

2nd October 2008

Paul Caton
Direct line 0151 285 5504

To: **The Chairperson and Members
of the Professional Standards and Complaints Committee**

Dear Sir/Madam

I refer to the papers circulated yesterday for the meeting of the Professional Standards and Complaints Committee to be held on Thursday next, 9th October 2008 and attach the following which should be considered as an addendum to the agenda:-

3A. Analysis of Complaints

To consider the report of the Chief Constable

I should be grateful if you could bring the report, together with the other papers, along with you to the meeting.

Members are also reminded that a Members training session on Dip Sampling of closed complaints files will commence at 11.00am as previously advised. The scrutiny of files will commence at 1.00pm as normal.

Yours faithfully



Sheena Ramsey
Chief Executive to the Authority

MERSEYSIDE POLICE AUTHORITY

PROFESSIONAL STANDARDS & COMPLAINTS COMMITTEE

MEMBERSHIP

Elected Members

Mrs R Bailey
G Howe (Chairman)
I Jobling
Ms D Kerrigan
Mrs K Wood

Independent Members

Mrs D Clark
Mrs V Davies
Prof A B Zack-Williams
Mrs F Street JP
Vacancy



To: The Chairperson and Members of the
Professional Standards and Complaints Committee

Meeting: 9th October 2008

Report of the Chief Constable

Analysis of Complaints

1. Purpose

The purpose of this report is to provide Members of the Professional Standards and Complaints Committee with an analysis of complaints against the police, covering the period 1st April 2008 to 31st July 2008.

2. Recommendation

Members are invited to note this report.

3. Background

At the last meeting of the Professional Standards Committee on 7th August 2008, Members requested:

- That future reports include the number of complaint allegations per 1,000 officers. The information is contained within this report.
- Further information on the role of the Force Mental Health Champion [Liaison Officer]. This information is also contained within this report.

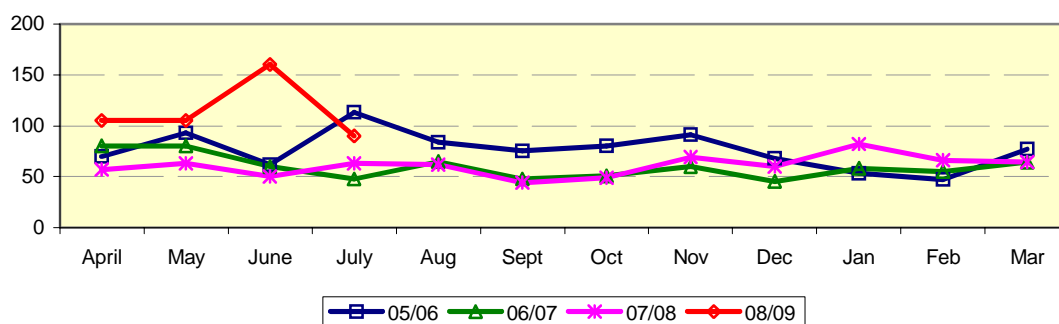
4. Analysis of Complaints

Force Performance

4.1 Complaint Allegations Recorded

From 1st April to 31st July 2008, there have been a total of 460 complaint allegations recorded across the Force. This total compares to 233 complaint allegations over the same period in 2007, representing an increase of 97%. As outlined in the last report, Merseyside Police has adopted the National Recording Guidelines and anticipated this increase as a result. The graph overleaf illustrates the trends:

Complaint Allegations Recorded Against Force



4.2 A comparison of the first two months of the current year with the second shows a 20% increase in the number of allegations recorded in June and July 2008. The majority of this increase occurred in June, which had the highest number of allegations for the year to date, while July saw the lowest number of allegations recorded in a month since the new recording procedures were adopted.

4.3 From the data available, analysis of the peak in June does not indicate there were any patterns or trends in relation to an increased number of complaints, arising as a result of Force operations such as Tango and Big Wing.

4.4 Area Performance

The table below shows the number of complaint allegations recorded for each Basic Command Unit (BCU) on a monthly basis:

BCU	April 08	May 08	June 08	July 08
Wirral	5	3	21	9
Sefton	16	7	24	12
Knowsley	11	10	27	7
St Helens	5	12	10	7
Lpool North	25	43	48	32
Lpool South	28	8	16	14
OSU	4	9	9	8
Matrix	10	9	0	0
ASBU	0	4	3	0
Other	1	0	1	1
Total	105	105	160	90

4.5 5 of the 6 BCUs saw a significant increase in the number of allegations recorded in June, as would be expected with the increase for the Force as a whole, with St Helens being the exception. Although the allegations recorded for Liverpool South increased from May to June, it was still lower than the very high levels seen in April.

- 4.6** All BCUs and departments recorded fewer allegations in July than in June, with Knowsley receiving the lowest number recorded in a single month for the BCU. There has not been a complaint allegation recorded against Matrix officers in the last 2 months.
- 4.7** As mentioned in the last report, the new guidelines are making analysis of allegations particularly difficult. The wide fluctuation seen in June demonstrates this, as there is no apparent trend or single event behind the sharp increase. One example from July, involves multiple allegations that Officers have been 'harassing' an individual. Because the letter of complaint indicates a number of different times and places this has resulted in 7 allegations being recorded. Previously only 2 would have been.
- 4.8** The average number of allegations for the year to date is 115 per month, just under twice as many as the monthly target of 59 set for the Force for last year. The current level is slightly lower than Professional Standards Department (PSD) had anticipated following the introduction of the new guidelines.

4.9 Complaint Allegations Per 1,000 officers

The table below shows the number of complaint allegations per 1,000 officers for the BCUs and departments:

Area	Complaint Alleg's (April 08 - July 08)	Allegations per 1,000 officers
Wirral	38	63.33
Sefton	60	118.34
Knowsley	55	154.49
St Helens	34	95.51
Liverpool North	148	168.76
Liverpool South	66	134.97
OSU	30	78.95
Matrix	19	89.62
ASBU	7	134.62
Other/ Unknown	3	-
FORCEWIDE	460	101.95

- 4.10** Liverpool North has the highest number of allegations per officer. It should be noted that as the area historically receives the highest number of complaints due to the make up of the BCU, Liverpool North is the BCU that will be affected most by the new recording guidelines.
- 4.11** Knowsley has the second highest number of allegations per 1,000 officers, largely due to the high levels recorded in June. The Anti-Social Behaviour Taskforce (ASBT) has high numbers per 1,000 officers primarily due to the low levels employed, while the role they carry out often places them in confrontational situations. 4 allegations (57%) of the 7 recorded for the ASB were for Incivility.

4.12 **Categories of Complaint**

The table below shows the three main types of complaint over the period April 2008 to July 2008. Because of the effect the recording guidelines have had on the number of allegations recorded, there is little value comparing this data to last year. A comparison has been provided on the number of allegations recorded in the first 2 months and the last 2 months. Once there is sufficient data the comparison in future reports will be based on 3 monthly comparisons.

Complaint type	All Allegations (Apr - July 08)	Allegations Apr - May	Allegations June - July	% change +/-
Other assault	110	61	49	-20%
Incivility	153	82	71	-13%
Other neglect of duty	62	22	40	+82%
Other complaint types	135	45	90	+100%
Total	460	210	250	+19%

- 4.13 The three main complaint categories remain as Incivility, Other Assault and Other Neglect of Duty. Allegations of incivility reduced over the last 2 months, and in July were lower than the same period last year, despite the change in recording standards. 5 cases arose from arrest, 3 from traffic incidents and one during the issue of a fixed penalty, spread across the force area.
- 4.14 Allegations of other assault have also reduced over the last 2 months. There is no discernable pattern in relation to stations or sections, but one individual officer has been subject of 4 such complaints in 3 months. The officer has been highlighted to the BCU Command Team, for consideration for the referred officers scheme (see paragraph 4.30 below).
- 4.15 The issues of concern for Other Neglect of Duty, mainly related to allegations of failure to investigate or progress investigations and allegations of failure to act. All BCUs received allegations in this category in June and July and it has been the focus of 'Back to Basics' inputs. Feedback has also been supplied by PSD to the monthly Citizen Focus group.
- 4.16 The number of allegations for all remaining categories has doubled in the last 2 months. There are no particular areas of significance within these at present, but this is monitored on a monthly basis via the Professional Standards Tasking and Co-ordination meetings. A complete breakdown of complaint types is included within Appendix 1 to this report.
- 4.17 **Complainants – Age**

Based on the complaint cases recorded between 1st April 2008 and 31st July 2008, there were 271 individual complainants, with 66% being men and 34% women. Of those, age was recorded for 214 (79%) and the age split is shown overleaf:

Age Range	Number	% Of Complainants
17 and under	9	4%
18 - 20	21	10%
21 – 30	48	22%
31 – 40	53	25%
41 – 50	46	21%
51 – 60	25	12%
61 +	12	6%
Total	214	100%

4.18 Just a quarter of all complainants, where age is known, are aged between 31 and 40 of which 58% are men and 42% are women. 8 of the 9 complainants aged 17 and under, are men and 8 of the 9 provided self-class ethnicity details as W1 (White British).

4.19 Complainants – Self Class Ethnicity

Of the 271 individual complainants, 199 (73%) provided self-class ethnicity. This is broken down, allowing for rounding, in the table below:

Self Class Ethnicity	Number	% Of Complainants
A1 (Asian Indian)	0	0%
A3 (Asian Bangladeshi)	1	0.50%
A9 (Any Other Asian background)	3	1.51%
B1 (Black Caribbean)	2	1.01%
B2 (Black African)	7	3.52%
B9 (Any other Black background)	2	1.01%
M1 (White and Black Caribbean)	0	0%
M2 (White and Black African)	1	0.80%
M3 (White and Asian)	3	1.51%
M9 (Any other mixed background)	0	0%
O1 (Chinese)	0	0%
O9 (Any other Ethnic Group)	1	0.50%
W1 (White British)	168	84.42%
W2 (White Irish)	4	2.01%
W9 (Any other White Background)	7	3.52%
Total	271	100%

(Of the 31 complainants' not self-classified as W1, 21 (68%) are men)

4.20 PSD continue to monitor complaints based on all strands of diversity and report findings and trends to the Force Diversity Steering Group, chaired by the Deputy Chief Constable.

4.21 **Finalised Complaint Cases**

Over the reporting period, 216 cases were finalised by the following methods:

Result Description	April – July 08	Percentage of total
Dispensation or Discontinuance	61	27%
Local Resolution	91	42%
Substantiated	2	1%
Unsubstantiated	30	14%
Withdrawn	32	15%
Total	216	100%

4.22 PSD continues to work with the Areas through training inputs to enhance their ability to resolve complaints locally. The percentage of locally resolved complaints has decreased slightly to 42%. This is against a background of a large percentage of cases that continue to result in Dispensation or Discontinuance which has increased as a percentage, as well as a large percentage that are withdrawn.

4.23 There has been 1 case that has been substantiated since the last report, which is as follows:

- Irregularity in Evidence/Perjury & Other Neglect of Duty. Substantiated against 1 officer. Officer made false entry in pocket notebook and failed to investigate a report of a crime and to keep the complainant informed. The officer appeared before a misconduct panel and received a fine of 9 days pay.

4.24 **Mental Health Liaison Officer**

4.25 The Force has a Mental Health Liaison Officer, who is jointly funded by Merseyside Police and Mersey Care. As part of the role, the Liaison Officer provides specific training through the Force's Training Academy on Mental Health issues. The training module covers areas such as; mental health disorders and meanings, legislation, the Mental Health Act, Police and Criminal Evidence (PACE) and learning through case studies. As part of the training there is also a demonstration of a Mental Health interview with a person suffering auditory hallucinations.

4.26 To date a number of departments have received the training including Custody Officers, Armed Response Officers, Force Incident Managers and Control Room staff. All probationer constables receive a Mental Health Awareness input.

- 4.27 The Mental Health Liaison Officer liaises with outside agencies, monitoring potentially high-risk people with a mental disorder and using a Multi-Agency Problem Solving approach to reduce/minimize the risks. In addition the officer can assist in the investigation and prosecution of a mentally disordered offender.
- 4.28 The Force Intranet site, which is accessible to officers 24 hours a day, has a section set up to provide guidance to officers on Mental Health issues, including providing useful telephone numbers of agencies that have experience with dealing with Mental Health issues, like the Criminal Justice Mental Health Liaison Service, as well as hospitals, and information on what to do in certain circumstances, such as finding mentally disordered persons in public places.

4.29 Professional Standards Department Initiatives

- 4.30 PSD continue to use the Referred Officer Scheme, identifying those who attract 3 or more complaints or civil litigation matters in 12 months. These are notified to BCU Command Teams who will hold a case conference to consider whether any further action is required. Currently 10 Officers are subject of action plans as a result. A further 16 cases are under consideration.
- 4.31 The department has been heavily involved in finalising preparations for the introduction of new Misconduct, Unsatisfactory Performance and Attendance Procedures, which are to be implemented from 1st December 2008. PSD have been collaborating on a regional basis in relation to production of forms, process maps and training etc. All Police Officers will receive training in Autumn, with specialist sessions for those with a role to play in investigations, and chairing the new meetings or hearings. A full report will be presented to a future meeting.
- 4.32 PSD have revised and implemented new procedures involving the imposition of restricted duties or suspension of officers. The new procedures give clear guidance as to when restrictions may be necessary; clearly document rationale for their use and includes a regular formal review by the Deputy Chief Constable. Officers are given the opportunity to make representations about the continuance of restrictions or suspension in advance of the review meeting and receive formal notification of decisions taken.

5. Financial and Staffing Implications

There are no specific financial or staffing implications associated with this report.

6. Risk Assessment

The Professional Standards Department will continue with its proactive initiatives with the aim of further reducing complaints against the Force, working with all other Force areas and departments to ensure the highest levels of public satisfaction and confidence in Merseyside Police.

7. **Equality and Diversity Impact Assessment**

The complainant profile is analysed by the various diversity strands through the monthly Tasking and Co-ordination process and any disproportionality is subjected to further investigation by PSD to ensure equality of treatment. Additionally, the analysis by diversity is forwarded to the Force's Diversity Steering Group for scrutiny and any action, if necessary.

8. **Environmental Impact Assessment**

There are no environmental issues associated with this report.

9. **Conclusion**

This report provides Members with statistics and brief analysis of complaints against the police in relation to the period 1st April 2008 to 31st July 2008.

Bernard Hogan- Howe
Chief Constable

Contact: *Chief Superintendent Michael Baines, Head of PSD*
Telephone: *0151 777 3300*

Complaint Type Categories

Complaint Type	Home Office Classification	Comp Allegs Apr 08 – July 08
Serious non-sexual assault	A	2
Sexual Assault	B	0
Other assault	C	110
Oppressive conduct/ harassment	D	20
Unlawful arrest or detention	E	25
Discriminatory Behaviour	F	6
Irregularity in evidence/ perjury	G	7
Corrupt Practice	H	0
Mishandling of property	J	13
Breach Code A PACE	K	7
Breach Code B PACE	L	17
Breach Code C PACE	M	11
Breach Code D PACE	N	0
Breach Code E PACE	P	0
Lack of fairness and impartiality	Q	10
Multiple/unspecified breaches PACE	R	0
Other neglect or failure in duty	S	62
Other irregularity in procedure	T	4
Incivility	U	153
Traffic irregularity	V	5
Other	W	0
Improper disclosure of information	X	8
Other Sexual conduct	Y	0
TOTAL		460

Explanation (Breach of PACE Codes A – E)

● **Breach of PACE Code A – (Stop and Search).**

Unjustified use of the relevant power, particularly where reasonable suspicion cannot be supported; failure to act appropriately before or during a search or to make the necessary record where practicable.

● **Breach of PACE Code B – (Searching premises or seizing property).**

Unauthorised entry on search; failure to provide information to occupier; improper or excessive force; failure to record searches properly; not securing premises where necessary; breach of rules on seizure or retention

● **Breach of PACE Code C – (Detention, treatment and questioning).**

Failure to inform detained persons of their rights and entitlements: unjustified obstruction of access to legal advice: holding persons incommunicado: not providing necessary support / advice to young / vulnerable persons: failure to maintain accurate custody / property records: not providing mandatory physical conditions whenever practicable: not carrying out searches of detained persons in accordance with the Code: conducting review of detention improperly or at inappropriate intervals. Failure to caution or charge when required: interfering oppressively or not in appropriate circumstances: not making proper records of interviews or allowing them to be checked by suspects where practicable: not providing interpreters where necessary.

● **Breach of PACE Code D – (Identification Procedures).**

Failure to provide suspects with information about identification procedures or to offer them a choice between procedures where appropriate: not conducting or recording identification procedures properly: not obtaining the necessary consent to the taking of fingerprints, photographs or body samples: not providing suspects with the opportunity to witness destruction of fingerprints or photographs where appropriate.

● **Breach of PACE Code E – (Tape Recording).**

Failure to tape record (without good reason): failure to handle tapes openly and in front of the suspect or to maintain adequate tape security: not making a proper record of objections, complaints, breaks, etc.