



**STRATEGIC POLICING AND CRIME BOARD**  
3 December 2013

**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 of West Midlands Police.

**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 IPCC. The report then goes on to detail the outcome of the complaints received, the timeliness of the investigations and the results of appeals.

**COMPLAINTS AGAINST THE POLICE**

3. An explanation of Business Process

***The following information relies on data that was recorded as of 31 October 2013***

<b>How Many Complaints are yet to be concluded?</b>	
<i>Cases recorded in</i>	
Apr 2013 - Oct 2013	541
Apr 2012 - Mar 2013	188
Apr 2011 - Mar 2012	32
Apr 2010 - Mar 2011	6
<b>Total</b>	<b>767</b>

4. This chart shows the number of complaints 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 against the police.

- The six outstanding complaints from April 2010 – March 2011 have been reviewed due to the length of time they have been under investigation. Of these six cases, one is subject of an ongoing IPCC Independent Investigation; one, the investigation is now complete and awaiting an Appropriate Authority decision before updating the complainant; one is a live investigation within Professional Standards following criminal proceedings being concluded this year; one is subject of further investigation on LPU following an upheld appeal to the IPCC; and two are subject of appeal.

#### **How Many Complaints are yet to be concluded?**

*by timeliness*

Less than one month old	119 (including 7 pending appeal)
Between 1 and 3 months old	205 (including 25 pending appeal)
Between 3 and 6 months old	186 (including 34 pending appeal)
Between 6 and 12 months old	135 (including 96 pending appeal)
Over 12 months old	122 (including 96 pending appeal)
<b>Total</b>	<b>767</b> (including 225 pending appeal)

- This chart 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 against the police. By referring to the age of the complaint, it can be seen that 767 are yet to be concluded. Of these 767 cases, 403 are allocated to Professional Standards Department and the remainder 364 are allocated to LPU/Departments. However 225 of the 767 cases are completed investigations, but are pending due to the appeal process. Of these 225, 111 cases were allocated to Professional Standards, with 114 allocated to LPU/Department. Taking the 225 cases pending appeal out of the equation, this leaves 542 cases that are still subject to current investigation or attempts at Local Resolution. This represents a decrease of 9 in overall cases, but an increase of 30 cases that are subject of live investigation as compared to the data as at 31 July 2013.
- 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 Professional Standards Department to consider. Currently the IPCC continue to have approximately a three month turnaround time for considering appeals. This impacts on the timeliness data of concluded complaints that are subject of appeal. West Midlands Professional Standards are currently dealing with appeals within six weeks. Due to the progressive increase in appeals shifting from the IPCC to West Midlands Police and the associated increase in workload as a consequence West Midlands Police are finding it a challenge to maintain swift turnaround times for complainants.

### How many Complaints have been recorded?

<i>Cases recorded in</i>	<i>Year on Year comparison</i>	
Apr 2013 - Oct 2013 ( <i>part year</i> )	931	(projected 19% increase)
Apr 2012 - Mar 2013	1341	12% reduction
Apr 2011 - Mar 2012	1538	18% reduction
Apr 2010 - Mar 2011	1876	

8. Having seen the current workload, from two perspectives, this chart shows the number of complaints that were recorded in the current and recent previous financial years, (with comparison provided) which allows some consideration of the work that has been completed. The projected increase identified above is determined by an assumption that the current trend of the period April 2013 to October 2013 will continue for the remainder of the year. This may of course not occur and the variance could be higher or lower depending on the numbers of actual complaints recorded.
9. The increase in complaint numbers 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 Local Policing Units and 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. Work is currently ongoing to establish exactly how many complaints are as a result of the change in Regulations to establish if this is the sole reason for the projected increase or whether there maybe be other impact factors.
10. In addition to complaints that are recorded, the force may make decisions to not record complaints. This chart shows the numbers of complaints that were not recorded. There is an appeal process to the IPCC for complaints not recorded. The following tables show 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 on different tables below.

## How many Complaints have NOT been recorded, and why?

### Apr 2013 - Oct 2013

<i>Reason</i>	<i>Amount</i>	<i>Appeal</i>	<i>Outcome</i>
Vexatious, oppressive or abuse of procedures	11	4	3 Not Upheld; 1 Not Valid. 2 Upheld and complaint recorded; 1 Not Upheld; 1 Awaiting Decision
Repetitious and previously concluded	14	4	
Already subject of complaint	2	0	
Not within provisions of Police Reform Act	1	1	1 Not Valid
Fanciful	1	0	
<b>Total</b>	<b>29</b>	<b>9</b>	

No Recording decision made. **16** 5 Upheld and complaints recorded; 4 Not Upheld; 5 Not Valid; 2 Awaiting Outcome.

### Apr 2012 - Mar 2013

<i>Reason</i>	<i>Amount</i>	<i>Appeal</i>	<i>Outcome</i>
<b>2008 Regulations</b>			
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
<b>2012 Regulations</b>			
Vexatious, oppressive or abuse of procedures	3	2	1 Not Upheld; 1 Not valid 2 Upheld and complaint recorded;
Repetitious and previously concluded	19	6	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;
<b>Total</b>	<b>143</b>		

No Recording decision made. **13** 7 Upheld complaint recorded; 1 Upheld further information required; 1 Upheld No action; 1 Not Valid; 3 Not Upheld

11. Having identified the number of complaints recorded, or not, each complaint (representing a dissatisfied member of the public) may be made up of more than one allegation. *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.

<b><u>Allegation Types</u></b>	
<i>The complaints recorded contained the following allegation types.</i>	
<b>Apr 2012 - Mar 2013</b>	
Operational policing policies	2
Organisational decisions	4
General policing standards	0
Operational management decisions	2
Serious non-sexual assault	13
Sexual assault	9
<b><i>Other assault</i></b>	<b>362</b>
Oppressive conduct or harassment	155
Unlawful/unnecessary arrest or detention	126
Discriminatory Behaviour	80
Irregularity in evidence/perjury	117
Corrupt practice	42
Mishandling of property	138
Breach Code A PACE	25
Breach Code B PACE	70
Breach Code C PACE	91
Breach Code D PACE	5
Breach Code E PACE	1
Lack of fairness and impartiality	128
Multiple or unspecified breaches of PACE	10
<b><i>Other neglect or failure in duty</i></b>	<b>704</b>
Other irregularity in procedure	67
<b><i>Incivility, impoliteness and intolerance</i></b>	<b>442</b>
Traffic irregularity	4
Other	30
Improper disclosure of information	68
Other sexual conduct	0
<b>Total</b>	<b>2,695</b>

<b><u>Allegation Types</u></b>	
<i>The complaints recorded contained the following allegation types.</i>	
<b>Apr 2013 - Oct 2013</b>	
Operational policing policies	11
Organisational decisions	4
General policing standards	1
Operational management decisions	1
Serious non-sexual assault	15
Sexual assault	4
<b><i>Other assault</i></b>	<b>251</b>
Oppressive conduct or harassment	103
Unlawful/unnecessary arrest or detention	80
Discriminatory Behaviour	51
Irregularity in evidence/perjury	66
Corrupt practice	35
Mishandling of property	91
Breach Code A PACE	19
Breach Code B PACE	36
Breach Code C PACE	58
Breach Code D PACE	1
Breach Code E PACE	0
Lack of fairness and impartiality	109
Multiple or unspecified breaches of PACE	5
<b><i>Other neglect or failure in duty</i></b>	<b>508</b>
Other irregularity in procedure	49
<b><i>Incivility, impoliteness and intolerance</i></b>	<b>328</b>
Traffic irregularity	8
Other	27
Improper disclosure of information	36
Other sexual conduct	1
<b>Total</b>	<b>1,898</b>

12. Having recorded a complaint against the police, the force is required in certain circumstances to refer cases to the Independent Police Complaints Commission.

<b><u>How many complaints were referred to the IPCC?</u></b>	
(By reason for referral)	
<b><u>Apr 2013 - Oct 2013</u></b>	
Criminal offence or discriminatory behaviour likely to lead to discipline	7
Death or serious injury	9
Relevant offence (see explanatory note)	8
Serious assault	24
Serious corruption	6
Serious sexual offence	2
Taser	4
Voluntary	10
<b>TOTAL (out of 931 recorded) (7.5%)</b>	<b>70</b>
<b><u>Apr 2012 - Mar 2013</u></b>	
Criminal offence or discriminatory behaviour likely to lead to discipline	19
Death or serious injury	15
Relevant offence (see explanatory note)	7
Serious assault	26
Serious corruption	14
Serious sexual offence	2
Taser	1
Voluntary	11
<b>TOTAL (out of 1341 recorded) (7.3%)</b>	<b>95</b>

*Explanatory Note:  
Relevant Offence in relation to IPCC Referrals is 'any offence for which the sentence is fixed by law or any offence for which a person of 18 years and over (not previously convicted) may be sentenced to imprisonment for seven years or more (excluding any restrictions imposed by Section 33 Magistrates Court Act 1980).*

13. 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 (in Supervised or Managed cases) or take on the whole investigation as an Independent Investigation.

<b><u>IPCC Referred back to Force</u></b>	
<b>Apr 2013 - Oct 2013 (1 awaiting decision)</b>	<b>57</b>
<b>Apr 2012 - Mar 2013</b>	<b>76</b>

**How many complaints were not required to be referred to IPCC?**

**Apr 2013 - Oct 2013**

**861**

**Apr 2012 - Mar 2013**

**1246**

14. The following is 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.

**IPCC Independent**

**Apr 2013 - Oct 2013**

**OUTCOMES**

1	Serious Corruption	Current Investigation
2	Criminal / Discipline	Current Investigation
3	Death or serious injury	Current Investigation
4	Relevant offence	Current Investigation
5	Voluntary	Current Investigation
6	Serious assault	Current Investigation
7	Voluntary	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	Current Investigation
7	Serious corruption	Current Investigation
8	Serious corruption	Current Investigation

<u>IPCC Managed</u>		OUTCOMES
<b>Apr 2013 - Oct 2013</b>		
None		
<b>Apr 2012 - Mar 2013</b>		
1	Relevant offence	Current Investigation
2	Voluntary	Current Investigation

<u>IPCC Supervised</u>		OUTCOMES
<b>Apr 2013 - Oct 2013</b>		
1	Criminal offence or discriminatory Behaviour likely to lead to discipline	Current Investigation
2	Death or serious injury	Current Investigation
3	Serious assault	Current Investigation
4	Serious assault	Current Investigation
5	Serious assault	Current Investigation
<b>Apr 2012 - Mar 2013</b>		
1	Criminal / Discipline	Local Resolution
2	Criminal / Discipline	Withdrawn by Complainant
3	Death or serious injury	UPHELD - Management Action
4	Serious assault	NOT UPHELD
5	Serious assault	UPHELD - Management Action
6	Serious assault	Current Investigation
7	Serious corruption	Appeal Made
8	Voluntary	UPHELD - No Action Required
9	Voluntary	NOT UPHELD

15. The remainder of cases fall to the force to investigate without further reference to the IPCC and the following charts show the current status of the cases recorded since April 2012, and divided between those matters dealt with by Professional Standards Department and those dealt with by Local Policing Unit or Police Departments.



<b><u>Force Investigation</u></b>	
<b><u>by Professional Standards</u></b>	
<b>Cases Recorded Apr 2013 - Oct 2013</b>	<b>370</b>
Current Investigation	180
Sub Judice	37
Appeal Made	10
Pending Appeal	22
Finalised	121
<b>Cases recorded Apr 2012 - Mar 2013 549</b>	
Current Investigation	35
Sub Judice	10
Appeal Made	41
Pending Appeal	23
Finalised	440

<b><u>Force Investigation</u></b>	
<b><u>by Local Policing Unit</u></b>	
<b>Cases Recorded Apr 2013 - Oct 2013</b>	<b>549</b>
Current Investigation	219
Sub Judice	12
Appeal Made	17
Pending Appeal	32
Finalised	269
<b>Cases recorded Apr 2012 - Mar 2013 773</b>	
Current Investigation	14
Sub Judice	5
Appeal Made	31
Pending Appeal	18
Finalised	705

16. Complaint cases dealt with by the Professional Standards Department will involve all those cases that are assessed as being likely to lead to criminal or misconduct proceedings if the facts are proven. Local Policing Units and Force Departments will deal with those less serious complaints which are suitable to be dealt with by way of Local Resolution.

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

The different available outcomes are:

18. **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.

19. **Not Upheld**: This is an outcome of an investigation where on the balance of probabilities, the allegations in the complaint cannot be supported.

20. **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.
21. **De Recorded**: This is where a complaint is recorded in error (usually administrative error) where a duplication of recording takes place.
22. **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.
23. **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.
24. **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.
25. **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.

26. The next chart shows how cases that were recorded between the dates shown have been concluded.

<b>OUTCOMES of Force Finalised Cases</b>			
<b><u>by Professional Standards</u></b>		<b><u>by Professional Standards</u></b>	
<b>Cases Recorded Apr 2013 - Oct 2013</b>		<b>Cases recorded Apr 2012 - Mar 2013</b>	
De Recorded	3	De Recorded	6
Disapplication - by Force	15	Disapplication - by Force	15
Disapplication - by IPCC	1	Disapplication - by IPCC	1
Discontinued - by Force	3	Discontinued - by Force	2
Discontinued - by IPCC	0	Discontinued - by IPCC	1
Dispensation - by Force	0	Dispensation - by Force	21
Dispensation - by IPCC	0	Dispensation - by IPCC	28
Local Resolution	26	Local Resolution	93
Not Upheld	39	Not Upheld	176
Upheld	8	Upheld	38
Withdrawn by Complainant	27	Withdrawn by Complainant	55
<b>Total</b>	<b>122</b>	<b>Total</b>	<b>436</b>
<b><u>by Local Policing Unit</u></b>		<b><u>by Local Policing Unit</u></b>	
<b>Cases Recorded Apr 2013 - Oct 2013</b>		<b>Cases recorded Apr 2012 - Mar 2013</b>	
De Recorded	1	De Recorded	1
Disapplication - by Force	0	Disapplication - by Force	3
Disapplication - by IPCC	0	Disapplication - by IPCC	0
Discontinued - by Force	0	Discontinued - by Force	0
Discontinued - by IPCC	0	Discontinued - by IPCC	0
Dispensation - by Force	0	Dispensation - by Force	0
Dispensation - by IPCC	0	Dispensation - by IPCC	1
Local Resolution	166	Local Resolution	255
Not Upheld	58	Not Upheld	299
Upheld	18	Upheld	94
Withdrawn by Complainant	24	Withdrawn by Complainant	52
<b>Total</b>	<b>267</b>	<b>Total</b>	<b>705</b>

27. The next chart shows the number of cases and their outcomes that have been concluded between the dates shown (regardless of when they were first recorded).

<b>OUTCOMES of Force Finalised Cases</b>			
<b><u>by Professional Standards</u></b>		<b><u>by Professional Standards</u></b>	
<b>Cases Finalised Apr 2013 - Oct 2013</b>		<b>Cases Finalised Apr 2012 - Mar 2013</b>	
<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>	
De Recorded	4	De Recorded	2
Disapplication - by Force	31	Disapplication - by Force	2
Disapplication - by IPCC	2	Disapplication - by IPCC	0
Discontinued - by Force	3	Discontinued - by Force	1
Discontinued - by IPCC	0	Discontinued - by IPCC	4
Dispensation - by Force	13	Dispensation - by Force	20
Dispensation - by IPCC	1	Dispensation - by IPCC	36
Local Resolution	47	Local Resolution	90
Not Upheld	140	Not Upheld	189
Upheld	49	Upheld	48
Withdrawn by complainant	44	Withdrawn by Complainant	53
<b>Total</b>	<b>334</b>	<b>Total</b>	<b>445</b>
<b><u>by Local Policing Unit</u></b>		<b><u>by Local Policing Unit</u></b>	
<b>Cases Finalised Apr 2013 - Oct 2013</b>		<b>Cases Finalised Apr 2012 - Mar 2013</b>	
<i>(Irrespective of when recorded)</i>		<i>(Irrespective of when recorded)</i>	
De Recorded	1	De Recorded	2
Disapplication - by Force	0	Disapplication - by Force	0
Disapplication - by IPCC	0	Disapplication - by IPCC	0
Discontinued - by Force	4	Discontinued - by Force	1
Discontinued - by IPCC	0	Discontinued - by IPCC	0
Dispensation - by Force	1	Dispensation - by Force	3
Dispensation - by IPCC	0	Dispensation - by IPCC	1
Local Resolution	233	Local Resolution	259
Not Upheld	195	Not Upheld	353
Upheld	79	Upheld	107
Withdrawn by Complainant	41	Withdrawn by Complainant	56
<b>Total</b>	<b>554</b>	<b>Total</b>	<b>782</b>

28. The amount of time taken to conclude complaint investigations is subject of an Association of Chief Police Officers target of within 110 working days. This chart shows a continuing improvement in the time taken to conclude complaints against the police by way of investigation.

<b>Timeliness of Investigation</b>	
<b><i>Target within 110 days</i></b>	
Apr 13 to Oct 2013	96 days
Apr 12 to Mar 13	97 days
Apr 11 to Mar 12	102 days

29. The amount of time taken to conclude complaints using the Local Resolution procedure is subject of an IPCC target of within 28 working days. This chart shows the time taken to conclude complaints against the police by way of Local Resolution. The data shows that while there has been an improvement compared to two years ago, the force is still to achieve the target. Appropriate Authorities (LPU and Departmental Chief Inspectors) were reminded of the importance of prompt Local Resolution and marketed as to the benefits of this process for the organisation and the public at a recent Appropriate Authorities meeting.

<b>Timeliness of Local Resolution</b>	
<b><i>Target within 28 days</i></b>	
Apr 13 to Oct 2013	41 days
Apr 12 to Mar 13	40 days
Apr 11 to Mar 12	44 days

30. Police regulations require complainants and other interested parties (including officers and staff subject of complaints) to be kept updated at least every 28 days with details of the progress of their complaint. Data shows that while the target of 100% of contacts to be made within 28 days has not been achieved, there is a continuing improvement towards that target. However this is offset by a mixed performance across the LPU's and departments with some showing improvement and some showing reduced performance. Appropriate Authorities were reminded of the importance of keeping complainants and staff updated with progress and marketed as to the benefits of this process for the organisation and the public at a recent Appropriate Authorities meeting.

31. The following charts shows performance in relation to contact within 28 days for both complainants and officers and staff subject of complaints.

<b>Contact Counts - Complainants</b>	
<i>Target 100%</i>	
Apr 13 to Oct 2013	87%
Apr 12 to Mar 13	85%
Apr 11 to Mar 12	73%

<b>Contact Counts - Subjects</b>	
<i>Target 100%</i>	
Apr 13 to Oct 2013	89%
Apr 12 to Mar 13	88%
Apr 11 to Mar 12	75%

### **Appeals**

32. At the outcome of an investigation or Local Resolution of a complaint, as well as any decision to take no action by way of Disapplication or Discontinuance, a complainant will have a right of appeal to either the force or the IPCC, as determined by the force with reference to seriousness of the allegation.

33. The following charts show details of the IPCC and Force appeals, their categories and outcomes for all complaints recorded between April 2012 to 31 October 2013. 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.

<b><u>IPCC APPEALS - Apr 2013 to Oct 2013</u></b>		
<i>(Received in Force between these dates)</i>		
<b><u>Category</u></b>	<b><u>IPCC Decision</u></b>	
Application of Disapplication	Not Upheld	1
Outcome of Local Resolution	Awaiting decision	2
Outcome of a Police Investigation	Awaiting decision	46
	Not Upheld	9
	Not Valid	18
	Upheld	16
<b>Total</b>		<b>92</b>

**IPCC APPEALS - Apr 2012 to Mar 2013***(Received in Force between these dates)*

<b><u>Category</u></b>	<b><u>IPCC Decision</u></b>	
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	18
	Not Upheld	96
	Not Valid	26
	Upheld	76
<b>Total</b>		<b>229</b>

**Force Appeals - Apr 2013 to Oct 2013***(Received in Force between these dates)*

<b><u>Category</u></b>	<b><u>Force Decision</u></b>	
Application of Disapplication	Awaiting Decision	1
	Not Upheld	6
Outcome of Local Resolution	Awaiting Decision	5
	Not Upheld	9
Outcome of a Police Investigation	Upheld	6
	Awaiting Decision	14
	Not Upheld	42
	Not Valid	2
Upheld	5	
<b>Total</b>		<b>90</b>

**Force Appeals - 22 November 2012 to 31 March 2013***(Received in Force between these dates)*

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

## Recordable Conduct Matters

34. 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.
35. This chart shows an overall increase in the number of Recordable Conduct Matters recorded in the most recent 12 months, with disparate data across the LPU's, however with a projected reduction in the current year. The projected increase identified is determined by an assumption that the current trend of the period April 2013 to October 2013 will continue for the remainder of the year. This may of course not occur and the variance could be higher or lower depending on the numbers of actual conduct matters recorded.

<u>Recordable Conduct Matters</u>		
Apr 13 to Oct 13	144	<i>(projected 15% reduction)</i>
Apr 12 to Mar 13	291	<i>(5% increase)</i>
Apr 11 to Mar 12	276	<i>(14% reduction)</i>
Apr 10 to Mar 11	320	

36. 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.

<u>Recordable Conduct Allegations</u>	Apr 11 to Mar 12	Apr 12 to Mar 13	Apr 13 to Oct 13
Honesty and Integrity	61	54	29
Authority, Respect and Courtesy	34	31	18
Equality and Diversity	6	4	6
Use of Force	12	12	6
Orders and Instructions	42	44	29
Duties and Responsibilities	61	58	24
Confidentiality	36	35	13
Fitness for Duty	1	3	1
Discreditable Conduct	134	137	77
Challenging and Reporting Improper Conduct	2	1	4
<b>Total</b>	<b>389</b>	<b>379</b>	<b>207</b>



## **Combined Conduct and Complaint Investigation**

37. During the financial year April 2012 to March 2013, there was a total of 10 officers and staff members suspended. Of those, 3 individuals resigned while under investigation; 6 cases are ongoing investigation or proceedings and one was dismissed following proceedings.

### **Suspended Officers**

(as at 31 October 2013)

1. Constable - Sexual Offences (Conduct)
2. Constable - Theft (Conduct)
3. Constable - Assault (Conduct)
4. Sergeant - Pervert the Course of Justice (Complaint)
5. Sergeant - Sexual Offence (Conduct)
6. Constable - Harassment (Conduct)
7. Constable - Sexual Offence (Conduct)
8. Special Constable - Assault (Conduct)
9. Inspector - Business Interest (Conduct)
10. Constable - Business Interest (Conduct)
11. Sergeant - Pervert the Course of Justice (Conduct)
12. Constable - Assault (Conduct)
13. Special Constable - Sexual Offence (Conduct)
14. Constable - Misconduct in Public Office (Conduct)
15. Constable - Sexual Offence (Conduct)
16. Constable – Theft (Conduct)
17. Constable – Theft (Conduct)

38. In recent months there has been an increase in the number of officers suspended. Some aggravating factors relate to proactive work streams around “Abuse Of Authority Through Sexual Exploitation” and data protection matters. Both of these areas of work have been highlighted by the IPCC and will be discussed later in the document.

39. The outcomes of both complaint and conduct investigation, as seen, may result in the matter being upheld and proceedings follow. This next chart shows the numbers and outcomes of misconduct proceedings during the periods shown.

<b>Outcomes of Proceedings</b>	
April 2012 to March 2013	
<b><u>Gross Misconduct</u></b>	
<b><u>Misconduct Hearings</u></b>	
Dismissal Without Notice	10
Final Written Warning	1
Management Advice	1
<b>Total</b>	<b>12</b>
<b><u>Misconduct</u></b>	
<b><u>Misconduct Meetings</u></b>	
Final Written Warning	9
Written Warning	16
Management Advice	11
No Further Action	23
<b>Total</b>	<b>59</b>

<b>Outcomes of Proceedings</b>	
April 2013 to October 2013	
<b><u>Gross Misconduct</u></b>	
<b><u>Special Case Hearings</u></b>	
Dismissal Without Notice	2
<b><u>Misconduct Hearings</u></b>	
Dismissal Without Notice	1
Final Written Warning	1
Written Warning	1
Management Advice	0
<b>Total</b>	<b>5</b>
<b><u>Misconduct</u></b>	
<b><u>Misconduct Meetings</u></b>	
Final Written Warning	1
Written Warning	9
Management Advice	7
No Further Action	3
<b>Total</b>	<b>20</b>

### **Ongoing Proactive Work**

#### **Review of Tasking Process**

40. West Midlands Police Professional Standards Department have been working proactively on a number of different priority areas that impact on the standard of service to public. Examples of such areas of business include: the inappropriate use of social media, leakage of information from police systems and abuse of authority. In an attempt to make the process more structured and ensure the priority areas are tackled the Professional Standards Department are working in partnership with West Midlands Police Intelligence Department to review and remodel the tasking process. The aim of the work is to ensure the correct number of resources are dedicated to the greater threats to the Organisation and thereby ensure the best possible service is offered to the public.

## Code of Ethics

41. The College of Policing has published the draft Code of Ethics following wide consultation which has included representatives from the Police Federation, Superintendents' Association, ACPO, UNISON, individuals in forces and a number of PCCs.
42. The document is out for consultation and comments are invited by all Forces and the public - consultation closes 29<sup>th</sup> November 2013. All feedback will be subject of anonymity, assessed and used to develop the Code. The document will be submitted to the College of Policing Professional Committee and Board of Directors. Once endorsed the document will be made publicly available – timescales not published.
43. The Code outlines the importance of personal integrity, honesty and fairness. The standards of professional behaviour which govern police officer misconduct are founded within an existing regulatory framework. These standards are largely mirrored by a non-statutory version for police staff. This Code builds on the existing standards and brings them into a single document.
44. T/Chief Superintendent Goosen is leading on the Code of Ethics and working with Chief Superintendent Foulkes, as part of his preparation for the Strategic Command Course, to establish progress and implementation proposals in the pilot Forces. The draft Code of Ethics, together with the College of Policing survey, has been posted on Message of the Day and sent directly to Senior Leaders, Heads of Dept (including regional and collaborated units), Federation and Union representatives inviting commitment and comment from WMP.
45. T/Chief Superintendent Goosen will report to ACC Cann as portfolio lead and to the Pride in Our Police Strategic Board.

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

47. The approach to Professional Standards work is reflective of the Force Values and Vision and complies with relevant legislation within the Police Reform Act 2002, the Police Reform and Social Responsibilities Act 2011 and subordinate Regulations.

## **RECOMMENDATIONS**

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

Chief Superintendent Sharon Goosen  
**HEAD OF PROFESSIONAL STANDARDS**