



**STRATEGIC POLICING AND CRIME BOARD
5 May 2015**

**Disproportionality in Police Complaints and
Discipline**

PURPOSE OF REPORT

1. The purpose of this report is to provide members of the Strategic Policing Crime Board with an overview of the work of the Professional Standards Department (PSD) of West Midlands Police (WMP) to address perceptions of disproportionality in the police complaints and discipline process. The internal grievance process does not fall within the scope of police complaints and discipline.

BACKGROUND

2. In 2011 Manchester University published a report that indicated that there was disproportionality within the police disciplinary system. This has led to a review of the working practices within the PSD of West Midlands Police.

ANALYSIS OF COMPLAINTS AND DISCIPLINE BY GENDER AND ETHNICITY

3. Suspended Officers

A total of 95 police officers and PCSOs have been suspended during the last 5 years. 12 of the suspended officers are Special Constables.

The breakdown of this by gender is 81 male and 14 female.

Of this total:

73 officers are white.

15 officers are Asian

7 officers are black. (1 officer has been suspended on two occasions within this cohort)

Included in this number are the 22 officers who are currently suspended. (16 White officers, 2 Black Officers & 4 Asian Officers).

4. Police officers are suspended in accordance with Regulation 10 of the Police (Conduct) Regulations 2012. The decision of the Appropriate Authority to suspend an officer is authorised by an officer of the rank of Assistant Chief Constable and is subject of review every 28 days. Although suspension itself is a neutral decision, it invariably follows allegations of gross misconduct or criminal proceedings.

CURRENT POSITION

Patterns in Complaints Cases 2014-15

5. 1,133 complaint cases were recorded during the analysis period, which comprised 3,480 allegations. 3,394 of the allegations were made against Officers. The ethnicity of Officers subject to complaint allegations is shown on the below table.

Officer Ethnicity	Complaint Allegations	Percentage of Allegations	Percentage of Officers on Force
White	2692	79.3	91.0
Asian	216	6.4	5.1
Other	61	1.8	2.0
Black	47	1.4	1.5
Unknown	378	11.1	
Total	3394	100	

6. Analysis indicates that Birmingham West & Central (BWC) LPU and Birmingham East (BE) LPU attract the highest numbers of complaints. These LPUs have the 1st and 3rd highest levels of recorded crime respectively and there appears to be a broad correlation between the volume of recorded crime and the volume of complaint and conduct allegations. Areas with higher volumes of recorded crime tend to have greater numbers of staff, which also explains the higher proportion of complaints.
7. Analysis indicates that officers on response are more likely than colleagues engaged in other police activities to attract a complaint. The average number of complaints per officer based on a response team is the same irrespective of ethnic breakdown.
8. Analysis of the types of complaints does not highlight any difference in allegation type based upon the ethnicity of the Officer.
9. Female officers were subject of 20.2% of the allegations. This is quite significantly below the total proportion of female Officers, which is 29.9%.

Patterns in Conduct Cases – 2014-15

10. 297 conduct cases were recorded during the analysis period, relating to 535 allegations. 457 of the allegations related to Officers. The ethnicity of the Officers who were subject to the allegations is shown on the below table.

Officer Ethnicity	Conduct Allegations	Percentage of Allegations	Percentage of Officers on Force
White	386	84.5	91.0
Asian	49	10.7	5.1
Black	11	2.4	1.5
Other	6	1.3	2.0
Unknown	5	1.1	
Total	457	100	

11. The 49 allegations against Asian Officers were made against 38 Officers. The 11 allegations against Black Officers related to 9 Officers.
12. The overall number of allegations against BME Officers was small, but both Black and Asian Officers were subject to a higher proportion of conduct allegations than was the case with White Officers. That pattern has remained constant through both the original problem profile in 2012, and the subsequent reviews.
13. The reason for this disproportionality requires further investigation. Conduct matters are generated from both internal and external referrals. BWC has, by some margin, the largest number of conduct cases recorded against its Officers, with 39 cases. Coventry (CV) has the 2nd highest number with 22 cases and there again appears to be some correlation between the larger LPU's with higher crime levels and the number of conduct cases against their staff. BWC also has the highest proportion of BME Officers at 17%, which is considerably higher than the force average of 8.6%. It is therefore apparent that BWC's figures may be skewing the overall force average. More detailed analytical work would be required to explore the foundation of this argument, for instance looking at potential statistical effect on the overall data and other factors that may affect the propensity to attract misconduct allegations, for instance the Officer's role.
14. Discreditable Conduct is the most common theme for all Officers irrespective of ethnicity. This relates to both on and off duty conduct.
15. Female officers accounted for 24.5% of all conduct matters, which again is lower than their representation in the workforce at 29.9%.

Outcomes and Sanctions

16. The table below shows the outcomes for Complaint allegations.

Write Off Method	Amount	Percentage of Total
Formal Action	3	0.8
Management Action	241	5.3
No Action	4235	93.8
Retired/Resigned	3	0.1
Total	4,517	100

17. Of the 4517 complaint allegations finalised during the analysis period, 4235, that is, 93.8%, resulted in no action. The below table shows all results by officers of different ethnicity

	Asian	Black	Other	White
Formal Action	4 (1.8%)	0	0	34 (0.9%)
Management Action	18 (8.1%)	4 (4%)	7 (7.4%)	205 (5.4%)
No Action	201 (90.1%)	95 (95%)	87 (92.6%)	3,576 (93.7%)
Retired/Resigned	0	1 (1%)	0	2 (0.1%)

This shows that the statistics for the officers of different ethnicity are broadly comparable. As is the case with the other areas of the analysis, the numbers for BME Officers is low.

18. The table below shows the outcomes for Conduct allegations. Conduct allegations are more likely to result in a formal sanction.

Write Off Method	Amount	Percentage of Total
Formal Action	79	19.6
Management Action	112	27.8
No Action	203	50.4
Retired/Resigned	9	2.2
Total	403	100

19. The table below shows the ethnic background of officers subject to conduct proceedings.

	Asian	Black	Other	White
Formal Action	7 (17.5%)	4 (50%)	1 (14.3%)	65 (19.4%)
Management Action	13 (32.5%)	1 (12.5%)	2 (28.6%)	96 (28.7%)
No Action	18 (45%)	3 (37.5%)	5 (71.4%)	167 (49.9%)
Retired/Resigned	2 (5%)	0	0	0

20. Only Asian and white Officers have had conduct allegations finalised against them in numbers; sufficient for meaningful analysis, during the analysis period. The statistics between the two groups of officers are broadly comparable.
21. The broad patterns within analysis for the disproportionality problem profile within the police complaints and discipline process since the initial work in 2012 have remained stable. Officers who work in areas with higher levels of crime are more likely to be subject to complaint and conduct investigations. The concentration of BME Officers in BWC LPU may at least partly explain why BME Officers are subject to a higher amount of overt PSD investigations than white Officers.

CURRENT AND FUTURE WORK

IPCC Review

22. In January 2014 the IPCC spent time within WMP PSD and reviewed all discrimination cases recorded and finalised between 01/01/12 to 31/12/13 inclusive. The total number of cases they reviewed was 157. They carried out the same review in GMP and West Yorkshire Police. In June 2014 they published their findings of the review with the following 15 recommendations, which cover 6 themes:

- Systems and Processes
- Training and skills
- Diversity monitoring
- Effective disposals
- Community involvement and oversight

- PCC Accountability

These themes are incorporated within the West Midlands Police Integrity Plan; a summary of the work in these themes is included below:

Systems and Processes

23. PSD have carried out a review of the process of recording, assessing, managing and finalising cases of discrimination. It was established that significant improvement could be made with the initial recording. Recording of complaints usually takes place on LPUs/Depts, by Sergeants and Inspectors. Training is now in place to ensure the complaints are properly documented.
24. Assessing of complaints is carried out in the first instance by the LPU/Dept Appropriate Authority (Chief Inspector). It is then forwarded to PSD Assessments Team who verifies the correct assessment has been made, records the complaint and allocates it to the most appropriate person to investigate. The review found that both Appropriate Authorities and PSD Assessment Team staff were critical of the initial recording stating they found it difficult to make informed assessments due to often very scant information on the report. This situation has improved following bespoke training being delivered to supervisors on dealing with complaints and allegations of discrimination.
25. Managing and finalising complaints of discrimination is carried out equally between LPU/Dept supervisors and PSD supervisors. Decisions on the more serious cases that cannot be Locally Resolved are forwarded to the Appropriate Authority within PSD for a decision. It was clear from the review that very few supervisors or managers had any knowledge of the King Formula that the IPCC refer to. This included PSD officers. Training has now been delivered to all Appropriate Authorities as well as all 1st and 2nd line supervisors and all PSD staff. The training includes the use of the King Formula.

Training and Skills

26. The IPCC recommend training all front line staff and involving the community in that training in order to prevent discrimination in the first instance. The late PCC Bob Jones gave a commitment that all officers would receive training in their use of Stop & Search. A review of this training identified that it met the needs of the IPCC recommendation. This training was delivered to over 4500 front line officers and was delivered from January 2014. PSD will continue to monitor complaints of discrimination to establish if the training has impacted on the number and types of complaints recorded.
27. All Appropriate Authorities have been given bespoke training around the recommendations within the IPCC report, specifically the use of the King Formula.
28. L&D has delivered bespoke training to 1st and 2nd line supervisors, which includes a presentation that has been provided to the Appropriate Authorities. The sessions are being supported by the attendance of PSD Senior Managers to ensure the gravity of the subject matter is fully understood and answer any queries from supervisors around discrimination complaints.

Diversity Monitoring

29. WMP are highlighted within the IPCC report for having good recording systems in place around diversity monitoring with both the ethnicity of complainants and Officers complained of being recorded. Using this information PSD has just completed their fourth 'Disproportionality Problem Profile' that explains where there is disproportionality and also gives an informed view as to why.
30. To summarise; the report illustrates that considering the force as a whole there appears to be slight disproportionality with more BME officers attracting complaints and conduct matters than their white colleagues. However if the figures are broken down by LPU then in most cases there doesn't appear to be the same disproportionality and in some cases no disproportionality at all. The staff at larger LPUs with higher crime levels tend to attract a higher proportion of complaint and conduct allegations.
31. Officers engaged in response policing are more likely than other colleagues engaged in other policing duties to be subject of a complaint. The analysis does not suggest that BME officers on response are more likely to attract a complaint than non BME officers.

Effective Disposals

32. It is suggested that more innovative ways could be considered to deal with complaints of discrimination such as Restorative Justice and mediation. This is based on the premise that often complainants are not satisfied with outcomes of a formal investigation.
33. All allegations which relate to discriminatory behaviour by police Officers are subject to a severity assessment and referral to the IPCC. The IPCC will determine the method of investigation and with the exception of 'local' investigations they will also set the terms of reference for the investigation.
34. The HMIC has recently undertaken an audit of police complaints and internal misconduct proceedings as part of the HMIC PEEL inspection. We await the formal feedback from the HMIC.

Community Involvement and Oversight

35. PSD aspire to engage with communities directly about a number of different elements associated with police complaints. A number of other forces have set up Scrutiny Panels or Ethics Committees to carry out local engagement. Work is on-going as a strand of the Integrity Plan to examine how the force can involve community members in its PSD processes.

PCC Accountability

36. The Office of PCC conducts dip sampling of complaint investigations.
37. The Head of PSD also meets on a monthly basis with the Deputy PCC to discuss high profile cases and themes and trends within PSD. Discrimination cases often form part of this scrutiny.

Code of Ethics

38. PSD have led the force with embedding the Code of Ethics. Seminars have been held and all supervisors and managers have received a bespoke input from Senior Leaders. This has been complimented by a Corporate Communications' campaign that is on-going; with a new interactive 'Dilemma of the Month' to test people's knowledge and understanding of different elements of the code. The code is now incorporated within all Learning and Development Training Packages and within the planning of all operational events. The Code of Ethics sets out the expectations placed upon police officers in challenging inappropriate behaviour and has been supported by changes to the Police (Conduct) Regulations, which have enshrined the protection of officers who 'whistleblow' in the same way as employees in other organisations.

Dealing with Complaints of Discrimination

39. A detailed briefing document is available on the PSD Intranet site for all Supervisors who are dealing with any complaint of discriminatory behaviour. The document captures the IPCC guidance on dealing with complaints of discrimination and explains fully the 'KING' formula. This site also provides the detailed IPCC guidance.

Resolution Triage Panel

40. Senior leaders from PSD and HR meet on a weekly basis to review all resolutions that have been submitted by police staff and officers. This process ensures that any allegations of internal discriminatory behaviour or breaches of the Standards of Professional Behaviour are identified at the earliest opportunity and referred to PSD for assessment.

Training and Development

41. Research indicates that unconscious bias can occur when decisions are made. Unconscious bias includes assessments or judgements made without the individual realising. These are often based on previous experiences and can influence the decisions we make based upon either protected characteristics or stereotyping. All PSD staff have received awareness training in this area.

42. The PSD DCI is the EDHR Silver lead for WMP. Through this forum a series of faith (Muslim, Jewish & Sikh) inputs have been delivered to all PSD staff. In addition a number of PSD staff including the Head of Department are undertaking a Diploma in Diversity Awareness.

43. The PSD Senior Leadership Team meet with BME staff associations as part of the on-going work to address perceptions of disproportionality within the police complaints and discipline system.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

45. 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

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

Chief Superintendent Andrew Nicholson
Head of Professional Standards