written Warning	3	White British	2 (66.7%)
		Asian - Indian	1 (33.3%)
Written Warning	1	White British	1 (100%)
Total	13		

<u>Misconduct Meetings</u>			
Final Written Warning	3	White British	1 (33.3%)
		Black- Caribbean	1 (33.3%)
		Asian- Bangladeshi	1 (33.3%)
Written Warning	17	White British	16 (94.1%)
		Asian- Pakistani	1 (5.9%)
Management Advice	12	White British	10 (83.3%)
		Black- Caribbean	1 (8.3%)
		Asian- Bangladeshi	1 (8.3%)
No Further Action	5	White British	5 (100%)
Total	37		

Apr 2012 to Mar 2013			
SCH			
Dismissal Without Notice	0		
Misconduct Hearings			
Dismissal	10	White British	6
		B/BB - Caribbean	1
		A/AB - Indian	2
		A/AB - Pakistani	1
Final Written Warning	1	White British	1
Management Advice	1	White British	1
Total	12		

<u>Misconduct Meetings</u>			
Final Written Warning	9	White British	5 (55.6%)
		White Irish	1 (11.1%)
		Asian- Indian	1 (11.1%)
		Asian- Pakistani	1 (11.1%)
		Black African	1 (11.1%)
Written Warning	16	White British	13 (81.3%)
		Asian- Indian	1 (6.3%)
		Asian- other	1 (6.3%)
		Other	1 (6.3%)
Management Advice	11	White British	10 (90.9%)
		Asian- Bangladesh	1 (9.1%)
No Further Action	23	White British	20 (87%)
		Asian- Indian	2 (8.7%)
		Asian- Pakistani	1 (4.3%)
Total	59		

34. There has been an increase in the use of Special Case Hearings. These are Hearings uncontested that are heard by the Chief Constable. The use of them has proven to be effective and efficient with the process being quick and easy for all parties. Specialist resources are rarely used by the force thereby making the process more cost effective and less resource intensive. It has therefore become the preferred option in dealing with simple and straightforward uncontested cases.

Comparisons between white and BME officers

35. WMP PSD has carried out a variety of research since 2012 on comparisons of complaints and conduct cases in respect of white officers and compared them to BME officers, also noted during the research was the difference between male and female officers. The aim was to identify the patterns in the amount of complaint and conduct cases recorded against officers of different ethnicities, and the outcomes and sanctions in those cases. This research was reviewed in July 2014 to determine whether there had been any changes to the patterns identified since the subject was first researched. The main findings will be summarised below.

36. Firstly, the demographic makeup of WMP has remained similar to that recorded in previous years. As of May 2014, 8.49% of all officers across the force were BME. However it is noted that some LPUs have a higher percentage of BME officers than others. 16.1% of all officers working in the Birmingham City Centre were BME officers.

37. In relation to complaints from members of the public there was no significant difference between complaints received against white and BME officers. However, male officers have recorded a consistently higher amount of complaints than female officers. During the 2014 review, female officers accounted for 17.9% of complaint allegations, despite the fact that 29.6% of all officers on the force are female.

38. In relation to conduct matters, since the research was first carried out, Asian officers were identified as having a proportionally higher amount of conduct allegations than White officers. This pattern has continued in the 2014 review but at a reduced level. 8.8% of conduct allegations related to Asian officers over the period analysed, although 5.1% of all officers on the force were recorded as being Asian. Male officers have continued to attract a higher level of allegations than female officers.

39. In relation to Asian officers, the analysis conducted identified as explanations for the higher number of conduct allegations, firstly the small numbers involved (31 allegations recorded against Asian officers in the 2014 review), and secondly, the demographic spread of BME officers. Officers working in Birmingham City Centre attract a higher level of conduct allegations and complainants than officers working elsewhere, regardless of ethnicity. The high proportion of Asian officers working in that area contributes significantly to the patterns in conduct allegations- 7 of the 31 conduct allegations made against Asian officers in the 2014 view related to officers working in Birmingham City Centre.

40. Conversely, Walsall currently has the lowest proportion of BME officers (5.8%). 3 out of 25 conduct allegations were made against Asian officers (12%). Those 3 allegations were made against 2 officers, meaning that although the percentage was higher, there cannot be said to be a general conduct problem amongst Asian officers based in Walsall due to the low numbers.

41. Work is currently ongoing to understand these variations, exploring factors such as the areas where officers work and comparing officers carrying out different roles and their likelihood to attract complaints or conduct allegations.

HMIC Inspection

42. WMP were recently inspected by the HMIC, reviewing how the force deals with police integrity, corruption and complaints. Five HMIC officers spent three days in force between 31st July and 1st August 2014. The review team carried out interviews with staff of all ranks from a number of departments across the force. They particularly wanted to understand what processes and policies were in place regarding the 3 areas and how leaders in the organisation embedded the policies into normal business. In order to verify what they were being told during the interviews they dip sampled case files, reviewed policies and viewed force publications. An interim report is expected in November 2014 with the final report being published early next year once all forces requiring inspection have been visited. At the end of the final day within WMP, the HMIC provided a verbal update on their initial findings. They shared the fact there were no immediate concerns for the way WMP were dealing with the issues covered within the inspection.

FINANCIAL IMPLICATIONS

43. There are no financial implications arising directly from this report.

LEGAL IMPLICATIONS

44. The approach to PSD work is reflective of the Force Values and Code Of Ethics and complies with relevant legislation within the Police Reform Act 2002, the Police Reform and Social Responsibilities Act 2011 and subordinate Regulations.

RECOMMENDATIONS

45. The Board is asked to note the contents of this report.

Chief Superintendent Andrew Nicholson
HEAD OF PROFESSIONAL STANDARDS