

For Information	
Public	
Report to:	Audit and Scrutiny Panel
Date of Meeting:	November 2018
Report of:	Chief Constable Guildford
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Agenda Item:	16

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Complaint and Misconduct Investigations

1. Purpose of the Report

- 1.1 This paper provides an overview of police complaint and misconduct cases in Nottinghamshire.

2. Recommendations

- 2.1 Further analysis will be completed to fully understand the category of complaint broadly defined as neglect/failure of duty.

3. Reasons for Recommendations

- 3.1 That the panel receive assurance from the processes in place relating to complaint recording and the nature of complaints are understood enabling improvements to be made to policing.

4. Summary of Key Points

- 4.1 For 2017 /2018 Please see Nottinghamshire Police Complaints Statistics 2017-2018 at appendix 1 page 5.
- 4.2 Nottinghamshire Police recorded a 30 % increase in the number of complaints compared to 2016/2017. The number increased by 201 complaints.
- 4.3 In April 2016 there was sharp decrease in the number of complaints which reduced from a monthly average of 80 complaints to 57 complaints. These lower levels continued until October 2017 when complaints rose to 105 for that month. November 2017 saw complaints return to a two year average of 85 complaints a month.
- 4.4 The spike in the number of complaints in October 2017 related to incidents reported and dealt with by the Force over the peak summer demand period. The dissatisfaction experienced concerned mainly response times and the

outcome of investigations. In order to meet demand the Force ensures all investigations are proportionate while trying to balance public expectations.

- 4.5 The number of complaints has now levelled to a new monthly average of 75 complaints per month with the exception of June 2018 which saw another spike of 110 complaints which is the highest number over the last two years. The spike in the number of complaints in June 2018 coincided with peak demand around the World Cup and a Force restructure. The largest proportion of complaints related to the quality of investigations and investigative outcomes. Unusually there appeared to be greater incidence of dissatisfaction where cross allegations were reported, for example road traffic collisions and harassment associated with anti social behaviour.
- 4.6 The increase in complaints recorded by Nottinghamshire Police are not only due to two significant months of high reporting. In specific circumstances the Force can refuse to record a complaint. Prior to March 2018 the criteria for 'refuse to record' were being more frequently applied. The Professional Standards Department has undergone a restructure which has been established since March 2018. The department is leading reforms as part of the Policing and Crime Act 2017 due for implementation in 2019. In preparation for this the department ensures the statutory guidance governing complaint recording is accurately applied. It is expected that post implementation of the act other forces will see a significant increase in their complaint recording compared to Nottinghamshire.
- 4.7 One complaint can comprise of a number of allegations levelled at an officer. For example a single complaint regarding a stop search could include one allegation of use of force, one allegation of incivility and one allegation of breach of procedures. Nottinghamshire Police ensures it records all allegation categories to make the data about the nature of complaints more meaningful and to better support improvements in policing. This is supported by the fact that Nottinghamshire's comparative level of allegations per 1000 employees rose from a middling position to a top quartile position (9th nationally) in 2017/2018. Nottinghamshire Police is the pilot area for changes proposed to the national complaints recording database (Centurion) which will have more refined allegation categories to ensure consistent recording by all forces.
- 4.8 The annual police complaints statistics show that around a third of all allegations are recorded against a single category that being neglect / failure of duty. In 2017/2018 Nottinghamshire Police saw the greatest increase in this category. An explanation for this increase has already been provided at paragraph 4.5 of this report and it should be noted that the reduction in this category for 2016/2017 remains unexplained.
- 4.9 Nottinghamshire police meets quarterly with their IOPC oversight and scrutiny representative to interpret the complaints data. Positive feedback had been received that the force accurately records complaints data and is an example of good practice; no recommendations were received.

- 4.10 The majority of complaint cases in Nottinghamshire are dealt with by way of local resolution (75%). This means there is no misconduct identified on the part of the officer and the issues identified are suitable for service recovery or individual performance. The timeliness of finalising complaints remains strong in Nottinghamshire. The most recent data shows that the average complaint takes 55 days to finalise by way of local resolution compared to a force average of 77 days.
- 4.11 In Nottinghamshire 25 % of cases are dealt with by way of local investigation. These are more complex or serious complaints where there may be misconduct on behalf of an officer. Again timeliness in finalising these investigations is strong at 132 days compared to a force average of 173 days. The largest proportion of misconduct allegations relate to honesty and integrity and confidentiality of information. On average 3 officers per month receive notice of a misconduct investigation against them. All upheld misconduct outcomes are published biannually on the force internet.

5. Financial Implications and Budget Provision

- 5.1 There are no financial implications relating to this report.

6. Human Resources Implications

- 6.1 There are no Human Resources relating to this report.

7. Equality Implications

- 7.1 There are no equality implications relating to this report.

8. Risk Management

8. There are no additional risk management reports to report.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 This area of business is intrinsically linked with the Police and Crime Plan priority of 'Transforming Services and Delivering Quality Policing.'

10. Changes in Legislation or other Legal Considerations

- 10.1 There are no changes in legislation or other legal considerations relating to this report.

11. Details of outcome of consultation

11. There has been no consultation in relation to this report.

12. Appendices

12.1 Appendix 1 Nottinghamshire Police Complaints Statistics 2017 -2018.

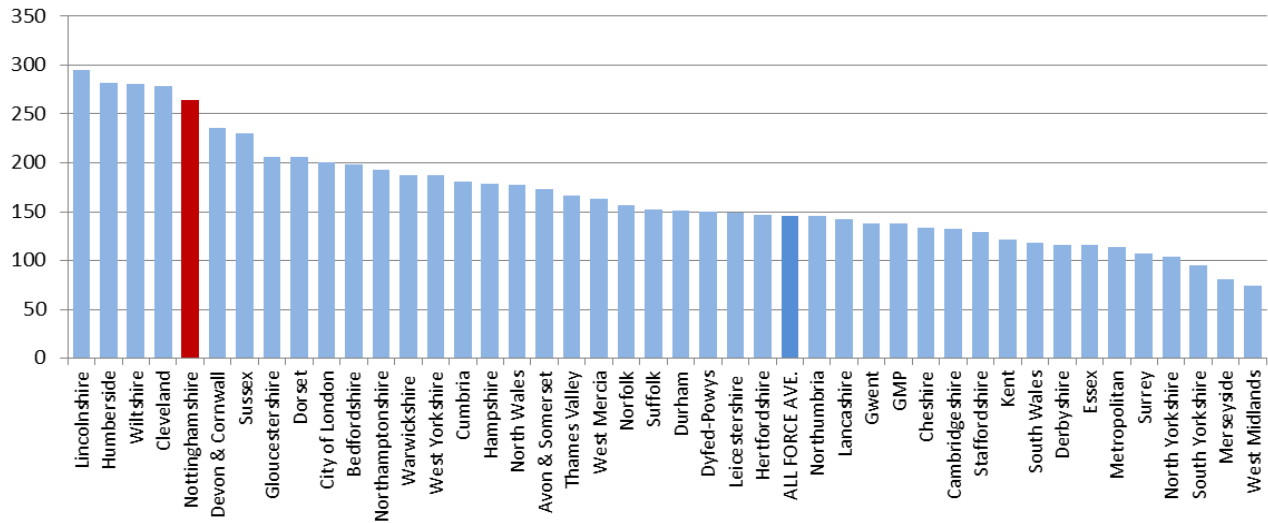
Nottinghamshire Police Complaints Statistics 2017/18

17 September 2018

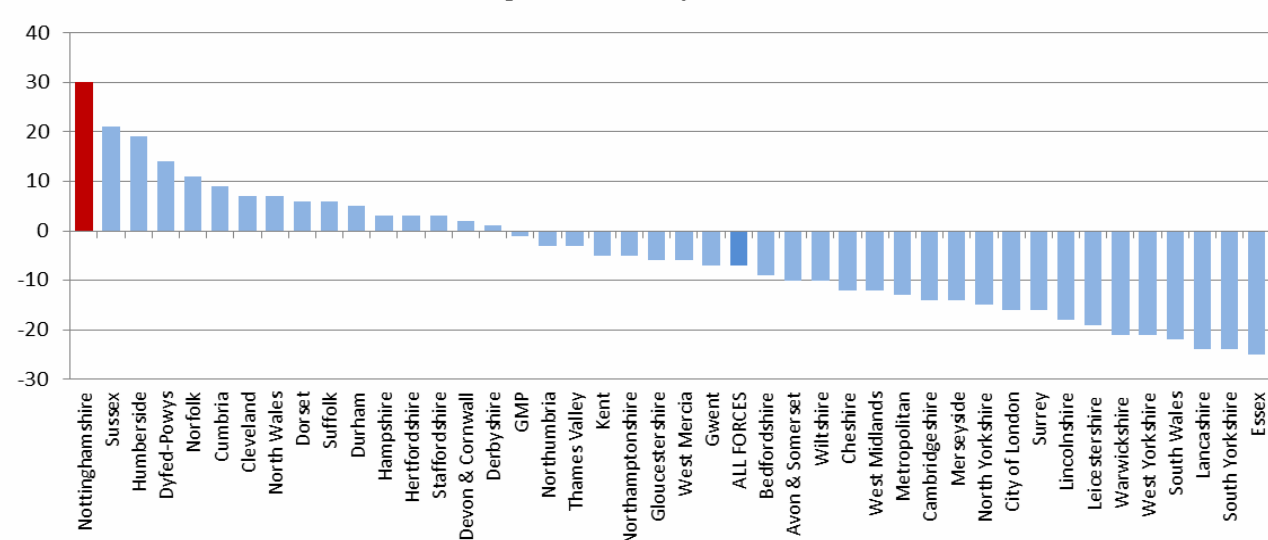
1.1 In September 2018, the Independent Office for Police Conduct (IOPC) published comparative [Police Complaints Statistics 2017/18](#) for England and Wales. The report highlighted a 7% reduction in overall complaints recorded by police during 2017/18 and a 1.8% reduction in recorded allegations. The report also highlighted significant variations in the level and profile of police complaints across police force areas. This paper provides an overview of the Nottinghamshire police complaints statistics in comparison to the national picture.

1.2 Nottinghamshire Police recorded 871 complaints in 2017/18, marking a 30% increase on the level recorded in 2016/17 (670) and the highest percentage increase in complaints across all police force areas. The level of complaints per 1,000 employees in Nottinghamshire increased from the 12th highest nationally to 5th highest nationally.

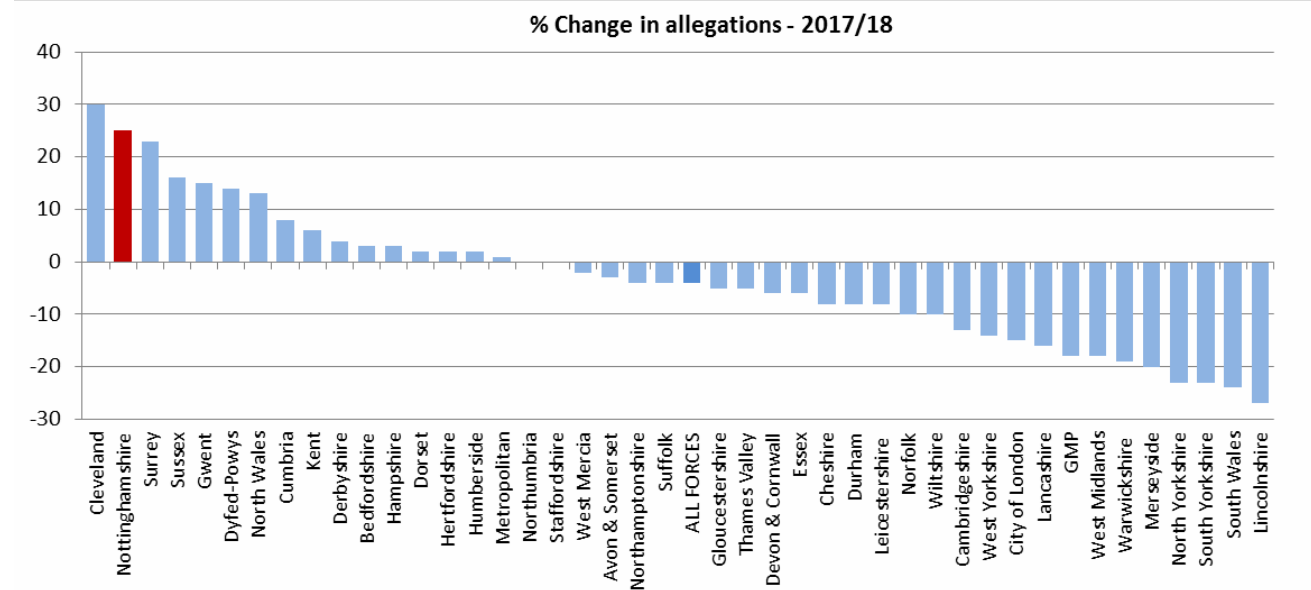
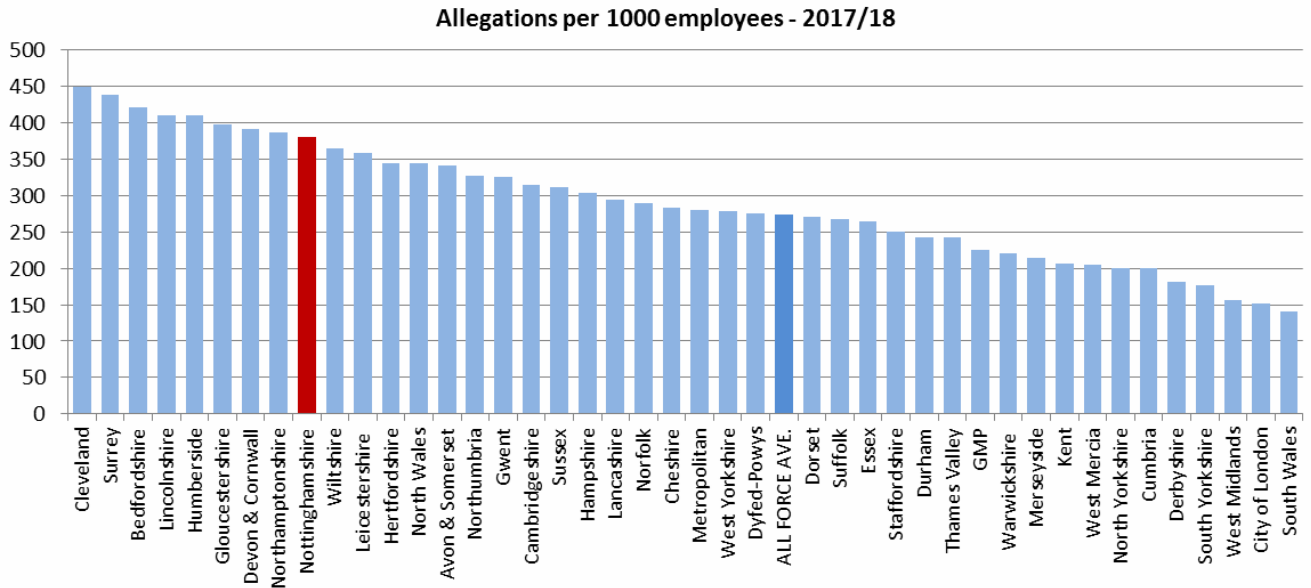
Police Complaints per 1,000 employees - 2017/18



% Change in Police Complaints - 2017/18

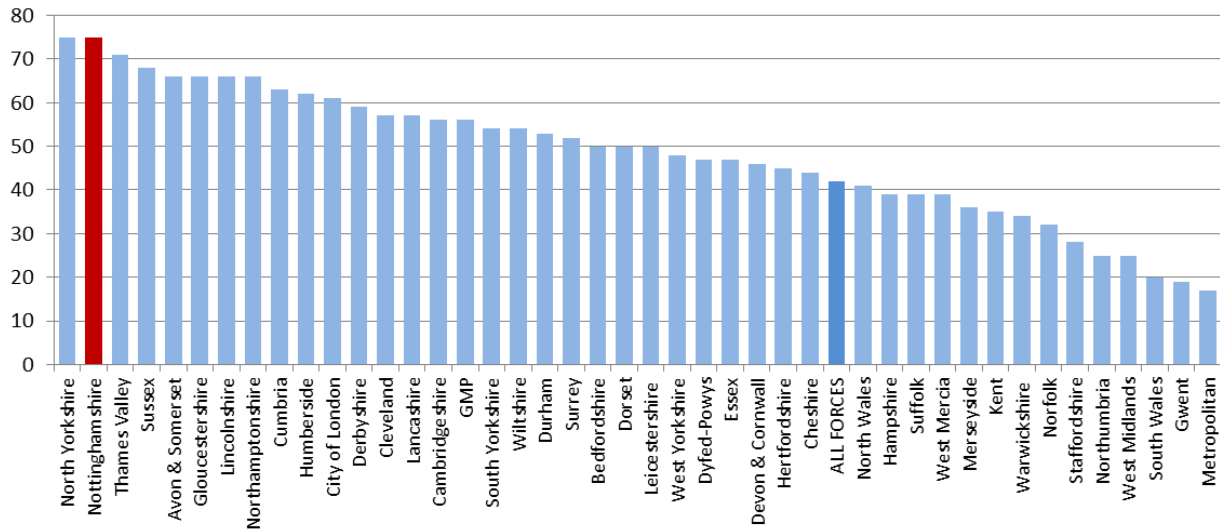


1.3 Nottinghamshire Police recorded 1,329 allegations in 2017/18 with the number recorded having risen by 25% compared to the previous financial year. Consequently, Nottinghamshire’s comparative level of allegations per 1,000 employees rose from a middling position (19th highest nationally) to a top quartile position (9th highest nationally) in 2017/18.



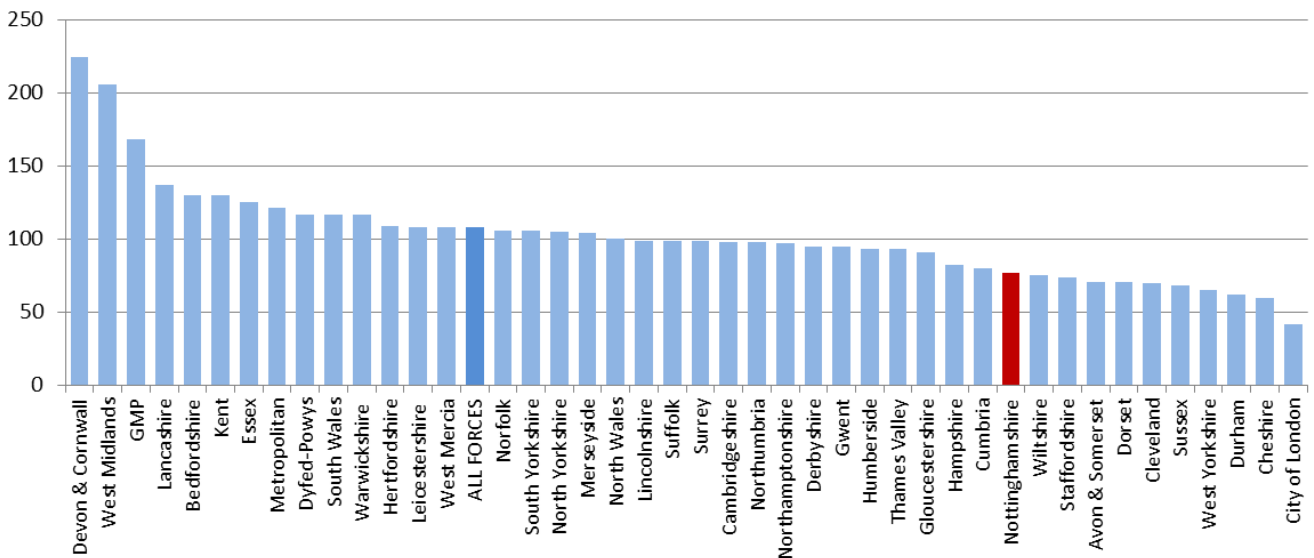
1.4 The majority of complaint cases in Nottinghamshire are finalised via local resolution (75%), with only 15% being finalised via formal investigation. This profile differs significantly from the all force average in which 42% are finalised via local resolution and 44% are finalised more formally via investigation.

% Complaints Finalised via Local Resolution - 2017/18



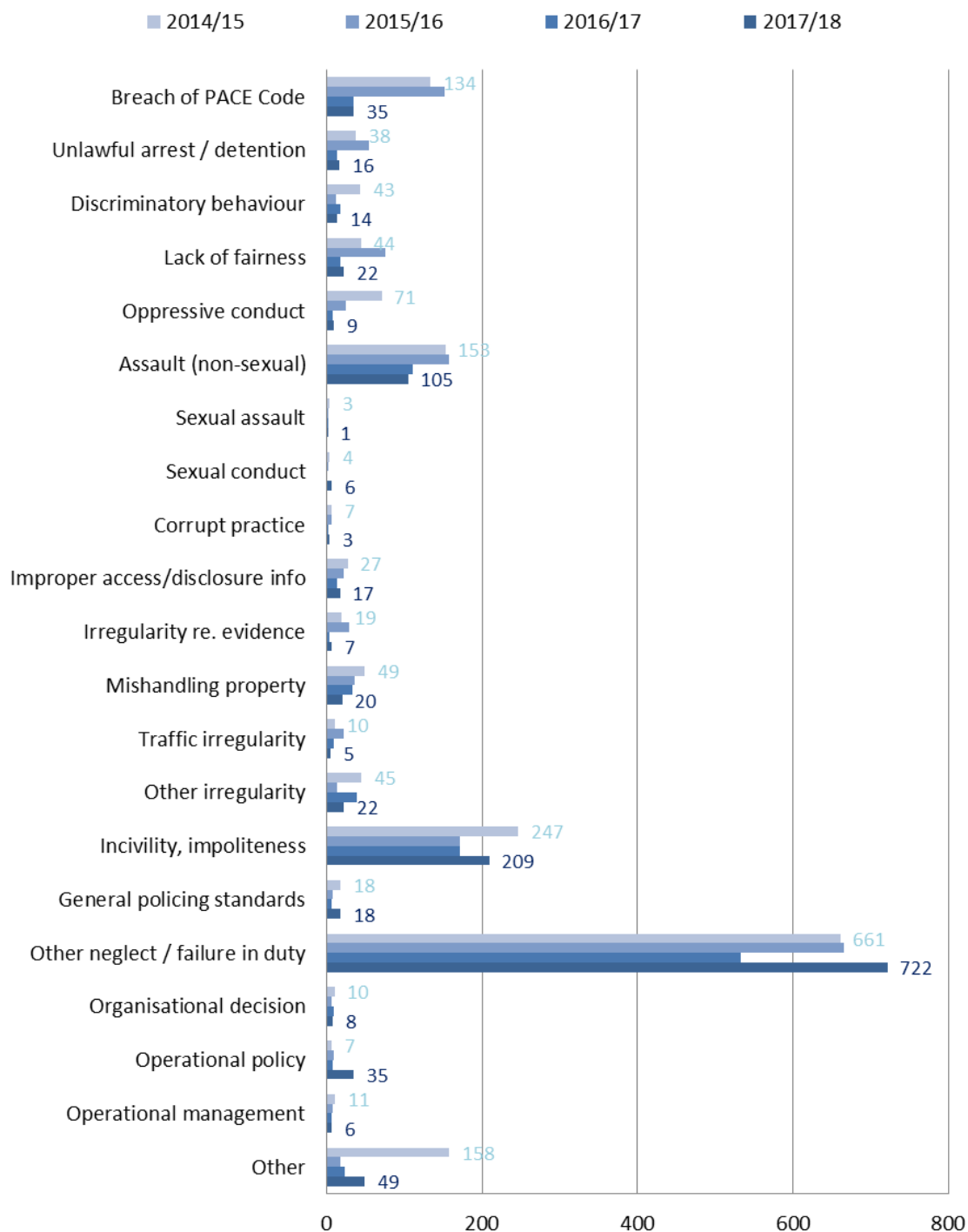
1.5 Timeliness in finalising complaints remains strong in Nottinghamshire when compared to other forces nationally for both local resolutions and formal investigations. The average complaint took around 77 days to finalise in 2017/18 compared to an all force average of 108 days.

Average number of days to finalise complaint (excl. suspension) - 2017/18



1.6 Allegations predominantly relate to general ‘neglect or failure in duty’, with the proportion of cases falling within this category having increased from 38% in 2014/15 to 54% in 2017/18. This reflects the national profile. A further 16% of allegations related to incivility / impoliteness in 2017/18, with this proportion having remained relatively stable over recent years.

Nature of Allegations - Nottinghamshire Police

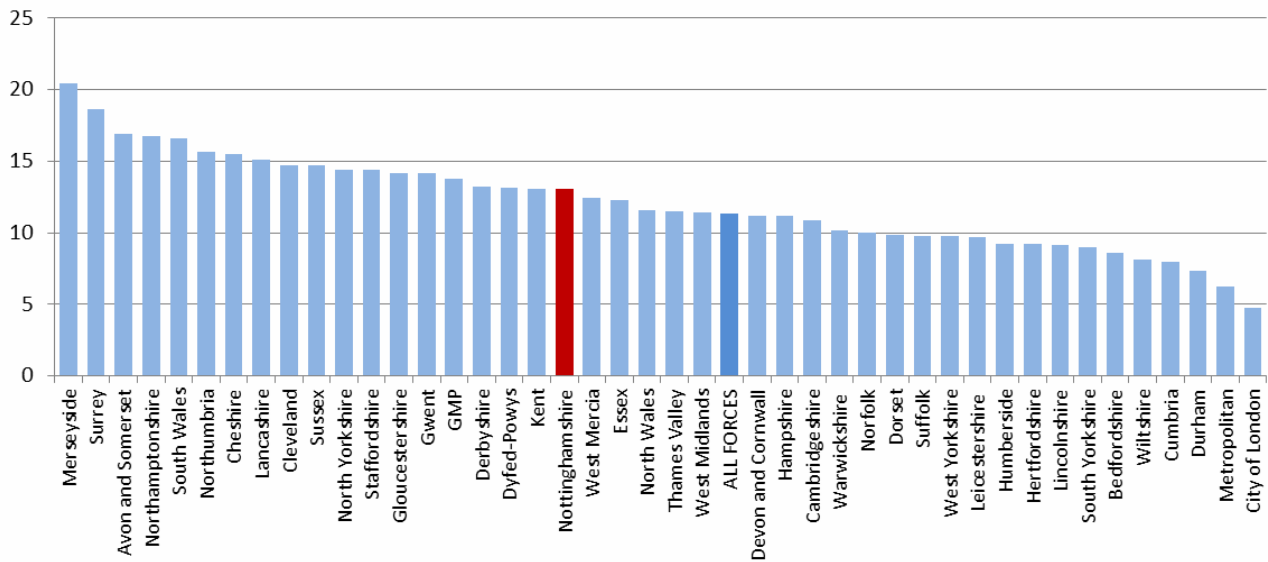


1.7 Assault allegations in Nottinghamshire fallen steadily since 2016/16 from 157 to 106. Less than 3% of these cases involve allegations of serious assault in any given year. Allegations relating to breach of PACE codes fell significantly from 152 to 35 between 2015/16 and 2017/18, while allegations relating to unlawful detention fell from 55 to 16 respectively. This reduction reflects changes in policing policies and practices, such as more targeted use of stop and search, wider use of Body Worn Video¹ and the embedding of the Statutory Code of Ethics for policing.

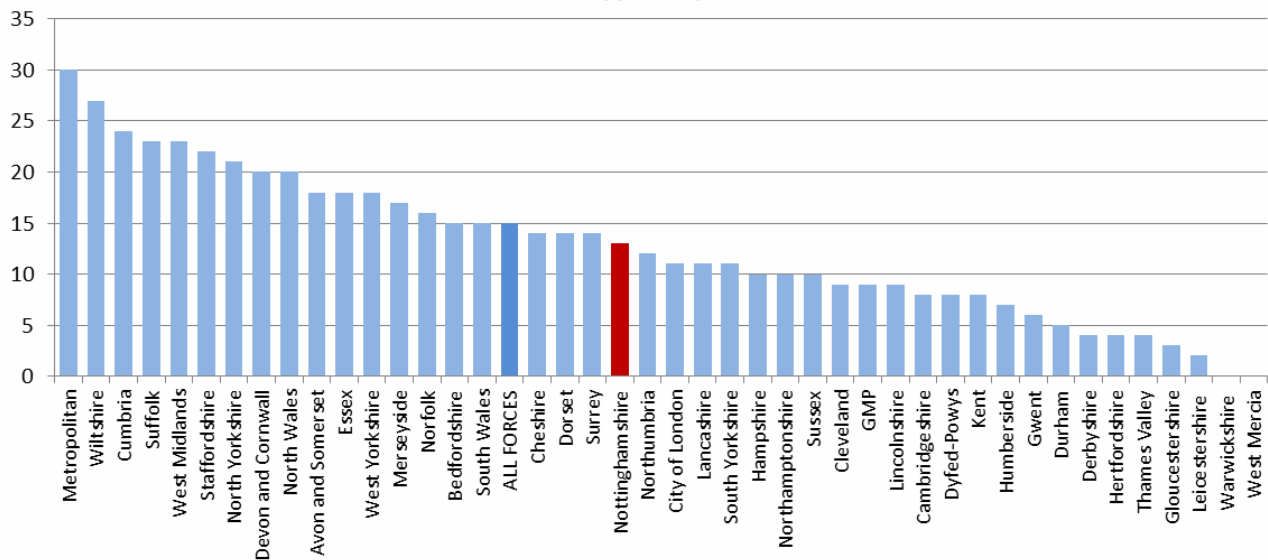
¹ ["Co ntagio us Ac c o untabili ty" - A Global Multisite Randomized Controlled Trial on the Effect of Police Body-Worn Cameras](#)

1.8 Chief Officers in Nottinghamshire received 147 appeals following the finalisation of complaint processes in 2017/18, with around 80% (117) relating to appeals following a local resolution. The proportion of all finalised complaints that resulted in a Chief Officer appeal (13.1%) was broadly in line with the England and Wales average (11.4%). Out of all valid² appeals to chief officers in 2017/18 (85), around 13% (11) were upheld. This was also broadly in line with the England and Wales average (15%).

Chief Officer Appeals per 100 Finalised Complaints - 2017/18



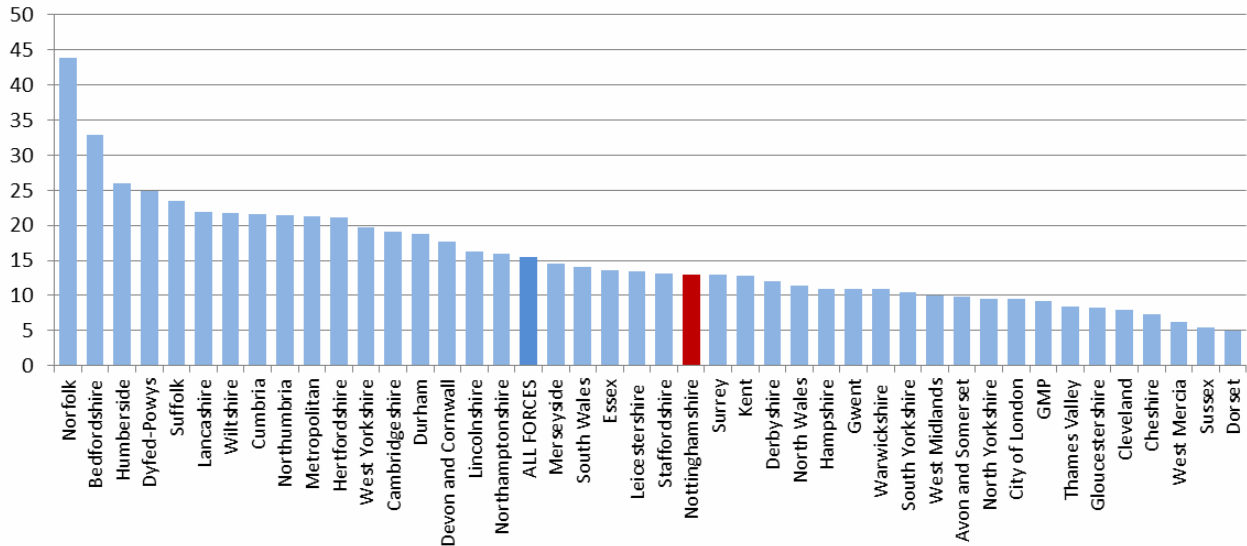
% Chief Officer Appeals Upheld- 2017/18



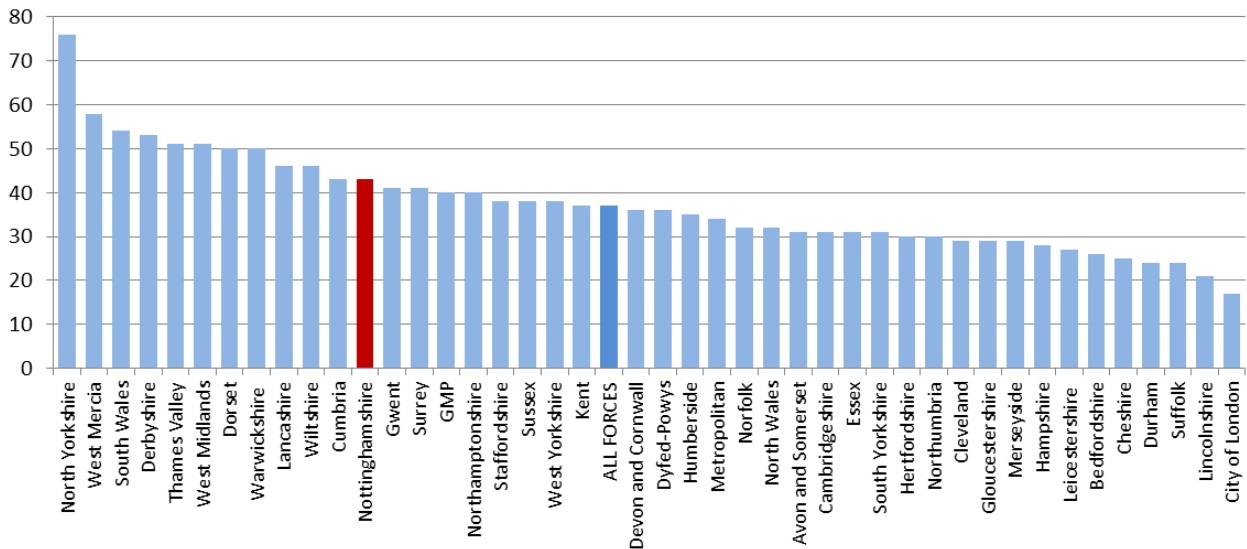
² Some appeals may be deemed 'invalid' and these have been excluded from the number of 'valid completed' and the calculation for '% upheld'

1.9 IOPC received 43 appeals relating to Nottinghamshire complaint outcomes in 2017/18, with 53% (23) relating to decisions to not record and 47% (20) relating to local investigation. The number of Nottinghamshire appeals to IOPC per 1,000 employees (13.0) was broadly in line with the England and Wales average (15.5), however the proportion of valid appeals upheld by the IOPC (43% - 17/40) was slightly higher than the England and Wales average (37%). Of the 17 upheld appeals, 10 related to non-recording decisions and 7 related to investigation appeals.

IOPC Appeals per 1,000 Employees - 2017/18



% IOPC Appeals upheld - 2017/18



The comparability of complaint statistics between police force areas remains significantly affected by differences in policy, practice, recording and public trust, confidence in the complaints process. While the IOPC aspires³ to improve consistency, it remains possible that disparate governance models and changes to the definition of complaints in 2019 may have the opposite effect.

³ IOPC Director General Michael Lockwood, September 2018: “The handling of complaints varies a great deal and we hope that changes next year promote a culture across policing which is more consistent and transparent