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## **QUARTERLY REPORT: COMPLAINTS, MISCONDUCT & OTHER MATTERS**

Report of the Chief Constable

Contact: Detective Superintendent Dean Chapple

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### **1. Purpose of Report**

1.2 This report outlines the data and performance of Complaints, Misconduct and other matters that have been processed in the 12 month period up to 30 September 2017 by the Professional Standards Department (PSD).

The report follows the agreed format required by the Police, Fire and Crime Commissioner and informs the Police, Fire and Crime Commissioner of performance, work being undertaken and outcomes.

### **2. Recommendation**

2.1 That the Police, Fire and Crime Commissioner considers the report and raise any queries though the quarterly meeting with the Deputy Chief Constable.

Stephen Kavanagh  
Chief Constable  
Essex Police

# **Professional Standards Department**

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## **Part 1 - Performance Report Complaints and Misconduct**

**Date: 1<sup>st</sup> December 2017**

**Unit: Professional Standards**

**Contact: D/Supt Dean Chapple**

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## Performance Summary

### Recorded Complaints

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The overall trend in recorded complaints continues see a decline with 28 less recorded in quarter 2 (Jul to Sept 17) when compared to the previous quarter and 79 less when compared to the same period last year. Whilst there was a slight increase from Aug to Sept 17 this is consistent with previous years where regular peaks occur during the summer periods.

9

North Local Policing Area (LPA), Serious Crime Directorate (SCD), Contact Management (CM) and Criminal Justice and Offender Management (CJOM) Commands are currently projected to end the 2017/18 year with more recorded complaints than the previous year.

South LPA, West LPA, Operational Policing (OPC) and Public Protection Unit (PPU) Commands have recorded significantly less complaints so far this year and are projected to end 2017/18 in a positive position.

### Timeliness

92% of complaints are recorded within 10 days against a national average of 81%. Between Apr to Sept 17 the average time taken to finalise a complaint was 138 days, a significant reduction from 189 days for the same period last year although recognised as an ongoing area for improvement against a national average of 108 days.

10

Over a rolling 12 month period 35% of overall complaints were finalised within 90 days with SCD Command finalising 65% and PPU Command 50% of their complaints within that time.

### Outcomes

The most common outcome for finalising an allegation has been through the use of local resolution (LR) accounting for 48% of outcomes year to date (Apr to Sept 17) compared to 43% nationally. The use of LR is increasing with 38% resolved through LR during the same period last year.

11

64% of upheld complaints over the 12 month period (Oct 16 to Sept 17) were dealt with by Management Action with 5% (9 cases) resulting in formal procedures.

47% of all upheld complaints over the last 12 months concerned Failures in duty (S).

### Complaint Categories by exception

Allegations of Sexual Assault (B) have seen an increase this year although numbers remain low. Whilst two investigations remain ongoing one has been finalised and the complaint was not upheld.

13

The overall trend in allegations of Oppressive Conduct (D) is reducing although North LPA and OPC have seen an increase with North LPA projected to record more complaints in this category than last year and OPC already exceeding last years.

15

Allegations of Discriminatory Behaviour (F) continue to reduce with peaks seen in summer periods, a consistent theme when looking at previous years. Over the last 12 months 59% of allegations related to Race. North LPA again features as having the highest recorded complaints in this category 17

Whilst allegations of Corrupt Practices (H) now exceeds the total number recorded last year 70% of the total recorded relate to one individual complainant. 20

Overall Breach of Code B Searching Premises (L) shows a general decline however this category will show a worse end of year position compared to last year due to a rise seen in Aug and Sept 17. An initial review of these complaints shows a majority relate to allegations of unlawful searching such as searching areas within a property, searching persons in properties that have nothing to do with the property and searching bags belonging to someone else. 23

Lack of fairness and impartiality (Q) allegations account for 12% and this category has seen a rise year on year and is now projected to be worse than last year with 78 complaints recorded so far compared to a total of 88 for 2016/17. An initial assessment of complaints within this category has shown that 24% relate to 2 separate complainants but the majority are individual complaints and therefore a more detailed review is necessary to identify themes and consider any action necessary to achieve improvements. 26

Failure in duty (S) remains the most common allegation recorded, currently accounting for 34% of all complaints year to date (Apr to Sept 17). During 2016/17 allegations of this type nationally accounted for 37% of all the allegations recorded and Essex has seen this reduce year on year from 47% of the total in 2015/16 and 40% 2016/17. All Commands are currently expected to show reductions by the end of 2017/18. Over 20% of recorded allegations are linked to 3 complainants. 28

Allegations of Incivility and Impoliteness (U) remain static although this complaint category currently sits in the top 3 for the Force accounting for the highest recorded allegation with 14% of the total. North LPA, South LPA and PPU Commands are projected to end the year in a worse position than 2016/17 whereas all other Commands are likely to achieve improvements. 30

## **Misconduct**

Overall misconduct cases have reduced when compared to 2016/17. Allegations of discreditable conduct feature as the highest category across a majority of Commands although quarter 2 (Jul to Sept 17) was very low. 55

Allegations concerning Honesty and Integrity peaked in August however overall this area remains low when compared to previous years. 57

Over the last 12 months following the outcome of a misconduct investigation 27% resulted in Management Action due to identified Misconduct or Performance matters, 23% resulted in no action being taken and 16% ended with officers attending a misconduct meeting. 65

Since April 2017 9 officers have attended misconduct hearings resulting in 3 dismissals. 67

## IPCC Referrals

Death or Serious Injury (DSI) following police contact accounted for the highest volume of referrals (38%) to the IPCC over the last 12 months. A majority of referrals to IPCC have been returned for local investigation. 68

Between Feb and May 2017 a total of 32 cases referred to the IPCC were returned for local investigation. Since June this year of 34 referrals made 24 have been returned with 10 retained for IPCC independent investigation. 70

## PSD Action Plan

A PSD Action plan is in place in relation to the public complaint process. The plan seeks to address and improve on the quality of service given to complainants in the specific areas of:

1. Timeliness and Delays
2. Customer Contact
3. Case Management
4. Record Keeping

A new paperless complaints process has been introduced for the management of cases subject of local resolution (LR) which has seen time to finalisation reduce to 90 days. This process is now being developed for further roll out during 2018 for all complaint investigations.

The development of procedures to track progress of complaint cases and the introduction of escalation criteria aims to improve customer contact and on-going dip sampling of the quality and performance of case management ensures accountability.

## Next Steps

Based on current performance and findings the following actions will be undertaken;

- Detailed analysis of top 3 complaint categories and those that have already exceeded last year's levels to identify themes and inform activity to improve performance.
- Revised PSD Action Plan to address timeliness of complaint management.
- Provision of complaint/conduct performance reporting to Commands to recognise good practice and highlight areas for improvement.
- Reintroduction of internal PSD Surgeries to provide direct support and guidance to line managers.
- Development of a Leadership training programme for complaint handling.
- Introduction of a PSD Portal to provide guidance, details of real complaint/conduct case studies including outcomes, share best practice and lessons learnt.
- Continue roll-out of paperless system for complaint case management.
- Visit other Forces to identify and share best practice to improve complaint handling.
- To explore opportunities to identify PSD independent critical friends for support in identifying options to improve performance and service delivery

## Dean Chapple

Detective Superintendent  
Head of Professional Standards

## Introduction – Use of Data for reporting.

The Complaint and Misconduct data used for this report is per strand in a case, except for where otherwise stated. It does not cover each officer allegation within a complaint.

For example an overall complaint or misconduct case number is likely to include more than one complaint/misconduct strand or category – the data used reflects the separate strands. There will often be multiple officers subject to a complaint strand. The latter is not generally reflected in this data, except for occasions where it is noted as such.

Caveats:

Complaints and Misconduct data includes those that were de-recorded/withdrawn.

Data is dependent on certain fields being accurate – For example, when considering Commands/Area Responsible – due to changes in structures within the force, and additional commands such as Contact Management, numbers may be skewed compared to other reporting.

This data uses the Area Responsible as recorded initially for Cases; this will not reflect the individual complaint strands and officer allegations which will often be across different commands and areas.

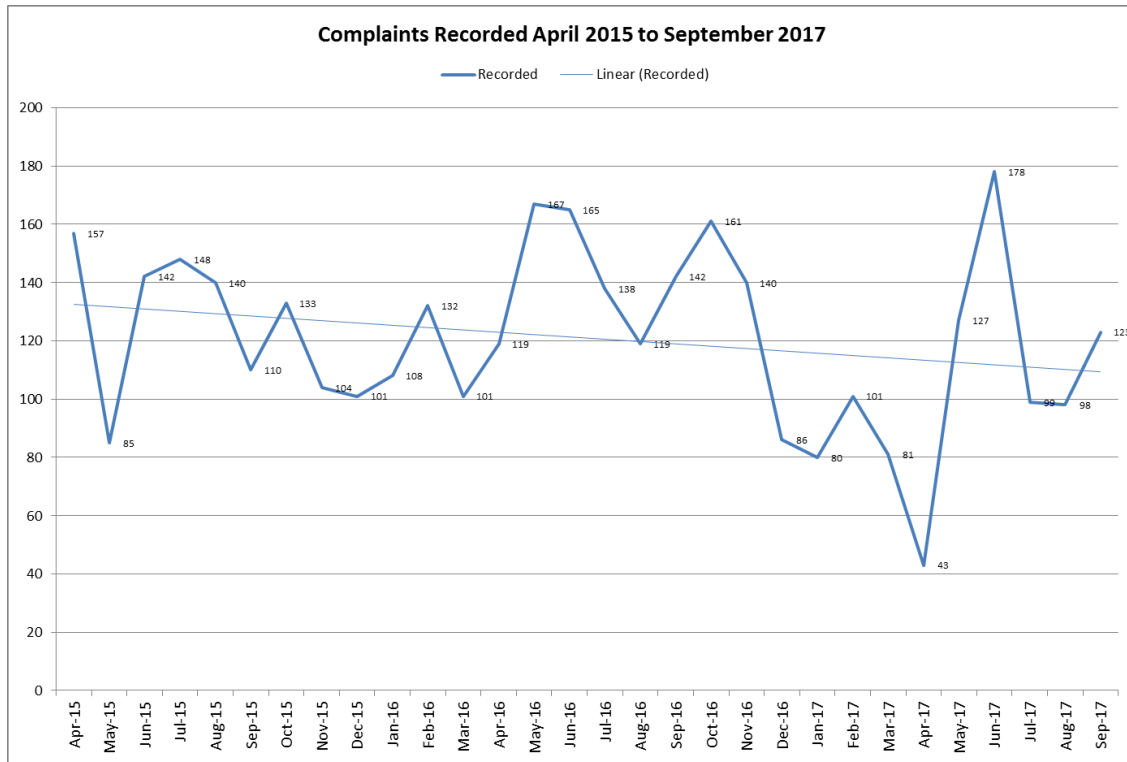
Commands:

The table below details the Commands across Essex Police and the abbreviations that will be used to refer to them throughout the report.

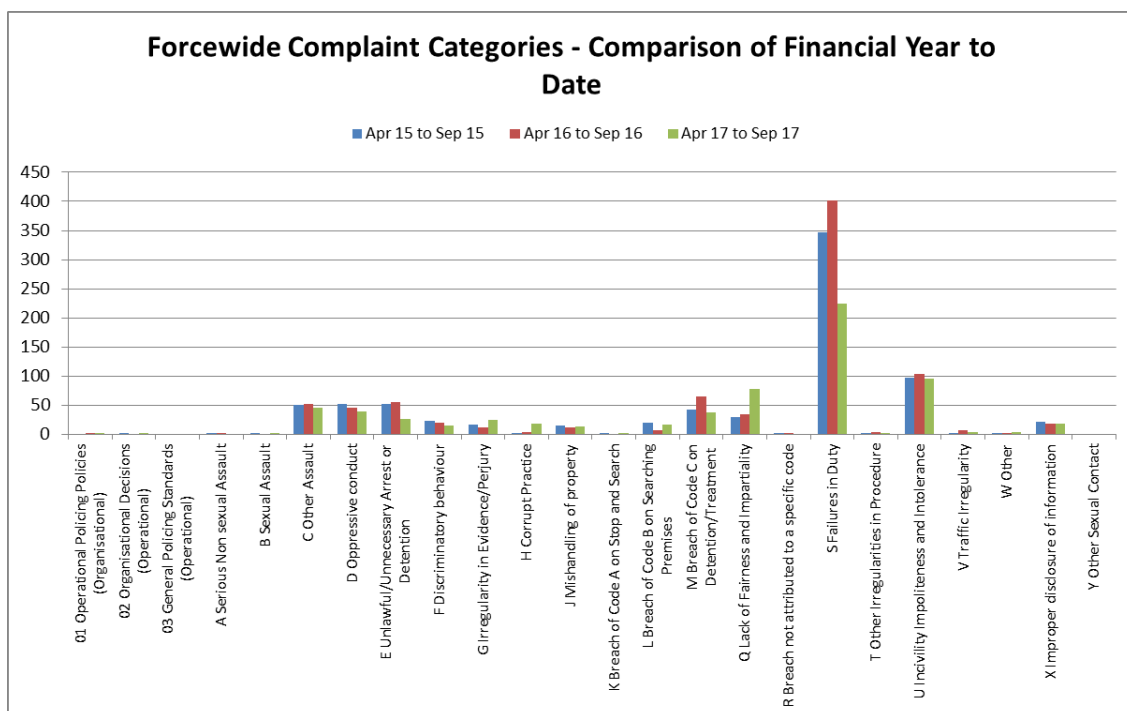
Command Abbreviation	Command
CJOM	Criminal Justice & Offender Management
CM	Contact Management
CT	Counter Terrorism
CPP	Crime & Public Protection
HQ	Headquarters Departments
LPA North	Local Policing Area North
LPA South	Local Policing Area South
LPA West	Local Policing Area West
LPA Other/Unknown	Local Policing Area Other/Unknown
OPC	Operational Policing Command
SCD	Serious Crime Directorate
SPS	Support Services



## Force Complaints

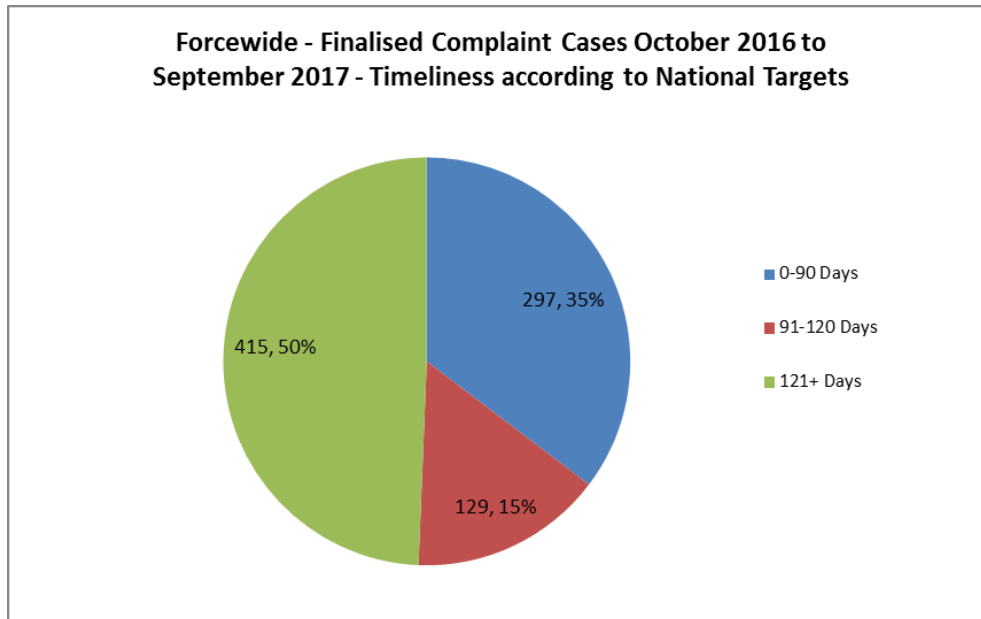


Numbers of complaints have gradually decreased in recent years, with there being regular peaks in the summer months.



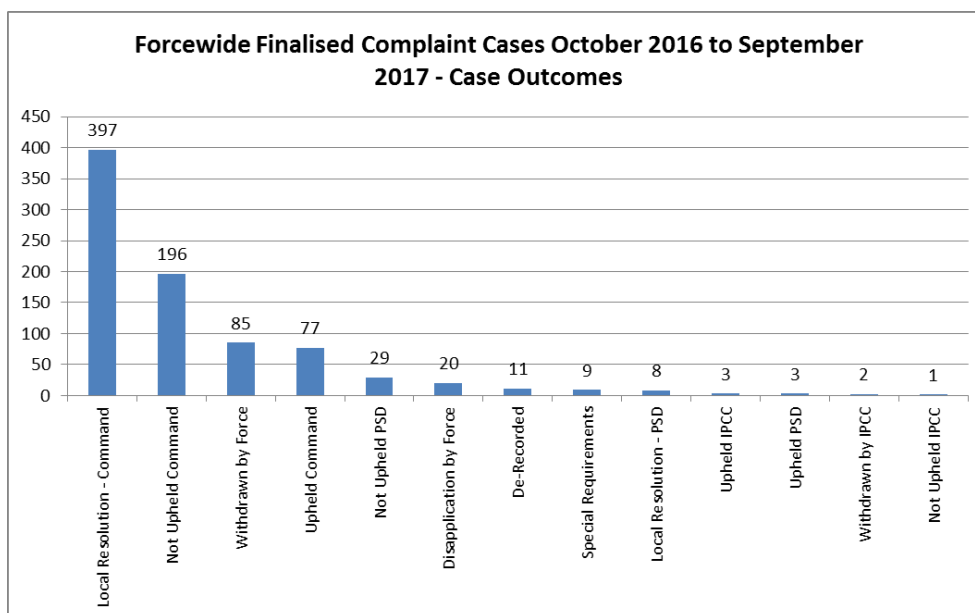
## Timeliness of Complaints

The graph below depicts the number of days for Complaint Cases to be finalised over the last 12 months (not each individual complaint strand as many cases will have multiple strands with the same number of days). Half of cases were over 120 days.



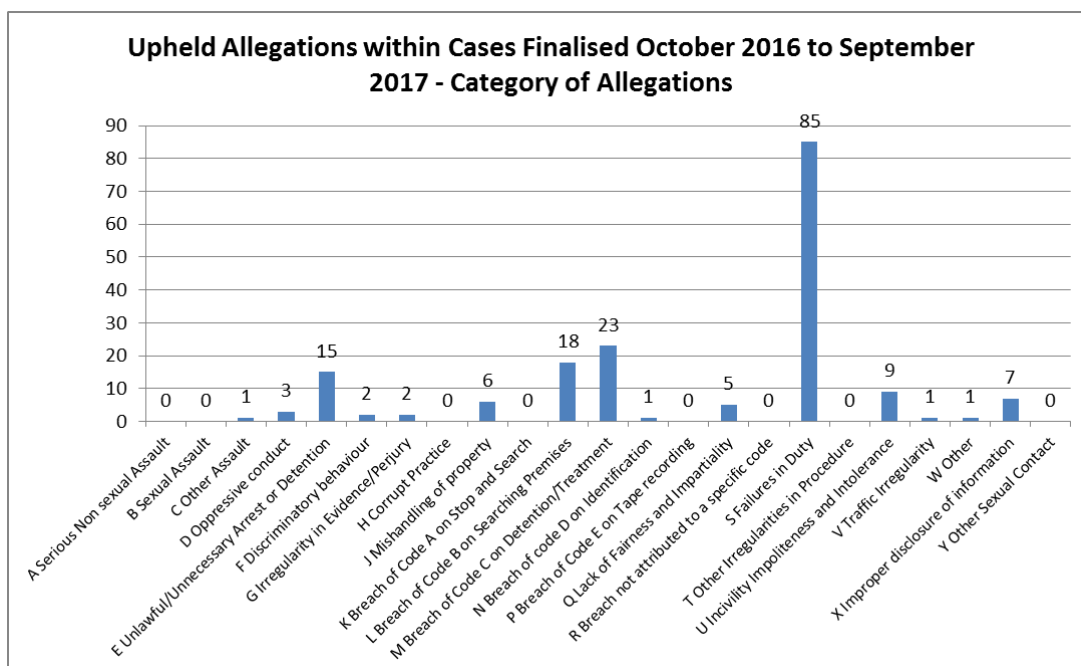
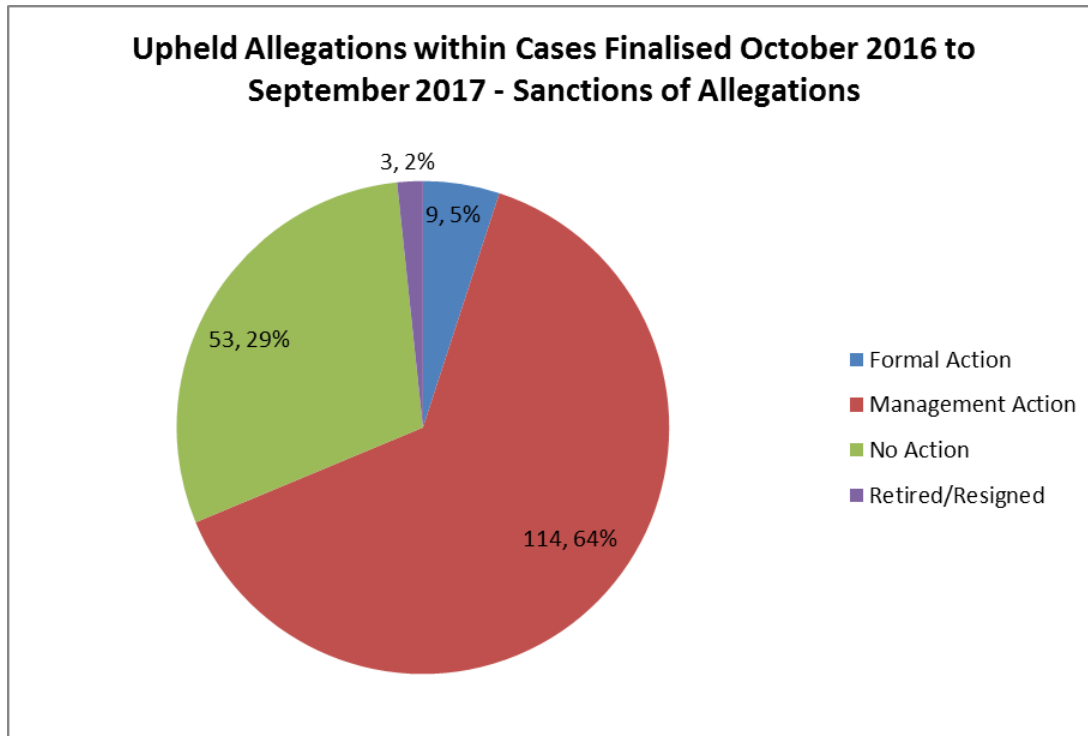
## Outcomes of Complaints

The graph below depicts the overall outcome of those Complaint Cases that were finalised over the last 12 months.

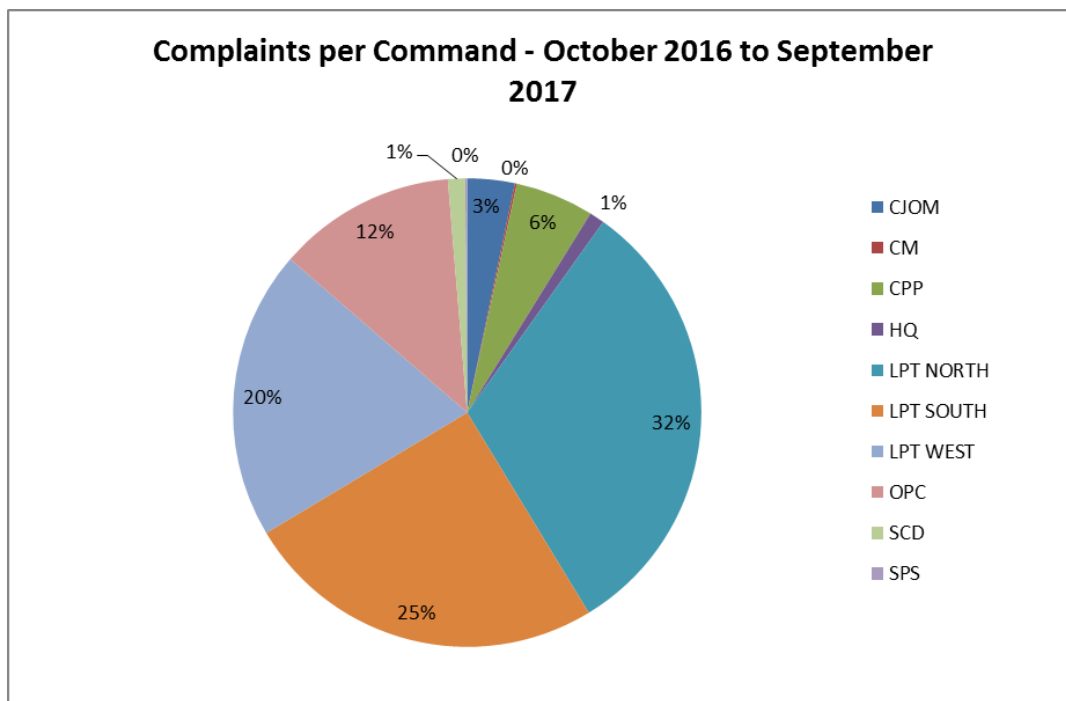
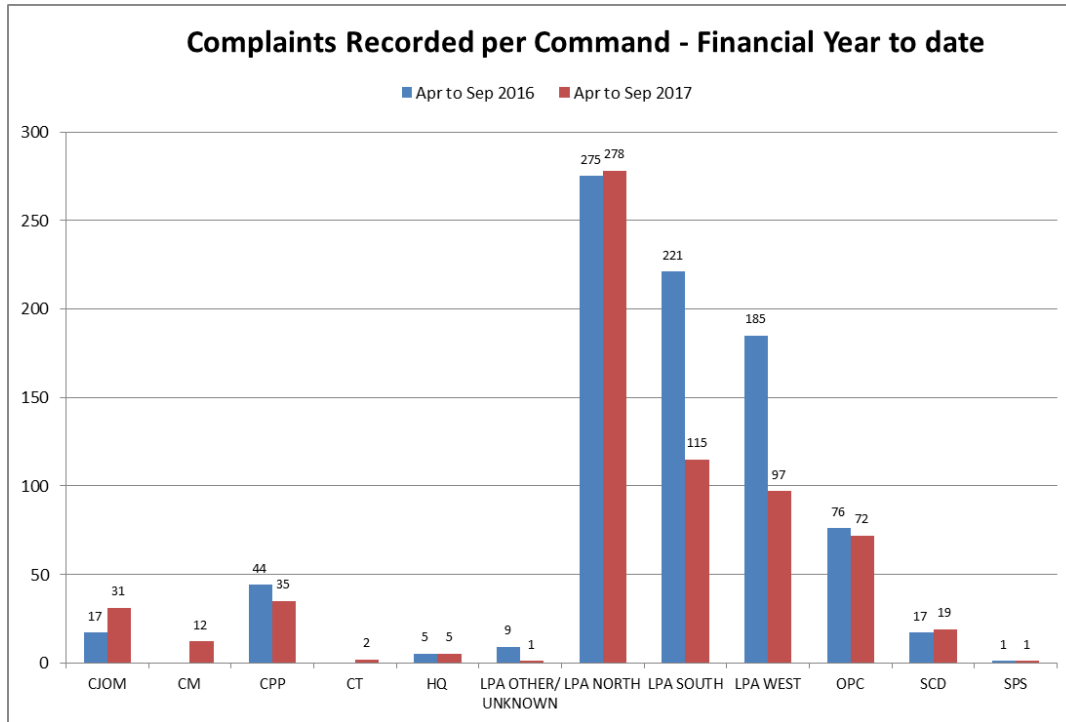


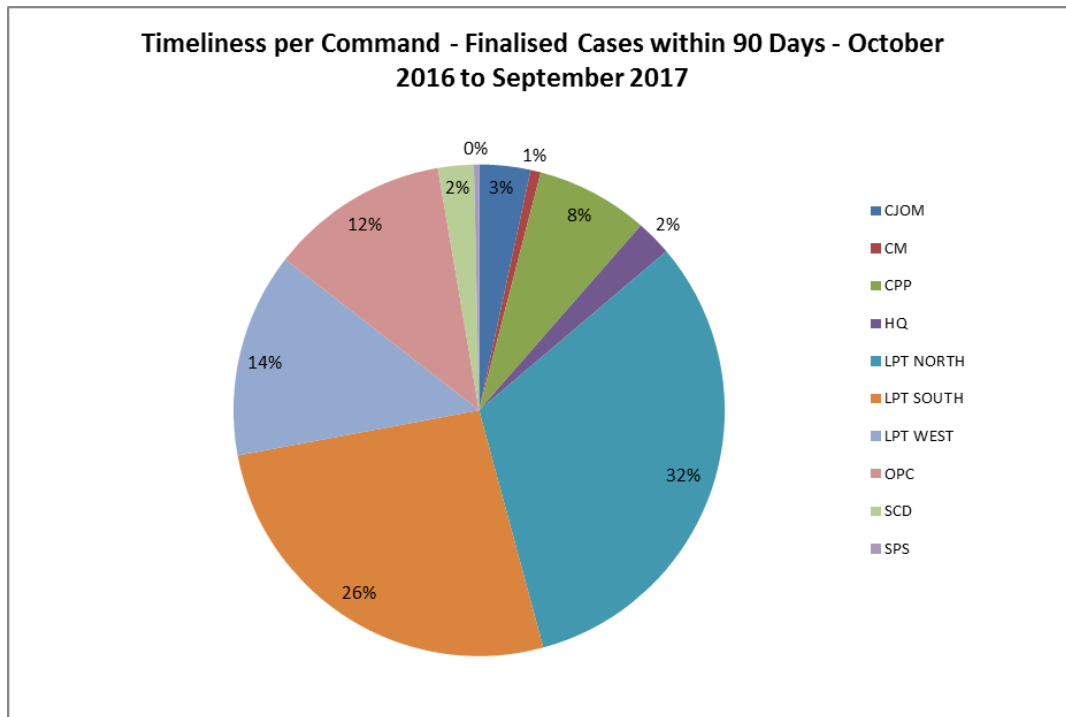
## Upheld Cases/Allegations

The graphs below reflect data relevant to the individual allegations that were upheld in the time frame – there are often numerous allegations against different officers within a complaint Case. Not all allegations within a case will necessarily be upheld. In order to be able to fully represent outcomes, the Upheld allegation data has been used for the following two graphs.



## Command Breakdown of Complaints





## Complaint Categories – Force Overview

### Complaint Code A: Serious Sexual Assault

There are minimal numbers of A category complaints. There have been two complaints recorded since April 2015:

July 2015 – LPA West

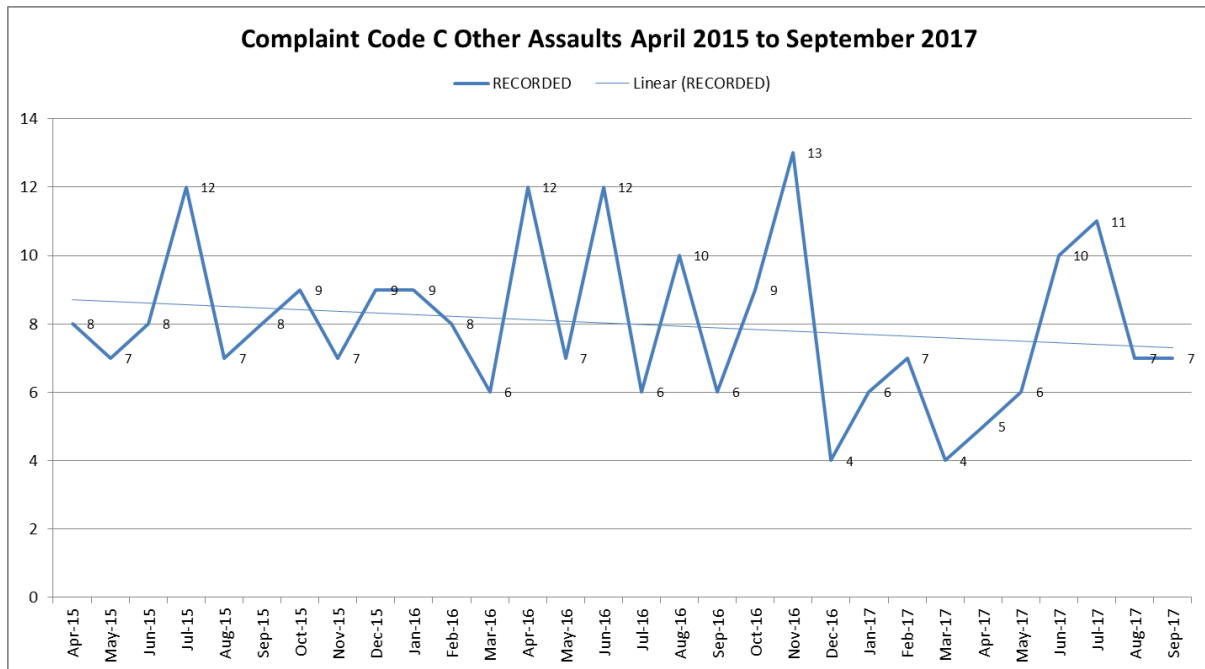
June 2016 – LPA South

### Complaint Code B: Sexual Assault

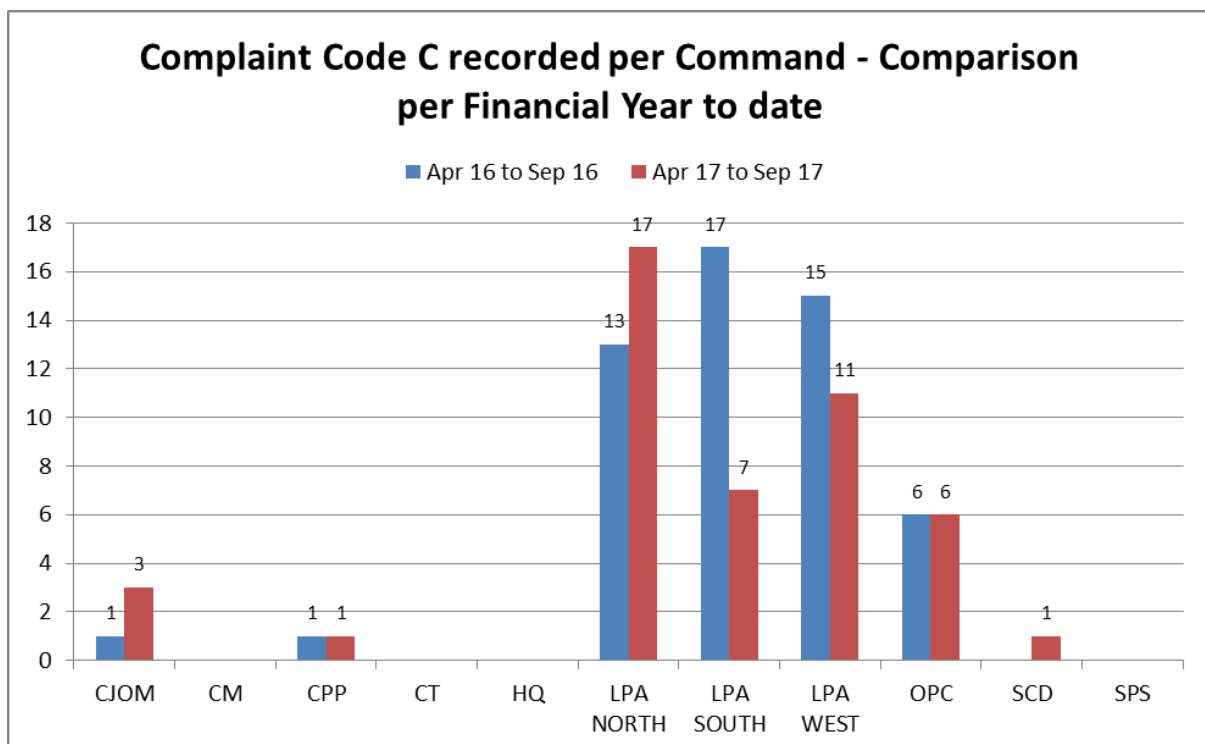
The following table shows numbers of B category since April 2015. Numbers have been low, with five recorded.

Month	Recorded	Command
Jun-15	1	CJOM
Feb-17	1	LPA WEST
Jun-17	1	LPA SOUTH
Sep-17	2	OPC X2
Total	5	

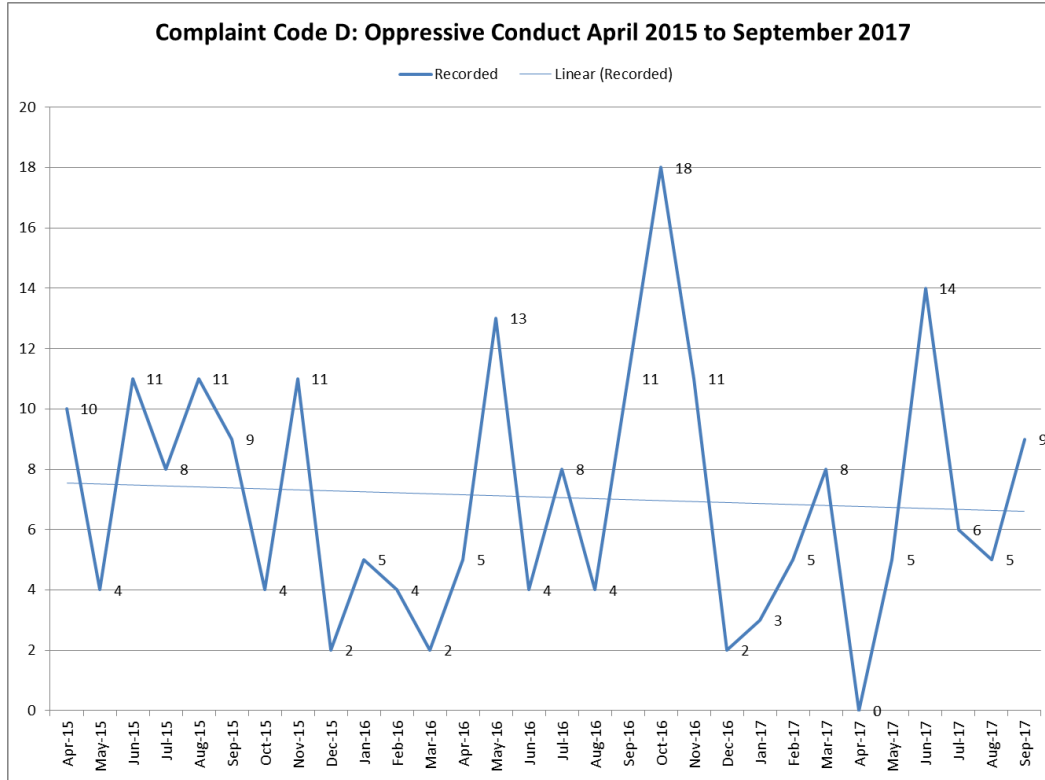
## Complaint Code C: Other Assault



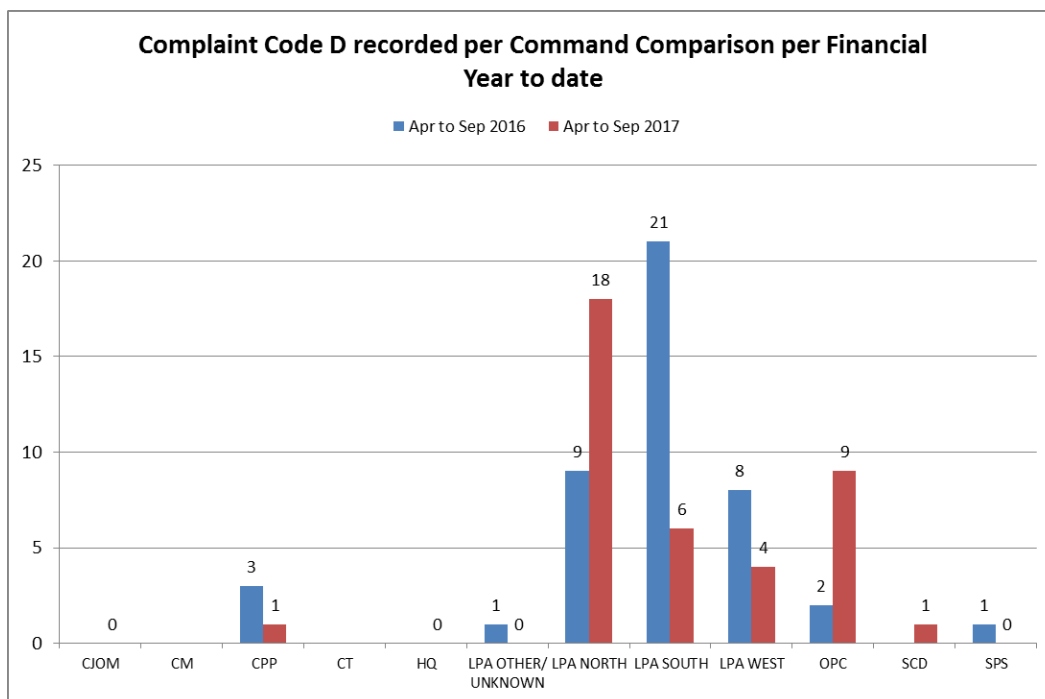
The overall trend in allegations of Other Assault (C) is reducing although North LPA has seen an increase and is currently projected to record more complaints in this category than last year.



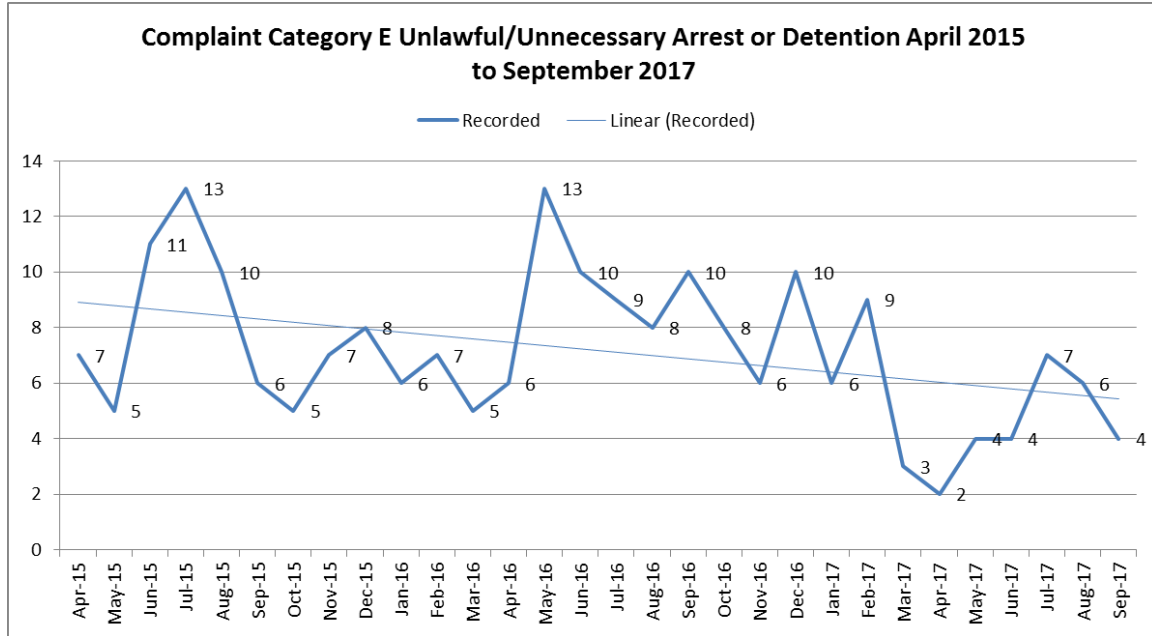
## Complaint Code D: Oppressive Conduct



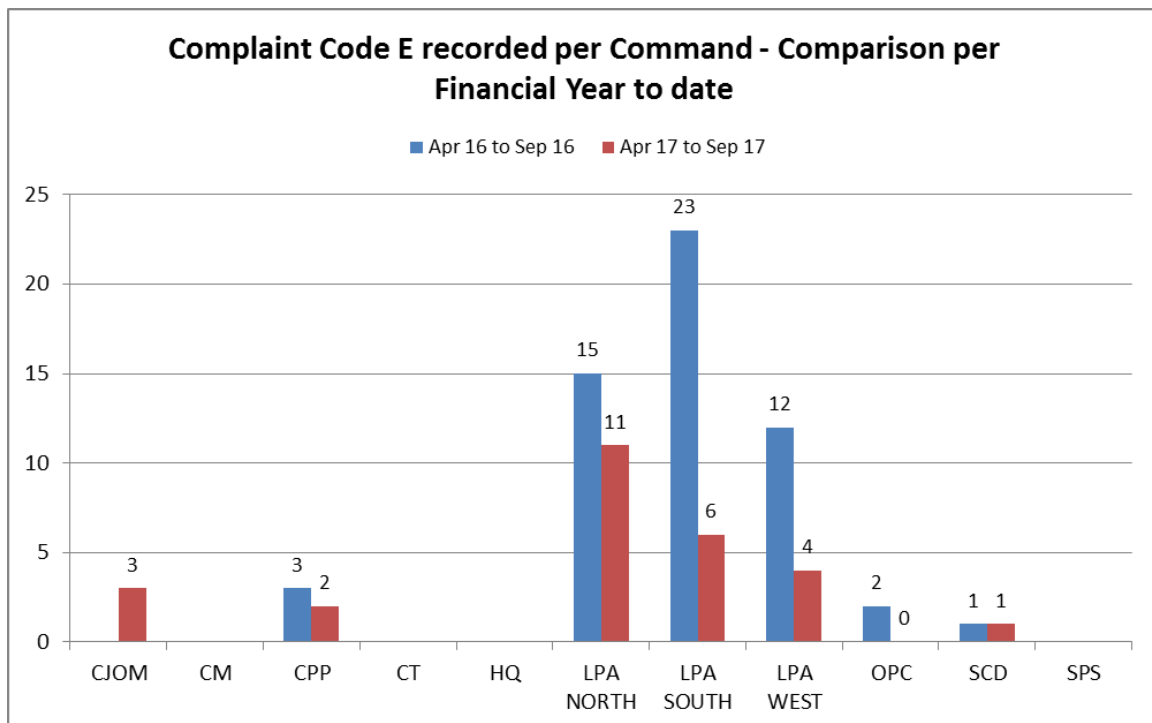
There have been several peaks in D Complaints but numbers have decreased overall.



## Complaint Code E: Unlawful/Unnecessary Arrest or Detention

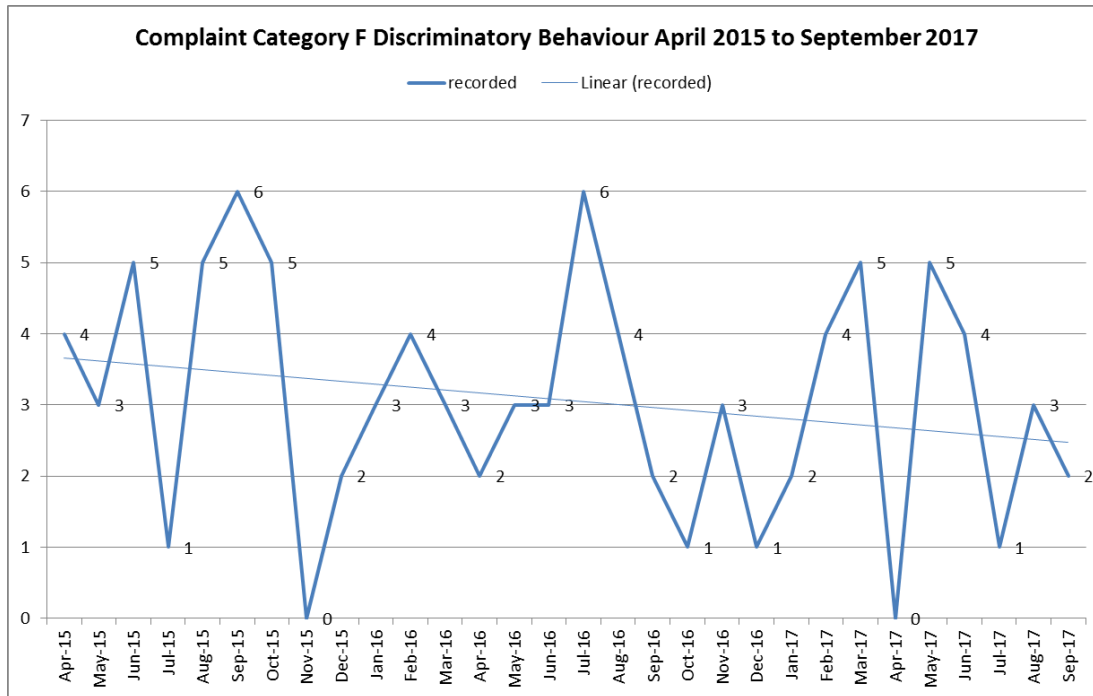


**Category E Complaints have decreased. The previous peaks in the summer months have been repeated in 2017 but numbers are not as high.**

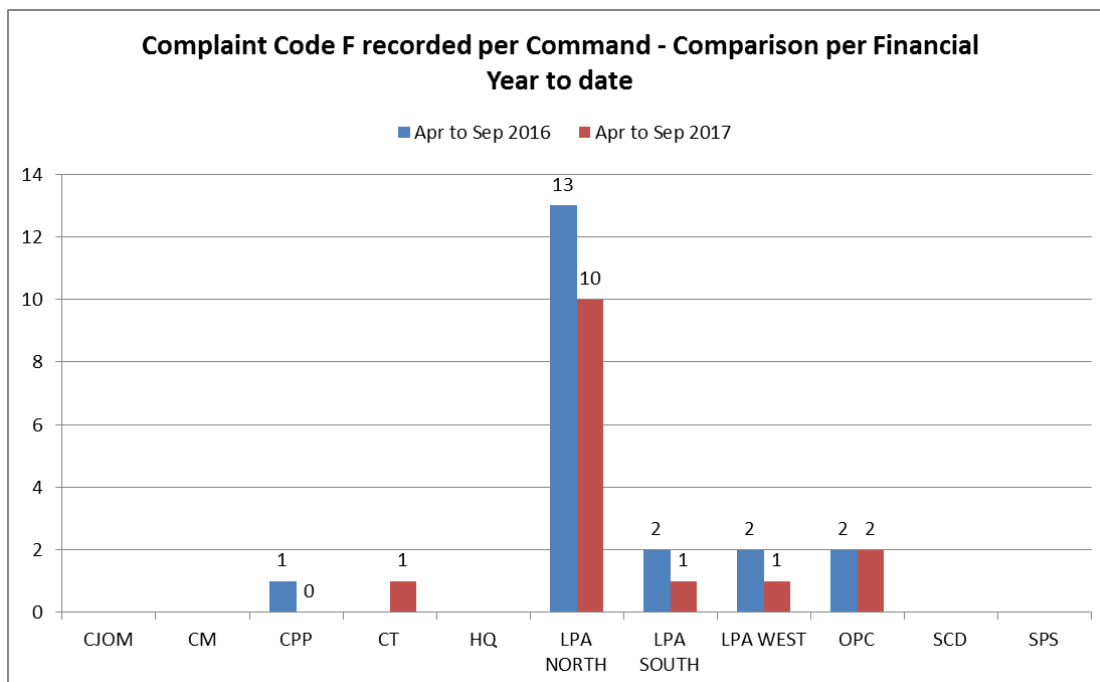




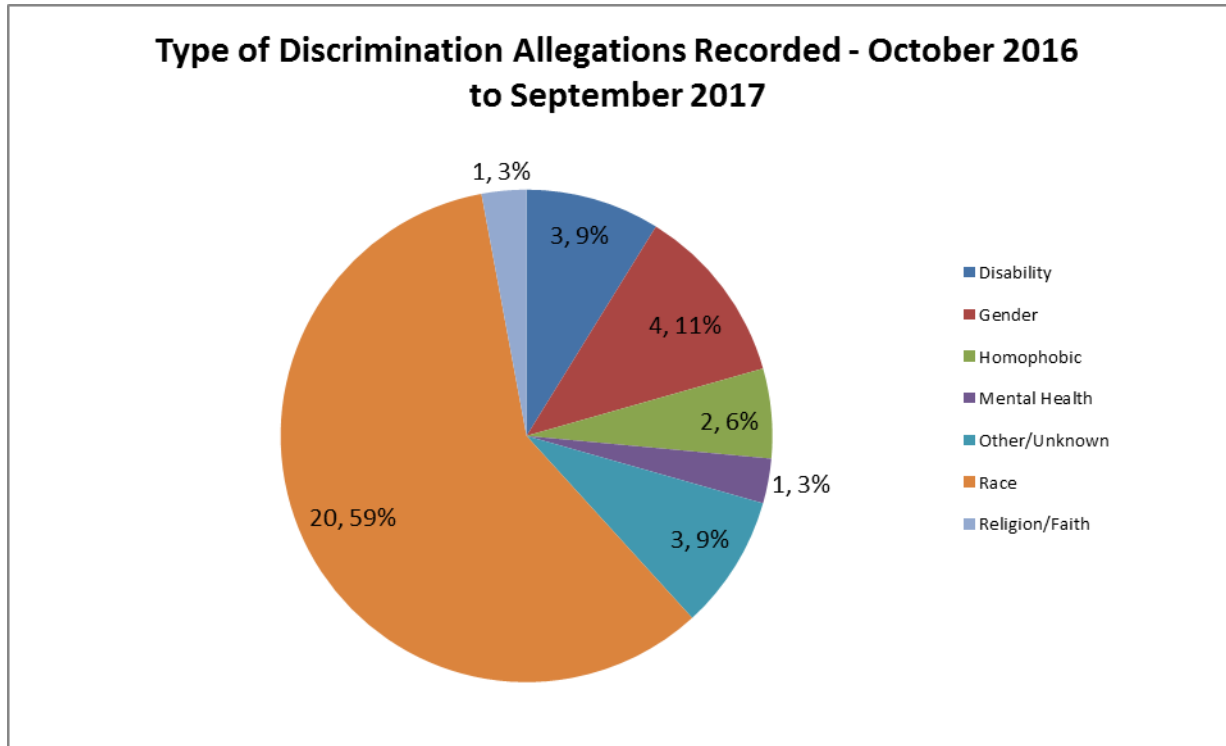
## Complaint Code F: Discriminatory Behaviour



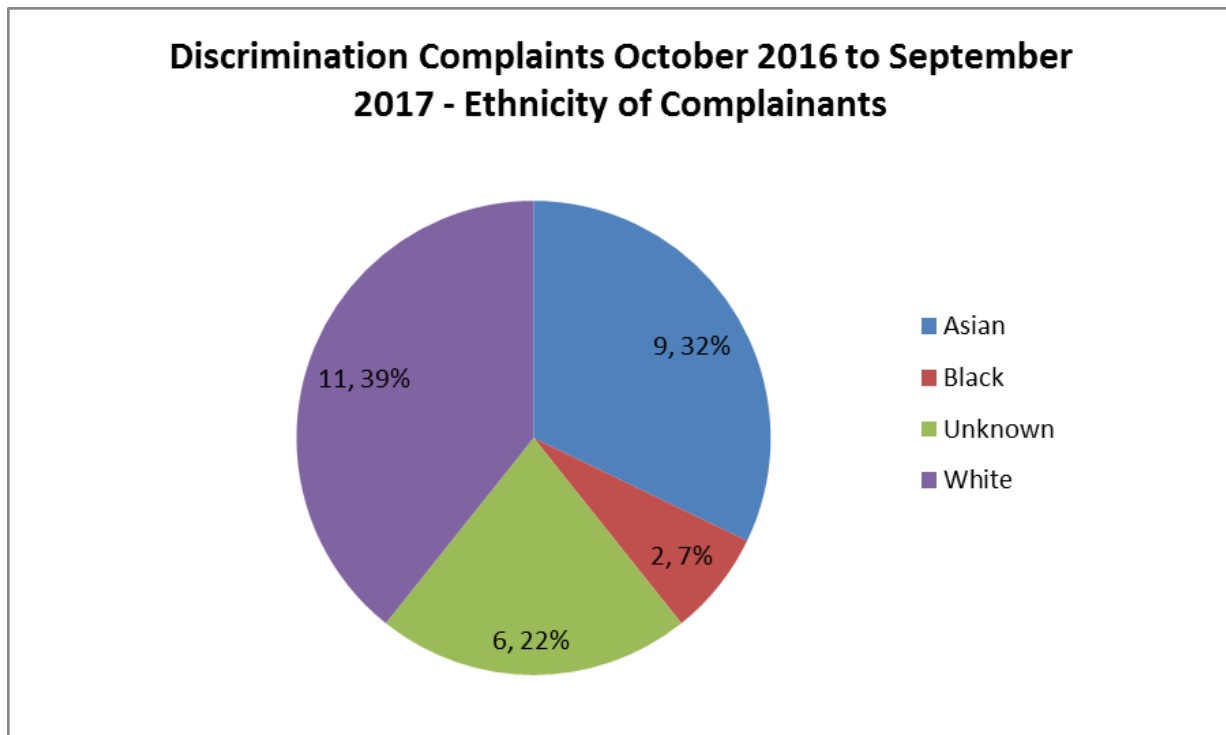
**Though the overall number of F complaints recorded has decreased, there has been several significant peaks again mostly in summer months.**



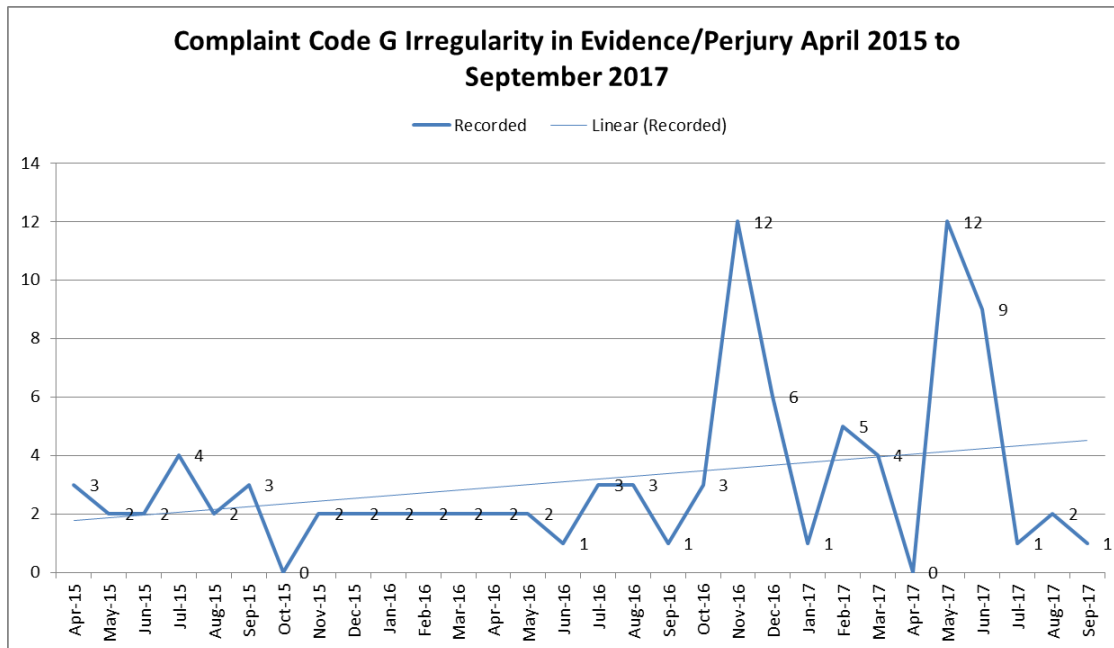
### F Discrimination Complaints – Allegation Type



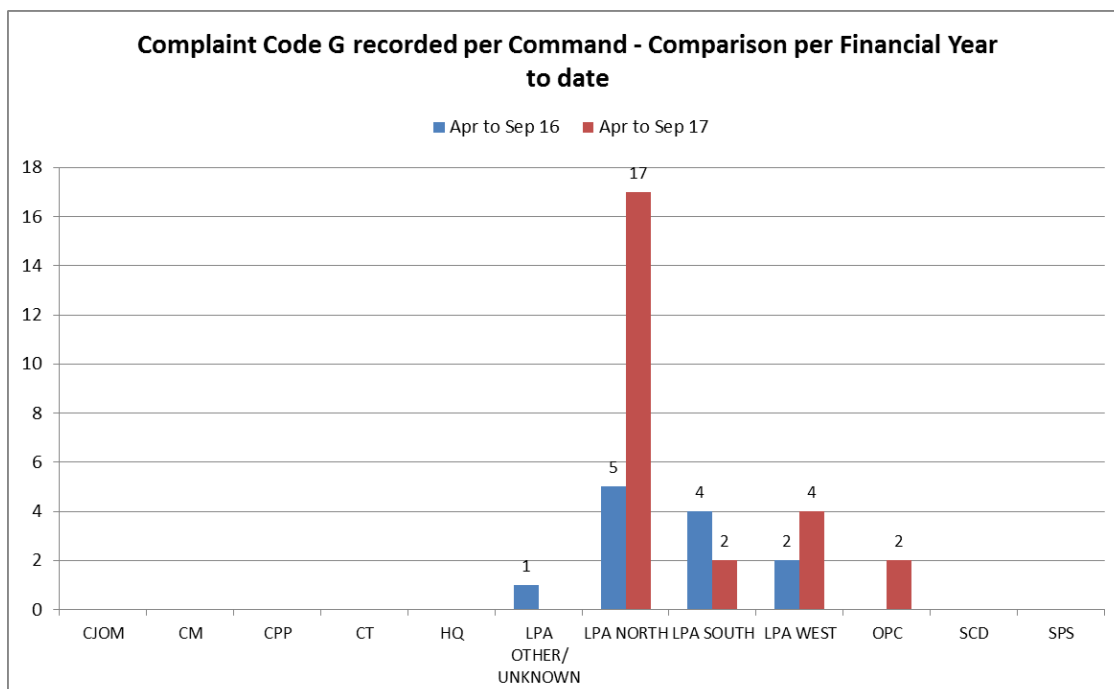
### F Discrimination Complaints – Ethnicity of Complainants



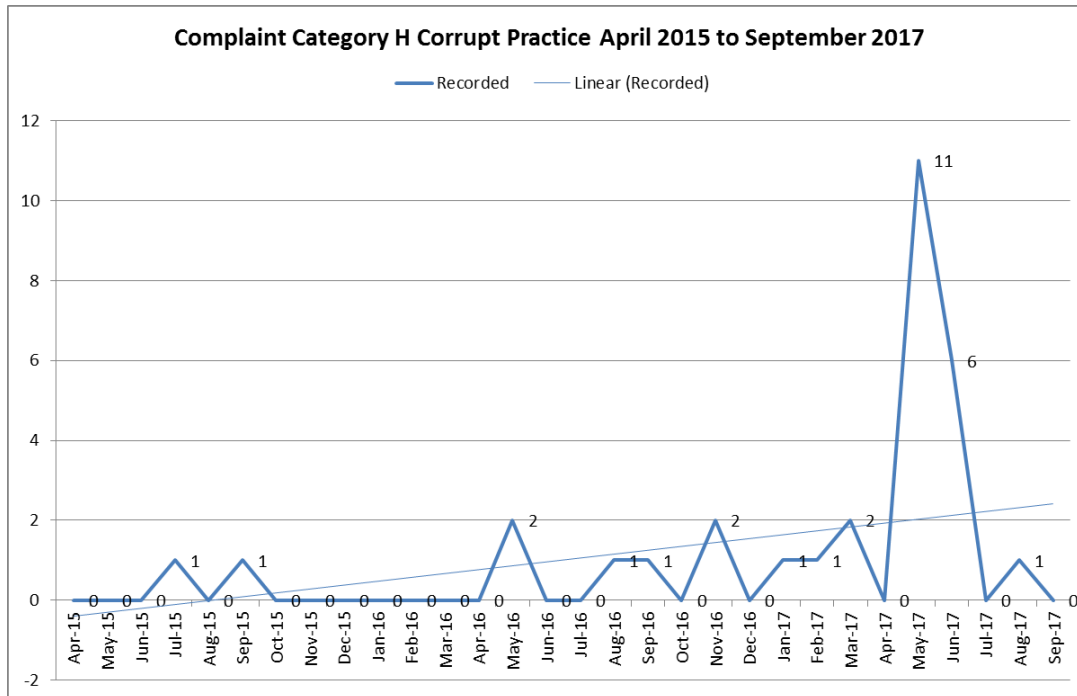
## Complaint Code G: Irregularity in Evidence/Perjury



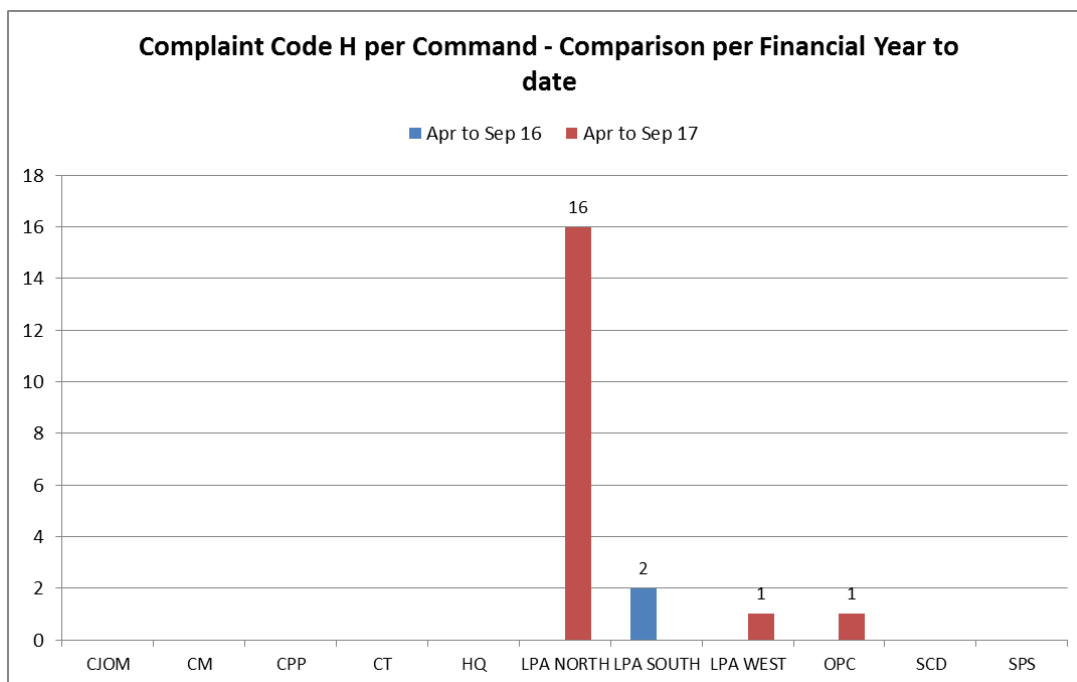
**Allegations of Irregularity of Evidence and Perjury (G) remain low with peaks seen in Sept 16 and May 17 and both peaks associated to individual as opposed to multiple complainants.**



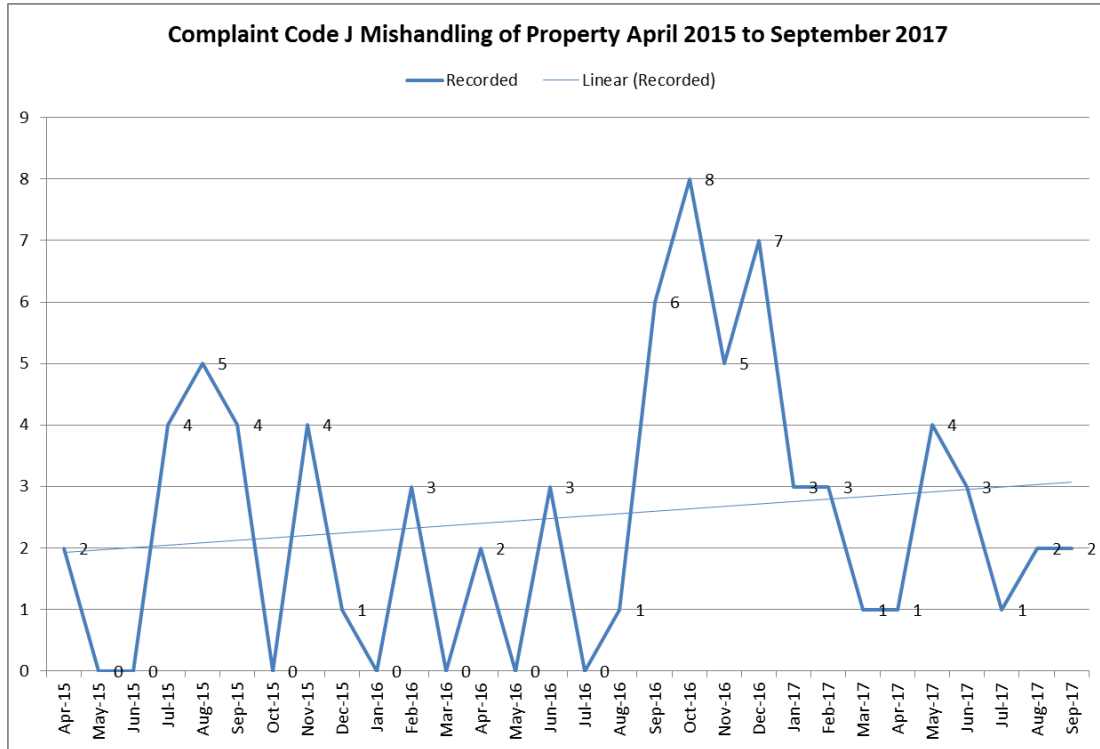
## Complaint Code H: Corrupt Practice



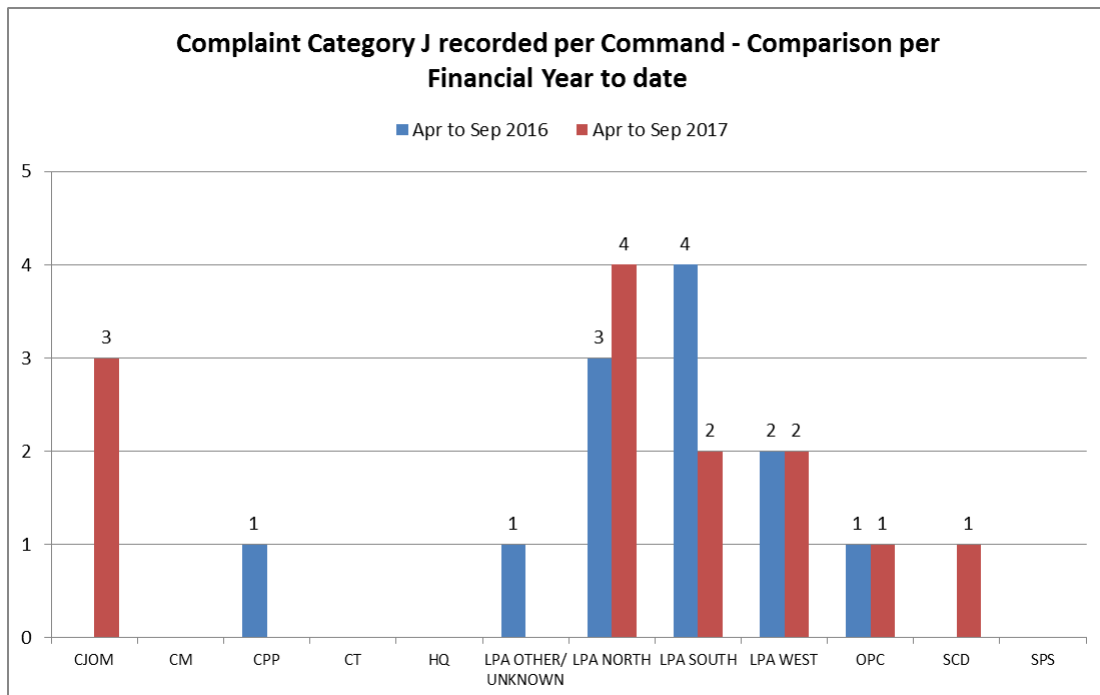
Numbers of H complaints have been low but have been affected by a complaint involving a repeat complainant in May 2017 (C/175/17) resulting in an overall increase.



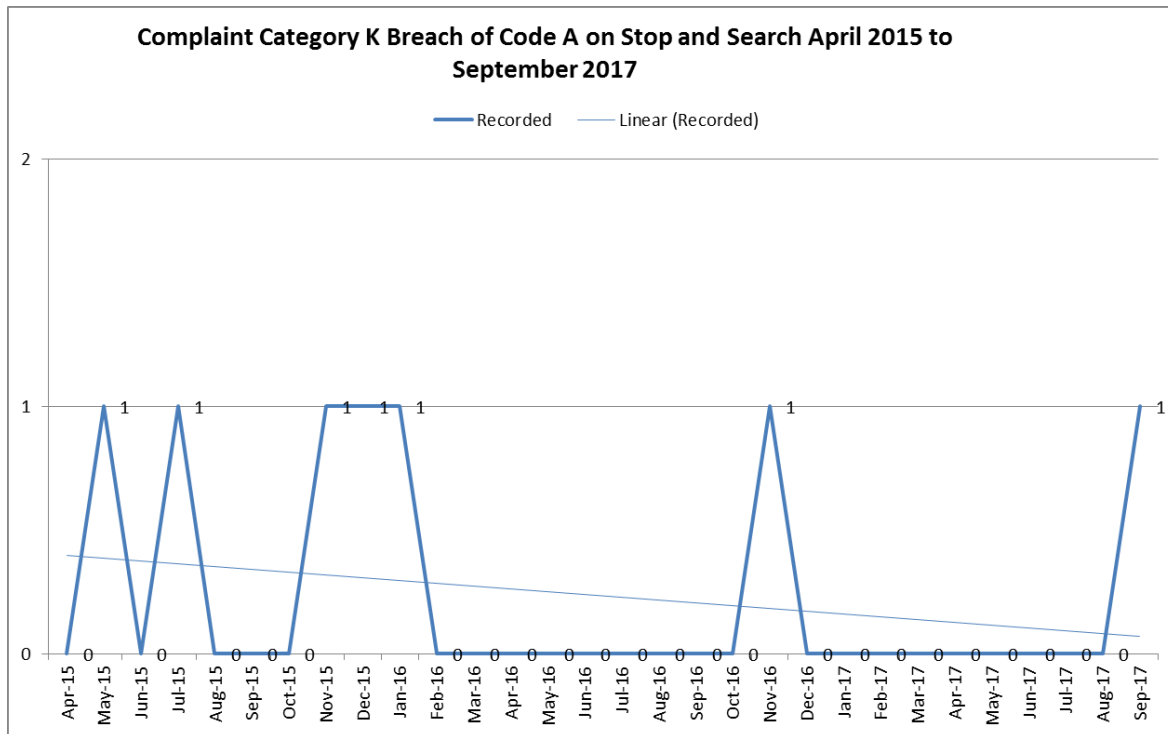
## Complaint Category J Mishandling of Property



Code J complaints have been low in number, though with an occasional peak which has led to an overall increase over the time-frame.



## Complaint Code K Breach of Code A on Stop and Search

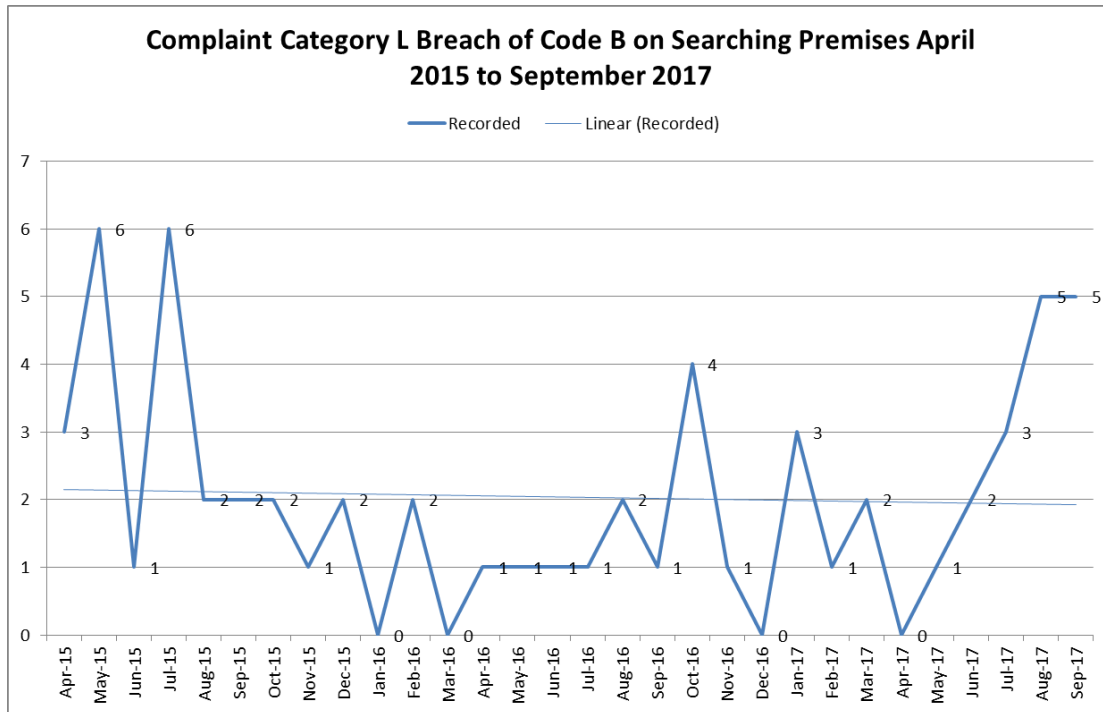


**Breach of Code A - Stop and Search (K) complaints are low with there being a decrease overall. The Stop and Search figures for Quarter 2 (Jun to Sep 17) total 615. Only one complaint has been recorded arising from this area of policing.**

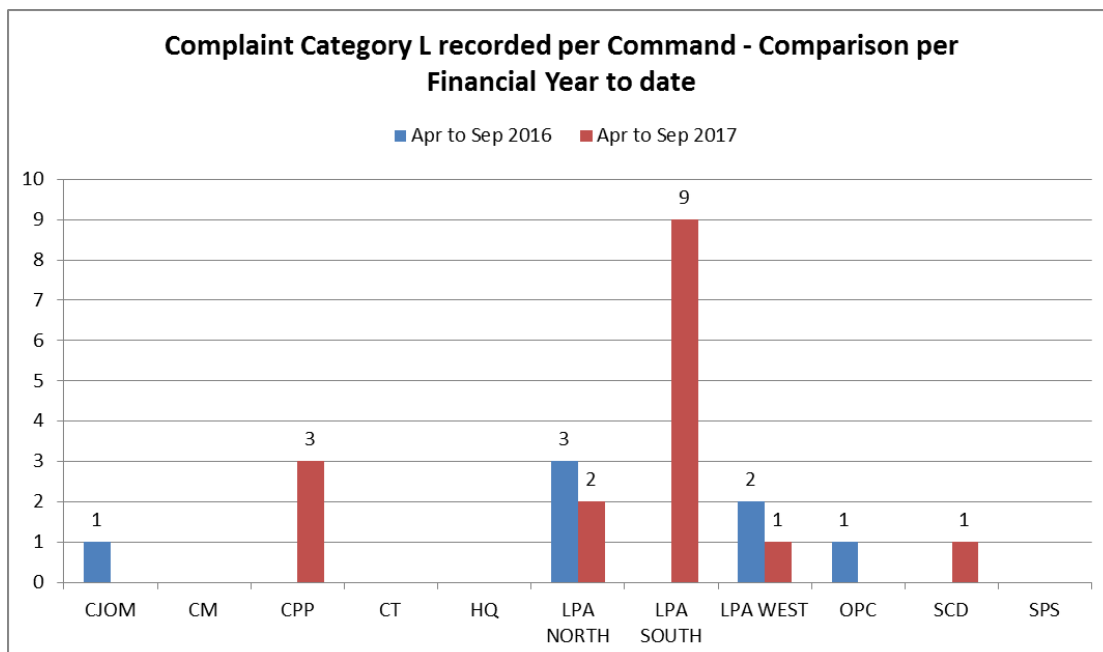
### Comparison of Financial Years per Command:

**So far in 2017/2018 there has been one K Complaint recorded for LPA North Command. For the same period in 2016/2017 (Apr to Sep 2016) there were none recorded.**

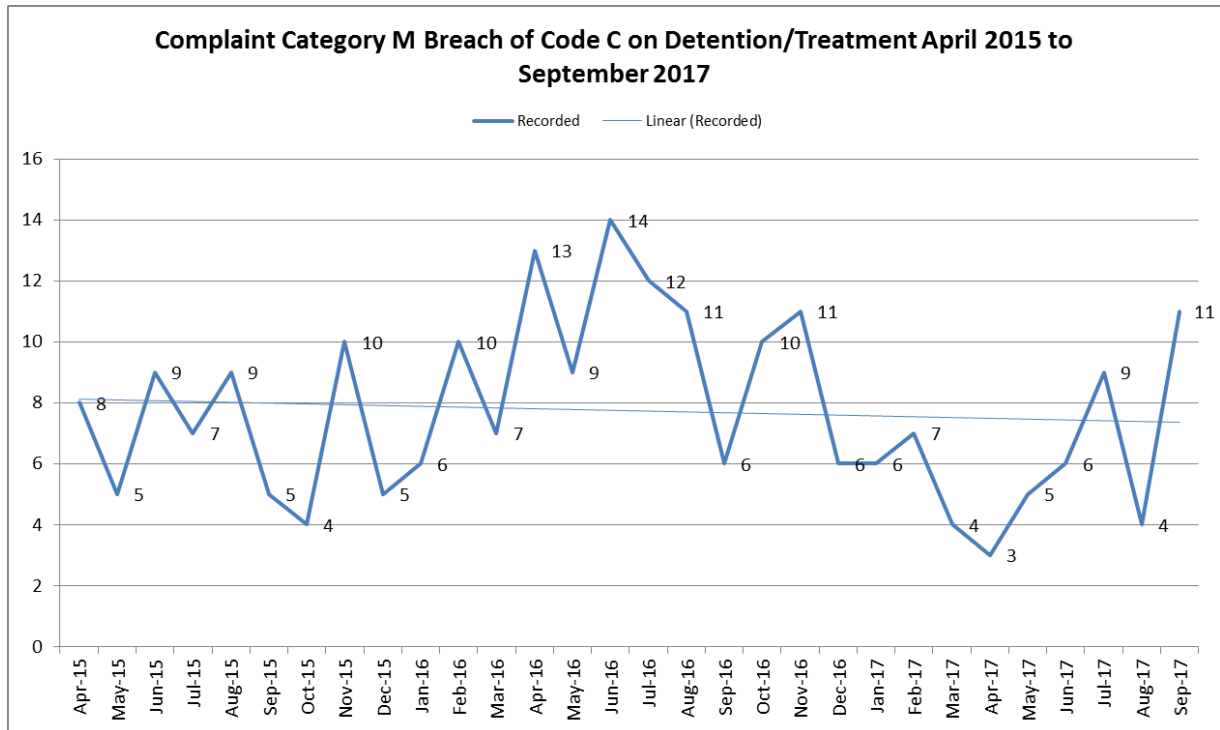
## Complaint Category L Breach of Code B on Searching Premises



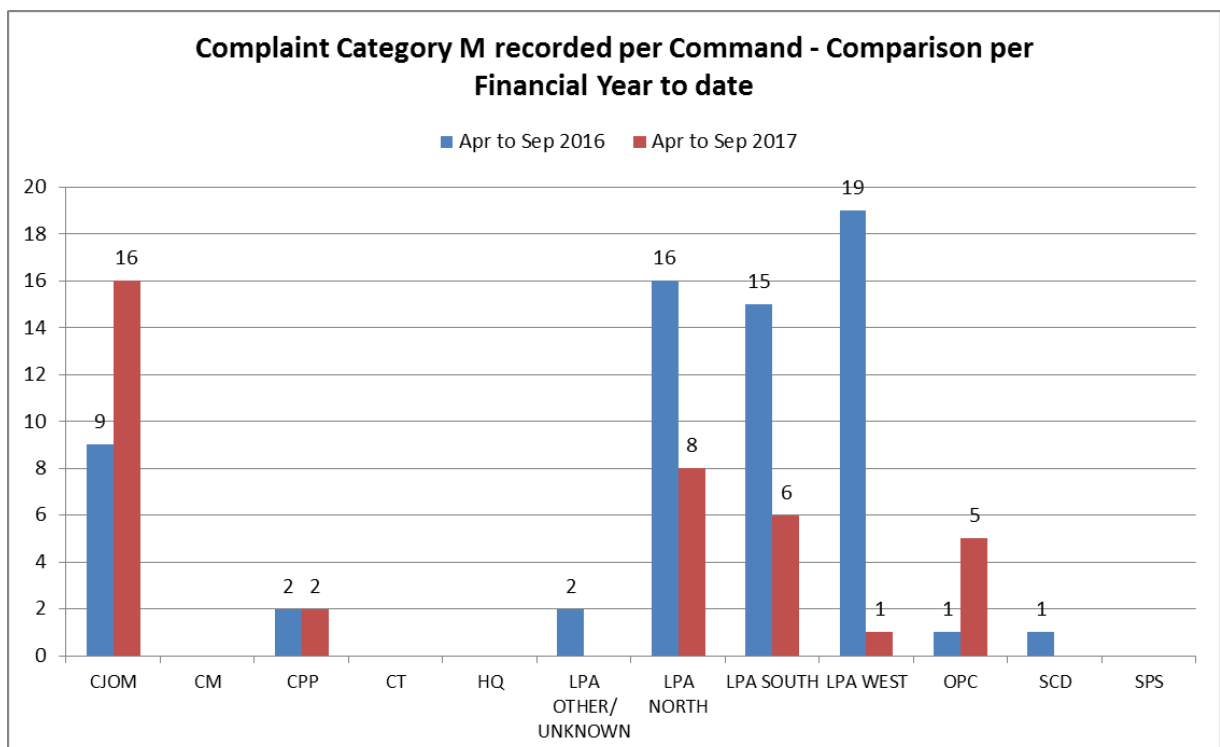
Levels of L complaints are sporadic, though there has been a slight decrease over the time-frame.



## Complaint Category M Breach of Code C on Detention/Treatment



Allegations of a Breach of Code C Detention and Treatment (M) show a general decline with a slight peak in Sept and CJOM Command projected to end the year with more complaints than 2016/17.





### **Complaint Code N Breach of Code D on Identification**

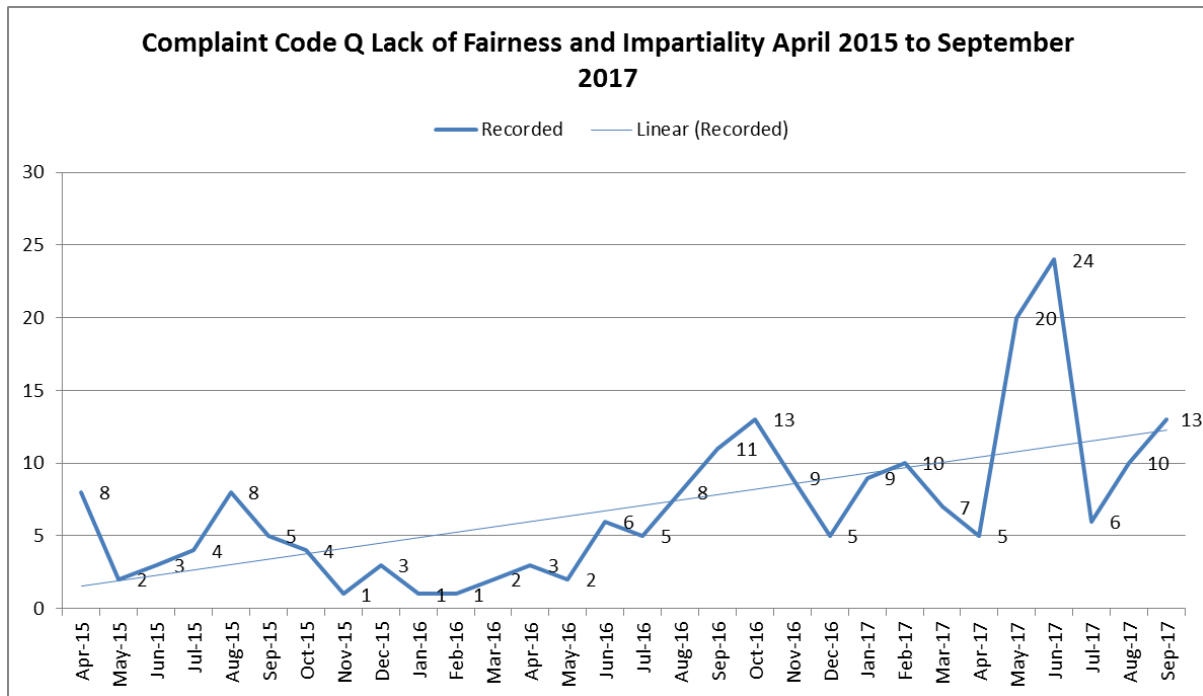
**There have been two cases recorded since April 2015.**

**One was recorded in March 2016 (CJOM); the other was recorded in February 2016 (West LPA).**

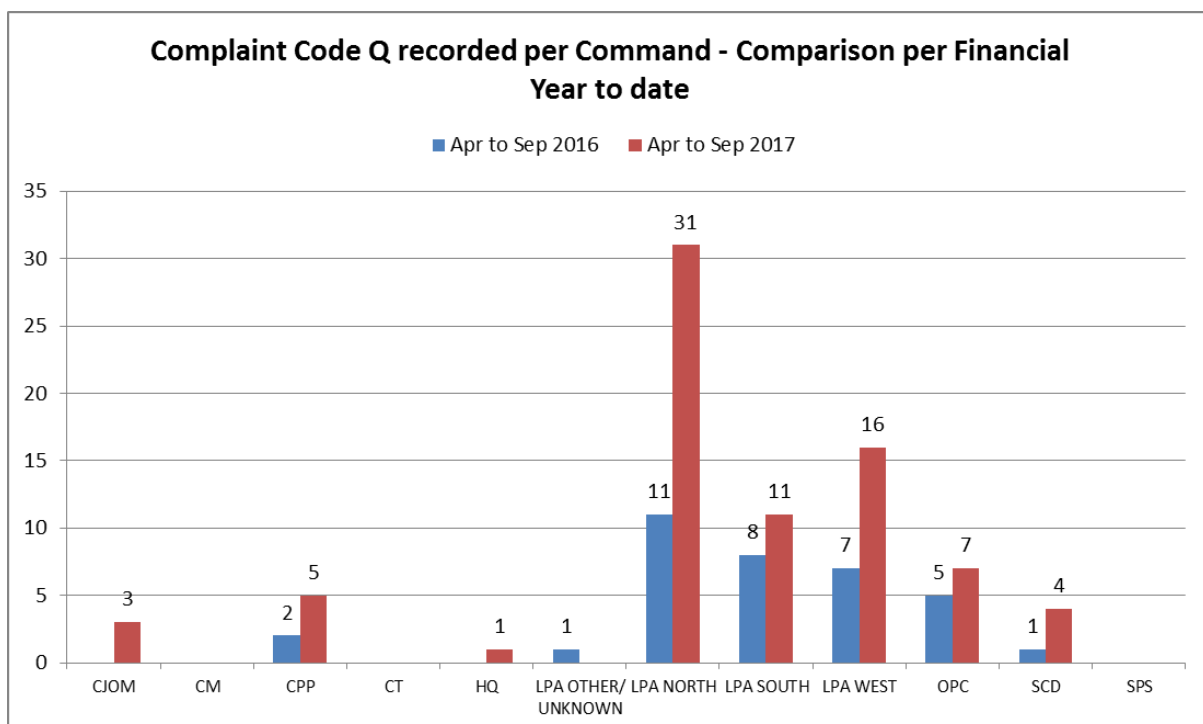
### **Complaint Code P Breach of Code E on Tape Recording**

**There have been no complaints recorded or finalised in this category in the three year time-frame.**

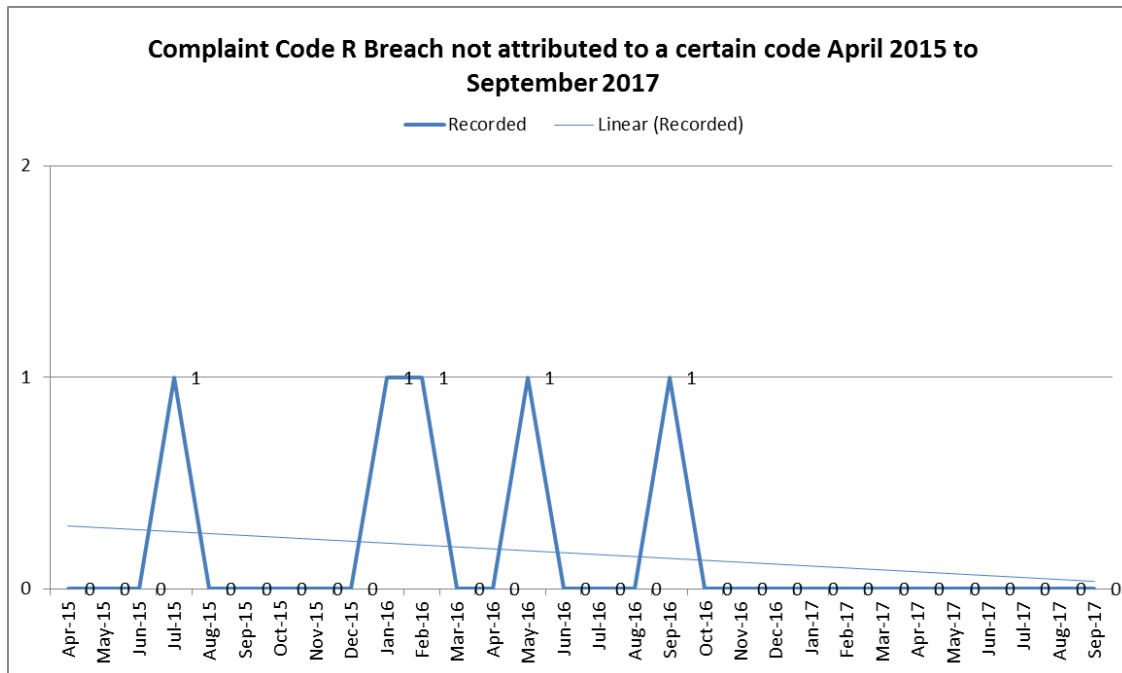
## Complaint Code Q lack of Fairness and Impartiality



**There has been an increase in complaints recorded with a significant peak in June 2017 (this was not affected by any particular case).**



## Complaint Code R Breach not attributed to a certain code

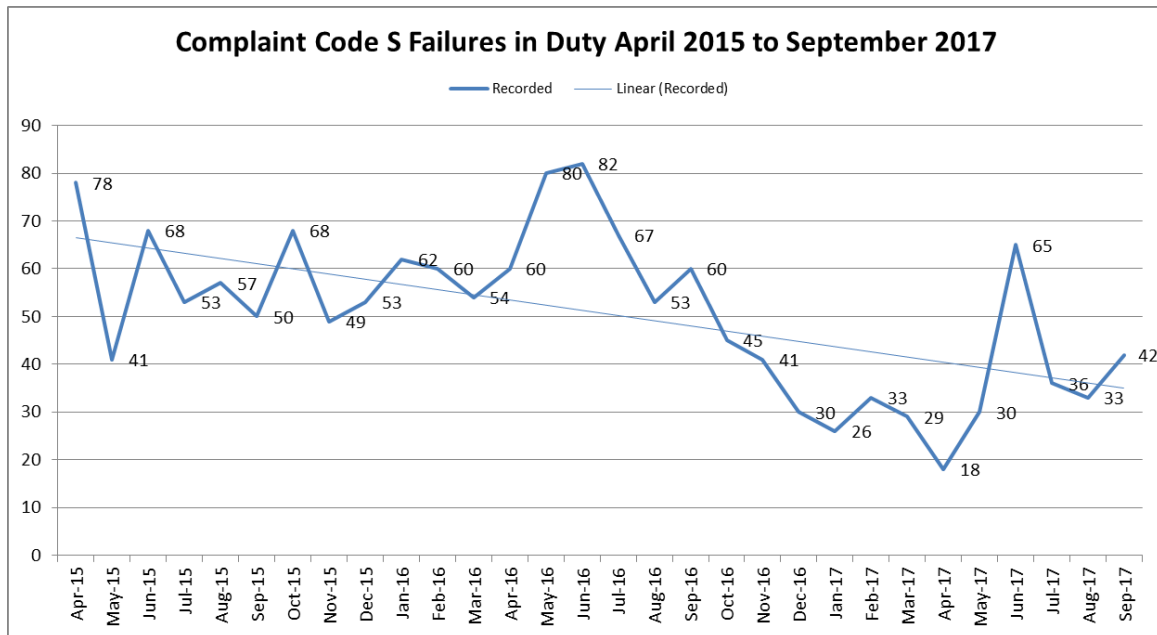


**Numbers of R complaints are low in number and have decreased.**

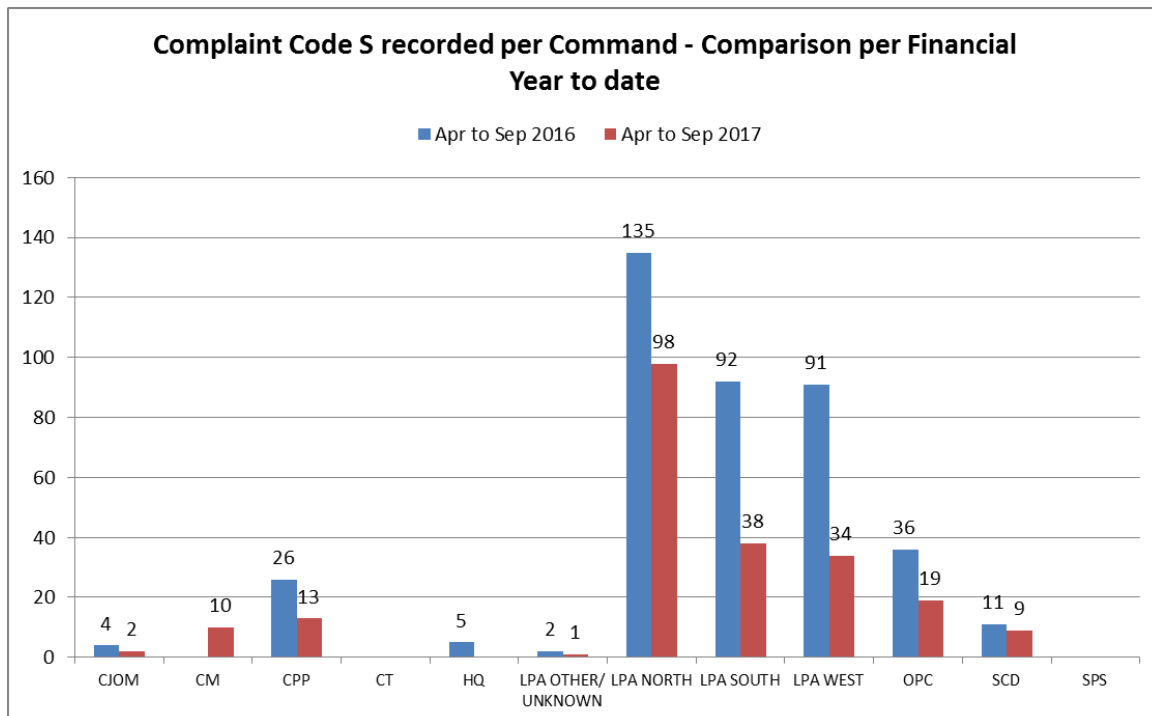
### Comparison of Commands per Financial Year:

**There have been no R complaints so far in 2017/2018 (April to September 2017). In the same timeframe in 2016/2017, there were two complaints recorded in LPA South and LPA North.**

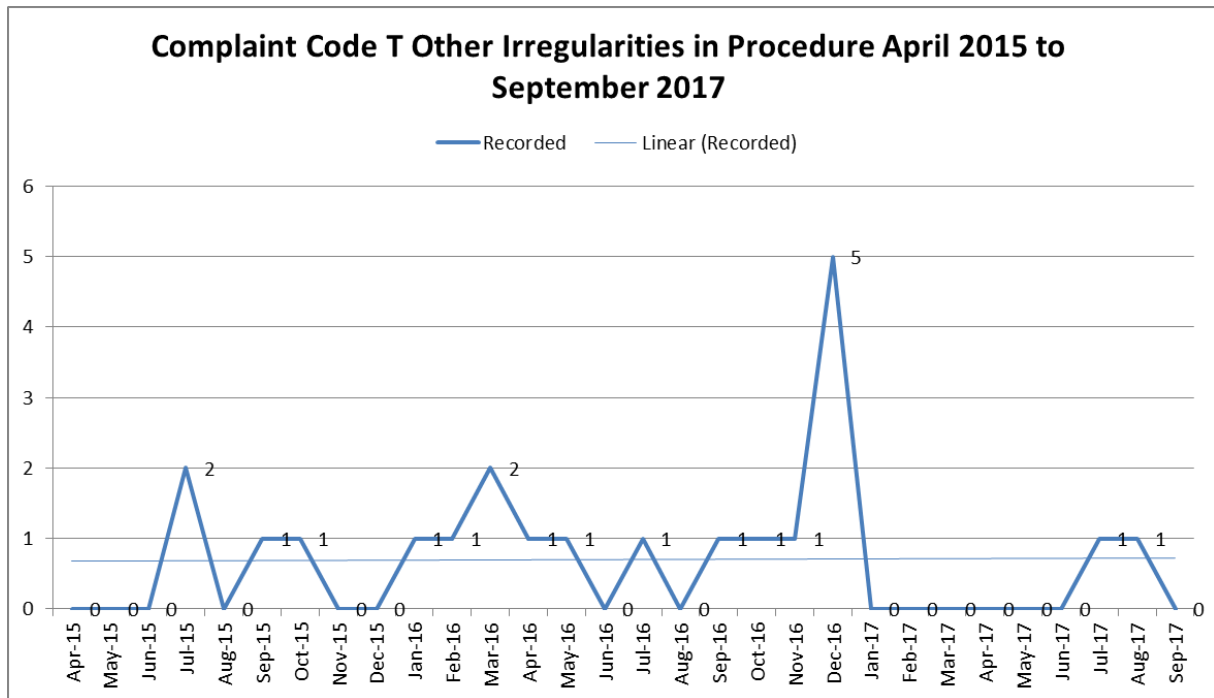
## Complaint Code S Failures in Duty



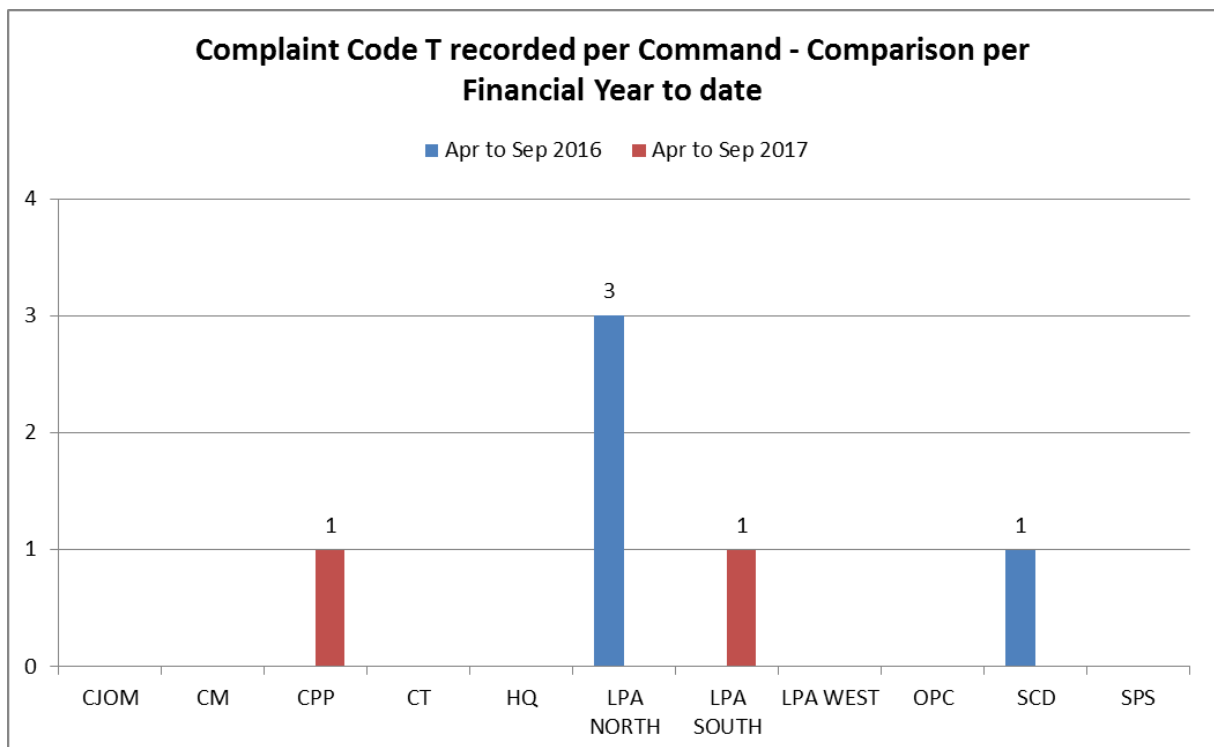
**S Complaints are the highest across all the complaint categories. However there has been a decrease in overall numbers since April 2015.**



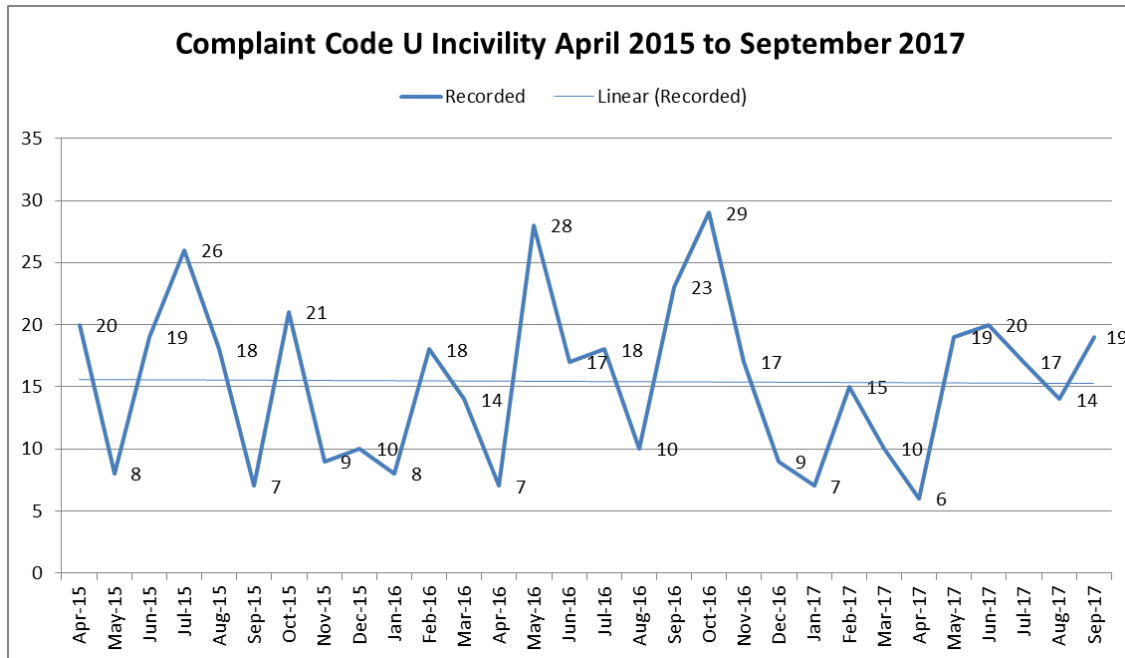
## Complaint Code T Other Irregularities in Procedure



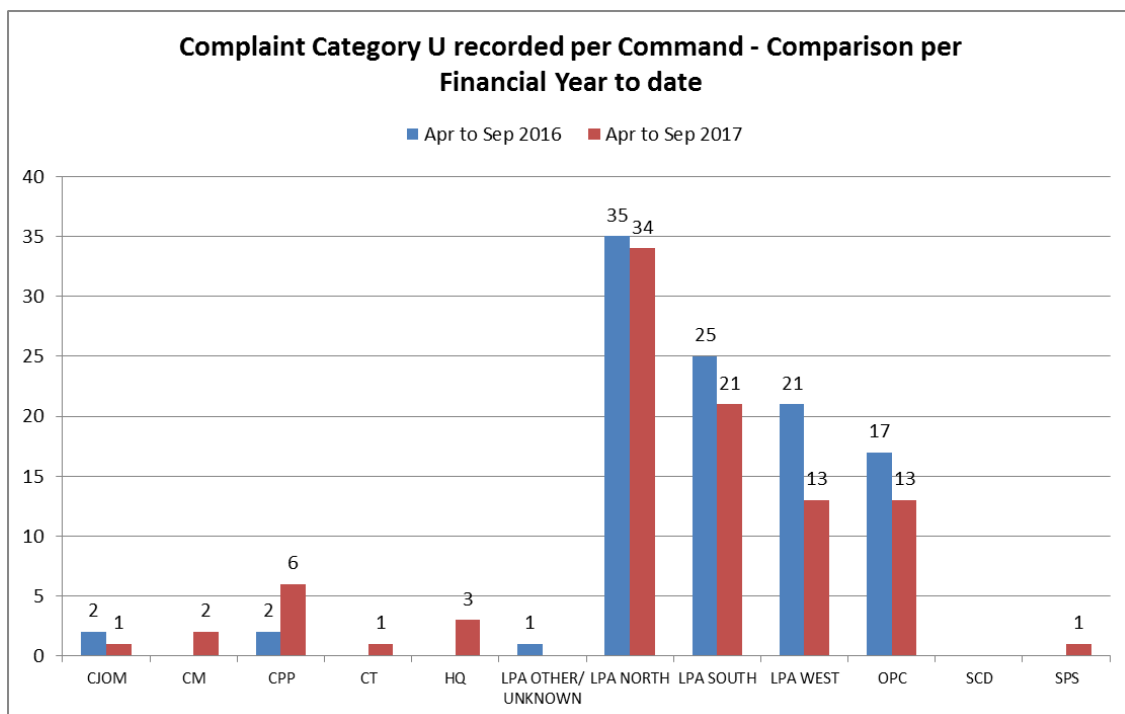
**T complaints had a peak in December 2016, but numbers have been low since April 2015.**



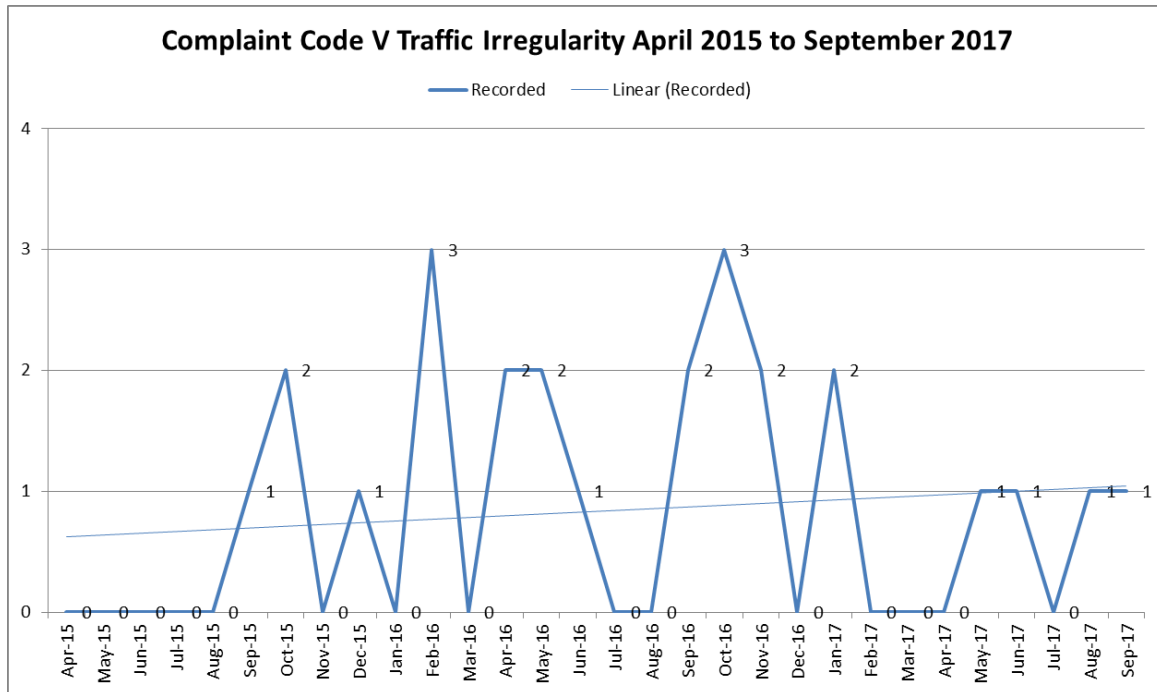
## Complaint Code U Incivility, Impoliteness and Intolerance



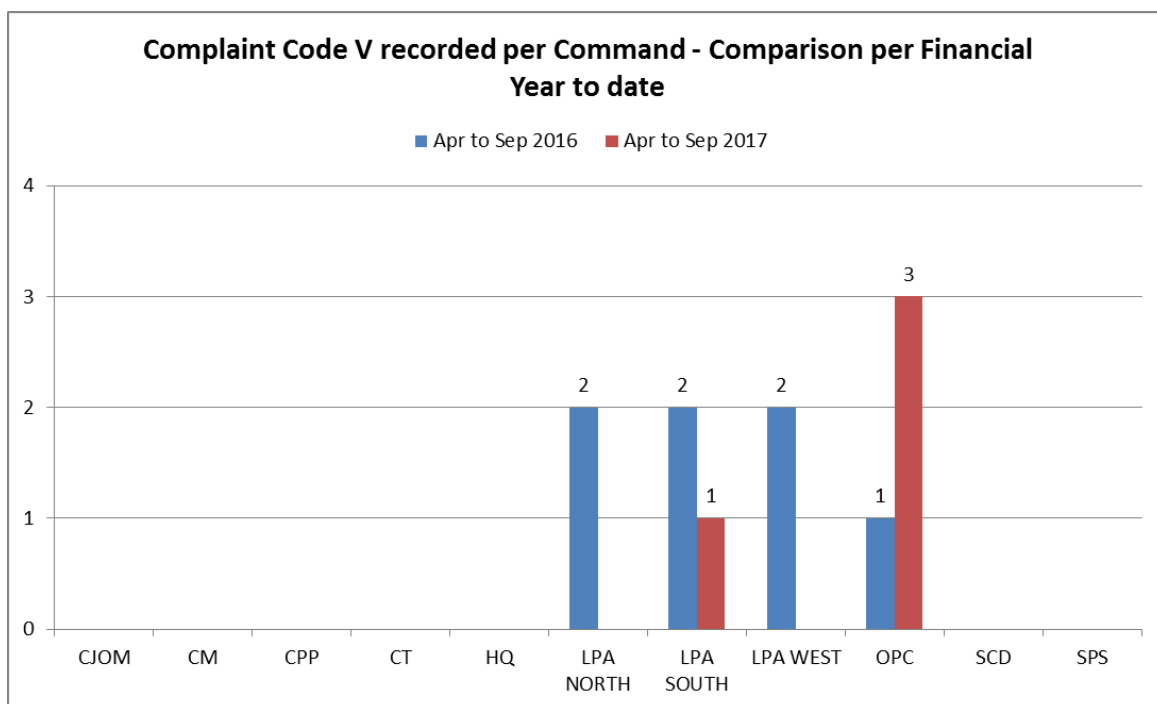
**U is the category that generally sees the second highest numbers across all categories, with various peaks in recording, but there has been a slight decrease overall within the time-frame.**



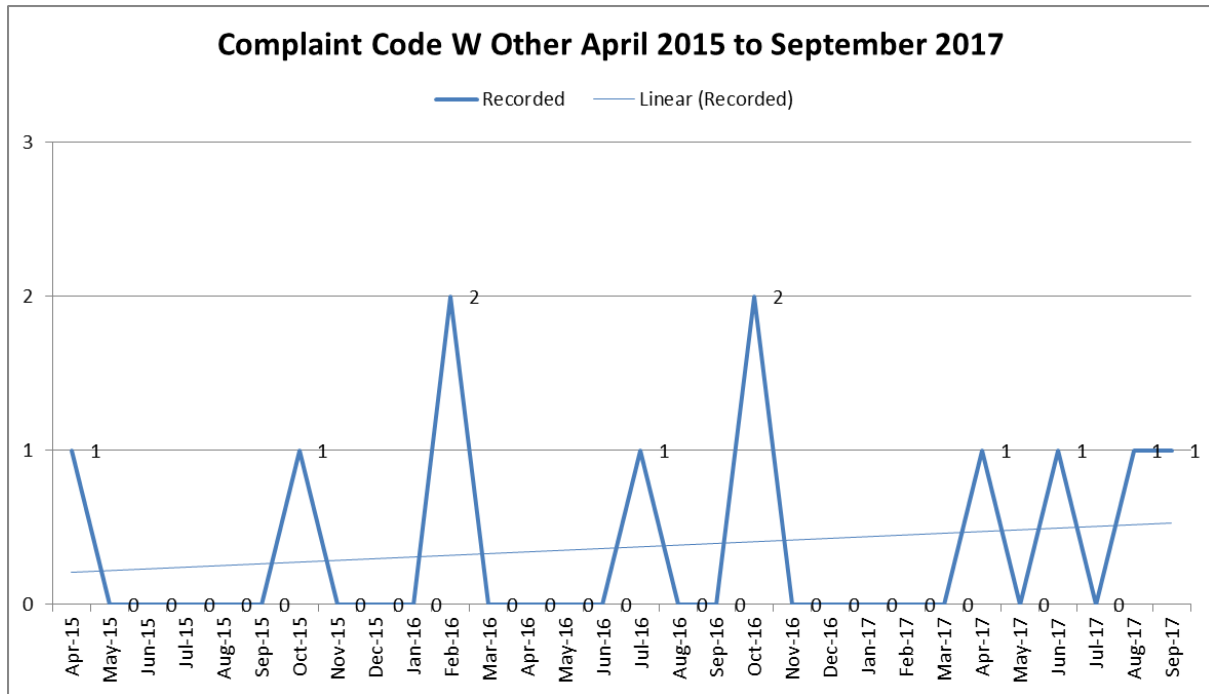
## Complaint Code V Traffic Irregularity



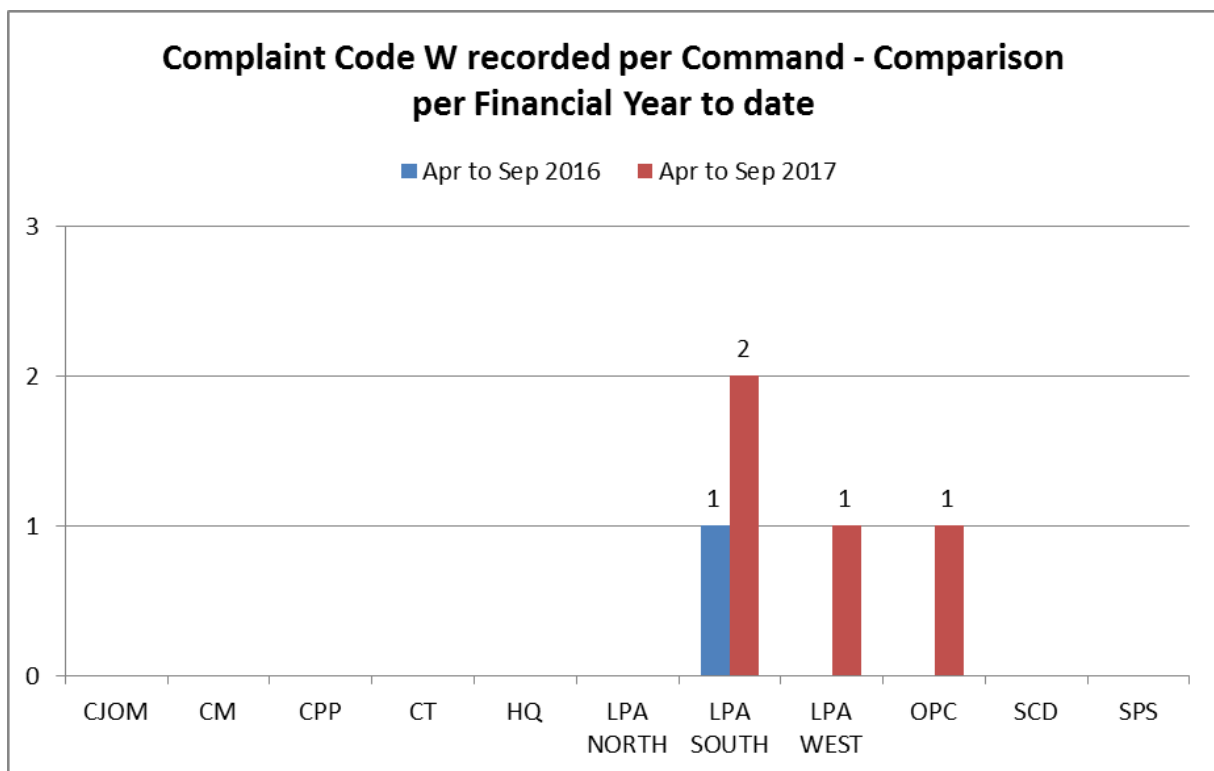
Numbers of V complaints are low with levels recorded over the timeframe increasing due to some slight peaks in recording.



## Complaint Code W Other

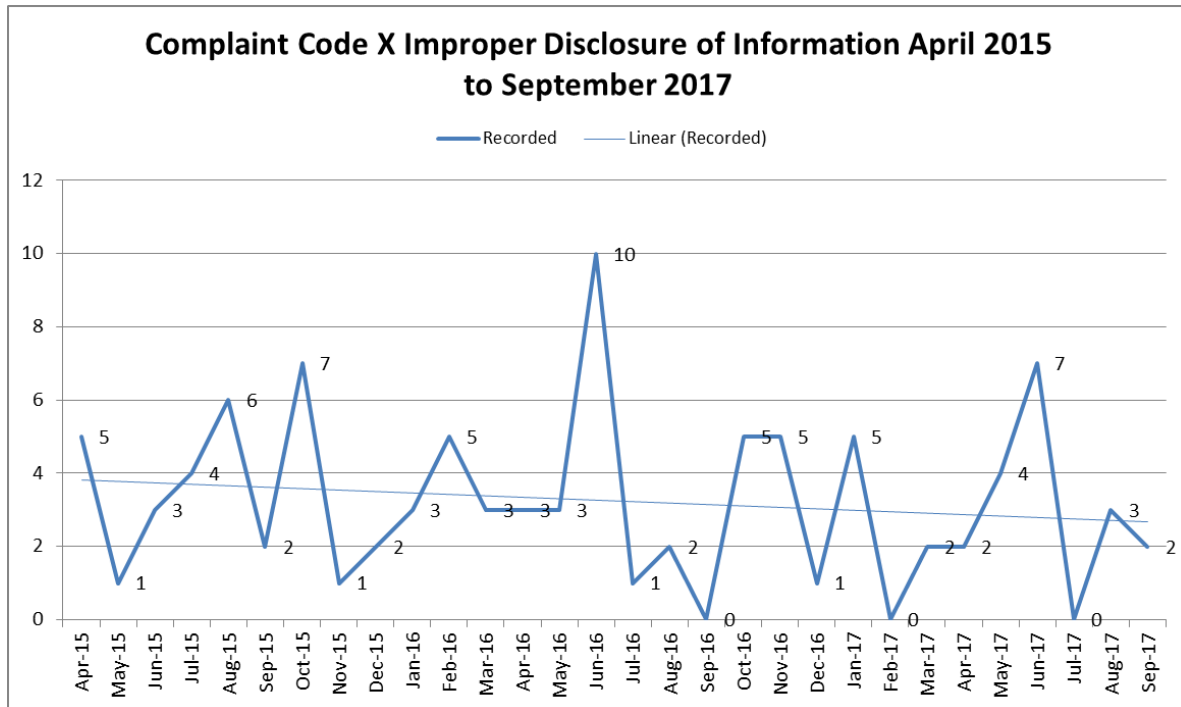


Complaint code W complaints have slightly increased since April 2015, but numbers remain low.

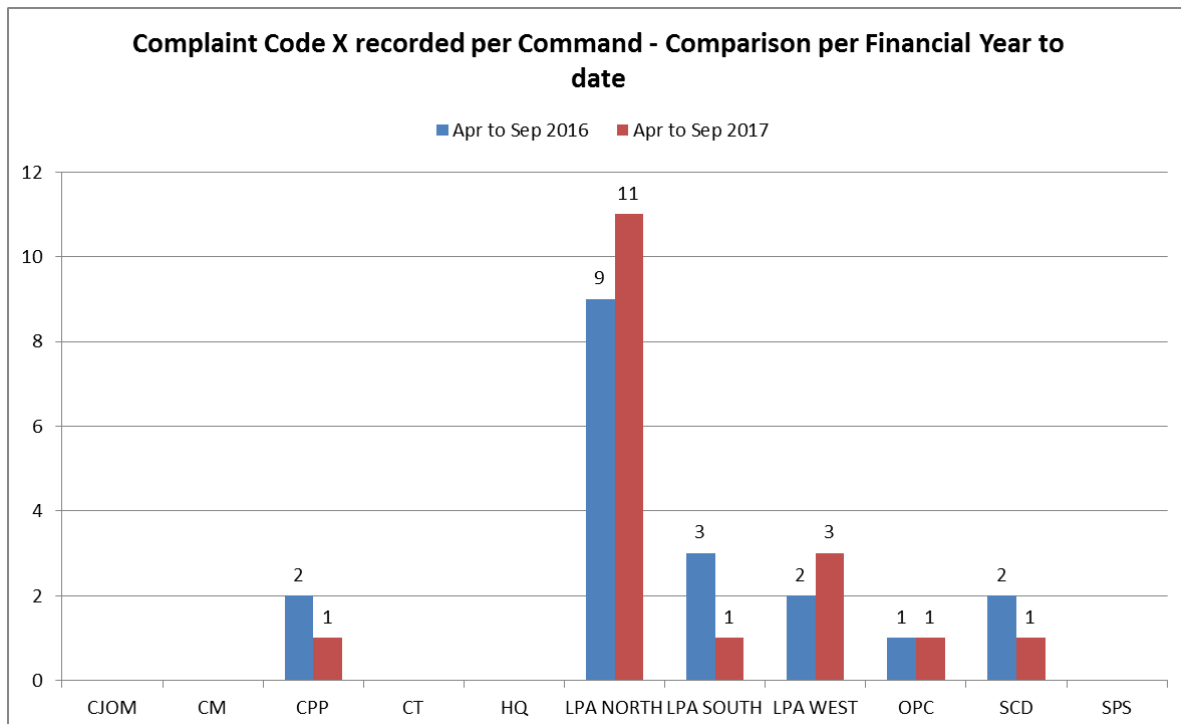




## Complaint Code X Improper Disclosure of Information



**Category X complaints have decreased, with various peaks in recording but also some months where there are no cases.**



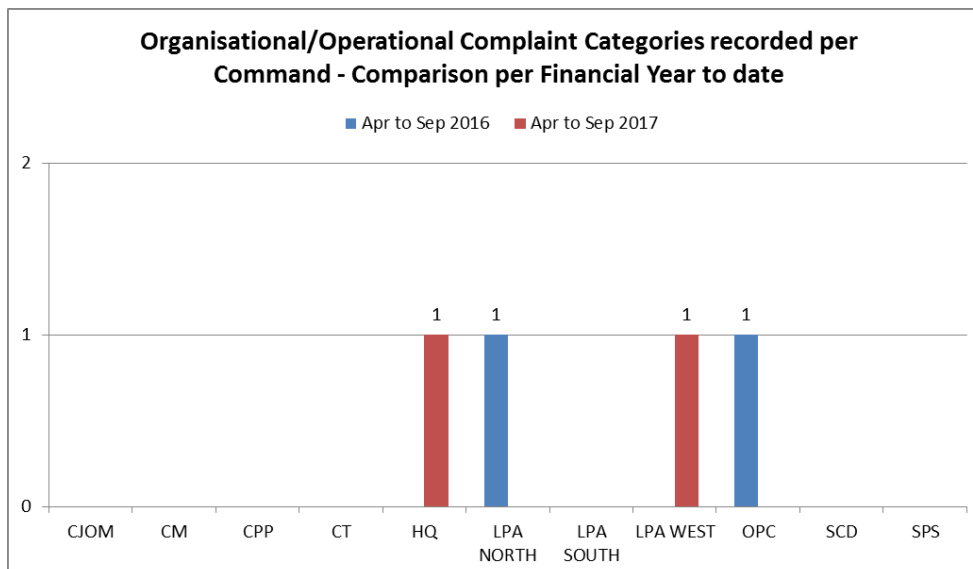
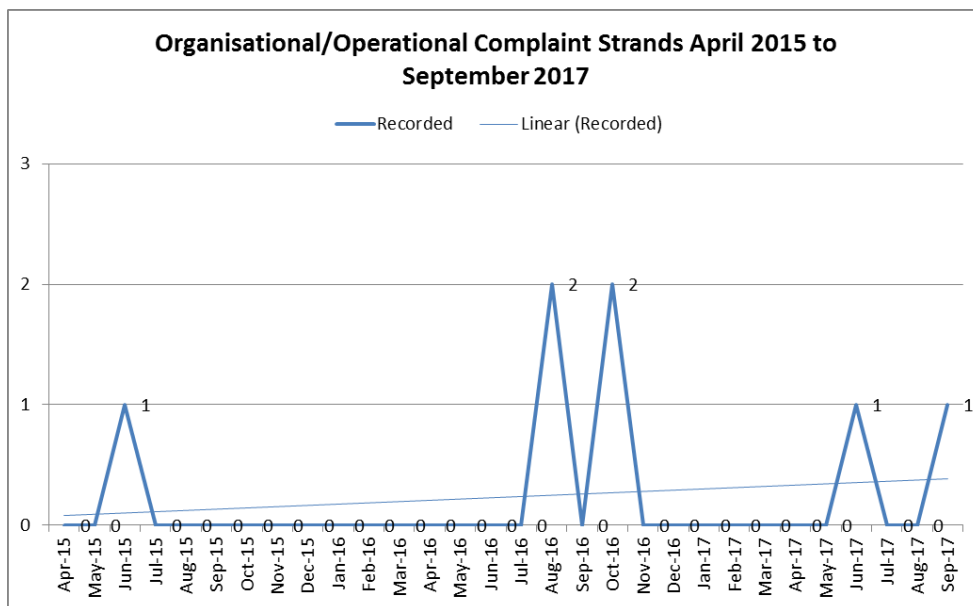
### Complaint Code Y Other Sexual Contact

There are minimal numbers of Y complaints, with there being two recorded since April 2015 - West LPA Dec 2014 and SCD Nov 2015.

### Organisational/Operational Complaint Strands

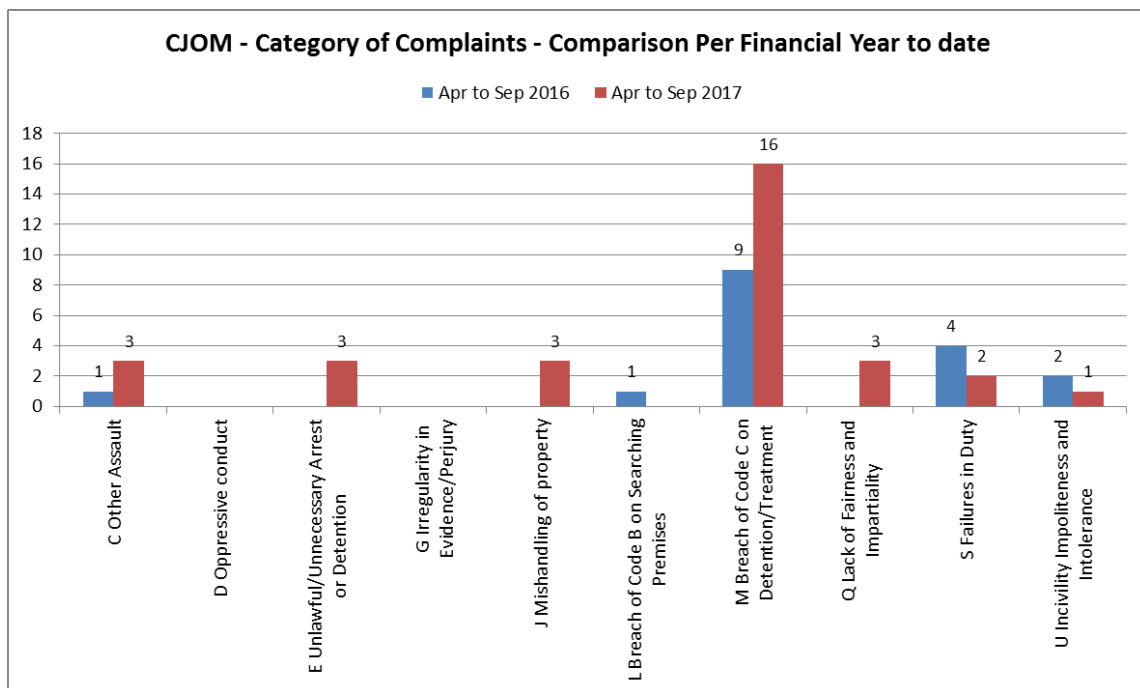
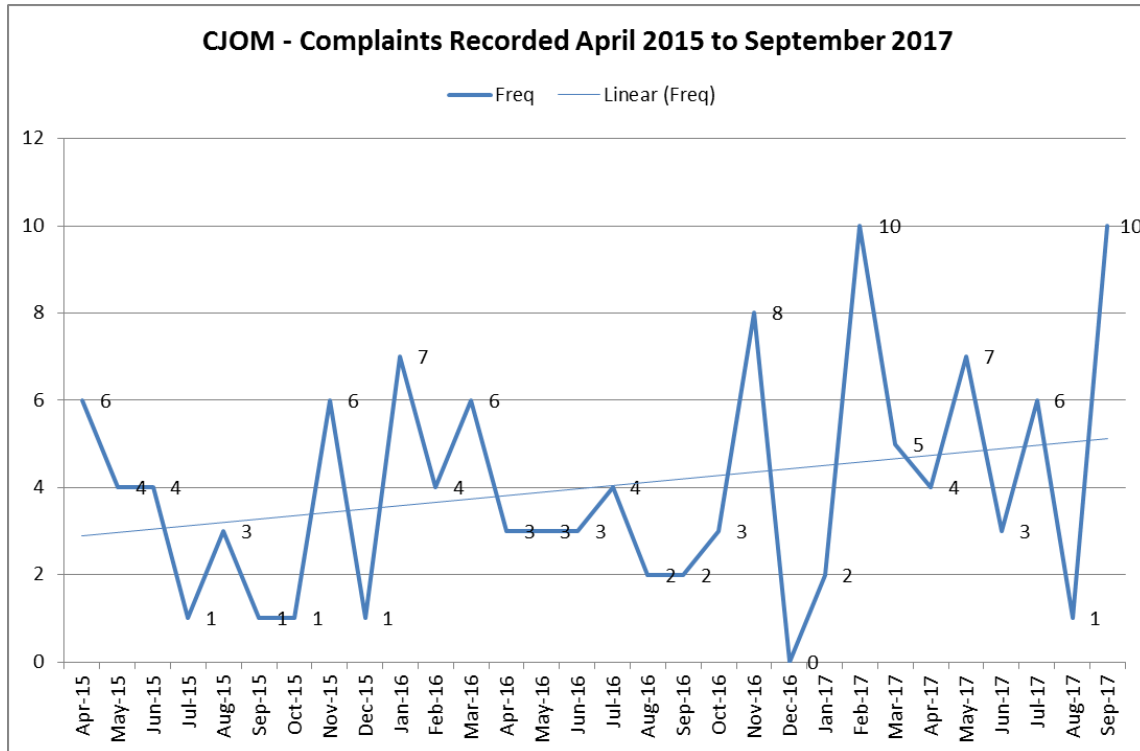
These complaints consist of the following categories:

Operational Policing Policies (Organisational), Organisational Decisions (Operational), General Policing Standards (Operational), Operational Management Decisions (Organisational).

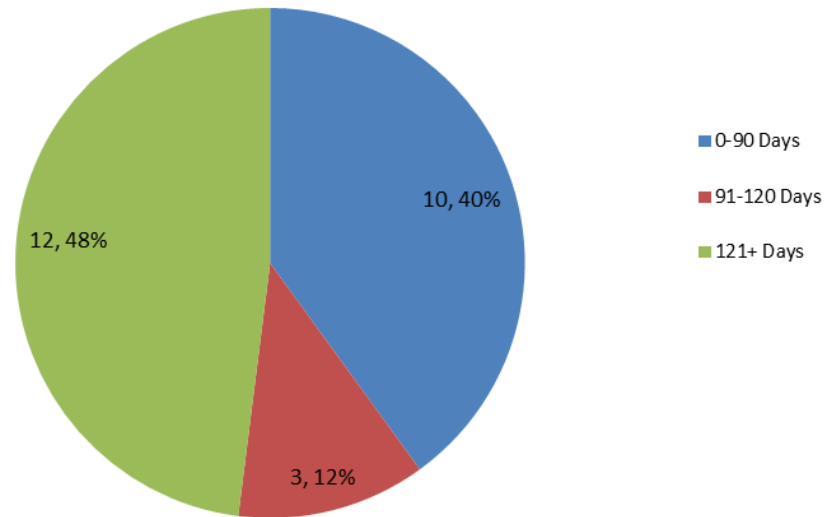


## Complaints - Command Breakdowns

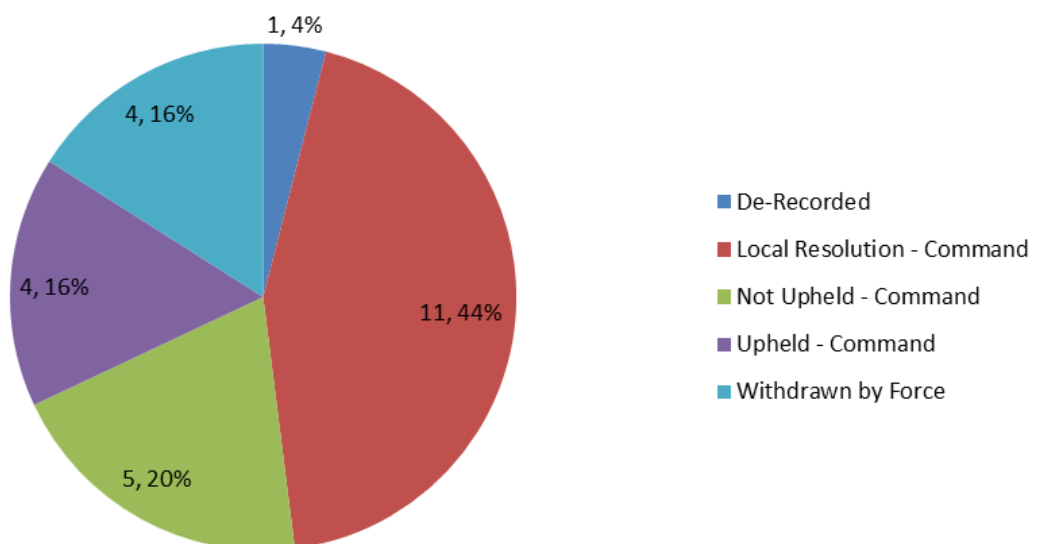
### Criminal Justice & Offender Management Command



**CJOM - Finalised Complaint Cases October 2016 to September 2017 - Timeliness according to National Targets**

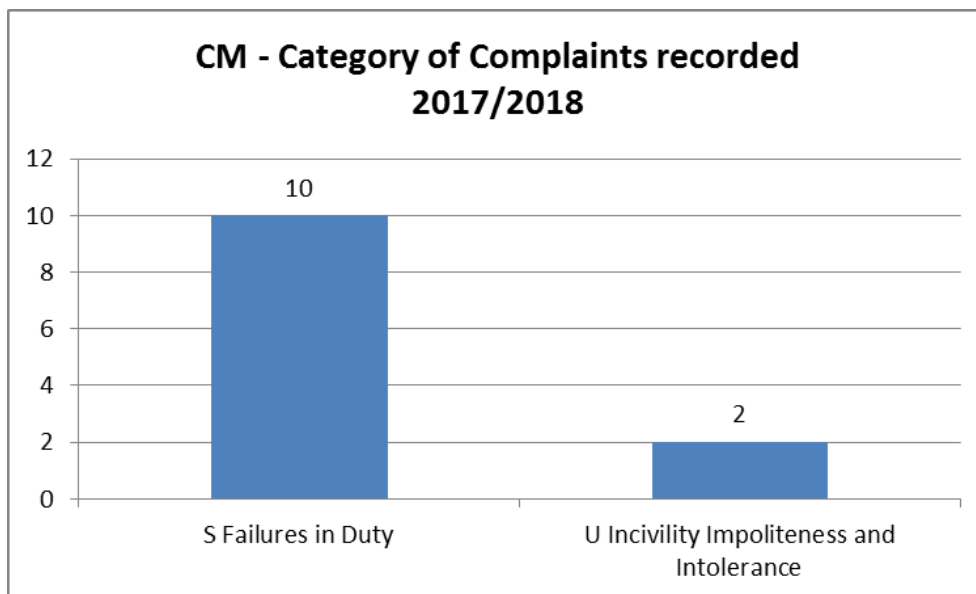
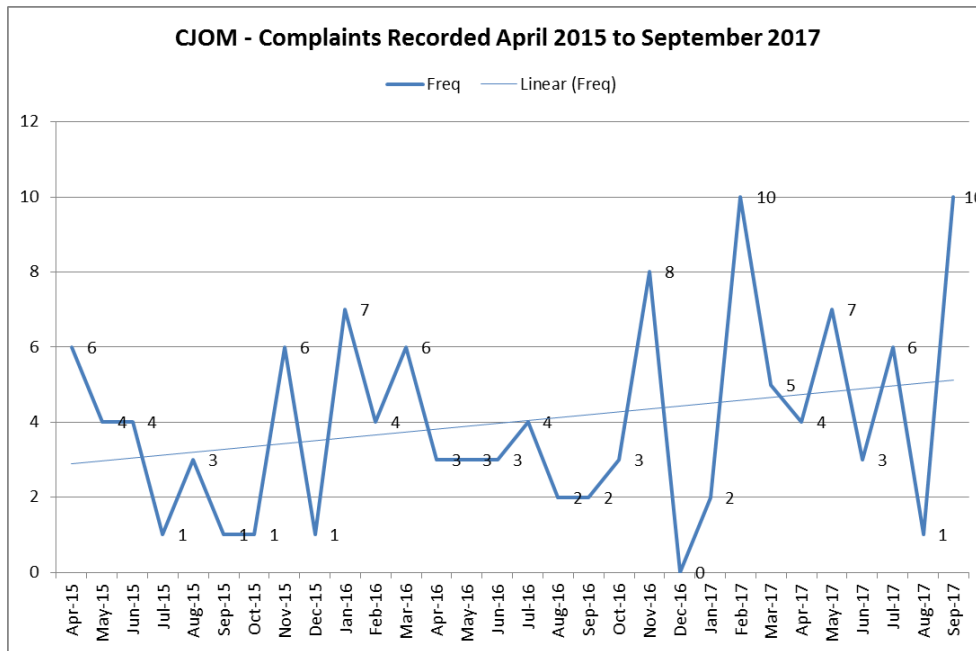


**CJOM - Case Outcomes - Finalised Cases October 2016 to September 2017**



## Contact Management

Please note levels will be low for this command, due to departments under CM previously being under OPC and Police systems may not have been updated at the correct time to reflect this.



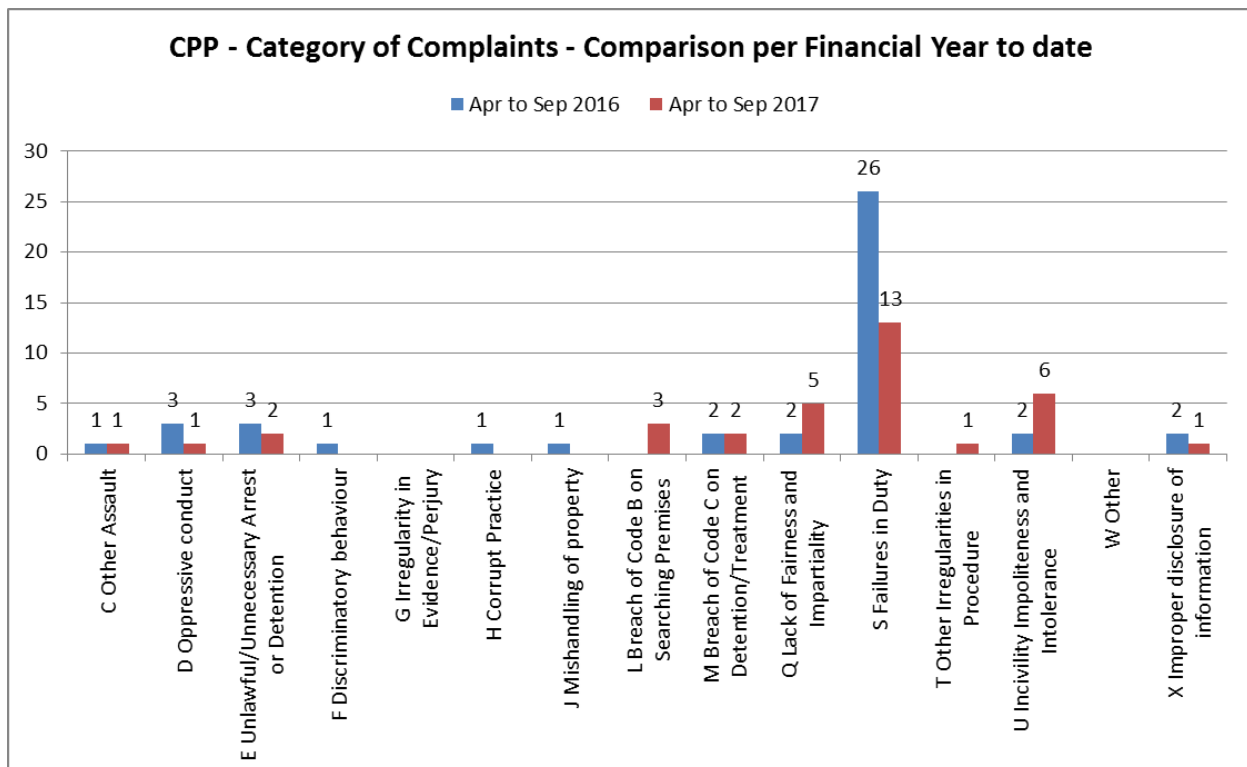
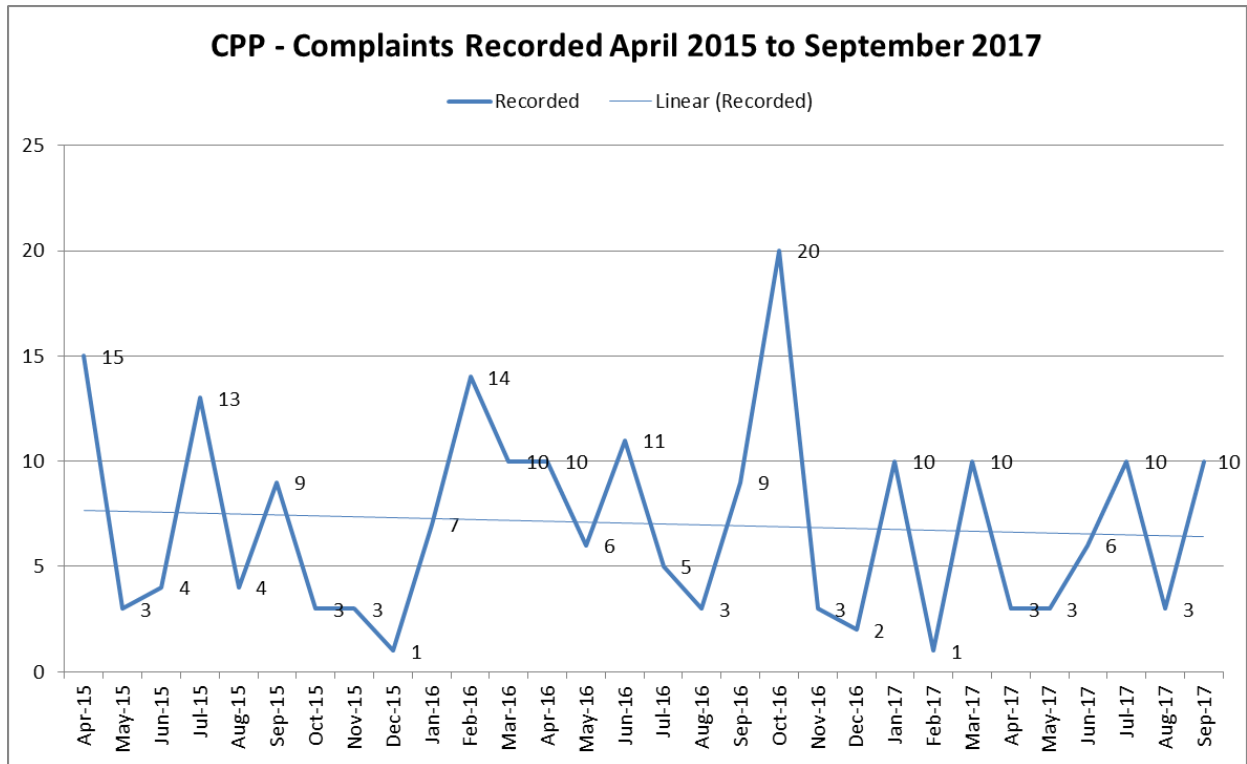
## Cases Finalised – Timeliness and Outcomes:

There are only two cases shown as recorded so far under CM Command:

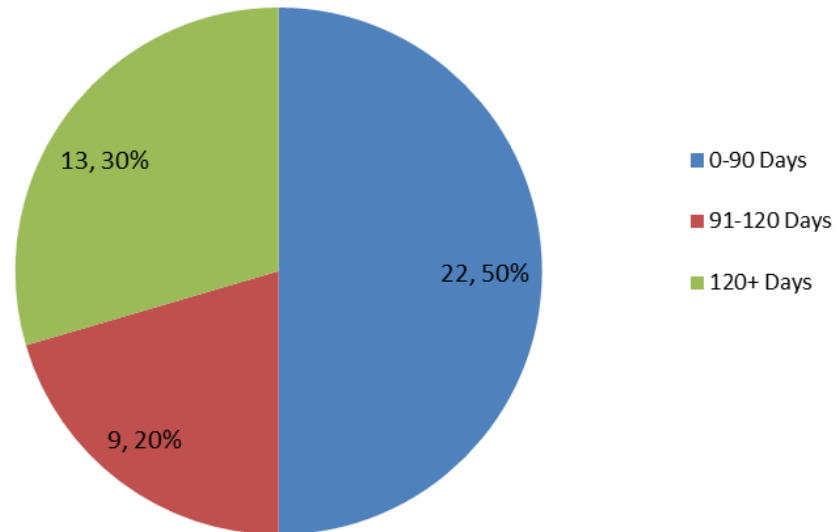
**Timeliness** – Both cases were under 90 days.

**Outcomes** – Both cases were Local Resolution.

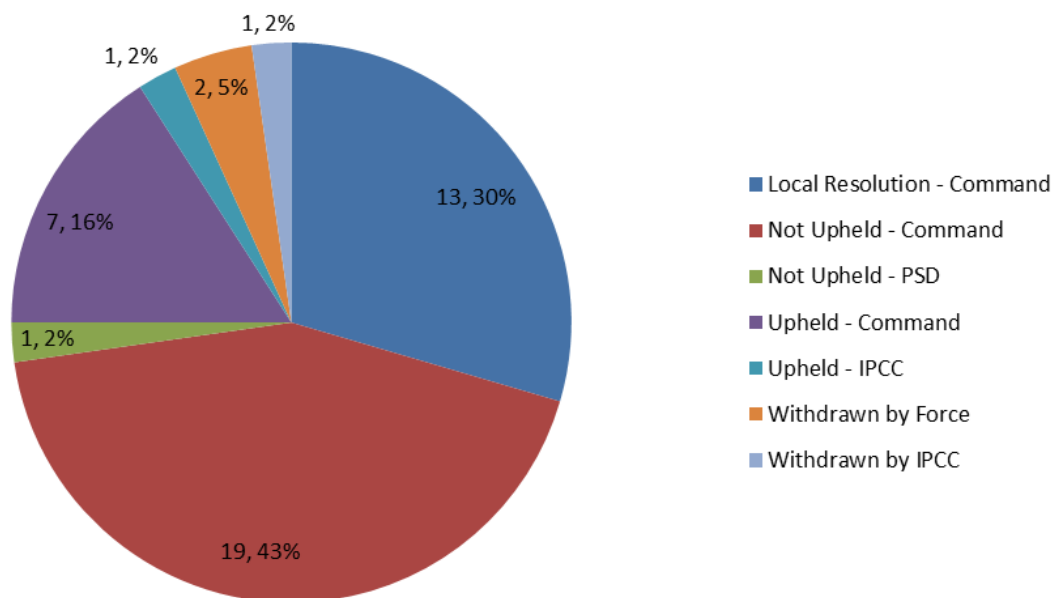
## Crime & Public Protection Command



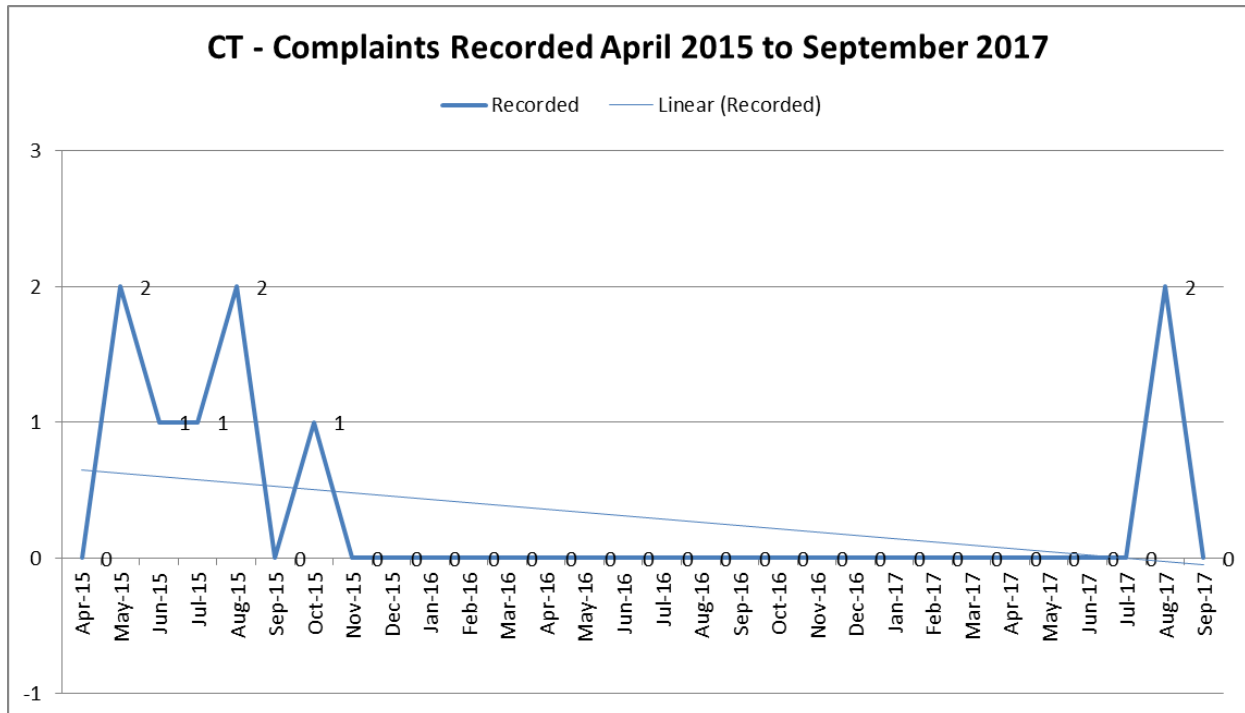
**CPP - Finalised Cases October 2016 to September 2017 -  
Timeliness according to National Targets**



**CPP - Finalised Cases October 2016 to September 2017 -  
Outcomes of Cases**



## Counter Terrorism Command



### Categories:

Of those complaints recorded since April 2015, the categories are as follows:

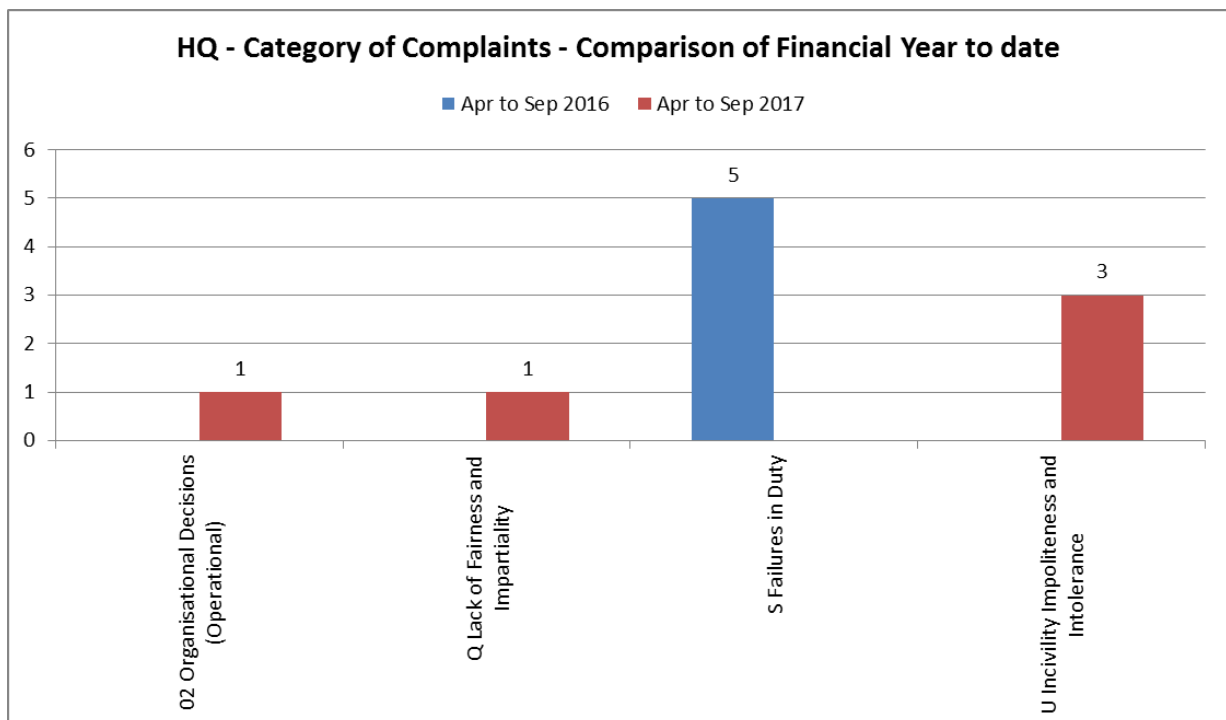
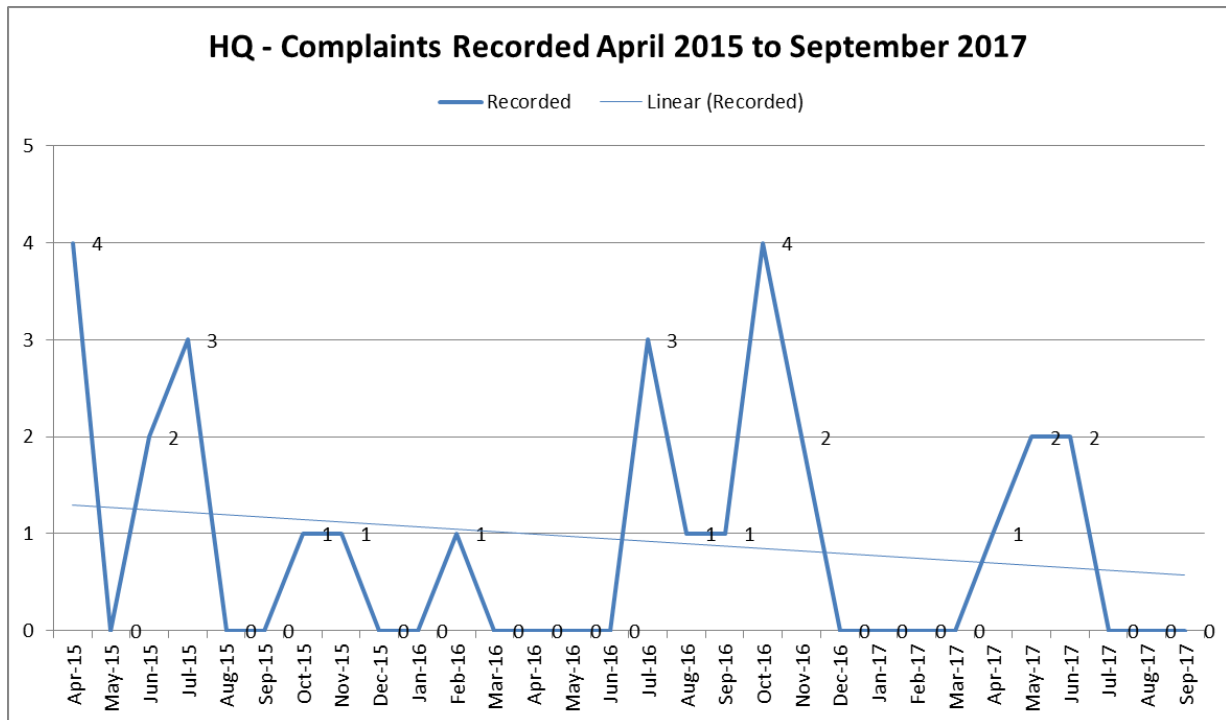
Complaint Category	Number
D Oppressive conduct	1
E Unlawful/Unnecessary Arrest or Detention	2
F Discriminatory behaviour	2
U Incivility Impoliteness and Intolerance	4
<b>Total</b>	<b>9</b>

### Finalised Cases:

Within the 9 complaints above, there are five separate cases – four of these have been finalised, one was finalised between 90-120 days (Local Resolution on Command), three over 120 days (all not upheld).



## HQ Directorate



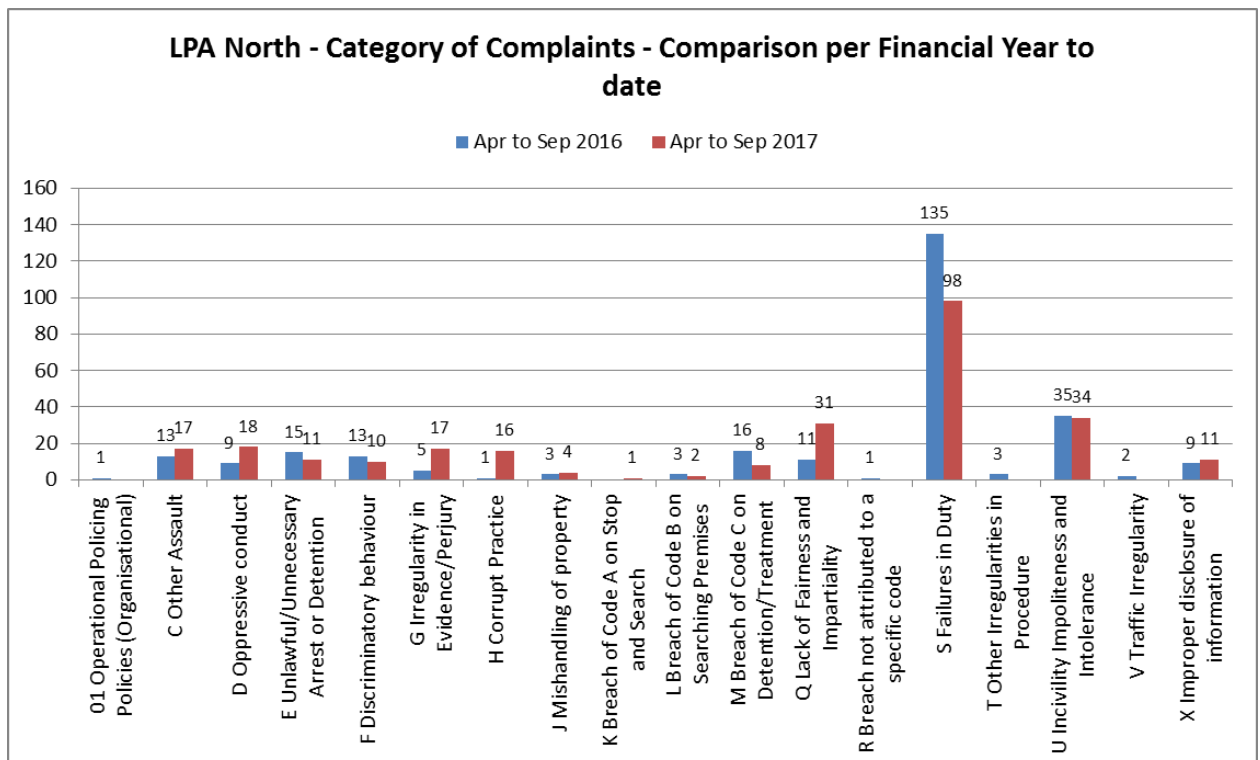
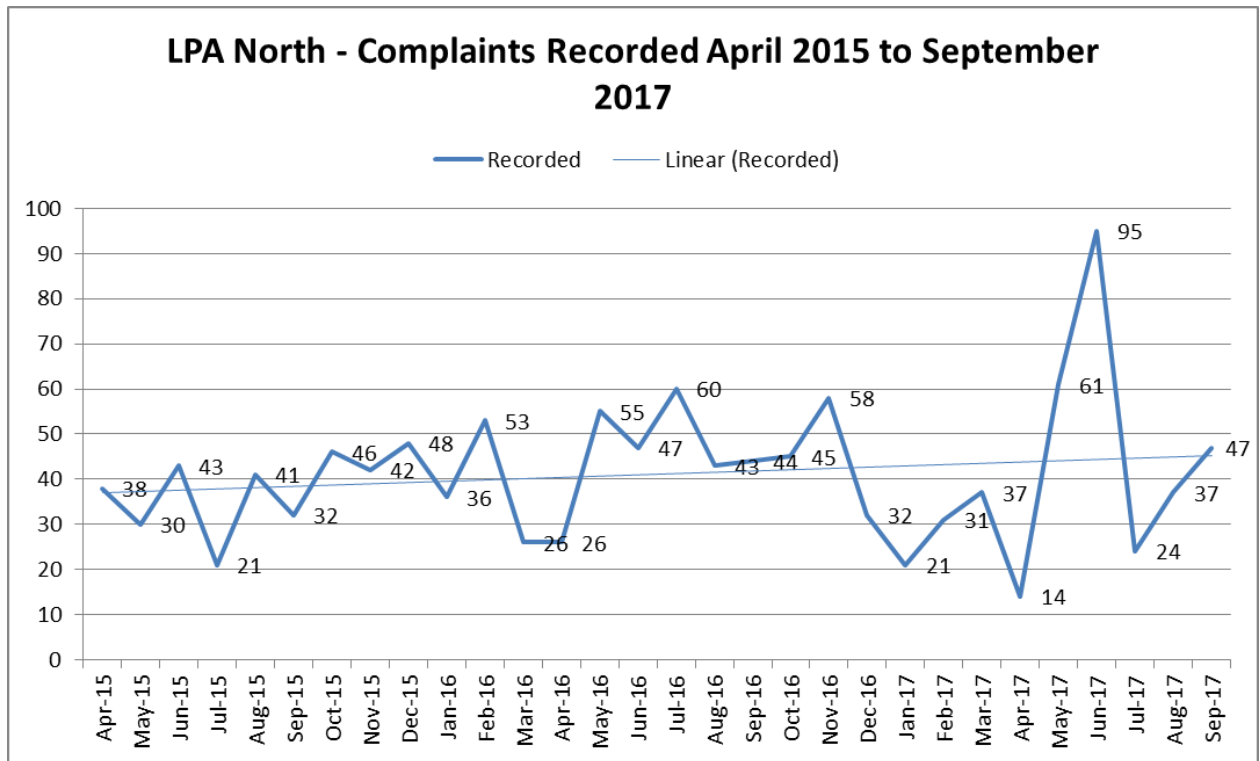
**Timeliness of HQ Cases finalised October 2016 to September 2017:**

**There have been five cases finalised in this time frame – Four of these were under 90 days, and one was over 120 days.**

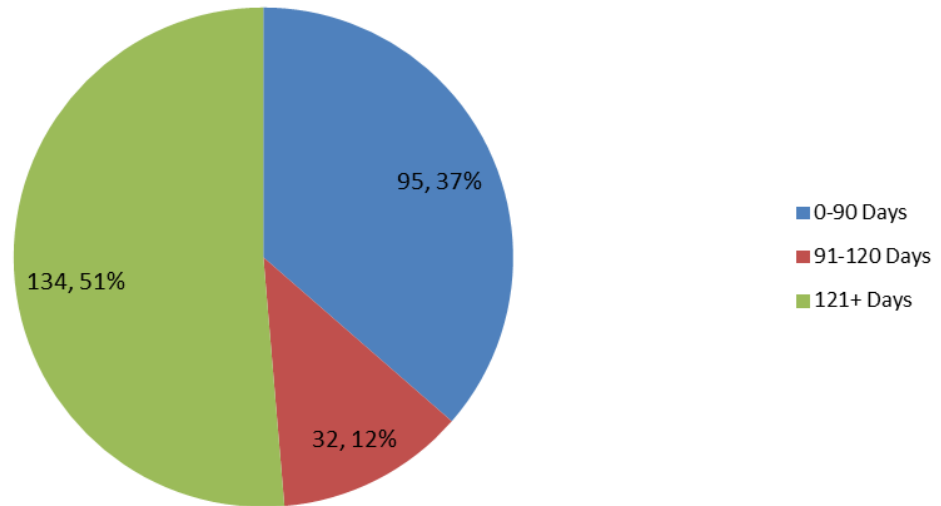
**Case Outcome Finalised Cases October 2016 to September 2017:**

Case Outcome	Number
Local Resolution - Command	2
Local Resolution - PSD	1
Not Upheld - Command	1
Not Upheld - PSD	1

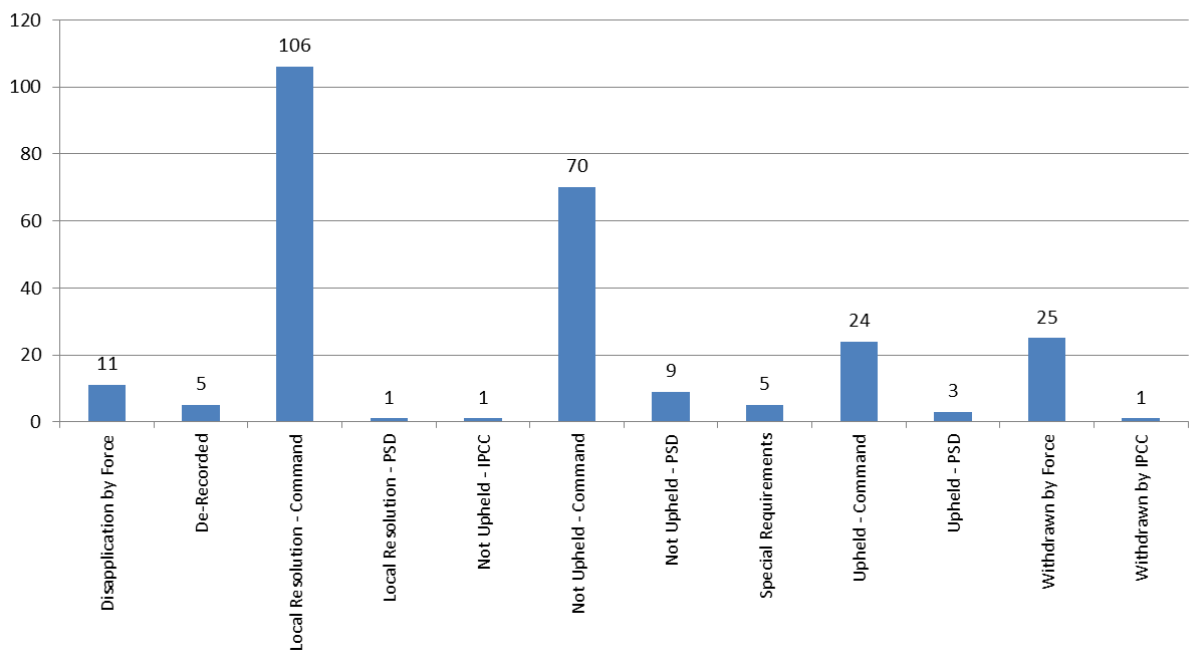
## Local Policing Area - North



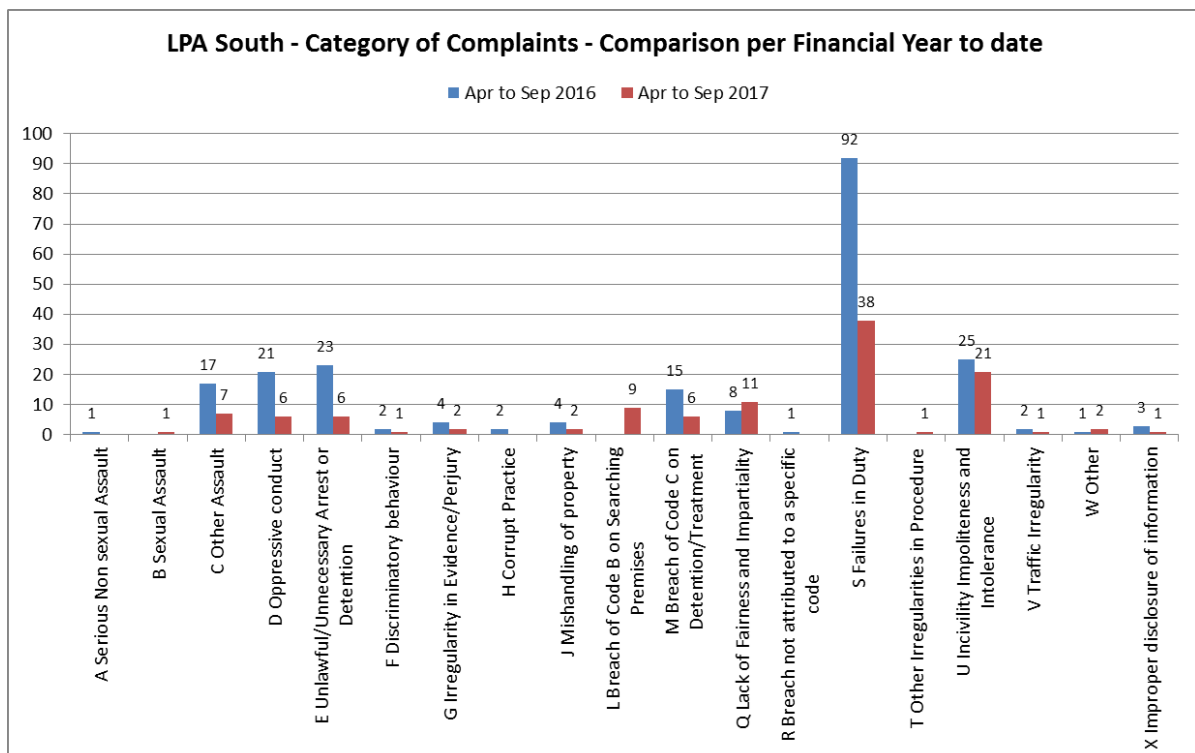
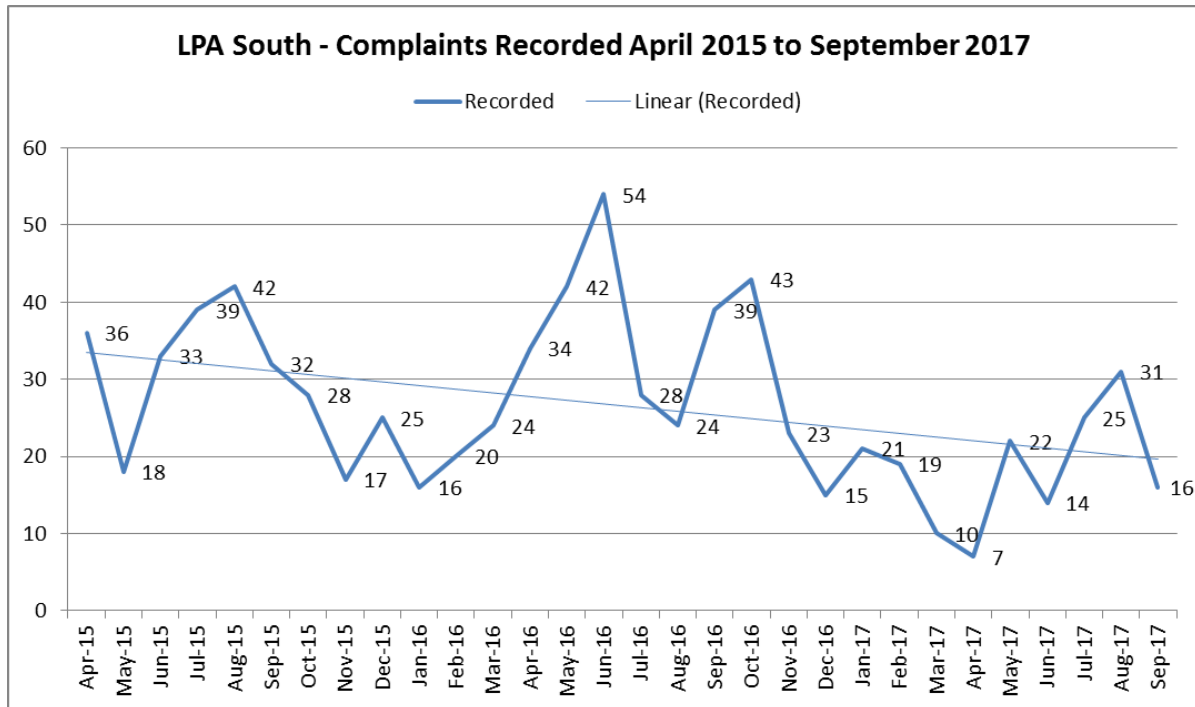
**LPA North - Finalised Cases October 2016 to September 2017 -  
Timeliness according to National Targets**



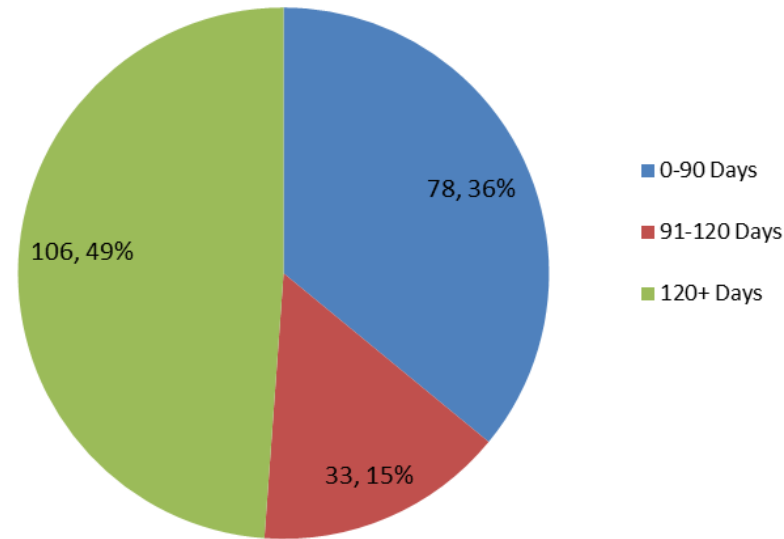
**LPA North - Finalised Cases October 2016 to September 2017 -  
Outcome of Cases**



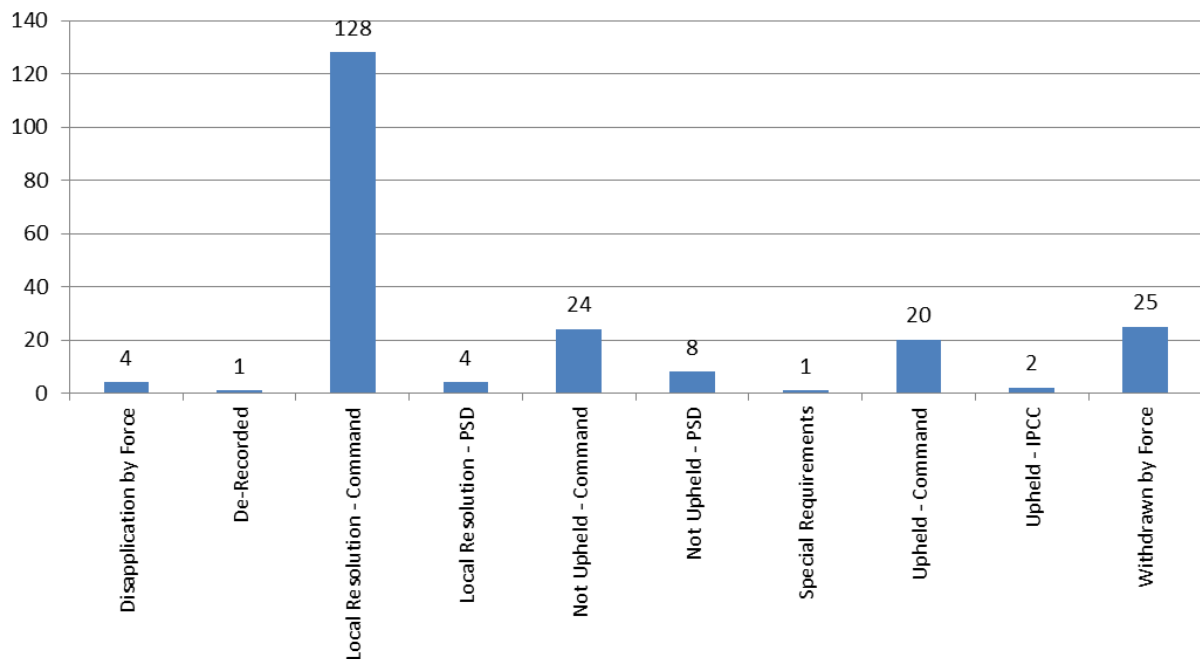
## Local Policing Area - South



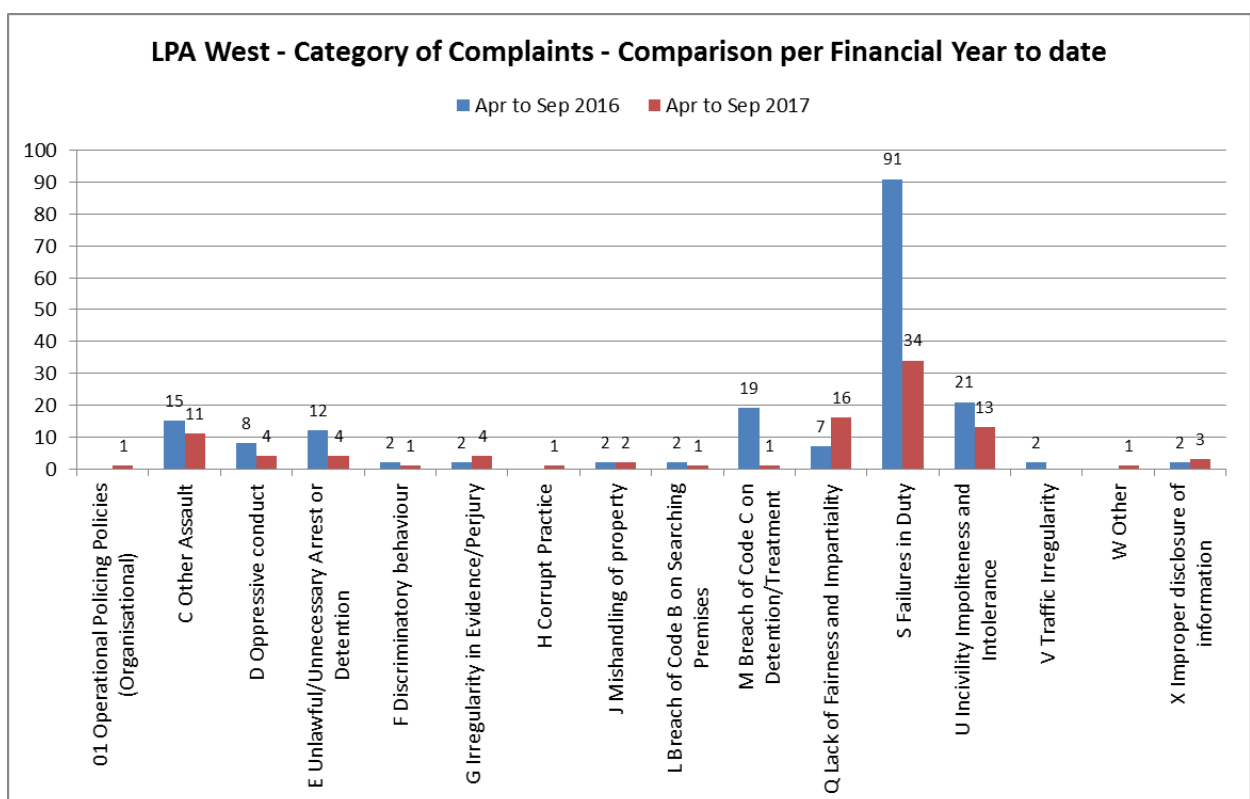
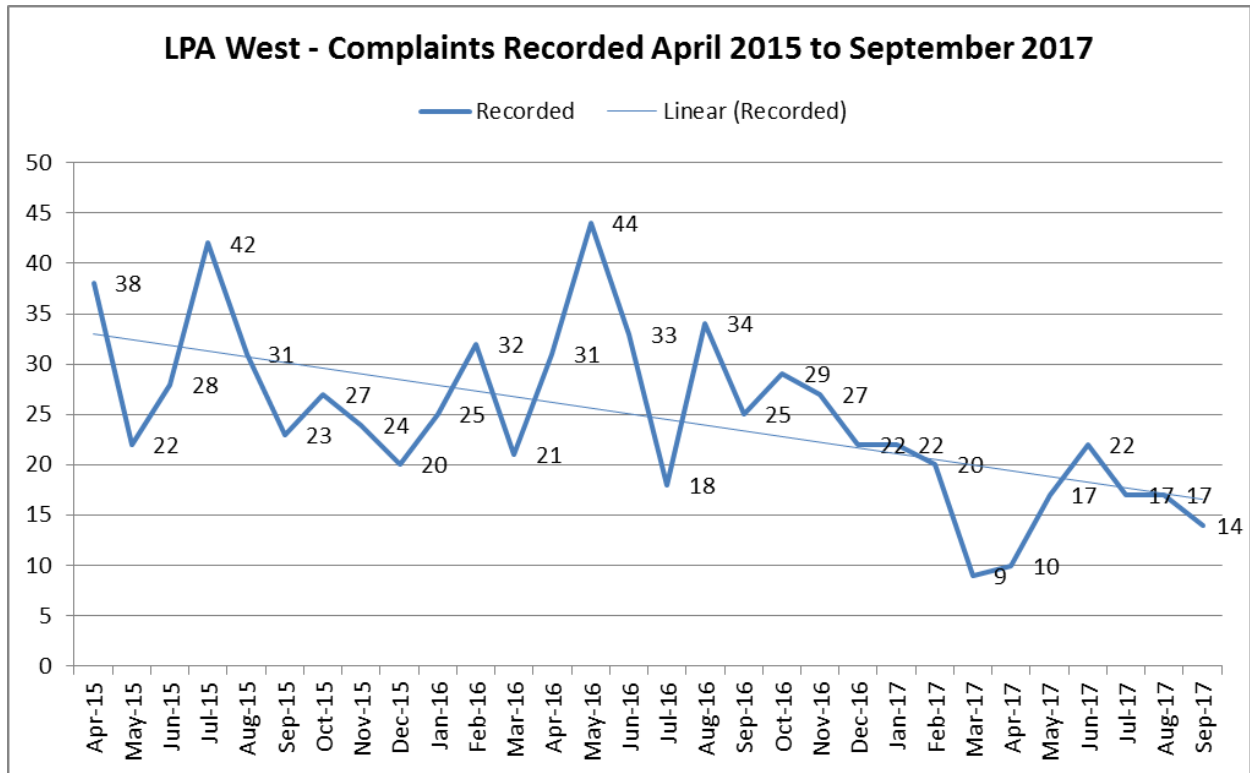
### LPA South - Finalised Cases October 2016 to September 2017 - Timeliness according to National Targets



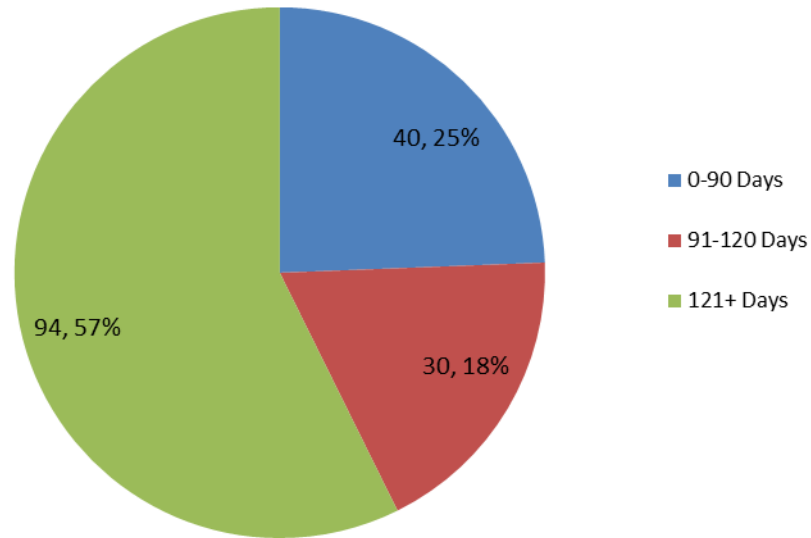
### LPA South - Finalised Cases October 2016 to September 2017 - Outcomes of Cases



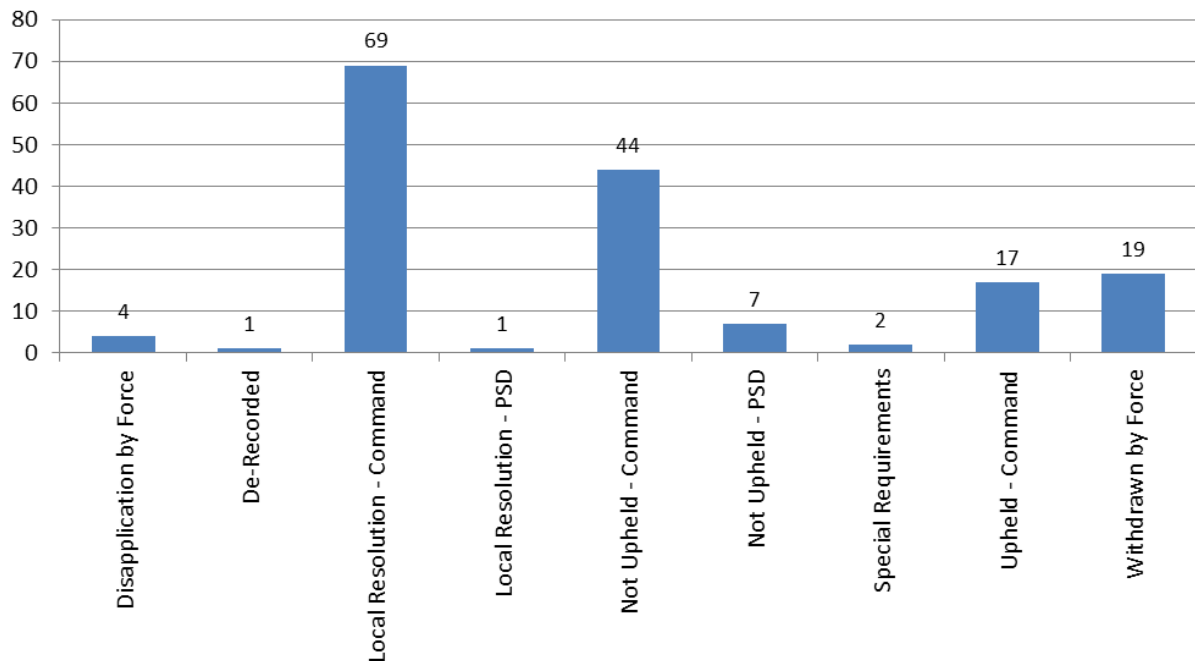
## Local Policing Area - West



**LPA West - Finalised Cases October 2016 to September 2017 -  
Timeliness according to National Targets**



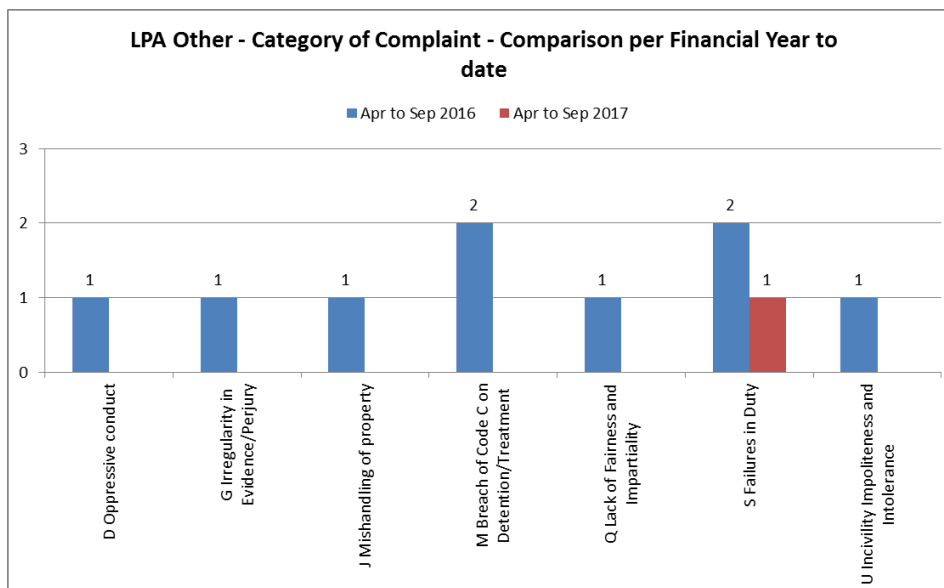
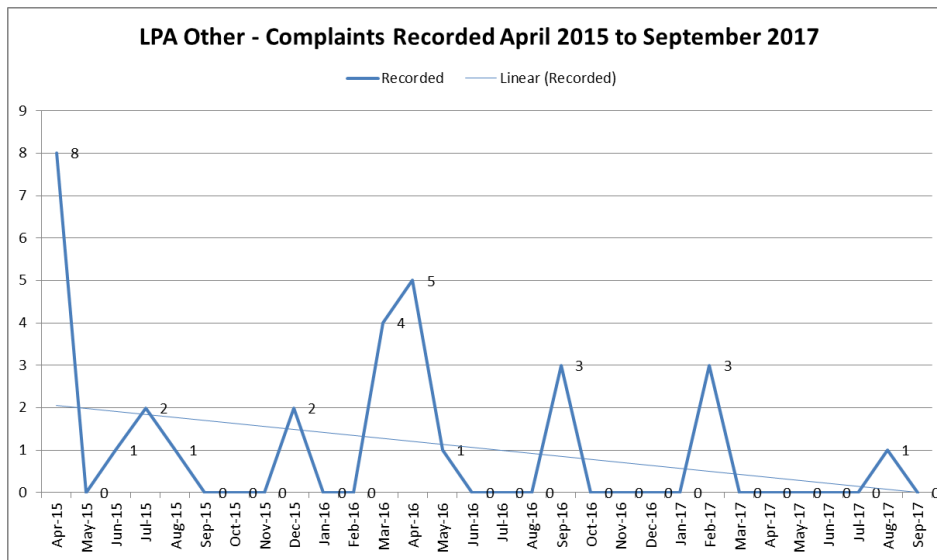
**LPA West - Finalised Cases October 2016 to September 2017 -  
Outcomes of Cases**





## LPA Other/Unknown

Recorded as LPA/Territorial Policing complaints but no confirmed geographic area – this is likely due to changes in force structure and subsequent recording on Police systems. The amount reduced greatly in 2017/2018.

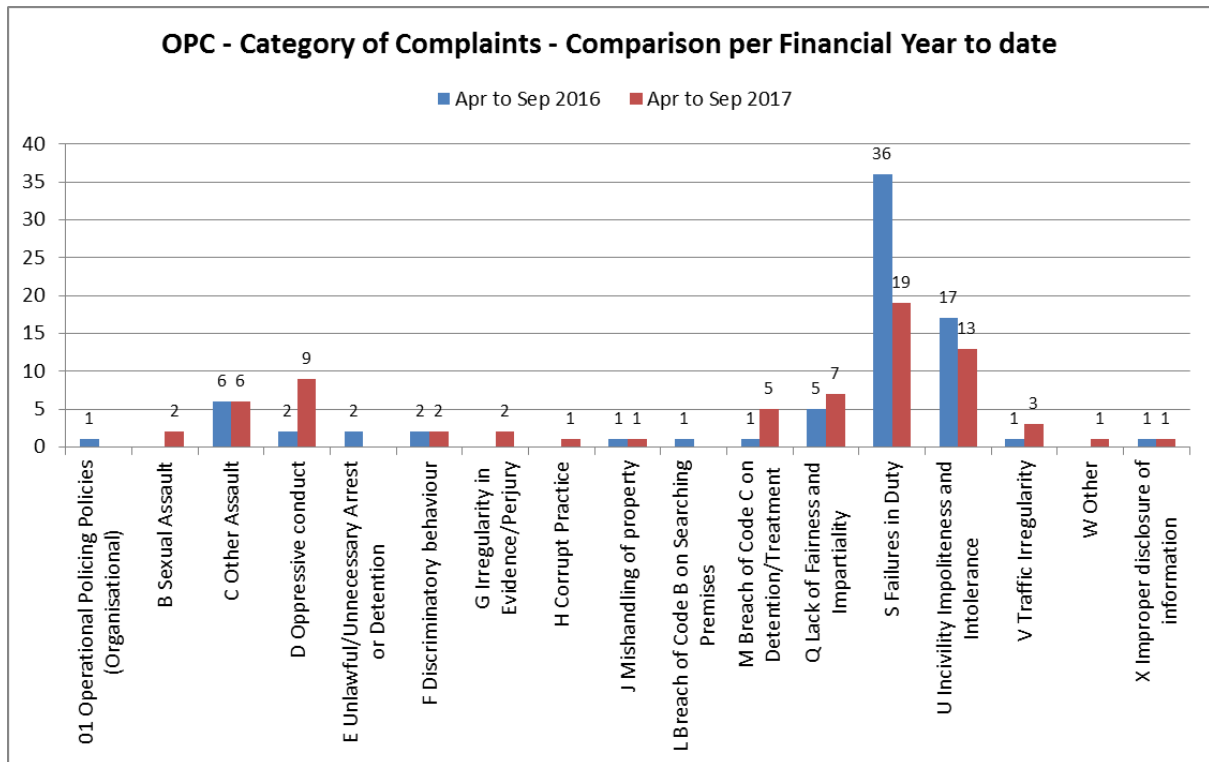
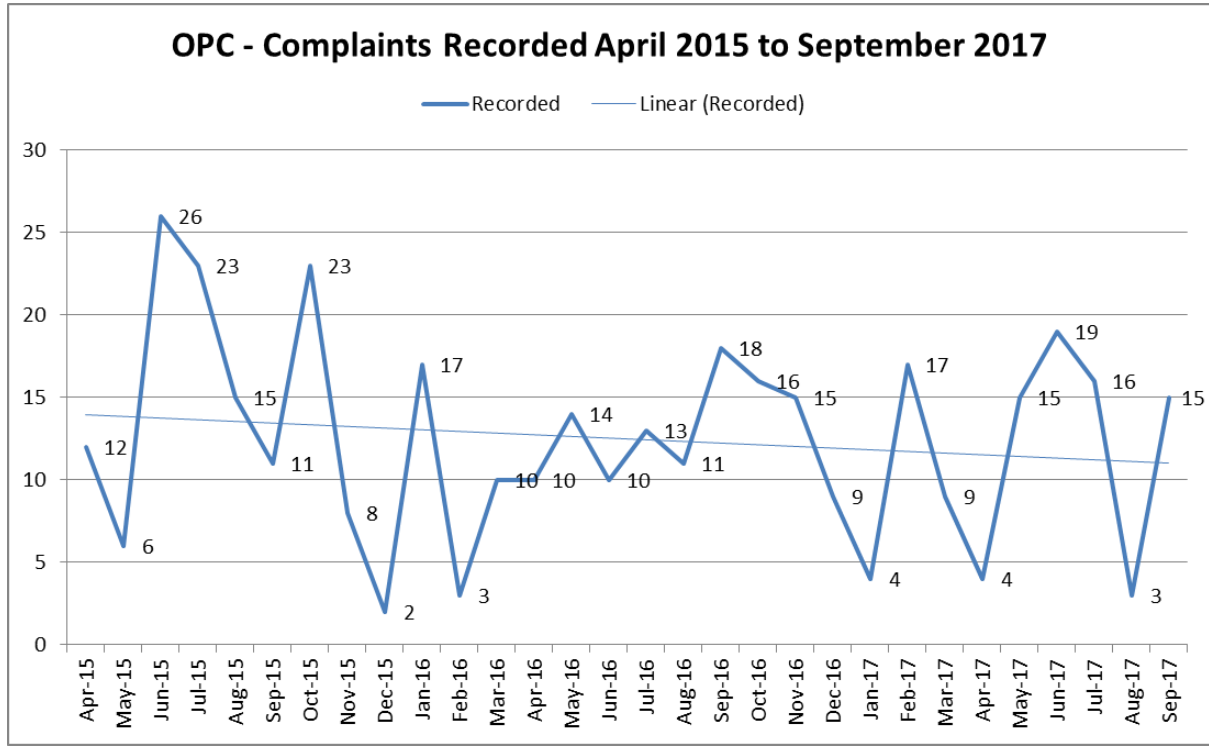


### Timeliness and Outcomes:

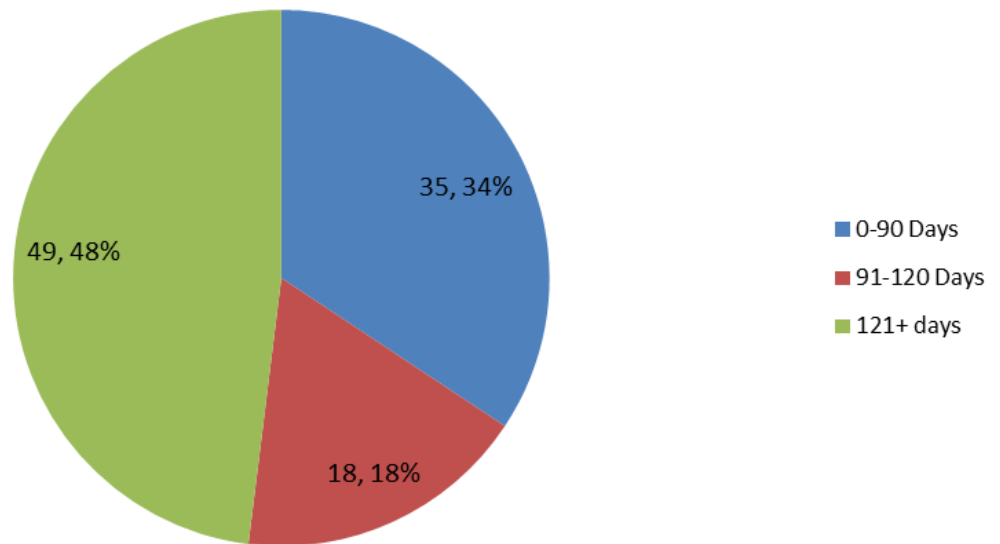
Of the six cases finalised since April 2016 under LPA Other/Unknown, all had total days of over 120 days.

All finalised outcomes were Upheld by Command, or Upheld by IPCC in one case.

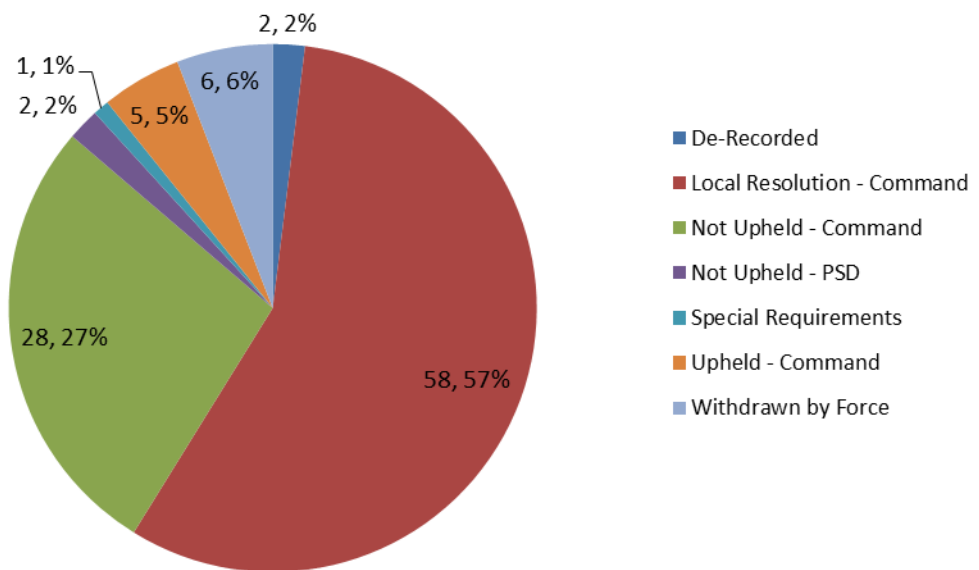
## Operational Policing Command



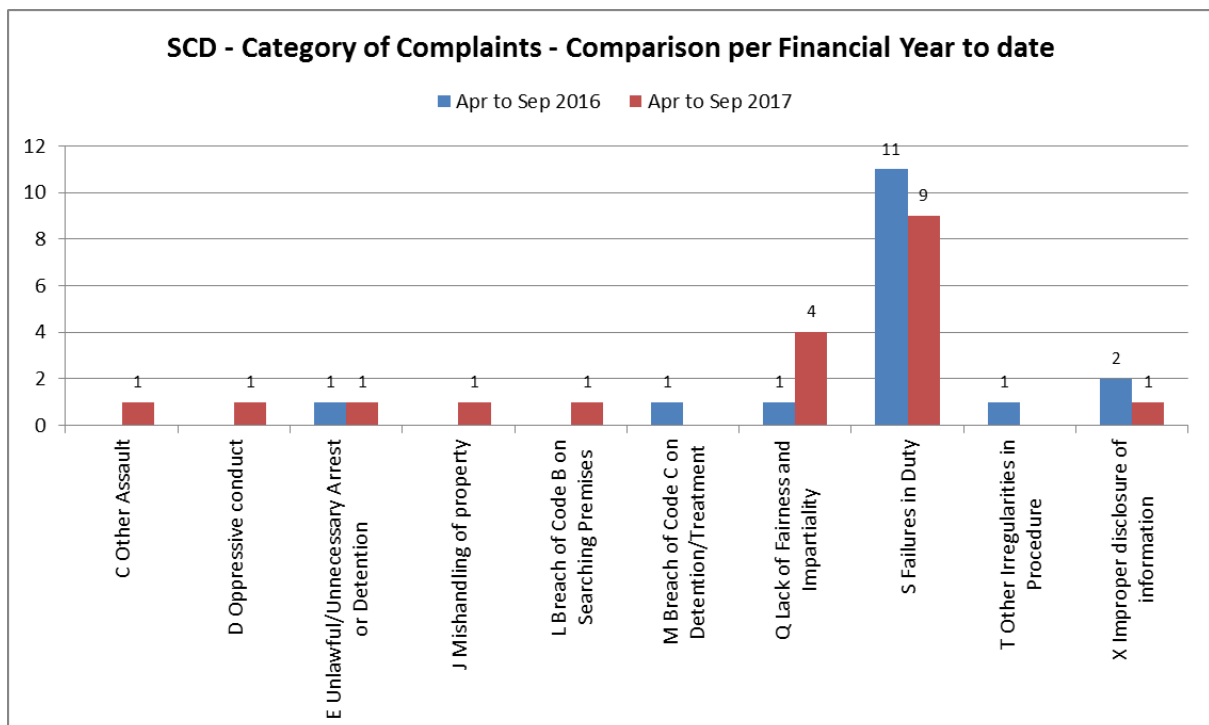
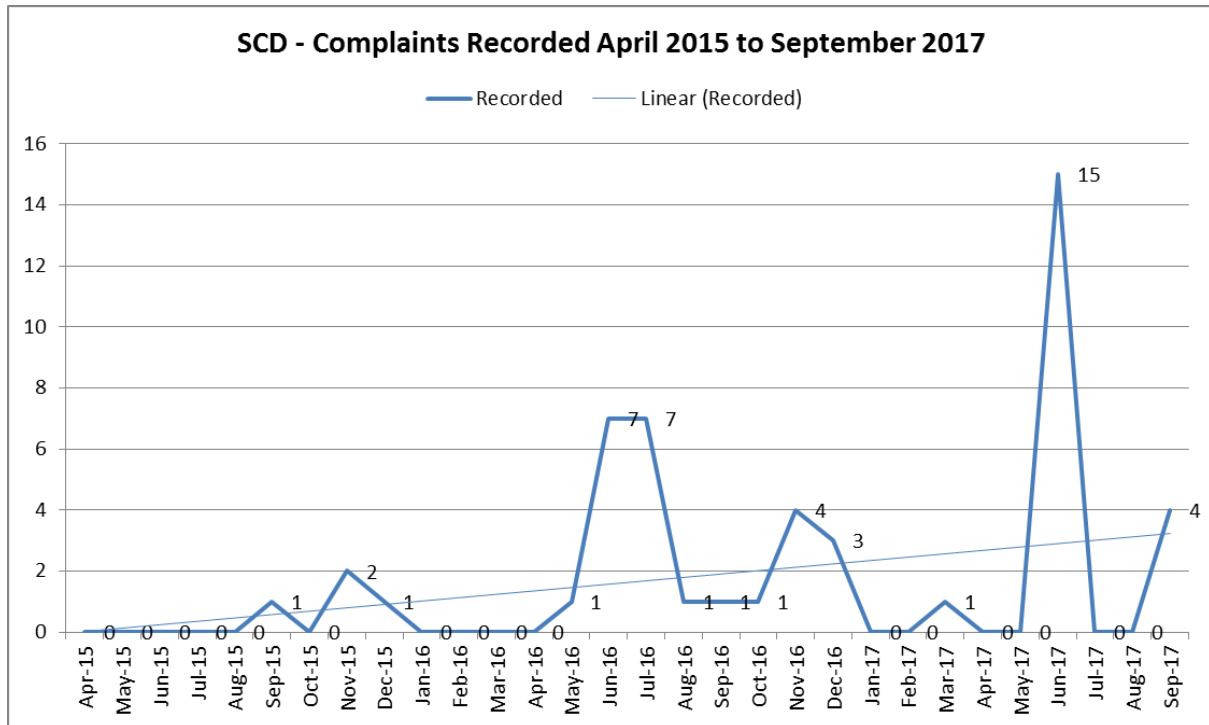
**OPC - Finalised Cases October 2016 to September 2017 -  
Timeliness according to National Targets**



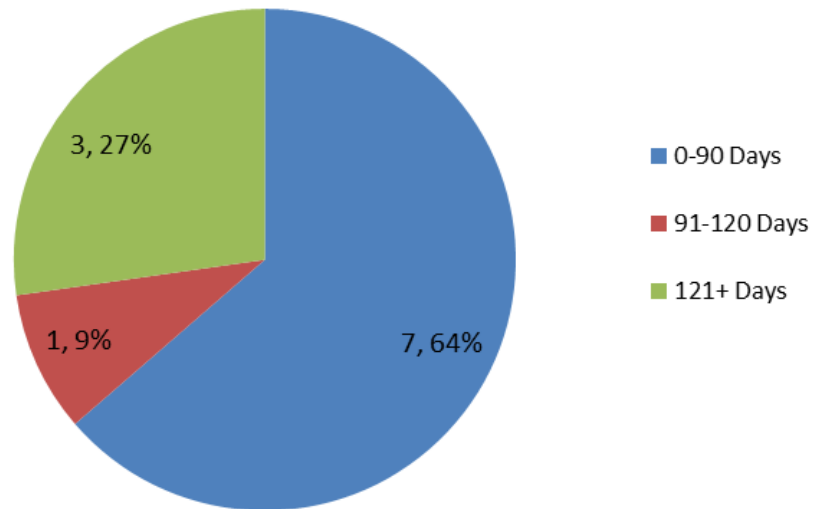
**OPC - Finalised Cases October 2016 to September 2017 -  
Outcome of Cases**



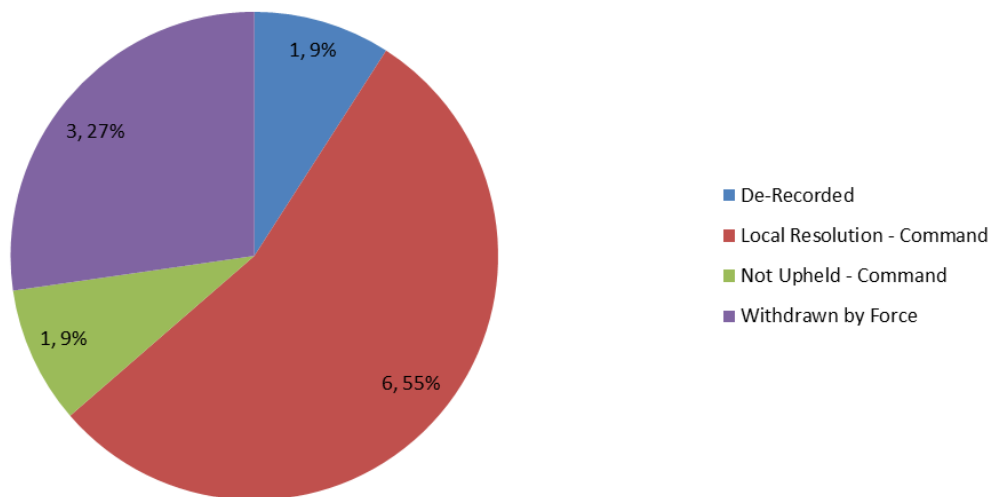
## Serious Crime Directorate



**SCD - Finalised Cases October 2016 to September 2017 -  
Timeliness according to National Targets**



**SCD - Finalised Cases October 2016 to September 2017 -  
Outcome of Cases**



## **Support Services**

**There are minimal complaints recorded/finalised for the Support Services Command.**

**Three cases Recorded since April 2015:**

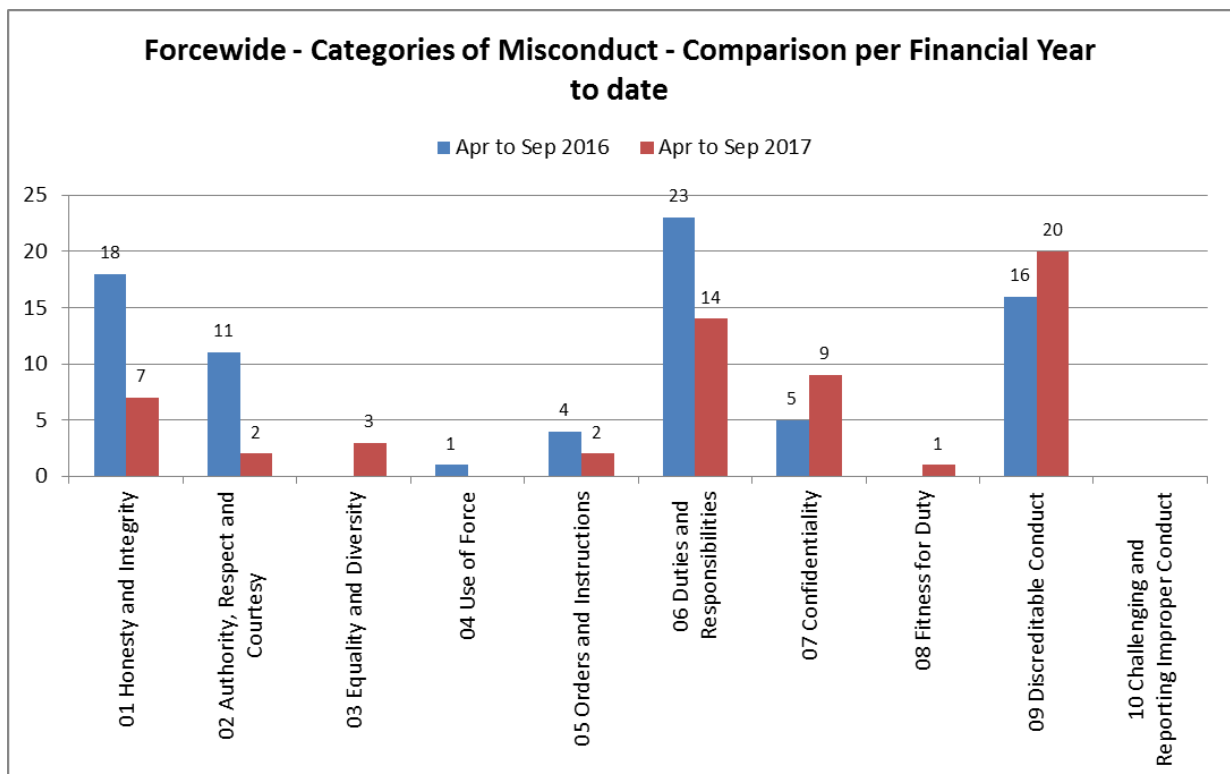
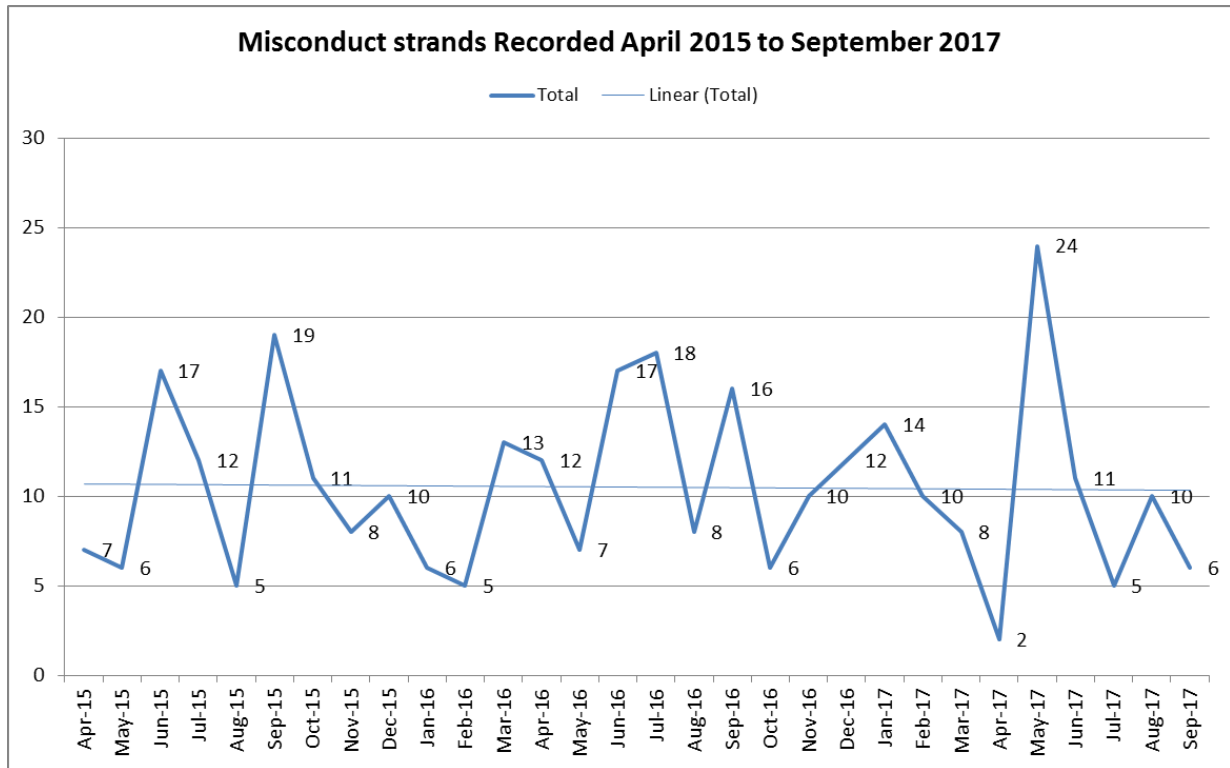
**August 2015 - Incivility - IT Directorate - Finalised in 131 Days, Outcome Local Resolution on Command.**

**May 2016 - Oppressive Conduct - HR & Training - Finalised in 143 Days, Outcome Not Upheld on Command.**

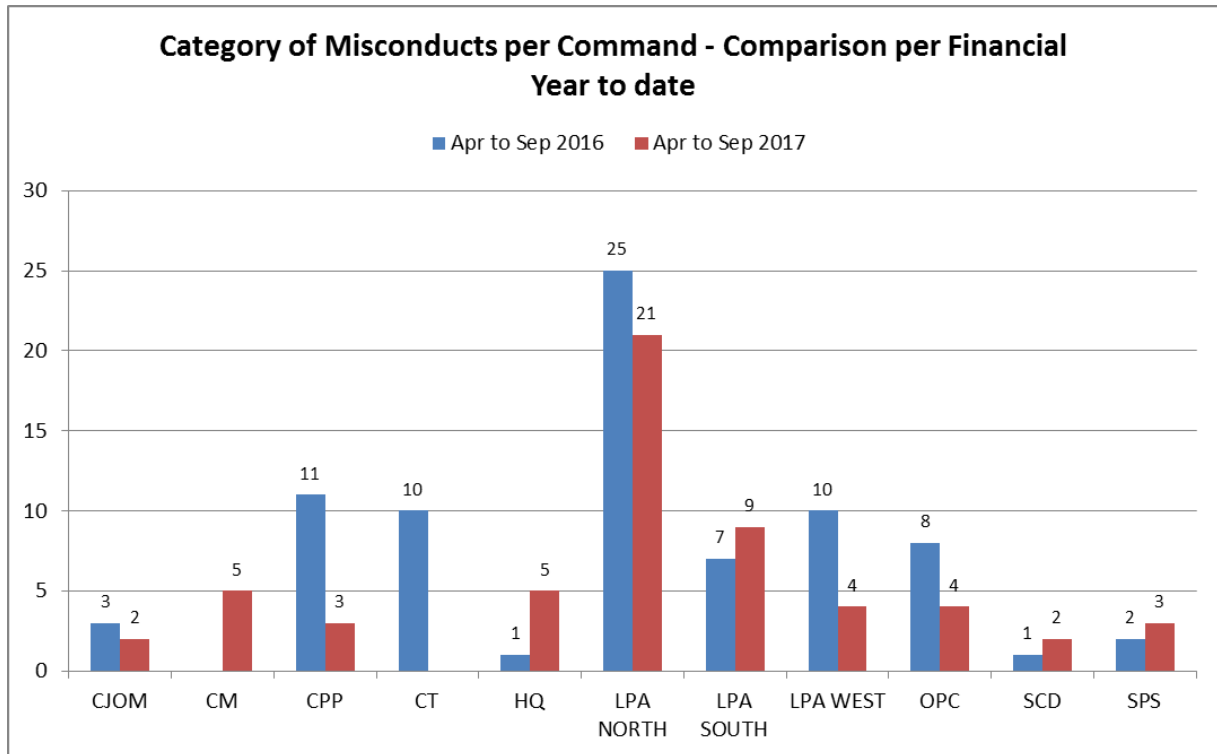
**June 2017 - Incivility - HR & Training - Finalised in 47 Days, Outcome Local Resolution PSD.**

**Please note that those recorded as HR & Training are likely to be Probationer Officers.**

## Force Misconduct



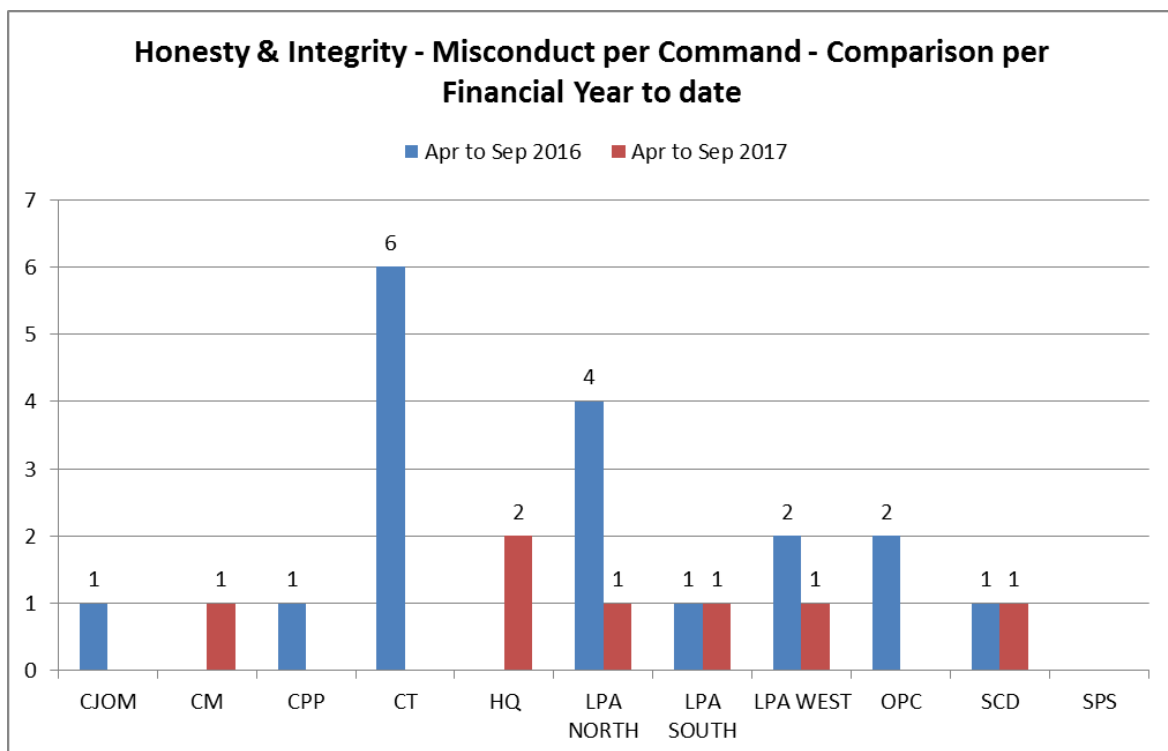
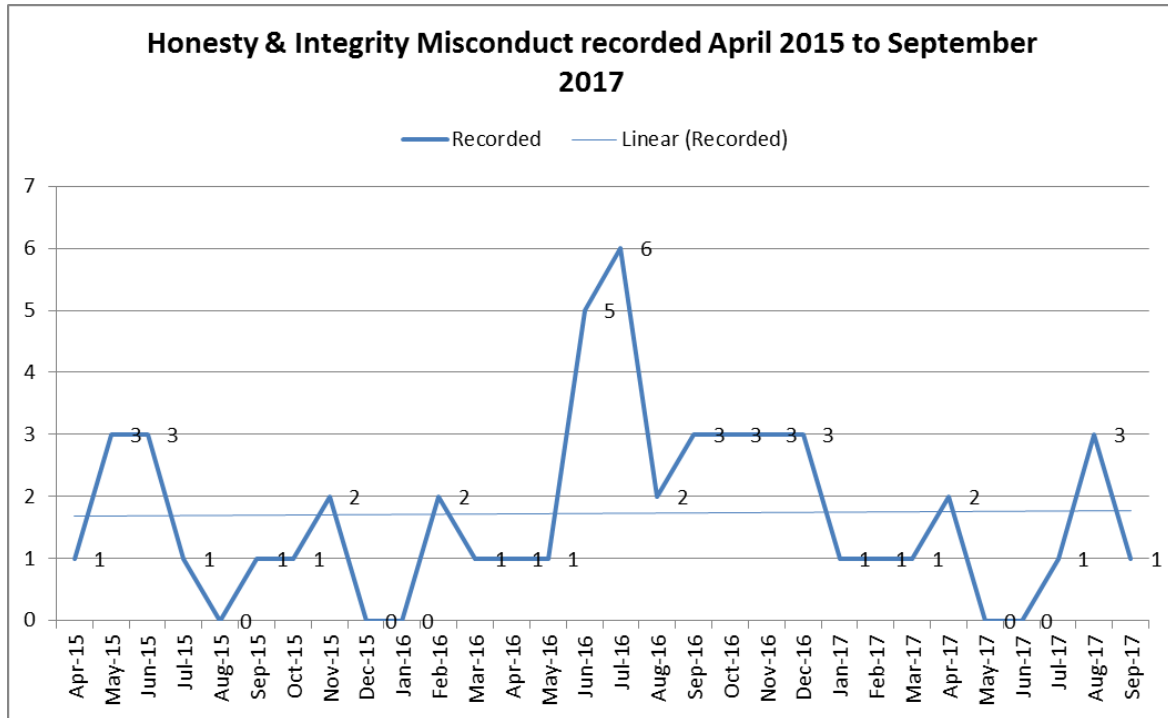
## Command Breakdown of Misconduct



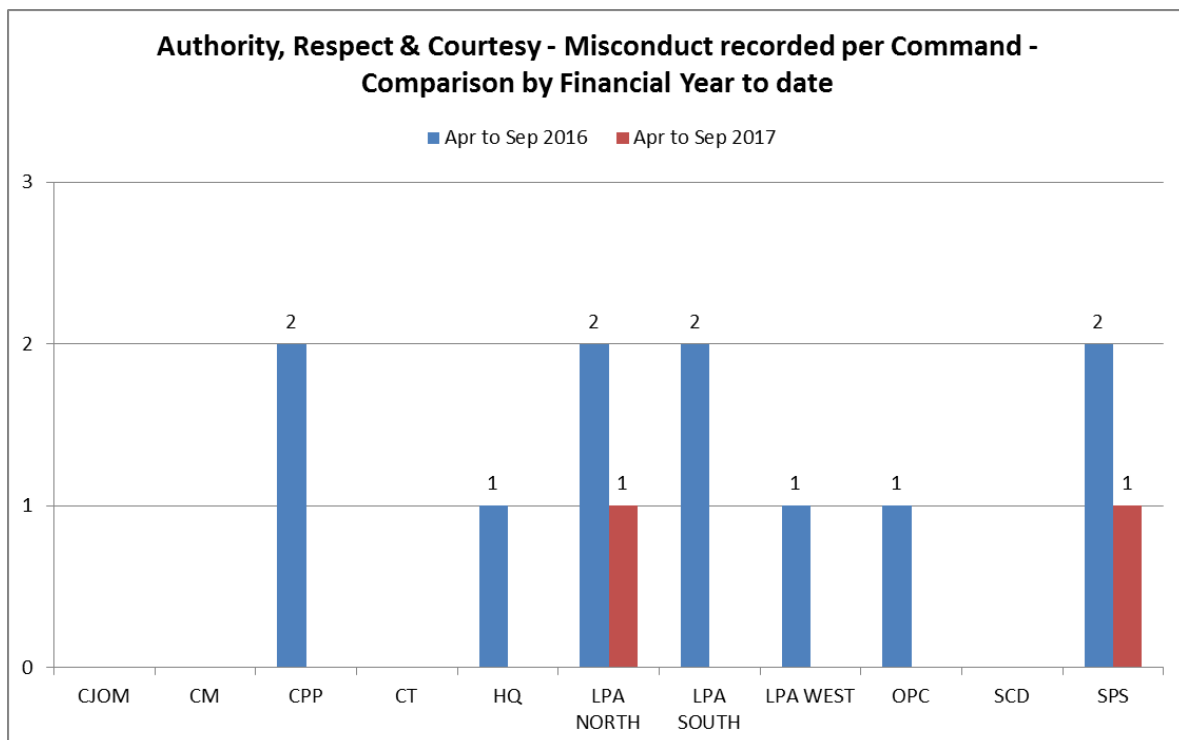
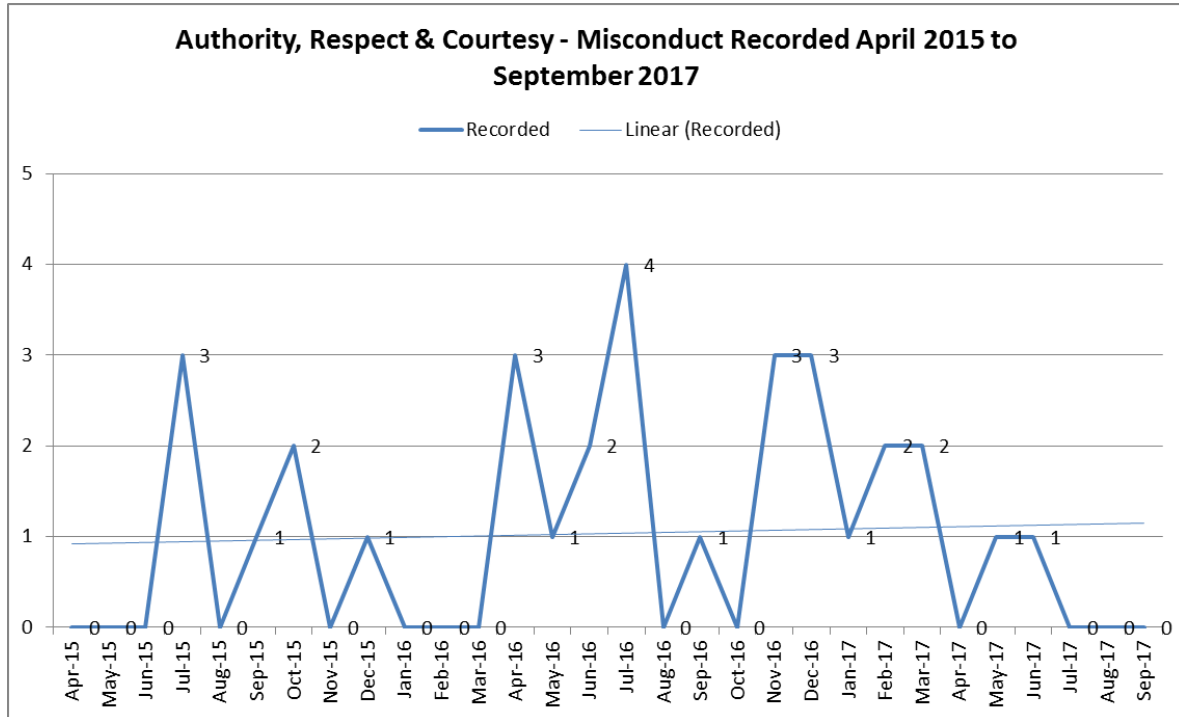


## Misconduct Categories

### Honesty and Integrity



## Authority, Respect & Courtesy



### **Equality and Diversity**

**There have been three cases recorded under this category since April 2015:**

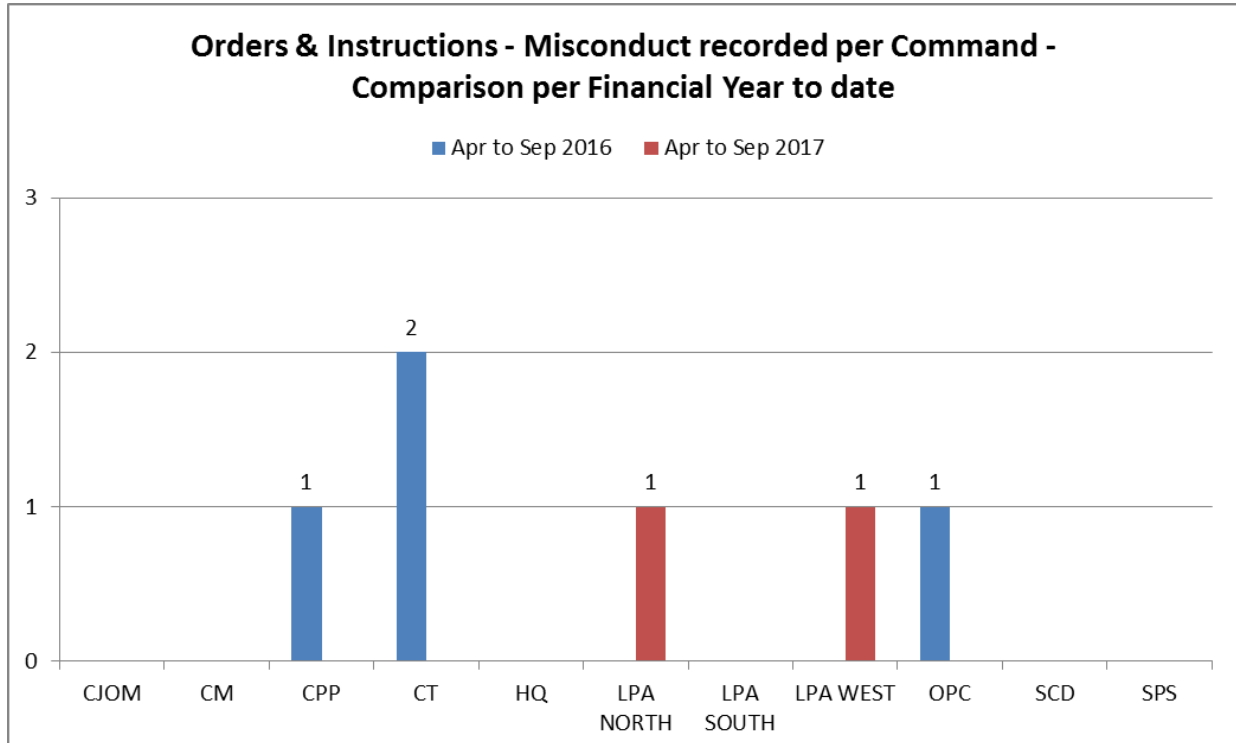
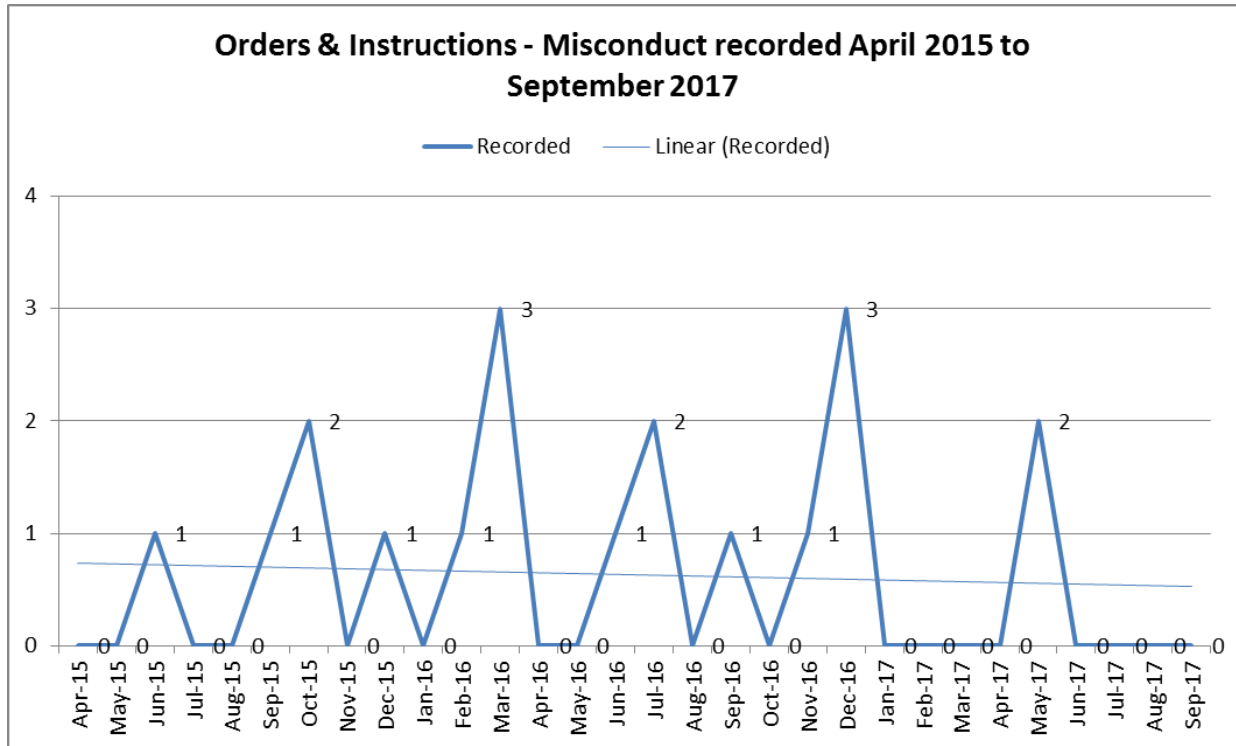
**All three of these were recorded in May 2017, as additional strands of an already open Misconduct case.**

**Two of these cases are attributed to North LPA, the other to South LPA.**

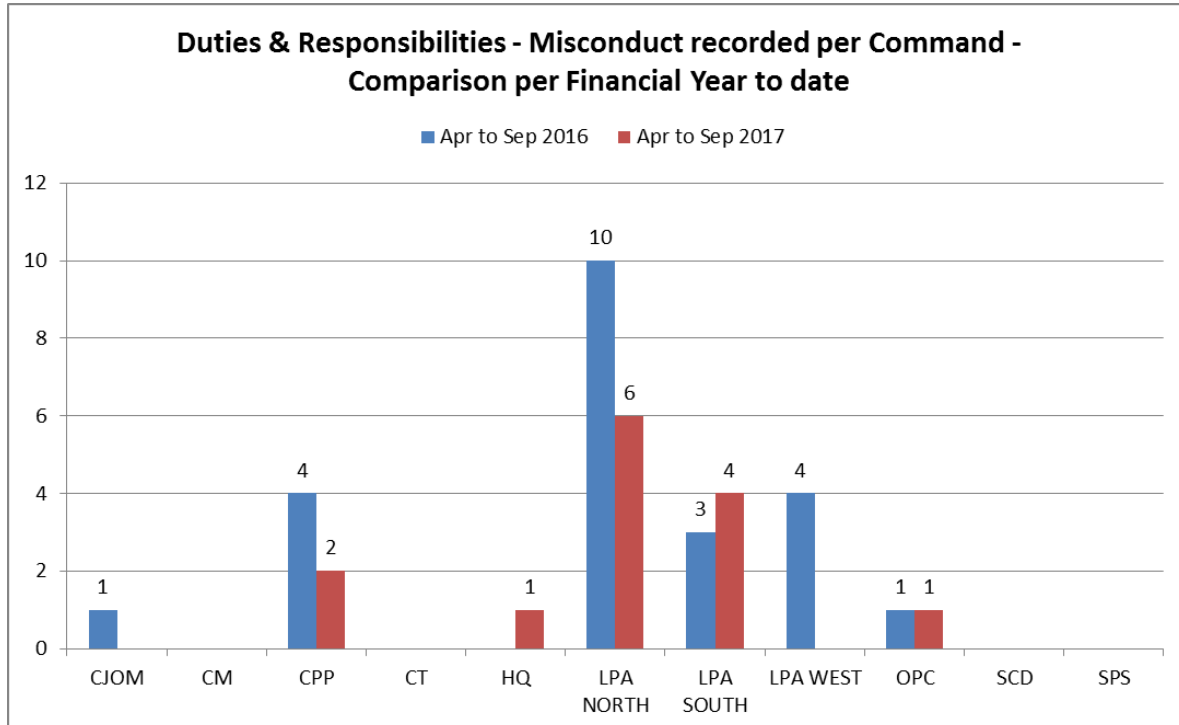
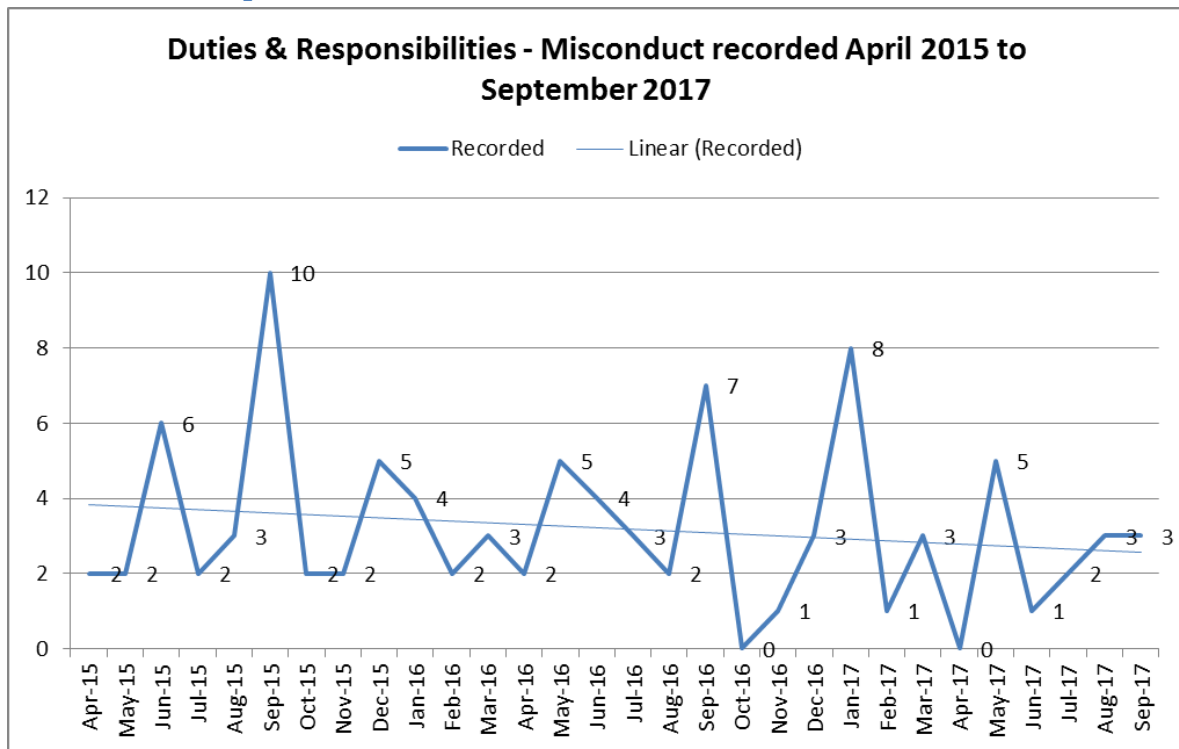
### **Use of Force**

**There has only been one Misconduct recorded under this category since April 2015. This was in North LPA in April 2016.**

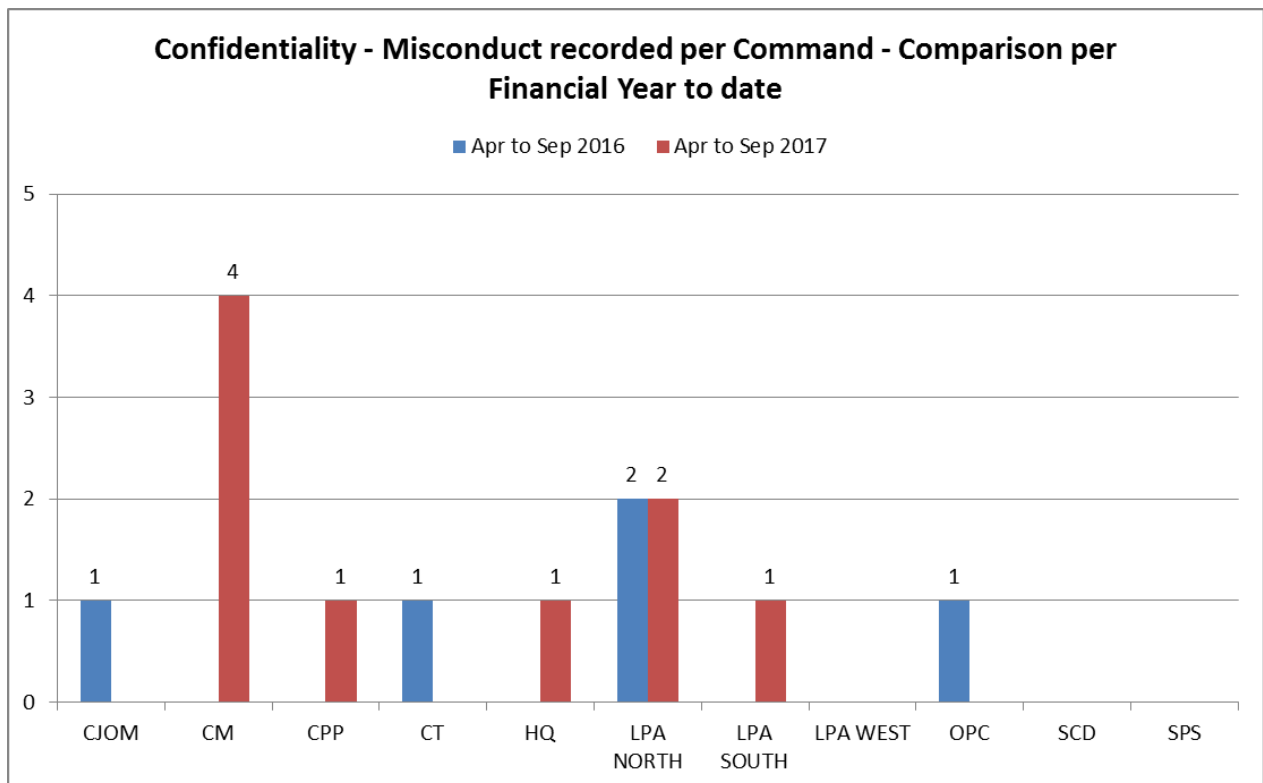
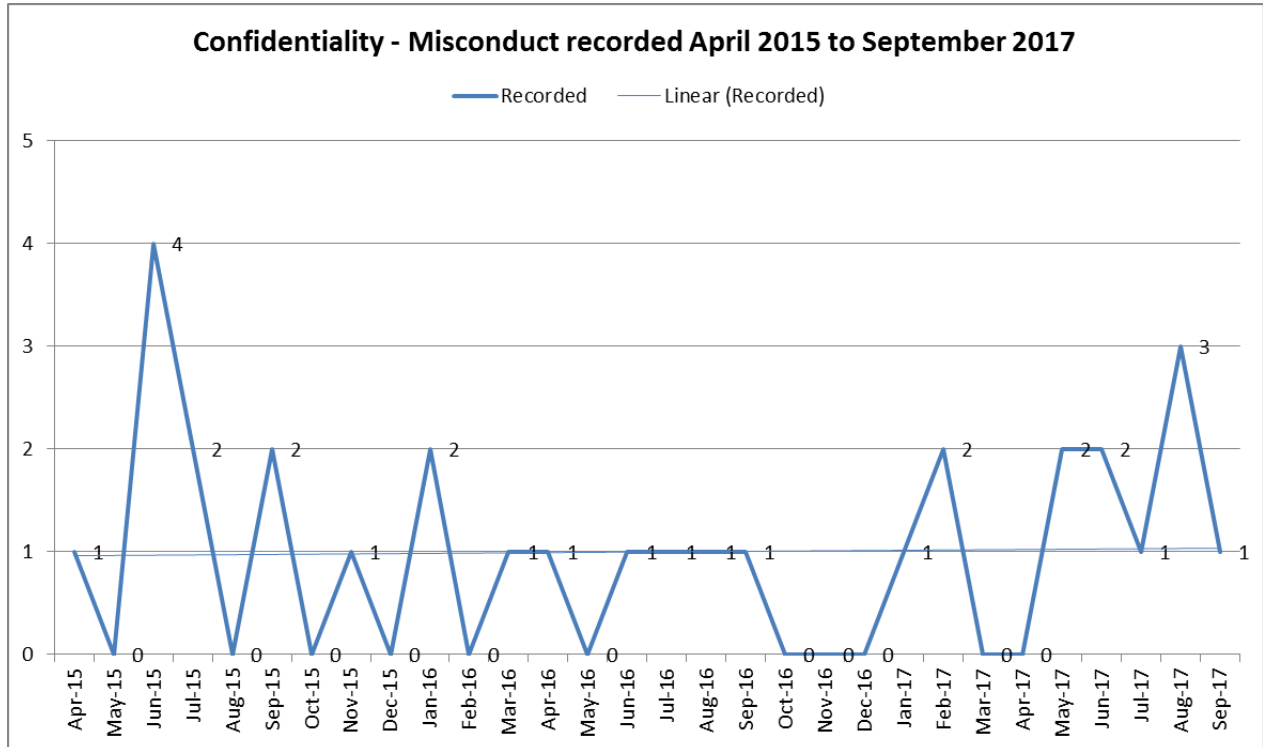
## Orders and Instructions



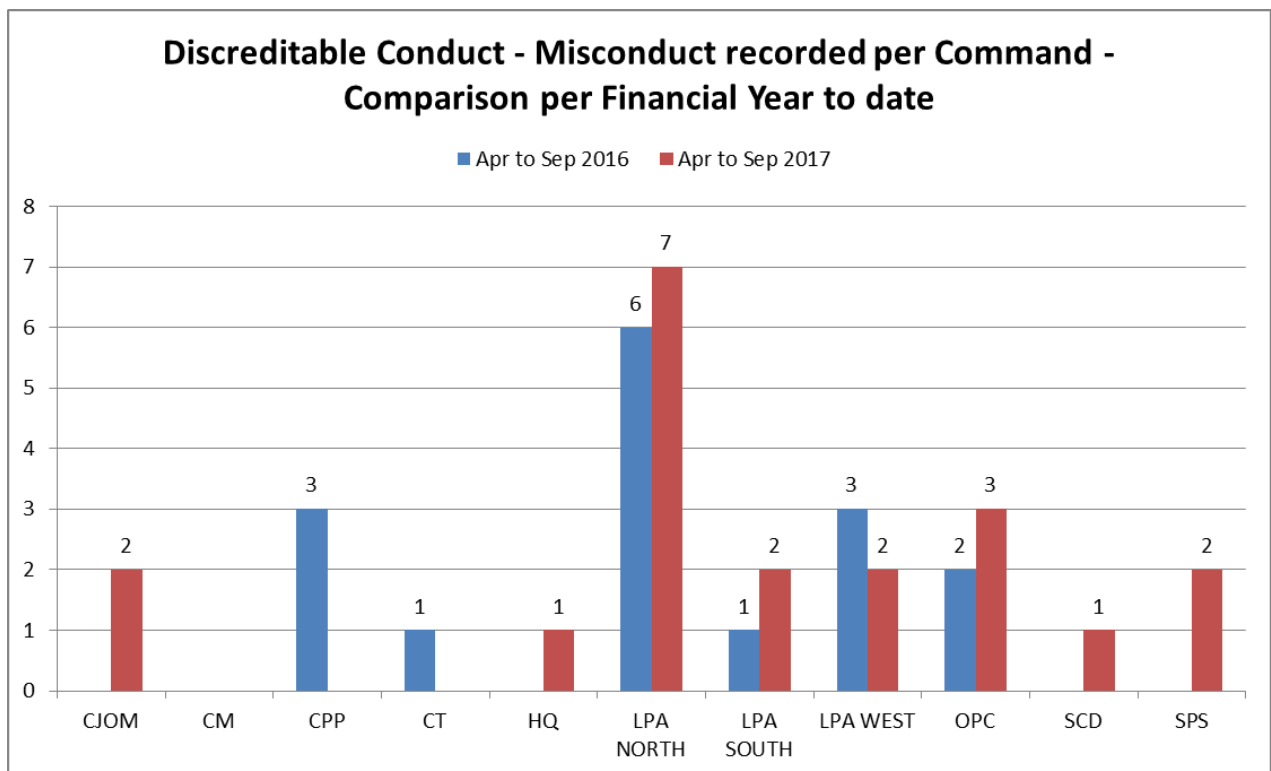
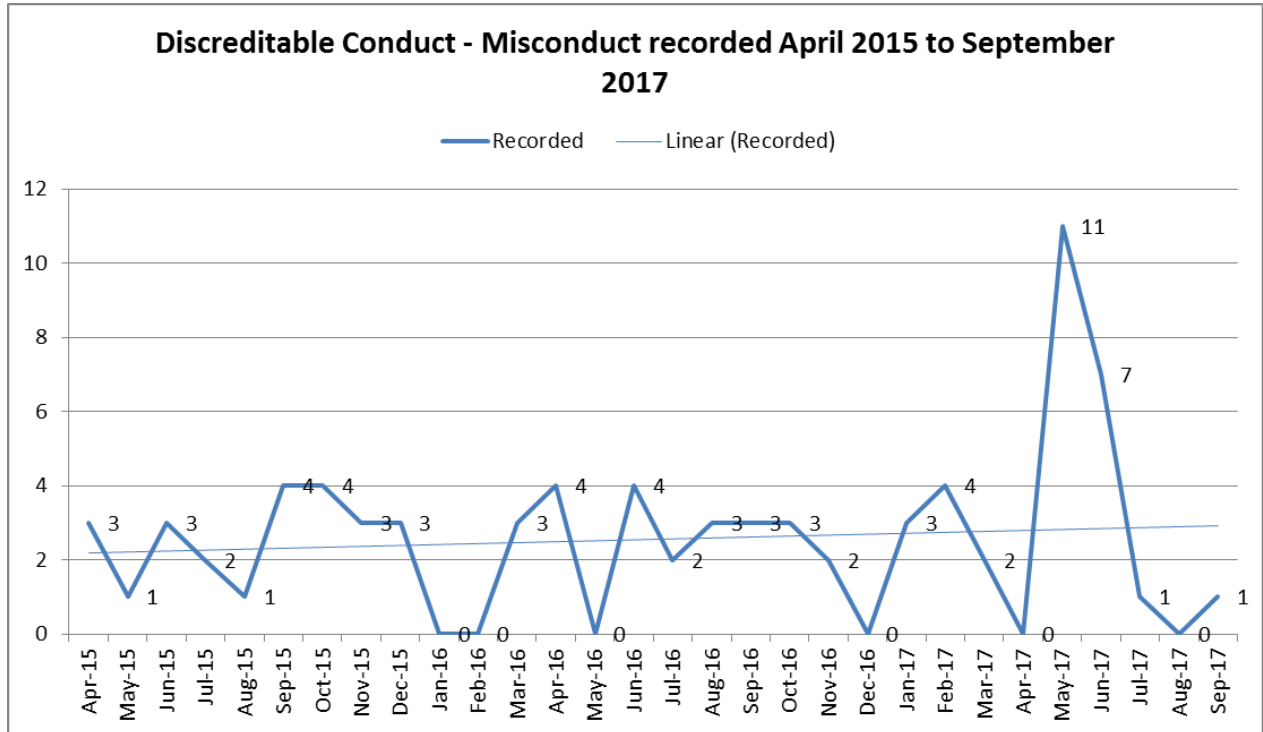
## Duties and Responsibilities



## Confidentiality



## Discreditable Conduct



### **Fitness for Duty**

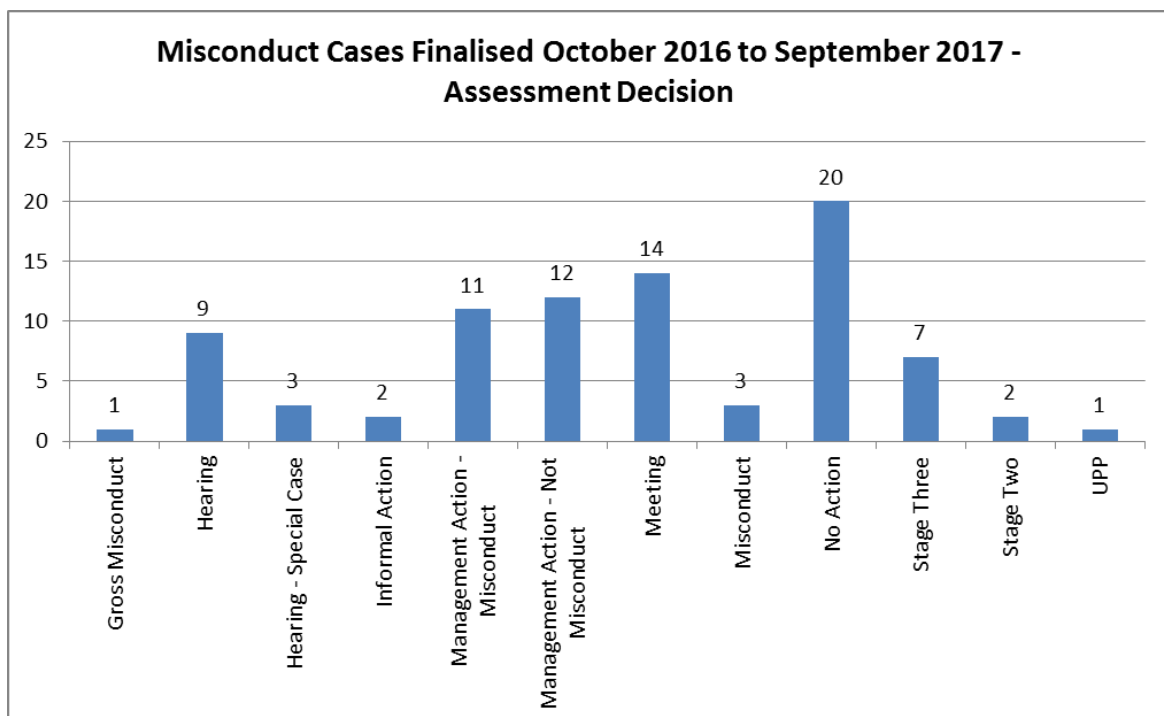
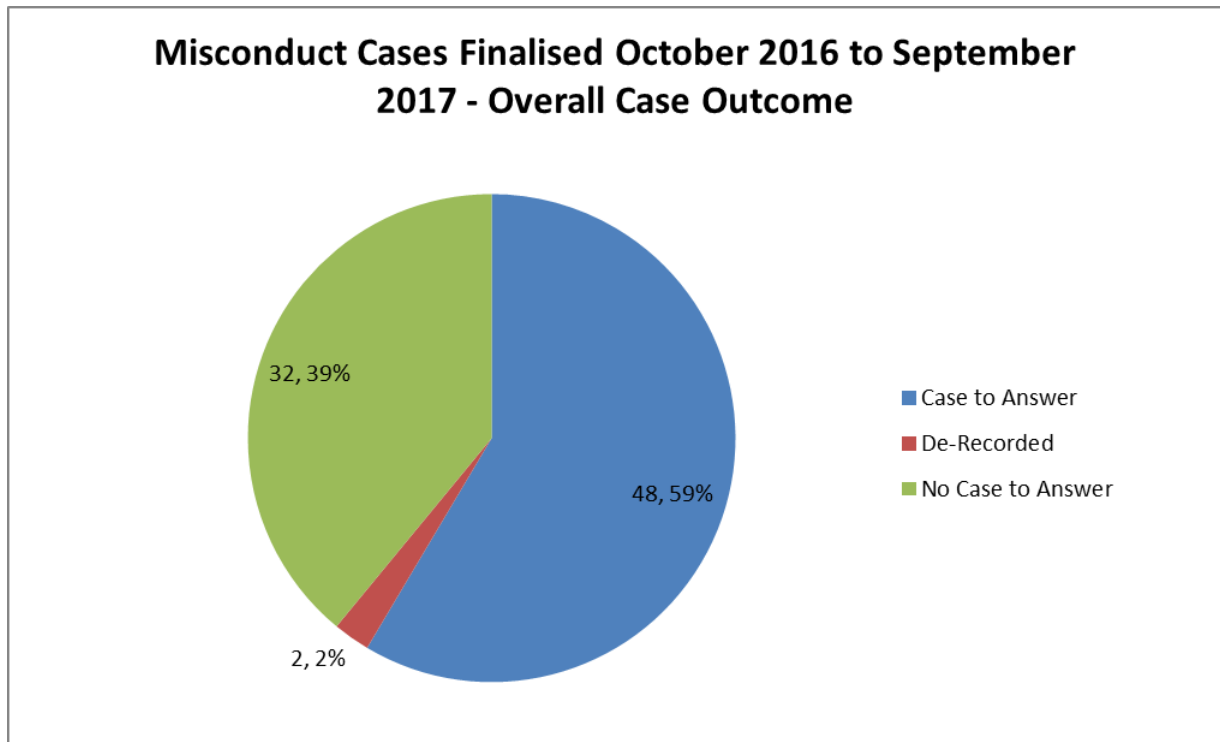
**There has been one case involving Fitness for Duty since April 2015 - This was recorded in August 2017 involving LPA North.**

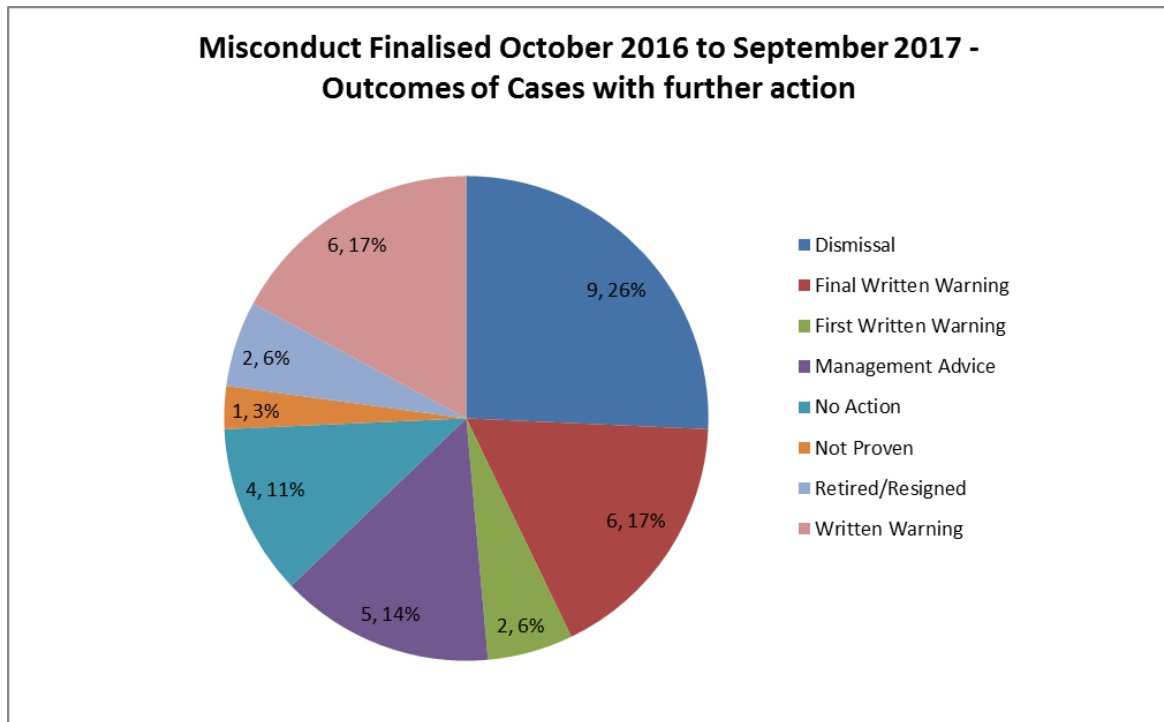
### **Challenging and Reporting Improper Conduct**

**There has been one case of this misconduct category since April 2015 - This was in July 2015 involving CPP Command.**



## Outcomes of Misconduct Cases





**Please note - the second graph reflects the outcomes of those cases that were progressed after the assessment decision in the first case - It does not include the cases that had already been given No Action, or Management Action as the assessment decision for example.**

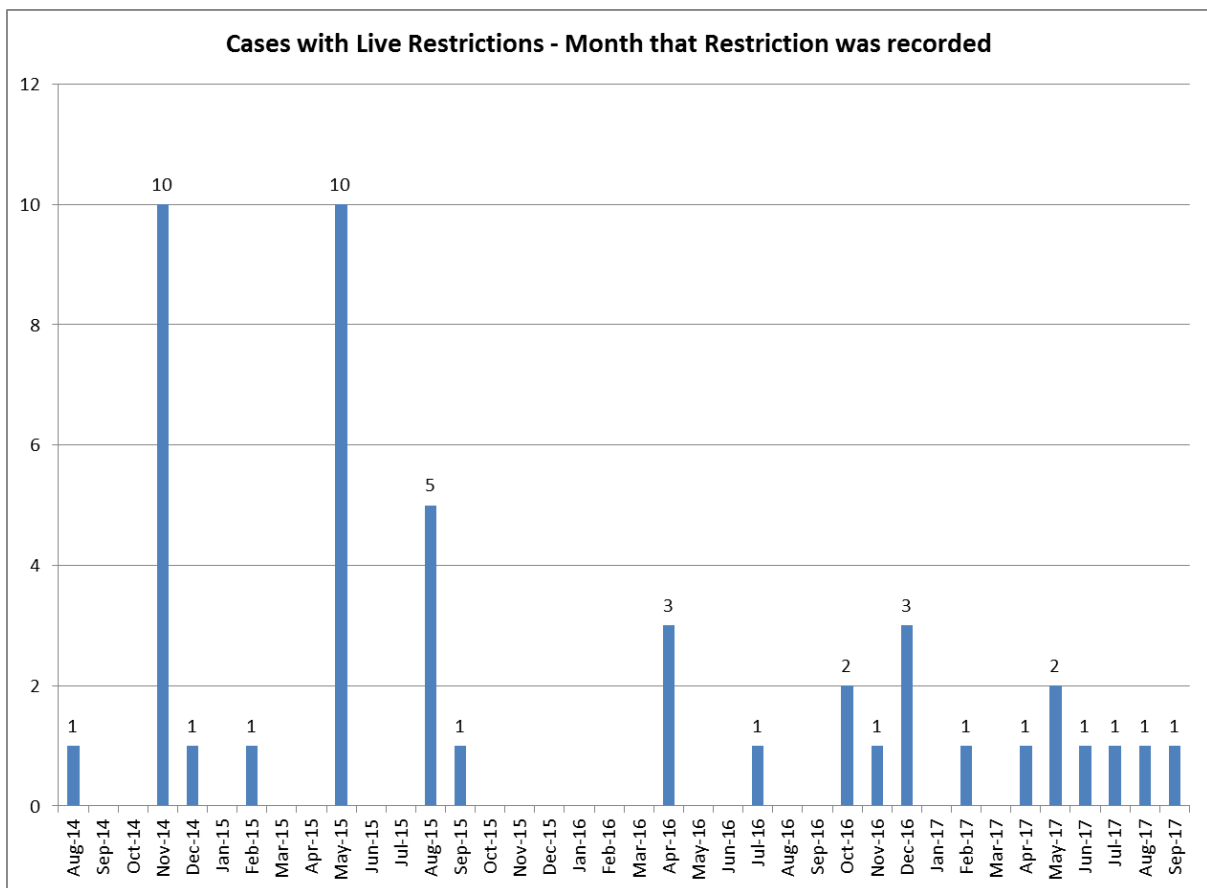
## Suspensions

There are currently 10 officers/staff recorded as Suspended. The table shows the months in which the officers/staff were originally suspended.

Month Suspended	Number of officers/staff
Dec-14	1
May-15	1
Jul-15	1
Nov-15	1
Sep-16	1
Oct-16	1
Jan-17	1
Feb-17	1
Jun-17	2

## Restrictions

There are currently 41 officers/staff under a total of 38 different cases. The chart below shows the months the restrictions were recorded.

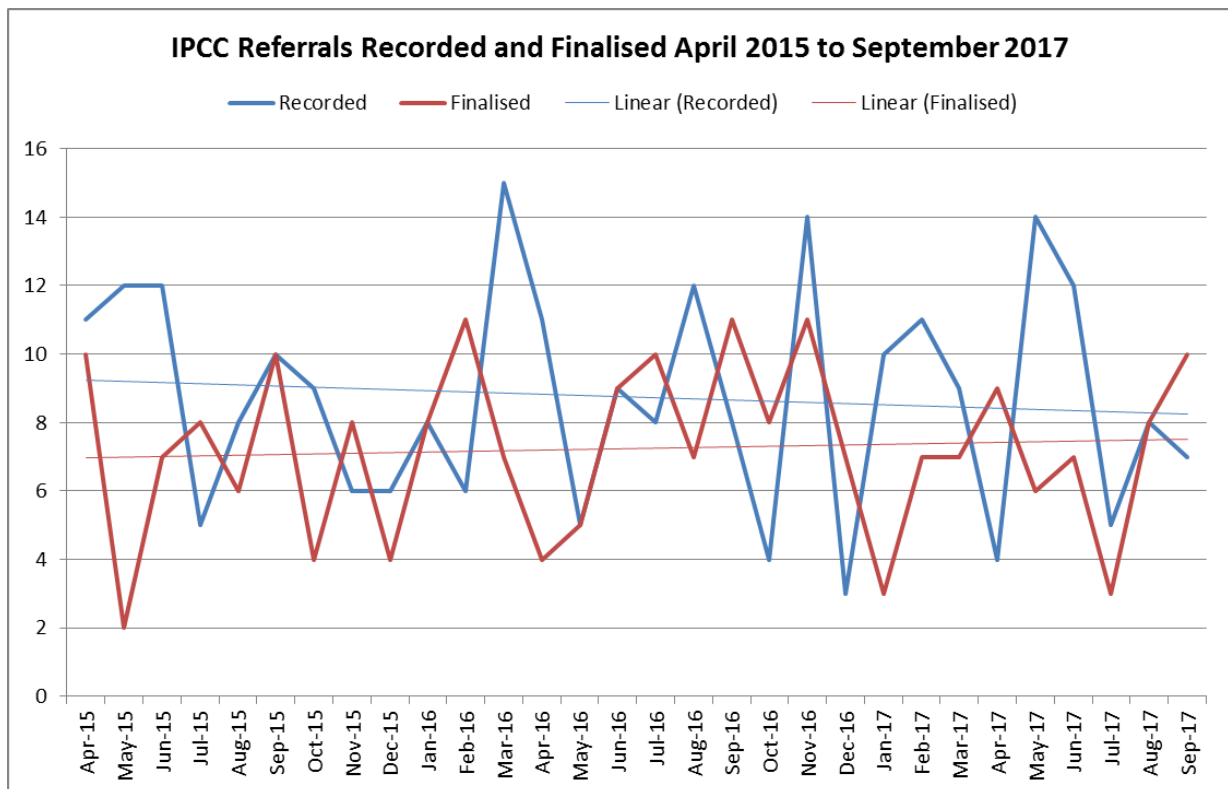


## Hearings

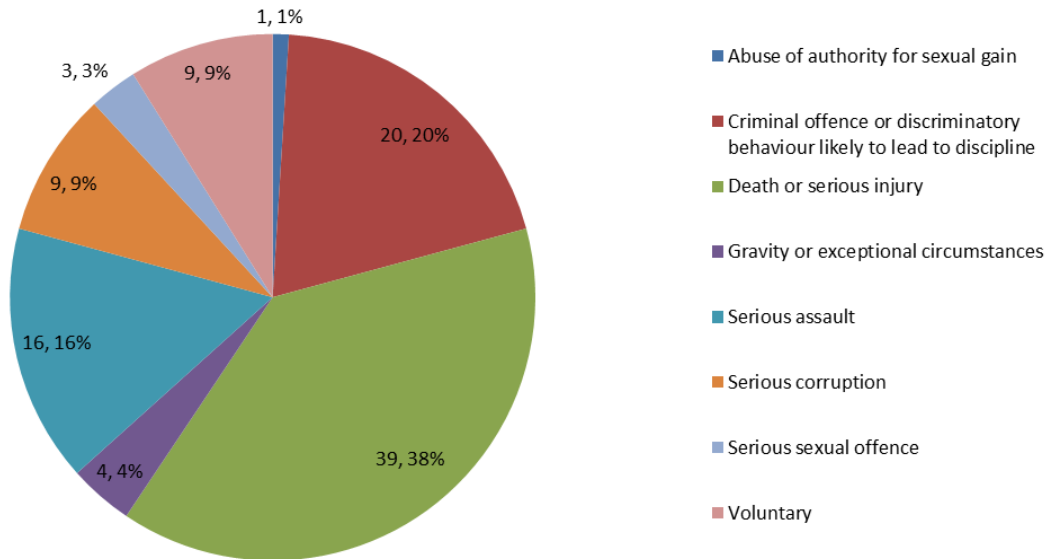
In the financial year 2016/2017, there were 14 Misconduct Hearings.

In 2017/2018 there have been 6 hearings so far and 5 more booked for up until the end of 2017/2018. 3 officers have been dismissed and 6 officers have received Final Written Warnings.

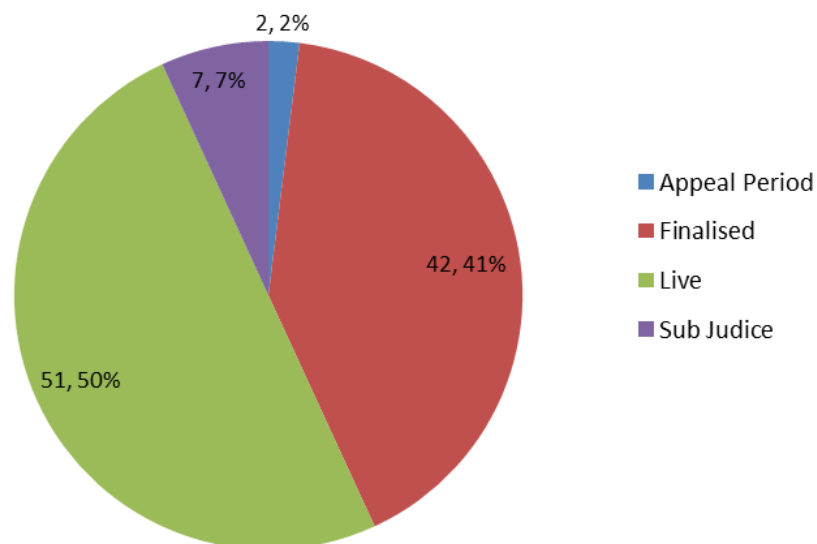
## IPCC Referrals



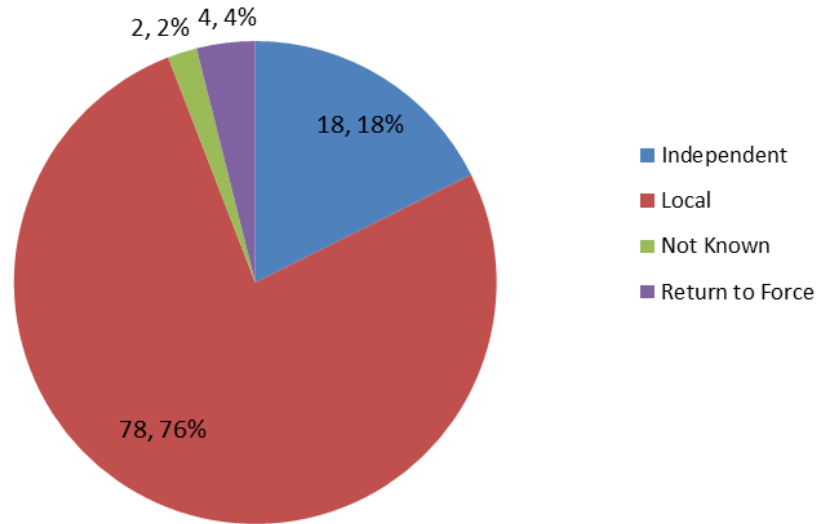
**IPCC Referrals Recorded October 2016 to September 2017 - Reasons for Referral**



**IPCC - Cases with Referrals Recorded October 2016 to September 2017 - Current Status**



**IPCC Referrals Recorded October 2016 to September 2017 -  
IPCC Decision**



**IPCC Decisions:**

IPCC Decision	Total
Independent	25
Managed	0
Local	123
Return to Force	4
Supervised	0
Not Known	2
Total	154

**There have been no recorded IPCC referrals that were Managed and Supervised in this time frame.**

