

**OFFICE OF POLICE AND CRIME COMMISSIONER
OFFICE OF CHIEF CONSTABLE**

LEAD CHIEF OFFICER:	DCC Amanda Blakeman
TITLE:	PSD Performance Report, Q3 2020-21
DATE:	14th January 2021
TIMING:	Routine
PURPOSE:	For monitoring

1.	<u>RECOMMENDATION</u>
1.1	The purpose of this report is to provide a narrative to accompany the Independent Office for Police Conduct (IOPC), National Police Complaints Information Bulletin and an update on misconduct outcomes and vetting.
2.	<u>INTRODUCTION & BACKGROUND</u>
2.1	<p>The IOPC has previously produced a National Police Complaints Data Bulletin on a quarterly basis which included comparative data against the most similar forces and nationally. It provided an overview of the number and types of complaints; timeliness; the number of appeals to the force and the IOPC; and the outcome of these appeals.</p> <p>NOTE: There is still a delay with the IOPC bulletin being published, but this is expected early 2021. Therefore, this performance report is based on Professional Standards Department data only for quarter 3.</p>
2.2	A brief overview of Conduct cases concluded in this period is also included; however, where the case was held in public, full details will already have been published on the force website.
2.3	The force vetting data is a quarter behind all other data in this report due the way it is configured on the recruitment system Oleo. The reporting of the vetting data for this performance report is for quarter 2.
3.	<u>ISSUES FOR CONSIDERATION</u>

3.1 Appeals/Reviews

IOPC Reviews :

There was 1 IOPC review (new regs) received in quarter 3, this review has not been completed to date.

	Investigation		Total
	No Data	Total	
No Data	1	1	1
Total	1	1	1

OPCC Reviews (dealt with by OPCC under the New Regulations):

There were 9 Office of the Police and Crime Commissioner (OPCC) reviews received in quarter 3; 7 of the reviews determined that the investigation was reasonable and proportionate, and we are awaiting the outcome on 2 of the reviews. It is pertinent to note that other forces have higher numbers of reviews and our low numbers is reflective of the investment we have made in the two dedicated sergeants within the Complaints and Dissatisfaction team who resolve issues at an earlier point.

	Investigation	Non-Investigation	Total
No Data	0	2	2
Outcome of Complaint Reasonable and Proportionate	5	2	7
Total	5	4	9

Force Appeals: (old regulations)

There were 5 Force appeals received in quarter 3; 3 were not upheld; and 2 are yet to be finalised.

	No Data	Not Upheld	Total
Outcome of Police Investigation	2	3	5
Total	2	3	5

Complaint Timeliness:

Under the new regime the 10-day recording target has been removed to allow forces time and flexibility to resolve matters at an early stage.

Complaint Regulations 2020

The new complaints regulations commenced on 1st February 2020. This has changed the way that complaints are now dealt with. They are split into:

- 1) Non schedule 3 (Logged); this allows complaints to be dealt with outside of the Police Reform Act 2002, previously regarded as dissatisfaction.
- 2) Schedule 3 (Recorded) which relate to complaints dealt with under the Police Reform Act 2002, whereby the complainant can request a review if they are not satisfied. Schedule 3 complaints are further split into Special Procedures (Misconduct/Gross Misconduct), the review body being the IOPC; or Non-Special Procedures (handled reasonably and proportionately), the review body being the OPCC.

Therefore, during the quarter 3 period there will still be a mixture of old and new regulations, which instantly highlight an increase in complaints, as all complaints whether logged or recorded are recorded under the complaint register, which is prefixed by a CO reference. We are however approaching a full year of the new regulations, where we will more effectively be able to compare data.

Complaint Cases Recorded in Quarter 3

	Finalised	Pending	Total
Non Schedule 3	106	14	120
Schedule 3	0	27	27

Allegations Recorded: (Note: still allegations recorded under Old Regulations headings)

The below table illustrates the top three groups of complaints:

Allegations recorded by Qtr and Year to Date					
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	YTD
Category	No	No	No	No	
A1. Police action following contact		4	26		
A2. Decisions		1	21		
A3. Information		10	21		
A4. General level of service		53	81		
B1. Stops, and stop and search		1	2		
B2. Searches of premises and seizure of property		2	7		
B3. Power to arrest and detain		3	8		
B4. Use of force		5	13		
B5. Detention in police custody		7	22		
B6. Bail, identification and interview procedures		0	3		
B7. Evidential procedures		3	2		
B8. Out of court disposals		0	1		

B9. Other policies and procedures	0	7		
C1. Handling of or damage to property/premises	3	7		
D1. Use of police systems	0	1		
D2. Disclosure of information	4	1		
D3. Handling of information	0	1		
E. Unlawful/unnecessary arrest or detention	1	1		
E1, Use of police vehicles	0	4		
F3. Gender reassignment	0	2		
F6. Race	1	0		
F8. Sex	0	2		
F10. Other	0	2		
G. Irregularity in evidence/perjury	1	3		
G5. Obstruction of justice	1	0		
G6. Abuse of position for other purpose	0	1		
H. Corrupt practice	1	0		
H1. Impolite language/tone	2	16		
H2. Impolite and intolerant actions	2	12		
H3. Unprofessional attitude and disrespect	16	29		
H4. Lack of fairness and impartiality	1	5		
H5. Overbearing or harassing behaviours	1	15		
J. Mishandling of property	0	0		
J1. Sexual assault	0	1		
K. Discreditable conduct	0	2		
L. Breach Code B PACE	3	0		
L1. Other	2	11		
M. Breach Code C PACE	2	0		
N. Breach Code D PACE	0	5		
S. Other neglect or failure in duty	2	5		
T. Other irregularity in procedure	1	2		
U. Incivility, impoliteness and intolerance	1	0		
X. Improper disclosure of information	5	0		
Total	139	342		

In most of the areas detailed above there is an increase in complaints recorded. This is more than likely attributable to the impact of the COVID19 Pandemic. During Quarter 3 there have been 20 complaints which are COVID19 related which resulted in 25 allegations. There are only 5 allegations which relate to Police Powers on Restrictions with the rest spread across the categories.

In line with the national picture, Delivery of /Duties and Service (Ref A – Delivery of duties and Service 2020 Regs) / Other neglect of failure of duty remains the most prevalent category for allegations. Overall total being 86:

A1	Police action following contact	26
A2	Decisions	21
A3	Information	21
A4	General Level of Service	81
S	Neglect of Duty (Old Regs)	5
Total		86

Ref B Police Powers, Policies and Procedures

B1	Stops, and stop and search	2
B2	Searches of premises and seizure of property	7
B3	Power to arrest and detain	8
B4	Use of force	13
B5	Detention in police custody	22
B6	Bail, identification and interview procedures	3
B7	Evidential procedures	2
B8	Out of court disposals	1
B9	Other policies and procedures	7
N	Breach Code D PACE	5
Total		70

Ref H Individual Behaviours

H1	Police action following contact	16
H2	Decisions	12
H3	Information	29
H4	Lack of Fairness and Impartiality	5
H5	Overbearing or harassing behaviours	15
Total		49

Allegations Finalised in (Qtr 3)

(Note: still allegations finalised under Old Regulations)

NUMBER OF ALLEGATIONS														
	Local Resolution - by Division	No case to answer	No further action required	Not determined if the service acceptable	Not Resolved - NFA	Not Upheld - by PSD	Resolved	Special Requirements	The service provided was acceptable	The service provided was not acceptable	Upheld - by PSD	Withdrawn	Withdrawn - by Force	Total
04. Operational management decisions	0	0	0	0	0	0	0	0	0	0	1	0	0	1
A1. Police action following contact	0	0	1	0	0	0	14	0	1	0	0	0	0	16
A2. Decisions	0	0	0	0	0	0	15	0	4	0	0	0	0	19
A3. Information	0	0	0	0	0	0	17	0	2	1	0	0	0	20
A4. General level of service	0	0	0	0	2	0	79	0	10	7	0	4	0	102
B1. Stops, and stop and search	0	0	0	0	0	0	1	0	0	0	0	1	0	2
B2. Searches of premises and seizure of property	0	0	1	0	0	0	4	0	2	1	0	0	0	8
B3. Power to arrest and detain	0	0	1	0	0	0	2	0	6	0	0	1	0	10
B4. Use of force	0	1	0	0	0	0	3	0	4	0	0	4	0	12

B5. Detention in police custody	0	0	0	0	0	0	7	0	7	1	0	0	0	15
B6. Bail, identification and interview procedures	0	0	0	0	1	0	1	0	3	0	0	0	0	5
B7. Evidential procedures	0	0	0	0	0	0	4	0	1	0	0	0	0	5
B8. Out of court disposals	0	0	0	0	0	0	0	0	1	0	0	0	0	1
B9. Other policies and procedures	0	0	0	1	0	0	2	0	5	3	0	0	0	11
C. Other assault	0	0	0	0	0	1	0	0	0	0	0	0	0	1
C1. Handling of or damage to property/premises	0	0	0	1	1	0	5	0	2	0	0	0	0	9
D2. Disclosure of information	0	0	1	0	0	0	0	0	2	0	0	0	0	3
D3. Handling of information	0	0	0	0	0	0	0	0	1	1	0	0	0	2
E. Unlawful/unnecessary arrest or detention	0	0	0	0	0	1	0	0	0	0	1	0	0	2
E1. Use of police vehicles	0	0	0	0	0	0	4	0	0	0	0	0	0	4
F10. Other	0	0	0	0	0	0	2	0	1	0	0	0	0	3
F2. Disability	0	0	0	0	0	0	0	0	1	0	0	0	0	1
F3. Gender reassignment	0	0	0	0	0	0	2	0	0	0	0	0	0	2
F6. Race	0	0	0	0	0	0	0	0	1	0	0	0	0	1
F8. Sex	0	0	0	0	0	0	1	0	0	0	0	0	0	1
G. Irregularity in evidence/perjury	0	0	0	0	0	1	0	4	0	0	0	0	0	5
G2. Abuse of position for sexual purpose	0	0	0	0	0	0	0	0	1	0	0	0	0	1
G6. Abuse of position for other purpose	0	0	0	0	0	0	0	0	2	0	0	0	0	2
H1. Impolite language/tone	0	0	0	1	2	0	12	0	0	1	0	0	0	16
H2. Impolite and intolerant actions	0	0	0	1	0	0	8	0	1	0	0	0	0	10
H3. Unprofessional attitude and disrespect	0	0	0	2	1	0	25	0	4	3	0	0	0	35
H4. Lack of fairness and impartiality	0	0	0	0	0	0	4	0	2	0	0	0	0	6
H5. Overbearing or harassing behaviours	0	0	0	0	1	0	9	0	3	0	0	1	0	14
K1. Discreditable conduct	0	0	0	0	0	0	2	0	1	0	0	0	0	3
L1. Other	0	0	0	0	0	0	7	0	1	0	0	0	0	8
M. Breach Code C PACE	0	0	0	0	0	0	0	0	0	0	0	0	1	1
N. Breach Code D PACE	0	0	0	0	0	0	0	7	0	0	0	0	0	7
Q. Lack of fairness and impartiality	0	0	0	0	0	1	0	0	0	0	0	0	0	1
S. Other neglect or failure in duty	0	0	0	0	0	18	0	0	0	0	5	0	1	24
T. Other irregularity in procedure	0	0	0	0	0	2	0	0	0	0	0	0	0	2
U. Incivility, impoliteness and intolerance	2	0	0	0	0	4	0	0	0	0	0	0	0	6
X. Improper disclosure of information	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Total	2	1	4	6	8	29	230	11	69	18	7	11	2	398

During Quarter 3, there were only 2 allegations resolved by way of Local Resolution. Local resolution will phase out completely over the next few months, due to the changes in the New Regulations.

The allegations resolved during quarter 3 were mainly those which were Non-Schedule 3 Complaints (logged) resulting in **238** being completed which equates to **60%** of those reported under the New regulations There were **93** Schedule 3 complaints finalised during quarter 3 which equates to **23%** of those under the New Regulations. The remainder fall under the old regulations.

Complaints Finalised in Quarter 3:

The below table shows the cases that have been finalised during Quarter 3 between 0-30 days, most of which relate to Non-Schedule 3 complaints. 97% of the complaints reported in quarter 3 were resolved within 30 days.

Investigation Times

SUMMARY

		Not Resolved - NFA	Resolved	Withdrawn	Total Cases
Complaint	(A) 0 - 30 days	4	105	3	112
	Total	4	105	3	112

3.2 **Distribution of Complaints**

The distribution of complaints in quarter 3 are fairly evenly split across the two Local Policing Areas, with the West having 5 more that the East. A large percentage have been logged and dealt with under Non-Schedule 3 complaints, which will have been actioned and resolved by the two Decision Makers within PSD.

3.3 **Equality Monitoring – complainants**

The force has now moved to Single Online Home. Complaints are either recorded on-line; by staff via 101 or at the station. As can be seen by the below tables, the data remains consistent throughout the quarters in relation to protected characteristics. The Joint Strategic Equality Plan will drive any work in relation to engagement, awareness and any identified themes.

Ethnicity	Percentage 2019/2020 % / No.s		2020/21 Q1	2020/21 Q2 % / No.s		2020/21 Q3 % / No.s		2020/21 Q4
White	79%	230		80%	161	78%	137	
Unknown	12%	34		16%	32	17%	30	
Asian	3%	10		2%	5	2%	4	
Black	5%	16		1%	2	2%	3	
Other	1%	2		1%	2	1%	1	

Disability	Percentage 2019/20 % / No.s		2020/21 Q1	2020/21 Q2 % / No.s		2020/21 Q3		2020/21 Q4
No data	88%	256		95%	193	89%	157	
Unknown	2%	7		1%	1	6%	11	
Mental Health	3%	9		1%	2	1.5%	3	
Physical	1.5%	3		-	0	1%	1	
Learning Difficulty	0.5%	2		-	0		0	
Sensory	0.5%	2		-	0	-	0	

Prefer not to say	1.5%	3		-	0	-	0	
Other	-	-		-	-	1%	1	
none	3%	10		3%	6	1.5%	2	
Sexual Orientation	Percentage 2019/20 % / No.s		2020/21 Q1	2020/21 Q2 % / No.s		2020/21 Q3		2020/21 Q4
No data	9%	25		13%	27	12%	21	
Heterosexual	79%	230		66%	134	62%	108	
Unknown	4%	12		7%	13	11%	20	
Prefer not to say	3%	11		8%	16	10%	18	
Gay / lesbian	2%	7		3%	6	2%	3	
Bisexual	1%	2		1.5%	3	1%	1	
Other	2%	5		1.5%	3	2%	4	

3.4 Conduct

Conduct			
Reporting Period	Number	Reporting Period	Number
Q1 2019 /20	10	Q1 2020/21	6
Q2 2019/20	16	Q2 2020/21	4
Q3 2019/20	5	Q3 2020/21	2
Q4 2019/20	2	Q4 2020/21	
Total	33	Total	

The number of conduct cases has reduced. Previously the majority of conduct matters were off duty. The restrictions of the COVID19 Pandemic are likely to have impacted on the numbers.

3.5 Misconduct Outcomes for Q3 2020/21

There were Misconduct Hearings for two Officers during quarter 3.

1. A Police Constable appeared before a misconduct panel relating to a conduct matter between the 2nd November 2020 – 13th November 2020. The matter related to the following breaches:

- Honesty & Integrity x 10

The findings were found proven and the Police Constable was Dismissed Without Notice.

2. A Police Constable appeared at a misconduct meeting relating to a conduct matter on the 9th December 2020. The matter related to the following breaches:

-

- Use of Force

- Duties Responsibilities
- Authority, Respect and Courtesy

The findings were found proven and the Constable received a Final Written Warning

3.6

External scrutiny

There are currently 3 live Independent IOPC investigations, 2 of which relate to 2 separate conduct matters involving the same officer. 1 relates to a DSI matter,

There are currently three managed IOPC conduct investigations being undertaken by an external force (under the old regulations).

There is one directed IOPC conduct investigation being undertaken by Gwent PSD.

4.

Vetting

(Please note due to the functionality of OLEEO Vetting data moving forward will be a quarter behind.)

Vetting Completed – 2020/2021				
	Q1	Q2	Q3	Q4
Police officer / staff	101 74 through OLEEO 27 not through OLEEO	111 84 through OLEEO 27 not through OLEEO		
Contractors / outside agency	285	324		
Vetting Health Checks	9	30 9 through OLEEO		
MV Annual Assessments	80	155		
Total	475	620		

Vetting Refusals – 2020/21				
	Q1	Q2	Q3	Q4
Previous conviction / caution	7	19		
Financial Vulnerability	2	0		
Negative Intelligence	5	6		
Associates	1	3		
Residency	0	0		
Total	15	28		

Vetting Refusals- Protected Characteristics (Police officer / staff)

Please note that the below data relates to applications that went through OLEEO only.

	Q1	Q2	Q3	Q4
BAME	5 received 1 refused	4 received 0 refused		
Sexual Orientation	5 received 1 refused	10 received 0 refused		
Disability	1 received 0 refused	2 received 0 refused		
Gender Reassignment	2 received 0 refused	0 received 0 refused		
Male	42 received 7 refused	53 received 5 refused		
Female	29 received 0 refused	41 received 1 refused		

Decisions Following Vetting Appeals- Protected Characteristics- (Police officer / staff) 2020/2021

	Q1	Q2	Q3	Q4
BAME Accepted	2	1		
BAME Rejected	1	1		
Sexual orientation Accepted	0	0		
Sexual orientation Rejected	1	1		
Disability Accepted	0	0		
Disability Rejected	0	0		
Gender Reassignment	0	0		
Gender Reassignment	0	0		

Other Matters

1. DI Thomas has delivered a presentation and two workshops to 123 multi-agency partners around Abuse of Position for a Sexual Purpose during Safeguarding week covering the following areas:
 - What is abuse of position?
 - View of the HMICFRS
 - Individuals at Risk
 - Reputational / Organisational Risk to Police and Partners
 - Signs and signals
 - Case studies
 - Reporting to Gwent Counter Corruption / investigation
2. Gold Group chaired by the Deputy Chief Constable in relation to attribution and monitoring of devices is continuing with a working group established to resolve some of the current issues.
3. Performance framework now in place for PSD and the first round of performance meetings have taken place. These meetings along with the data will become more informative as time goes on, but already some inefficiencies in our system have been identified which can be resolved.
4. IOPC carried out an audit of cases due to a decrease in referrals to them. The audit was positive and none of the cases scrutinised required a mandatory referral and the decrease was more than likely due to the restrictions imposed periodically relating to the COVID19 pandemic.
5. Process Evolution carried out a national comparison of vetting units around the country in light of the 20,000-resource uplift. Highlights from the profiler are as follows:
 - There is currently enough capacity to deal with current demand albeit it was recommended a part time resource would be beneficial when busy. A resource for 6 months has been agreed at the Workforce Resource Meeting and we are currently reviewing applicants.
 - There is a proportionate level of Management Vetting and there are good systems in place to flag up the need for Management Vetting.
6. Updated version of Centurion launched January 2021

6	<p><u>NEXT STEPS</u></p> <ul style="list-style-type: none"> • Build in equality monitoring to the performance framework and meetings • Business Case regarding the procurement of an alternative device monitoring product • Continuation of the Gold Group regarding monitoring of devices.
7.	<u>FINANCIAL CONSIDERATIONS</u>
7.1	Business Case for alternative monitoring software being completed for Service Improvement Board.
8.	<u>PERSONNEL CONSIDERATIONS</u>
8.1	None
9.	<u>LEGAL IMPLICATIONS</u>
9.1	None.
10.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u>
10.1	This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.
10.2	In preparing this report, consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998.
11.	<u>RISK</u>
11.1	No issues of risk to note other than the monitoring of devices – Gold Group already in place.
12.	<u>PUBLIC INTEREST</u>
12.1	None at this time.
13.	<u>CONTACT OFFICER</u>
13.1	Detective Superintendent Leanne Brustad
14.	<u>ANNEXES</u>
14.1	None.