



STRATEGIC POLICING AND CRIME BOARD
5th January 2016

**Disproportionality in police misconduct
proceedings**

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 undertaken by the Force Intelligence Department and Professional Standards Department (PSD) to understand if there is disproportionality in police misconduct proceedings.

BACKGROUND

2. In 2012 Manchester University published a study which looked at disproportionality in police complaints and misconduct. The report highlighted disproportionality around all areas of PSD business including complaints, internal discipline cases and the anonymous referrals into the Counter Corruption Team. It also highlighted a disproportionality of the length of time taken to investigate complaints.
3. The Manchester report highlighted that within West Midlands Police (WMP):
 - in misconduct proceedings a 1.9 fold increase in the odds of black and minority ethnic (BME) officers being subjected to a misconduct investigation compared to a white officer and a 2.08 fold increase for Asian officers. There was no identified over-representation of police staff in misconduct proceedings.
 - in anti-corruption proceedings a disproportionate over representation was identified for both officers and staff. The rate of allegations received against BME officers was 5.3 times higher than for white officers and the rate of allegations against BME staff was 6.05 times higher than for white staff.

COMPLAINTS AGAINST THE POLICE

4. The Force Intelligence Department has been commissioned to provide an independent, evidence-based report on disproportionality within the police complaints and conduct system. This report is due to be completed by the end of January 2016 and presented to Command Team.
5. The aim of the report will be to answer 4 research questions:
 - Is WMP disproportionate across the 9 protected characteristics around complaints?
 - Do internal conduct and resolution procedures show any areas that could cause the data to show disproportionate findings including process issues?
 - How as an organisation do we create a stronger feeling of procedural justice?
 - What other research would we want to commission?

6. Analysis was based on data in relation to complaints and conduct allegations against WMP personnel provided by WMP PSD for a three year period between 01st August 2012 and 31st July 2015, which is outside of the data that Manchester report uses that ends in March 2011. The objective of the analysis was to understand what the reasons were to account for the disproportionality in the Manchester report and if WMP's current data show any disproportionality.
7. The tables below illustrates the individual groups within the diversity strands represented during the complaints process across the whole dataset.

Gender			
	All		
	Allegations	% of Allegations	Force
Male	11540	77.9	58.7
Female	3276	22.1	41.3

Ethnicity			
	All		
	Allegations	% of Allegations	Force
White	13168	88.9	88.7
Asian	925	6.2	6.5
Black	325	2.2	1.9
Mixed	310	2.1	1.8
Not Stated	48	0.3	1.0
Other	40	0.3	0.2

Religion			
	All		
	Allegations	% of Allegations	Force
Not recorded	5960	40.2	37.2
Christian	4569	30.8	34.6
No Religion	1956	13.2	12.5
Prefer not to say	1287	8.7	8.6
Other	435	2.9	3.1
Muslim	240	1.6	1.2
Sikh	208	1.4	1.6
Buddhist	50	0.3	0.3
Hindu	40	0.3	0.5
Jewish	27	0.2	0.1
Jain	27	0.2	0.2
Rastafarian	9	0.1	0.0
Taoist	4	0.0	0.0
Shinto	3	0.0	0.0
Zoroastrian	1	0.0	0.0

Age			
	All		
	Allegations	% of Allegations	Force
18-20yrs	3	0.0	0.2
21-25yrs	445	3.0	3.6
26-30yrs	2605	17.6	10.2
31-40yrs	6347	42.8	35.3
41-50yrs	4558	30.8	35.6
51-60yrs	806	5.4	13.4
61-65yrs	34	0.2	1.4
over 65yrs	18	0.1	0.3

8. The groups that are highlighted in above tables that come out over represented across the whole dataset are:
 - a. Male, which is the most significant over representation with 77.9% of all allegations across the Force against Males compared to 58.7% of the entire workforce. Meaning Males are 2.5 times more likely to have an allegation made against them in the given time period.
 - b. Black and Mixed Race members of the workforce are 1.2 times more likely to have allegations made against them than White members of the workforce.
 - c. Where religion is recorded, Muslim members are over represented with a Muslim member of the workforce 1.5 times more likely to have an allegation recorded against them than a Christian.

9. **Geography**

There is significant variation in where all complaints are generated from, with Birmingham West and Central and Birmingham East generating substantially more complaints than any other Local Policing Unit (LPU) or Department.

Location	Number of allegations
BW	1955
BE	1659
BS	1234
WS	1100
WV	1087
SW	1080
CV	1031
OPS	929
BN	830
DY	634
Force CID	593
PPU	508

10. **Ethnicity**

White Officers make up 90.6% of the establishment of WMP officers across the Force, Asian officers 5.2% and Black Officers 1.4% and Mixed Race officers 1.9%

Row Labels	PCSOs	Police Officers	Police Staff	Special Constable	Grand Total
White	519	6434	2815	24	10019
Asian	45	370	265	14	738
Black	9	103	94	1	210
Mixed	16	136	45	2	203
Not stated	7	55	37		112
other	1	6	8	1	18
Grand Total	597	7104	3264	42	11300

When looking at where officers are posted and if there is any disproportionality within the geographies it discounts a number of strands including Ethnicity

11. Birmingham East

The table above shows out of the 1659 allegations made against all employees on Birmingham East 1611 of those were made against Police Officers.

89.5% of these allegations were made against White Officers.

The ethnic breakdown of officers on Birmingham East is also shown in the column with 382 of the 427 being White.

The only ethnicities on BE that are overrepresented are Mixed Race and Other, although these do account for smaller numbers of officers so isn't statistically significant.

Ethnicity				
	Police Officers			
	Allegations	% of Allegations	BE	
White	1442	89.5	89.5	0.0
Asian	88	5.5	5.9	-0.4
Black	37	2.3	2.3	0.0
Mixed	28	1.7	0.9	0.8
Not Stated	1	0.1	1.2	-1.1
Other	15	0.9	0.2	0.7
Grand Total	1611	100.0	100.0	

12. Birmingham West

The table below shows of the 1955 allegations made against officers and staff on BWC 1858 were made against Police Officers .

There is a small overrepresentation of Asian officers with 13.8% of all allegations compared to 10.8% of all officers.

Ethnicity				
	Police Officers			
	Allegations	% of Allegations	BWC	
White	1486	80.0	81.8	-1.8
Asian	257	13.8	10.8	3.0
Black	52	2.8	3.1	-0.3
Mixed	44	2.4	3.3	-0.9
Not Stated	19	1.0	1.0	0.0
Other	0	0.0	0.0	0.0
Grand Total	1858	100.0	100.0	

It can be seen from the table below that most officers in relation to various race and religious strands are assigned to LPUs which record the greatest volume of allegations. The reflective make-up of the ethnicity on the LPU is the dominant reason for the force overrepresentation in relation to race trends is due to this situation.

LPU	Number of Officers on Each LPU				All Allegations
	Asian	Black	Muslim	Sikh	
Birmingham West and Central	66	19	12	15	1858
Birmingham East	25	10	10	2	1611
Birmingham South	18	6	4	7	1161
Walsall	17	2	1	9	1056
Sandwell	24	9	4	7	1042
Wolverhampton	21	6	3	6	1034
Coventry	19	4	5	5	1007
Birmingham North	11	2	2	4	815
Dudley	9	3		4	621
Solihull	16	5	5	3	391
Total	226	66	46	62	10596

Future Work

13. Force Intelligence have met all the staff associations to approach randomly selected individuals who have been subject to proceedings and conduct a semi structured interview, based upon a questionnaire, to gain their views and perceptions. It has been requested that associations contact their members to encourage them if contacted to be open to anonymous interviews regarding their experiences of misconduct, as it's their views and experiences that will inform the necessary improvements.
14. This will be supplemented by an academic dissertation on disproportionality in complaints, charting where there may be apparent disparities and examining explanations for them using case studies. Specific attention will be paid to the most prevalent disparities i.e. where the biggest and most commonly recurring discrepancies occur
15. PSD have also developed a BME positive action delivery plan (see appendix 1) with the following objectives:
 - Ensure PSD is proportionately represented by BME officers and staff
 - Promote Trust and Confidence among BME staff on PSD investigations
 - PSD to create an internal Independent Advisory Group (IAG) made up of staff associations from underrepresented groups
 - Increase transparency of PSD investigations to help understand disproportionality
 - PSD to take part in a focussed scoping of wider options to increase BME representation in specialist roles

Appendix 1:

Professional Standards Department - BME Positive Action Delivery Plan 2015/16						
'Maximise the potential of people from all backgrounds through a culture of fairness and inclusion to deliver the best service for our community'.						
No	Intended Outcome	Activity	Owner	Progress Against Activity	R/J/AG	Updates
1	Ensure PSD is proportionately represented by BME officers and staff	Ensure vacancies are advertised with a positive message to BME staff	DCI Hatton	Form of words agreed to accompany all PSD adverts. Form of words; 'PSD are actively looking to improve the diversity of the department. Under positive action provisions within the Equalities Act 2010, Professional Standards welcomes applications from suitably qualified BME Staff / officer who are currently under represented.'		Current RRMT Sgt vacancy advertised accordingly. Police staff advert for CCU researcher to go out on 4.12.15 using form of words.
		Generate structured processes to ensure BME candidates are prepared for interview: Input 1- awareness session Input 2- competencies and application skills Input 3- mock interviews for those that shortlisted Input 4 - Presentations awareness / mocks (if required)		Input 1- Ensure a minimum of 2 opportunities for face to face Q & A sessions with senior leaders are open to all BME applicants when vacancies are advertised Inputs 2,3,4 - Built individually based on need.		Q&A's with DCI Hatton on 3.12.15 and 10.12.15 Closing date extended to 14.12.15 to allow for Q&A's.
2	Promote Trust and Confidence among BME staff on PSD investigations	Agree 3-6 month secondments into PSD for staff to gain an insight into working practices	DCI Hatton	First attachment agreed with BAPA / AMP to begin 1.12.15		Start date delayed due to LPU capacity issues. Now set for 1.2.16
		All new staff into PSD to be asked to complete a Questionnaire to understand perceptions and the drivers of a lack of trust and confidence		Questionnaire developed as a 3 stage approach. 1. On entry 2. after 3 months 3. After 6 months * On leaving		5 new staff into the department on 20th November 2015, all have been asked to complete the 1st stage questionnaire (3 staff are BME). Learning to be captured and added to this development plan in due course.
3	PSD to create an internal IAG made up of staff associations from under represented groups	All staff associations and trade unions have been invited to join a bi monthly meeting with senior leaders from PSD to explore issues and generate independent advice	DCI Hatton	First meeting scheduled for Monday 14th December 2015. ToR to be agreed.		
4	Increase transparency of PSD investigations to help understand disproportionality	Invite IAG to act in 'tactical advice' capacity to PSD investigations involving discriminatory behaviour	DCI Hatton	Any new discrimination conduct matters will require an investigation strategy to ensure all perspectives are appropriately considered.		Investigators have been briefed to ensure investigation terms of reference are agreed with complainants to capture all relevant lines of enquiry that may to discrimination by using the PSD internal IAG to quality assure terms of reference with the complainants consent.
5	PSD to take part in a focussed scoping of wider options to increase BME representation in specialist roles	PSD are taking part in a Positive Action Working Group led by the force EDHR Co-ordinator	DCI Hatton	PSD had already proposed some activity on positive action, including more radical approaches via white report on 26.08.15, the 3 options outlined were: Option 1 - PSD develop a structured secondment process that will allow colleagues to work on the department for between 3-6 months. Option 2 - A number posts within PSD could adopt a 'tenure' type policy. (also referred to as dwell time) Option 3 - A determination could be made that PSD has a representation of BME colleagues equal or higher to the value of the force BME representation percentage. Option 4 - PSD will consider the need for officers to be detectives prior to joining the department		Option 1 - One police sergeant has been identified by BAPA / AMP to begin early 2016 see Point 2 above. Option 2 - Dwell time considered to be 3-5 years depending on rank and role. Requires further discussion / consultation Option 3 - Force decision required. Requires further discussion / consultation Option 4 - Initial discussions with SLT tend to suggest this is unlikely. PSD investigates only Gross Misconduct, often complex and career threatening matters. Investigations have an FTE of 14 (excluding supervisors) the workforce mix is 8 x police officer vs. 4 x police staff, CCU is out of scope therefore there are only 8 posts in scope.
6	Complete an independent (of PSD) report into Disproportionality	Force Intelligence to complete a report focussing on 2 areas: 1. Disproportionality in relation to outcomes of Misconduct investigations 2. Disproportionality in relation to complaints against the police - all areas	Stuart Gardner	Action is owned by Force Intelligence, work led by Stuart Gardner		Data has been supplied on demand to the author. Awaiting publication of the report. Recommendations to feature in this development plan.