

28 June 2011

PROFESSIONAL STANDARDS BRANCH QUARTERLY REPORT

PURPOSE OF THE REPORT

1. The quarterly statistics package for Professional Standards Branch is appended to this report at Appendix A. Following agreement with Mr Kingston and Mr Gammon the package has been slimmed down in an attempt to reduce bureaucracy and to tailor the package more precisely to suit members' needs. The papers will not now contain a quarterly thematic report as a matter of course but Professional Standards will provide reports to address specific Police Authority requirements at the request of the lead member. Members are asked to note the report and statistics package.

BACKGROUND

2. The report is designed to reflect the performance of Humberside Police in terms of numbers of complaints from members of the public, Direction and Control and Conduct matters; the outcomes of those complaints and any intervention by the IPCC.

OPTIONS, RISKS AND OPPORTUNITIES

3. None

POLICING PLAN AND PERFORMANCE

4. Effective response to complaints and feedback are important to ensure that the organisation remains responsive to public need and that improvements to performance and service delivery are driven by customer needs and expectations of the service.

IMPACTS ON OR LINKS TO COLLABORATION

5. Complaints are local issues and there would seem to be little saving available through collaboration. Much of the investigative process is specifically detailed in law. Future events in terms of changes to the complaints process in future legislation may present opportunities.

FINANCIAL IMPLICATIONS

6. Not applicable.

LEGAL IMPLICATIONS

7. All legal aspects have been considered to ensure that the Police Authority and Force are acting legitimately.

EQUALITY AND DIVERSITY AND HUMAN RIGHTS

8. All aspects of diversity have been considered as well as Human Rights legislation.

CONCLUSION

9. Report attached to inform members.

RECOMMENDATIONS

10. It is recommended that Members:
 - (i) Note the content of the quarterly report
 - (ii) Raise any areas of concern by exception

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Background documents: PSB Quarterly Report (Appendix A)

Humberside Police



Protecting Communities, Targeting Criminals

Report to Police Authority 1st April 2009 to 31st March 2011

Reference Number:	PSB 04/10
Prepared By:	Lyn Williams on behalf of Detective Superintendent Higgins
Version	One
Date Created:	10 June 2011

Handling Instructions:-

- Neither this report, nor any of its contents, may be disseminated further without the agreement of the head of the Professional Standards Branch – Det Supt Higgins.
- This cover sheet must not be detached from the report to which it refers.
- This report is intended for dissemination to the Professional Standards Branch Board and the Professional Standards Branch Management of Humberside Police.

Approved:Det Supt Higgins.....

Date: 13 June 2011

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1. Executive Summary

The performance period April 2009 to March 2011 has seen a number of significant changes within Professional Standards Branch both in terms of personnel and practices.

The rank and management structure of the department has been significantly altered which has seen 5 new staff members who have had to learn the complexities and nuances of the complaints and conduct process. This is significant as the investigation team comprises a total staff of 9 so the turnover over the past year has had a noticeable impact.

With the changes to the staff have come new ideas and practices from their experience in other departments. These are now beginning to have an impact on the departmental performance and on the number of complaints being received, as the new staff are focussing on identifying areas of our work which tend to lead to complaints and thereafter focussing on complaint reduction and identifying areas for service improvement.

There have been variations within the recording practices in place throughout this period which will be explained later in the document; however none of the changes have an impact on the total number of complaints recorded during the period, or on the level of service afforded to the complainant.

The overall level of complaints taking into account public complaints and direction and control complaints has fallen by 59 cases which equates to a 9% reduction. Figures based on the last 3 months indicate a continuing trend of reduction into the next counting period.

The Head of Branch has set objectives to increase complaint awareness within the organisation: improve our service and processes, to reduce the level of complaints received from the public and to maintain the current timeliness of complaint investigations. Particular attention will be directed towards the effective management of repeat complainants, officers subject to multiple complaints or allegations, and seeking to determine effective long term policing solutions to repeat complaints. Early indications are encouraging in these areas.

The number of appeals upheld by the IPCC against decisions and investigations by Humberside Police is very low and performance is improving in this area.

PSB decided to change recording processes in April 2010 to move towards the stated future position of the IPCC in having a single type of complaint. Humberside Police PSB began to classify more of the complaints that would previously have fallen within the category of Direction and Control as Conduct complaints. This was a unilateral decision and was not followed by other forces. The consequence of this decision was that the number of recorded Conduct complaints rose and the number of recorded Direction and Control complaints fell, there would of course be no impact on recorded total numbers of complaints which is the more relevant comparator.

The IPCC had indicated that they were seeking to influence legislation within the Police Reform and Social Responsibility Bill to amend the complaints system to a single form of complaint. It is now believed (from a Home Office briefing) that if this were to happen it would not be before the introduction of the Police Reform and Social Responsibility Act anticipated in May 2012. Because of this the PSB recording decision mentioned above was reversed towards the end of the third quarter of 2010/11 to bring us back in line with other forces and to enable meaningful comparison with those Forces.

The IPCC pointed out that the Humberside Police website and communications by email and letter from Professional Standards make it very easy to make and appeal against local

resolution decisions. The wording of the Local Resolution outcome letters has recently been amended to emphasise that the right of appeal for this type of complaint is limited to the process and not the outcome. This should see a reduction in the volume of appeals.

Within the last quarter of this reporting period two investigations have been taken on as independent investigations by the IPCC. One of these has recently completed with an outcome requiring management advice for those officers involved. Another, which related to a death in the course of police contact is still open. An agreement has been reached with Police Authority to ensure that the Police Authority are made aware when a mandatory referral of a case is made to the IPCC.

A glossary of terms is appended at the end of these papers.

2. Headline Indicators

	April 2009 – March 2010	April 2010 – March 2011	Change
Number of Complaint Cases Recorded	477	526	+ 49
Direction and Control Cases	207	99	- 108
Total Complaint Cases	684	625	- 59
Number of Allegations Recorded	892	1003	+ 111
Complaint cases per 100 officers	10.38	11.93	+ 1.55
Allegations per 100 officers	19.40	22.76	
Complaints cases per 1000 incidents	2.84	3.16	
% of Control Strategy allegations	60%	66%	
% of cases Locally Resolved	39%	48%	
% of cases discontinued, dispensed, de-recorded, withdrawn	35%	16%	
% of cases substantiated	3%	9%	
% of Local Resolutions appealed to IPCC	9%	7%	
Average number of working days to finalise Local resolutions	47	41	- 6
Average number of working days to finalise investigation	89	82	- 7

Complaint cases have risen by 49 across the 12 month period; this rise needs to be balanced against the reduction in Direction and Control Complaints which shows a reduction year on year from 207 to 99 cases a reduction of 108 cases, the net effect being a year on year reduction in total complaints of 59 cases.

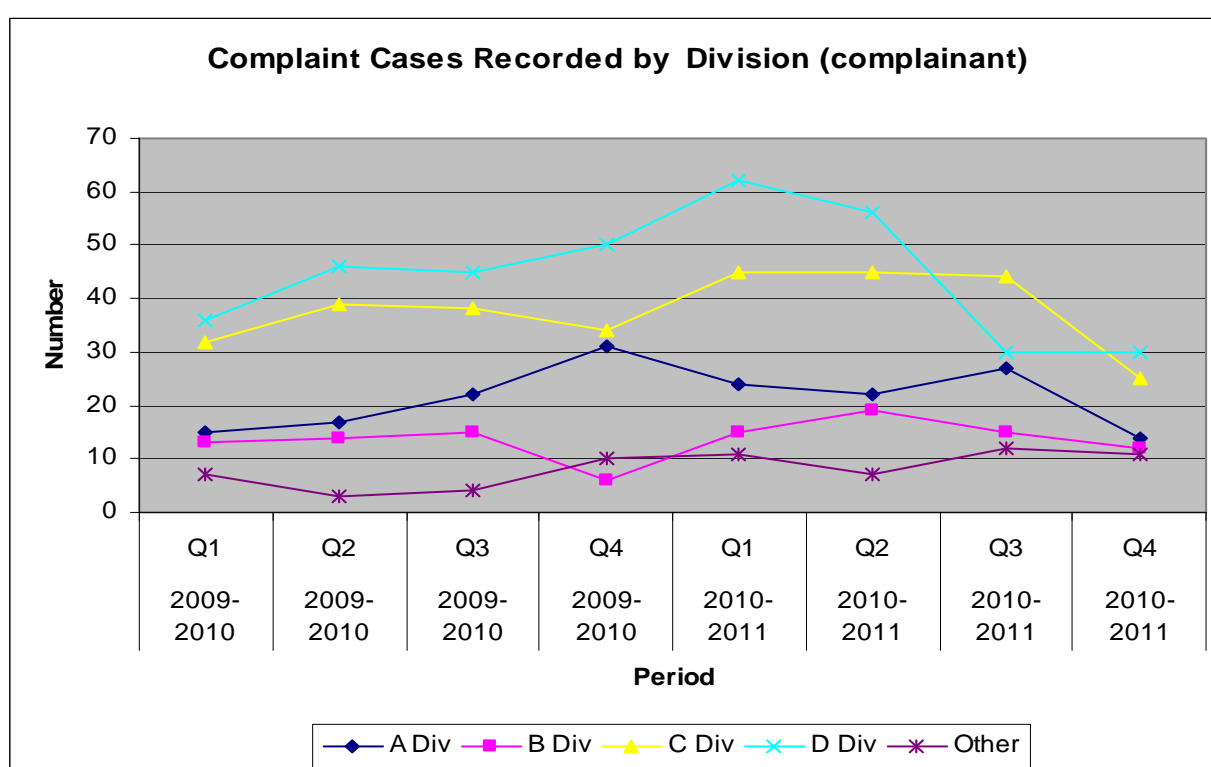
Pleasing outcomes are shown with increases in the numbers of cases locally resolved increasing from 39% to 48% which is in line with the intentions of the Taylor Reforms to ensure local solutions to local issues with issues being addressed at the most appropriate level. There has been a significant increase in the number of cases shown as substantiated, rising from 3% to 9% in this reporting period, the number of appeals against local resolution of complaints has reduced and the number of days taken to finalise both local resolutions and investigations have seen reductions. This is an area which can be further impacted upon in coming months where we expect to see sustained reductions as a result of improved effectiveness of working practices.

The number of allegations has shown a year on year increase of 111, the number of allegations drawn from each complaint is subject to personal interpretation by those recording and examination suggests that we may be over recording relative to other forces in the region, this will also be an area subject to increased focus in the coming months.

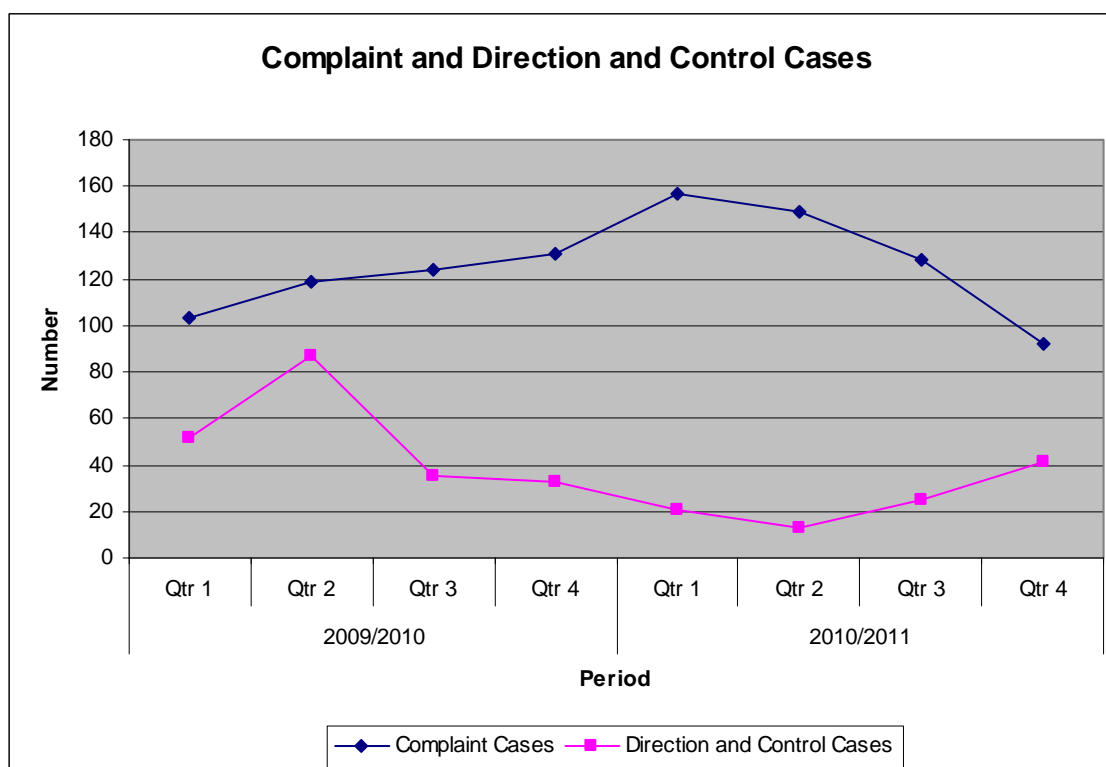
3. Complaint Cases and Allegations Recorded

	2009 – 2010		2010 - 2011		Change	
	Cases	Allegations	Cases	Allegations	Cases	Allegations
Q1	103	195	157	311	54	116
Q2	119	192	149	243	30	51
Q3	124	232	128	240	4	8
Q4	131	273	92	209	-39	-64
Total	477	892	526	1003	49	111

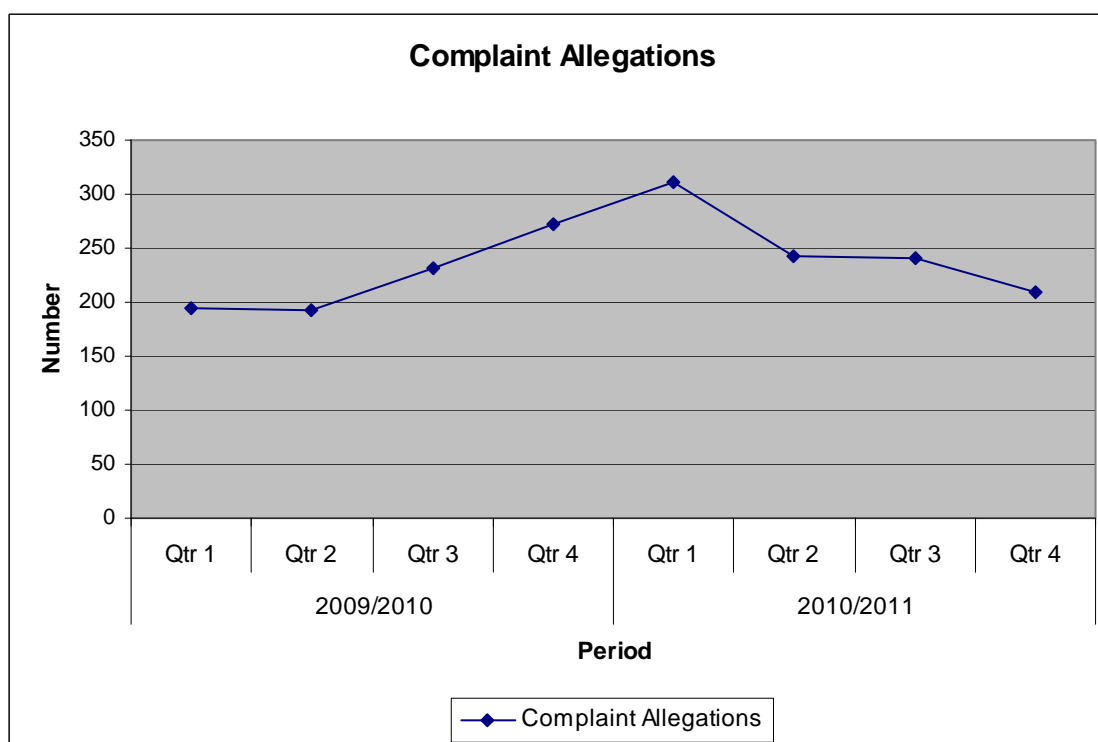
The table above shows an increase in cases of 49 year on year and an increase in allegations of 111 (one case may of course include a number of allegations). The quarterly changes in numbers of cases have seen lower levels on increase in the first three quarters and a reduction in quarter 4.



This graph indicates the trend graph for complaints for a 2 year period.



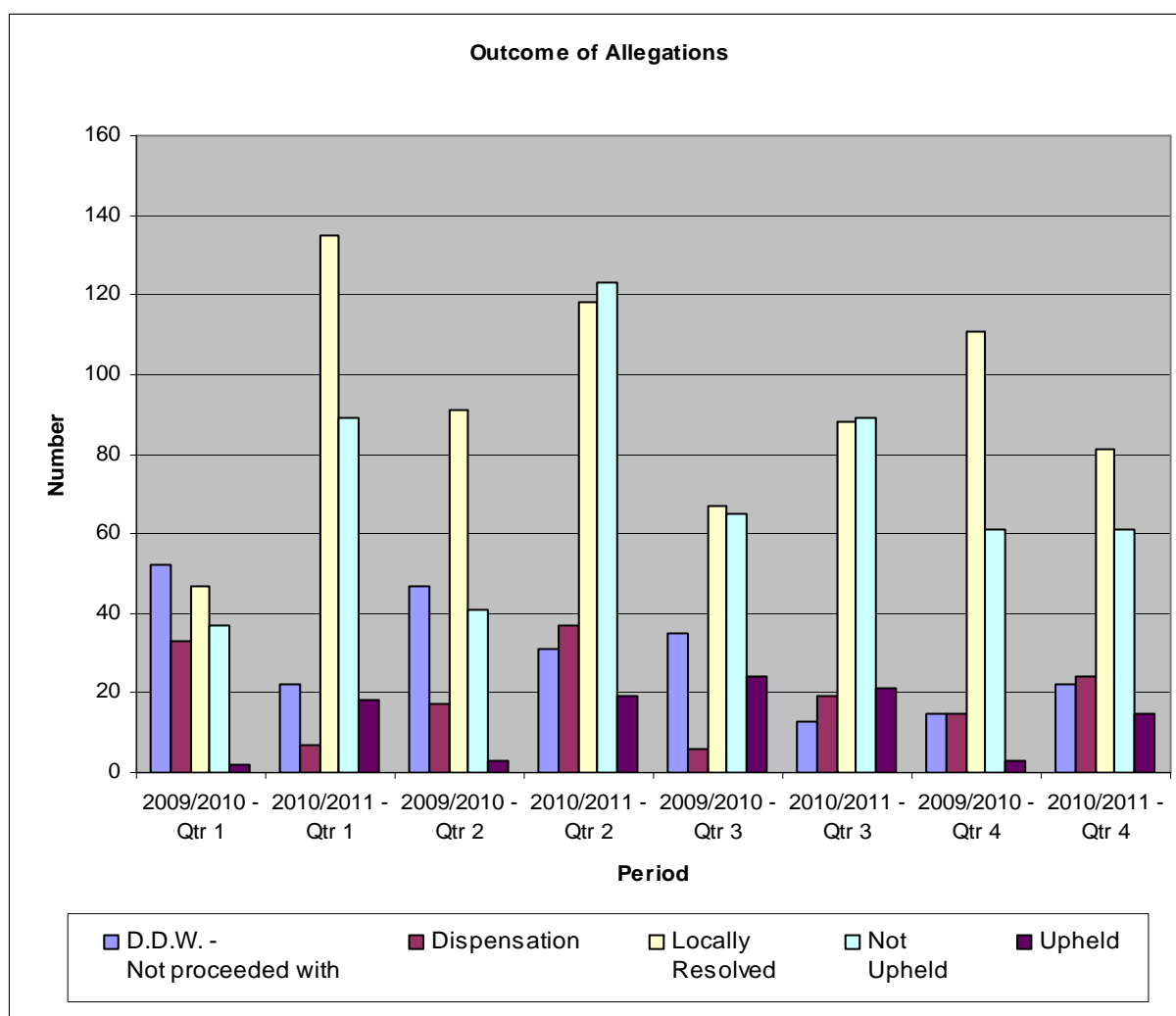
This graph identifies that Direction and Control cases initially decreased as Conduct cases increased following the initial recording decision but following the reversal in this decision Direction and Control cases are now slowly rising whilst Conduct Cases are falling. Total numbers of complaint cases of all types (Conduct Cases and Direction and Control Cases) have reduced.



The above table demonstrates a steady growth in terms of numbers of allegations to quarter 1 of 2010-11. These figures can easily be impacted on by cases containing high numbers of allegations and also by recording practice as well as by a rise or fall in recorded cases.

4. Outcome of Allegations

Force overview and comparison



* The reference to D.D.W above relates to Discontinued, De-recorded and Withdrawn cases

This shows that of the total number of allegations made only low numbers are substantiated. This indicates that many allegations are locally resolved, withdrawn, discontinued or dispensed with because none of these outcomes results in an upheld finding.

5. Direction and Control

The Police Reform Act excludes any complaint or part of a complaint related to the 'direction and control' of a police force by the chief officer of that force or anyone carrying out the functions of the chief officer (i.e. under delegated authority).

The IPCC considers the term 'direction and control' to include the following strategic or operational management action:

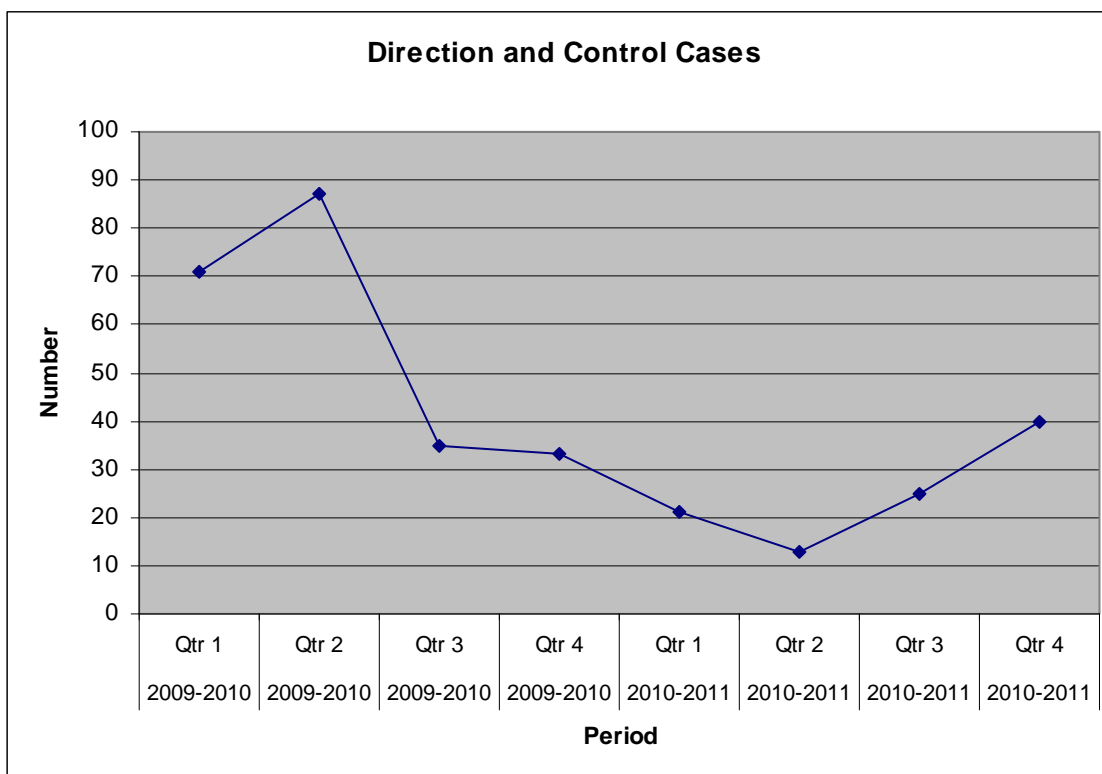
- The drafting of local operational policing policies (e.g. on missing persons, Roads Policing, response to reports of domestic abuse or on the use of taser) and the process leading to their approval;
- Decisions about the configuration and organisation of policing resources e.g. recruitment decisions, where officers or police staff should be located, how they should be managed or trained and what equipment should be procured for them;
- The level of general policing standards in the area e.g. the fact that one basic Command Unit's (BCU) detection rate is lower than that of its neighbours or of the adjoining force.

A complaint that concerns any of the above is excluded from the main provisions of the Police Reform Act and should not be recorded under it.

The table below shows the number of recorded Direction and Control Cases.

	2009 - 2010	2010 - 2011	
	Q 1 - Q4	Q 1 - Q4	Change
A Division	52	16	-36
B Division	24	8	-16
C Division	35	20	-15
D Division	71	34	-36
HQ	3	5	2
Ops	22	8	-14
Out of Force/Not identified		8	8
Force	207	99	

The number of recorded Direction and Control Complaints has reduced year on year from 207 in 2009/10 to 100 in 2010/11.



A substantial reduction is evidenced here as a result of changes in recording practice as previously mentioned. The reduction here naturally causes a similar and corresponding increase in conduct complaints, principally of neglect or failure in duty allegations as many of these type of allegation are capable of being recorded in either category of complaint. The increase in numbers in the last two quarters are as a result of the reversal of the change in recording practice.

Direction and Control complaints are dispersed across Divisions in a way broadly reflective of the volume of incidents dealt with.

6. Most Similar Forces Comparison

This table shows Humberside Police performance with regard to conduct complaints compared to our Most Similar Forces as categorised by the IPCC. The table is compiled using data supplied by the IPCC so there may be some small variance between the figures here and those elsewhere in the document. This is because the data used to produce this report was not extracted at the same time as the data supplied to the IPCC and in the interim cases can be recorded and finalised.

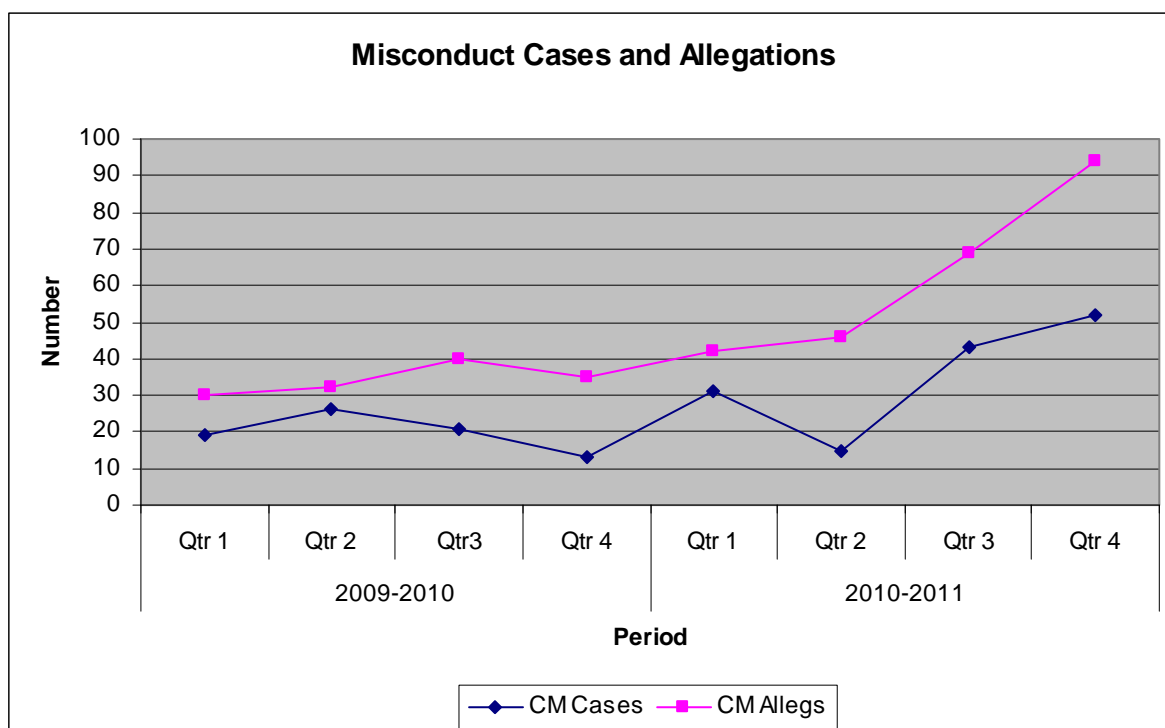
Force	CO Cases 1 April 2009 - 31-Mar-10	CO Cases 1 April 2010 - 31-Mar-11	% Local Resolutions	Allegations per 1000 employees
Derbyshire	343	379	42%	172
Durham	160	132	47%	80
Gwent	295	271	35%	193
Humberside	346	434	43%	182
Nottinghamshire	533	353	55%	131
South Wales	531	531	37%	162
South Yorkshire	450	424	47%	137

The number of complaint cases recorded in Humberside has risen in comparison to our MSF because of the unilateral recording change that was in place for three of the 4 quarters of the period being examined.

We are in the middle of the range compared to the local resolution rate for our MSF and further work is being undertaken to train local supervisors in how to achieve a successful local resolution agreement.

Our rate of allegations per 1000 employees is above most of our MSF and appears to be indicative of the allegation recording practice in place within Humberside. Following discussion with neighbouring forces who are part of our MSF we will be more robust in our recording practice and only record allegations when there is some corroboration or supportive evidence.

7. Misconduct Allegations



	2009-2010		2010-2011		Change	
	Cases	Allegations	Cases	Allegations	Cases	Allegations
A	19	35	13	23	-6	-12
B	11	12	16	29	5	17
C	20	38	35	64	15	26
D	24	38	54	92	30	54
Other	5	14	23	43	18	29
Total	79	137	141	251	62	114

During the 1st quarter of 2010-11 the Police Staff Conduct Unit was set up to provide a single point of contact and control for police staff misconduct (not Police Officers). This Unit is separate to PSB and comes under the governance of Human Resource Branch with its own management structure. The unit has been effective and has addressed a number of important conduct cases which has increased the total number of cases recorded. However this unit has also inadvertently inflated the total number of conduct allegations by recording all instances where there may be misconduct by police staff as an allegation at the outset rather than conducting an initial fact finding or severity assessment to identify if there is misconduct. This has been identified because the largest proportion of police staff conduct cases have been finalised as No Further Action or Advice Given as there was no actual misconduct. This recording practice has now been addressed and the incorrectly recorded cases will be retrospectively re-recorded. This process should be complete by the time the next PSB report is prepared.

8. Lessons Learned

The most recent IPCC 'Learning the Lessons Bulletin' was published in February 2011 and deals with issues considered relevant for National dissemination in order that those lessons can be learned across the Police service, these issues do not relate to Humberside Cases. The themes covered were:

Dangers of the custody 'safety suit'.

It is not just items smuggled into the cell that detainees can use to harm themselves; a vulnerable woman detained under section 136 of the Mental Health Act used the elastic from the trousers of a custody safety suit to try to strangle herself.

The Humberside Force Custody Board has had this issue highlighted to them. The suits are provided generally to detainees who represent a threat and are subject to special provisions in custody re welfare etc. A realistic view has to be taken that potentially any item of clothing could be used to restrict breathing. The suits used in Humberside are considered fit for purpose.

Unwell not drunk

Three cases exposed the danger of assuming that detainees are drunk when they are, in fact, unwell. In one, an elderly woman's underlying medical condition went unnoticed after she was mistaken for being drunk and arrested for drink-driving.

Head injuries are easily confused with drunkenness and need to be considered and recorded as part of the risk assessment and handover. When this did not happen and a man - who had earlier been hit on the head with a scaffolding pole - became ill in custody, the detention officers and doctor did not know about his head injury. He suffered serious brain damage.

In another case, a man withdrawing from alcohol died after officers failed to reconsider their earlier assumption that he was drunk and get medical help.

Guidance has been provided to custody staff and officers about full risk assessment and disclosure of injuries and ailments. There is 24 hour access to medical staff at all Humberside custody suites.

Closing the log too soon

A caller reported concern for a man's welfare, but the log was closed before contact was made with the man in question. This meant that the incident could not be reviewed at a later point to see whether further action was needed. In another case, involving threats a man made against his ex-partner, the log was closed before the full extent of the threat was known and the risk could be properly assessed. He went on to kill a man.

Lessons Learned bulletin passed to Operations Staff for awareness, practice in Humberside is that where there is concern for safety an officer will always physically see the individual to verify and debrief where appropriate in the case of missing persons.

Absconding from secure hospitals

A man who had absconded from a secure hospital was treated more as 'wanted' than 'missing'. As a result, the risks he posed to himself and others, involving his drug use and history of aggression were not taken into account early enough. In addition, supervisory involvement was not triggered immediately through the command and control system as would have been the case for a missing person. He later died following an overdose.

Lessons Learned bulletin passed to Operations Staff for awareness. The practice in Humberside is that where there is concern for safety to conduct a risk assessment and allocate actions to trace person under supervision of an Inspector. High risk cases are managed through Divisional Management Meeting.

Glossary	
Direction and Control Complaint	Organisational issue not within the provision of the Police Reform Act 2002
Allegations	A complaint allegation concerns the conduct of a person serving with the police. It is made by someone defined as a complainant under the Police Reform Act 2002. An allegation may be made by one or more complainants about the conduct of one or more persons serving with the police. An allegation will be recorded against an allegation category.
Conduct/Misconduct	Represents a single investigation into one or more matters. It relates to any matter which may or may not have been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have a) committed a criminal offence or b) behave in a manner which would justify the bringing of a disciplinary proceedings. A conduct case may include one or more of the above matters.
Discontinued	Where the investigation has commenced and it is no longer practical to continue with or conclude the investigation.
Withdrawn	The complainant or person acting on their behalf retracts the complaint.
Dispensation	Can only be applied for where the investigation has not commenced (this does not include the initial evidence gathering). In respect of dispensation an application to the IPCC can only be applied for on one occasion.
Local Resolution	Local Resolution can be a proportionate and effective way of resolving many complaints against police officers and police staff. It is a simple and flexible way for people to tell the police what happened and find out why it happened. It can only be carried out with the agreement of the person making the complaint.
Not Upheld	<p>Examples of instances where complaints will not be upheld</p> <p>A complaint will not be upheld where the facts are clearly established and it is determined that what the complainant claims happened did not occur.</p> <p>A complaint will also not be upheld where there is insufficient evidence to conclude, on the balance of probabilities, that the complainant's allegation is true. Commonly, this will arise where there is a conflict of accounts that cannot be reconciled on the evidence available and the investigator cannot establish the facts.</p> <p>Other considerations</p> <p>An investigation which is into more than one complaint may recommend upholding separate complaints but on different bases</p>
Upheld/Substantiated	<p>A complaint should be upheld where the findings show that the service provided by or through the conduct of those serving with the police did not reach the standard a reasonable person could expect. Any facts on which the judgement to uphold the complaint is based must be proven on the balance of probabilities. For example, this test will be met where it is found that there is a case to answer against an officer in respect of misconduct or gross misconduct or, in the case of a member of police staff, that there are grounds for disciplinary action in relation to the matter and the matter is not an ancillary matter. This test will also be met when it is not found that there is a case to answer against an officer or, in the case of a member of police staff, that there are grounds for disciplinary action, but the service provided by or through the conduct of a person serving with the police did not reach the standard a reasonable person could expect.</p> <p>In deciding what standard of service a person could reasonably expect, the investigator, IPCC and appropriate authority should apply an objective standard of a reasonable person in possession of the available facts. They should have regard to the Standards of Professional Behaviour (or equivalent for police staff), any agreed service standards and any national guidance that applies to the matter.</p>

	<p>The decision to uphold a complaint should not be seen as in any way prejudicing the outcome of a subsequent misconduct meeting or hearing (and possible later appeal) for police officers or misconduct procedure for police staff. The decision to uphold is always and only a judgement on the service provided to the complainant by the force as a whole and should not be seen as a judgement against the person subject to the complaint.</p> <p>This means that an investigation without special requirements can result in an upheld complaint. For example, it will be appropriate where the officer or police staff member complained about has limited experience or skill and acts in a well intentioned but ill judged way giving good grounds for complaint but not so as to warrant a special requirements investigation.</p>
Control Strategy Areas	These are currently the areas of Assault, Incivility and Neglect. These areas between them relate to a higher proportion of complaints than other categories and are subject to correspondingly higher levels of focus and intervention to reduce them.
De-recorded	To correct the situation where a complaint has been recorded in error.