

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

Report of the Chief Constable

Contact: Detective Superintendent Dean Chapple

#### 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 31 December 2017 by the Professional Standards Department (PSD).

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

#### 2. Recommendation

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

# Professional Standards Department

# Part 1 - Performance Report Complaints and Misconduct

Period: Quarter 3 - October to December 2017

**Unit: Professional Standards** 

**Contact: D/Supt Dean Chapple** 





# **Contents**

Performance Summary	5
ntroduction – Use of Data for reporting	8
orce Complaints	9
Command Breakdown of Complaints	12
Complaint Categories – Force Overview	13
Complaint Code A: Serious Sexual Assault	13
Complaint Code B: Sexual Assault	13
Complaint Code C: Other Assault	14
Complaint Code D: Oppressive Conduct	15
Complaint Code E: Unlawful/Unnecessary Arrest or Detention	16
Complaint Code F: Discriminatory Behaviour	17
Complaint Code G: Irregularity in Evidence/Perjury	19
Complaint Code H: Corrupt Practice	20
Complaint Category J Mishandling of Property	21
Complaint Code K Breach of Code A on Stop and Search	22
Complaint Category L Breach of Code B on Searching Premises	23
Complaint Category M Breach of Code C on Detention/Treatment	24
Complaint Code N Breach of Code D on Identification	25
Complaint Code P Breach of Code E on Tape Recording	25
Complaint Code Q lack of Fairness and Impartiality	26
Complaint Code R Breach not attributed to a certain code	27
Complaint Code S Failures in Duty	28
Complaint Code T Other Irregularities in Procedure	29
Complaint Code U Incivility, Impoliteness and Intolerance	30
Complaint Code V Traffic Irregularity	31
Complaint Code W Other	32
Complaint Code X Improper Disclosure of Information	33
Complaint Code Y Other Sexual Contact	34
Organisational/Operational Complaint Strands	34
Complaints - Command Breakdowns	35



Criminal Justice & Offender Management Command	35
Contact Management	37
Crime & Public Protection Command	38
Counter Terrorism Command	40
HQ Directorate	41
Local Policing Area – North	43
Local Policing Area - South	45
Local Policing Area - West	47
LPA Other/Unknown	49
Operational Policing Command	50
Serious Crime Directorate	52
Support Services (SPS)	54
Force Misconduct	55
Command Breakdown of Misconduct	56
Misconduct Categories	57
Honesty and Integrity	57
Authority, Respect & Courtesy	58
Equality and Diversity	59
Use of Force	60
Orders and Instructions	61
Duties and Responsibilities	62
Confidentiality	63
Discreditable Conduct	64
Fitness for Duty	65
Challenging and Reporting Improper Conduct	65
Suspensions	
Restrictions	
Hearings	
IOPC Referrals	



#### **Performance Summary**

#### **Recorded Complaints**

Page

Recorded complaints have remained static during quarter 3 (Oct to Dec 2017) with an average of 123 recorded per month. This demonstrates a significant reduction when compared to the same quarter last year where an average of 148 complaints was recorded per month.

9

North Local Policing Area (LPA), 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; all other Commands have achieved reductions with South LPA and West LPA projected to end 2017/18 in a more positive position with significant reductions in overall recorded complaints.

#### **Timeliness**

national average of 82%1.

The Independent Officer for Police Conduct (IOPC) statutory guidance sets an expectation that a recording decision should be made within 10 working days on receipt of a complaint from a

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Overall, between Apr to Dec 2017 the average time taken to finalise a complaint was 139 days, a significant reduction from 175 days for the same period last year; however against a national average of 113 days this remains an ongoing area for improvement.

member of the public. Essex Police currently record 94% of complaints within 10 days against a

Complaints resolved by local resolution are finalised on average within 82 days, which is a reduction from 89 days during the same period last year. Those complaints that are dealt with by local investigation are taking up to 162 days on average to finalise against a national average of 173.

#### **Outcomes**

11

The most common outcome for finalising an allegation continues to be the use of local resolution (LR) accounting for 45% of outcomes year to date (Apr to Dec 2017) compared to 42% nationally. An LR is a flexible process that can be adapted to the needs of the complainant and allows for a complaint to be dealt with at a local level. The use of LR is increasing with 38% resolved through LR during the same period last year.

58% of upheld complaints over the 12 month period (Jan to Dec 2017) were dealt with by management action<sup>2</sup> with 5% (9 cases) resulting in disciplinary action. 54% of all upheld complaints over the last 12 months concerned Failures in duty (S).

<sup>&</sup>lt;sup>1</sup> IOPC Police Complaints Bulletin (Essex) Reporting period 01 April to 31 December 2017

<sup>&</sup>lt;sup>2</sup> Management Action deals with any misconductina timely, proportionate and effective way that will command the confidence of staff, police officers, the police service and the public. (Home Office Guidance)



#### **Complaint Categories by exception**

Overall allegations of Discriminatory Behaviour (F) saw a peak in Nov 2017 although following 17 further review no pattern of behaviour or common theme has been identified. Over the last 12 months 68% of allegations related to race. North LPA has the highest recorded complaints in this category although less than the same period last year. Lack of fairness and impartiality (Q) allegations have remained stable in quarter 3 when 26 compared to the previous quarter however this category has seen a rise year on year. For the period April to Dec 2017 a total of 105 complaints were recorded compared to 62 the previous year. This accounts for 10%<sup>3</sup> of all complaints recorded, double the national average. An assessment of complaints within this category has identified a common theme relating to investigation into counter allegations. These findings have been shared at the new Learning the Lessons Board and the Essex Police College leadership team are now developing unconscious bias training in conjunction with ACAS to support improvements. 28 Failure in duty (S) remains the most common recorded complaint with 136 recorded in quarter 3 compared to 111 the previous quarter. This category accounts for 35% of all recorded complaints which is below the national average of 39%. Over 20% of recorded allegations are linked to 3 complainants. An assessment identified themes relating to a lack of updates being provided and a perception that there had been a failure to fully investigate. These findings were also raised at the Learning the Lessons Board and a review of training is now underway. Overall this complaint category has seen a significant reduction when compared to previous years. Allegations of Incivility and Impoliteness (U) remain one of the highest reported complaint 30 categories accounting for 14% of overall complaints; however quarter 3 has seen a reduction in recorded complaints. North LPA, South LPA and Public Protection Commands are projected to end the year in a worse position than 2016/17 whereas all other Commands are likely to achieve improvements. Misconduct Recorded misconduct cases increased in quarter 3 with 46 new cases compared to 26 the 55 previous quarter. Whilst a significant increase the overall position when compared to the same period last year remains static with 113 misconduct cases recorded in the 9 months from Apr to Dec 2017 compared to 111 in 2016. Alleged breaches of the Standards of Professional Behaviour relating to Discreditable Conduct 62 64 and Duties and Responsibilities are the highest reported areas of alleged misconduct with more cases recorded when compared to the same period last year. In addition allegations of misconduct relating to breaches of Confidentiality have also seen an increase. Independent Office for Police Conduct (IOPC) Referrals 70 Death or Serious Injury (DSI) following police contact continues to account for the highest volume of referrals (43%) to the IOPC over the last 12 months. Of all matters referred to the

IOPC 78% (82 cases) were returned for local investigation.



#### **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

To improve the timeliness of complaint handling a new paperless complaints process was introduced during 2017 for the management of cases subject of local resolution. This has resulted in month on month improvements with an average of 82 days being taken to finalise a complaint. The aim is to introduce this process for local investigations during 2018.

Changes have been introduced to PSD monitoring of complaint handling with more frequent engagement being made with the investigator officers by PSD staff. This is aimed at ensuring case progression and complainant contact requirements are being met in line with IOPC statutory guidance.

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

#### **OPFCC Audit**

In support of the PSD action plan the OPFCC also aim to examine finalised complaint cases through a dip sampling process each quarter. During quarter 3 a total of 20 cases were reviewed across a range of complaint categories and the findings shared with the Head of PSD and Complaints and Conduct Manager.

Over 50% of cases identified no issues of concern; being satisfied with timeliness, complainant contact and case management. 7 cases were identified as having concerns regarding timeliness and a further 2 identified as concerns regarding record keeping and case management.

#### **Current Activity**

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

- Quarter 3 has seen the introduction of a new Learning the Lessons Board and revised terms of reference for the Integrity and Anti-Corruption Board. These now provide a platform for key themes identified through analysis of complaints and misconduct cases to be raised at a strategic level and to ensure appropriate action is taken to drive improvements.
- Membership of the Integrity and Anti-Corruption Board has been widened to include critical friends for support in identifying options to improve performance and service delivery.
- The reintroduction of PSD Surgeries during 2018 aims to provide direct support and guidance to line managers including the development of a leadership training programmes for complaint handling, Code of Ethics and Standards of Professional Behaviour awareness.
- Continued development of a PSD Portal aims to deliver a single point for officers and staff to obtain guidance, understand current Force performance, share best practice and lessons learnt and have access to case studies for wider learning and understanding.
- Existing procedures for complaint and misconduct case management are now being reviewed to deliver a more consistent, efficient and effective process and to improve the overall quality.



## 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.

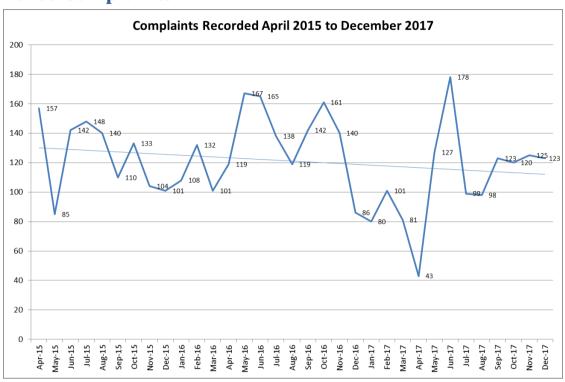
#### Commands:

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

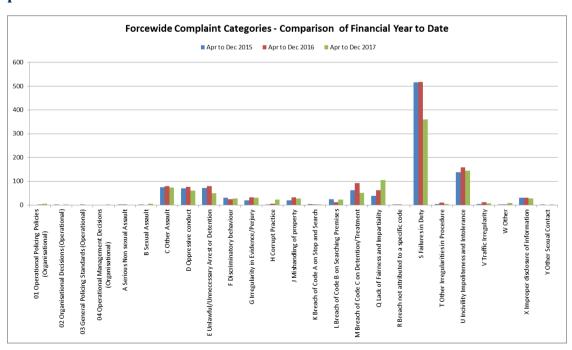
Command Abbreviation	Command	
CJOM	Criminal Justice & Offender Management	
CM	Contact Management	
CT	Counter Terrorism	
CPP	Crime & Public Protection	
HQ	Headquarters Departments	
LPA North	Local Policing Area North	
LPA South	Local Policing Area South	
LPA West	Local Policing Area West	
LPA Other/Unknown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



# **Force Complaints**



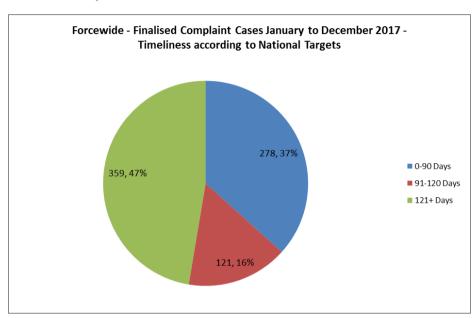
# Numbers of complaints have gradually decreased in recent years, with regular peaks in the summer months.





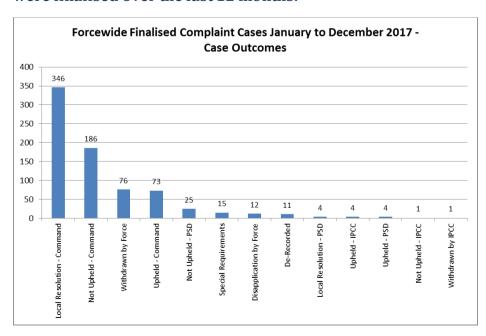
## **Timeliness of Complaints**

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). Nearly half of cases were over 120 days.



# **Outcomes of Complaints**

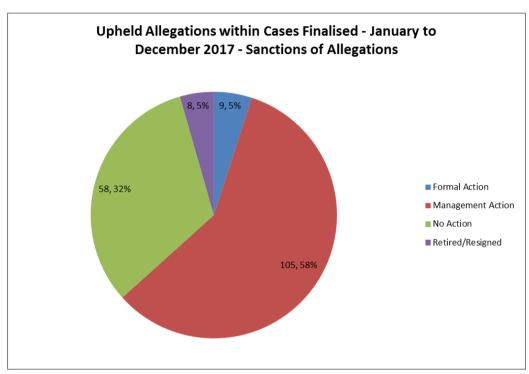
The graph below depicts the overall case outcome of those Complaint Cases that were finalised over the last 12 months.

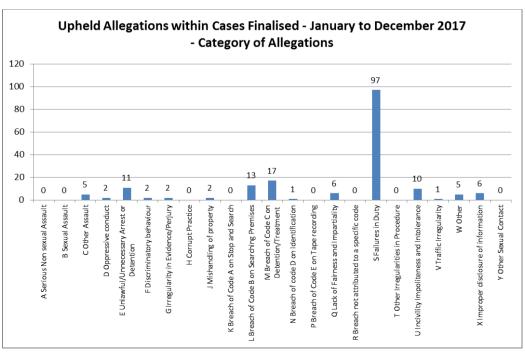




#### **Upheld Cases/Allegations**

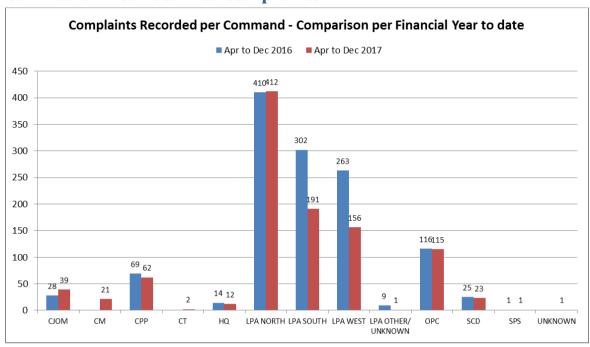
The graphs below reflect data relevant to the <u>individual allegations</u> that were upheld in the time frame – there are often numerous allegations against different officers within a complaint Case. Not all allegations within a case will necessarily be upheld. In order to be able to fully represent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

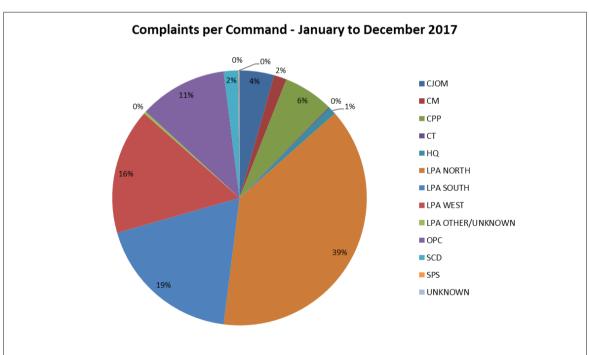




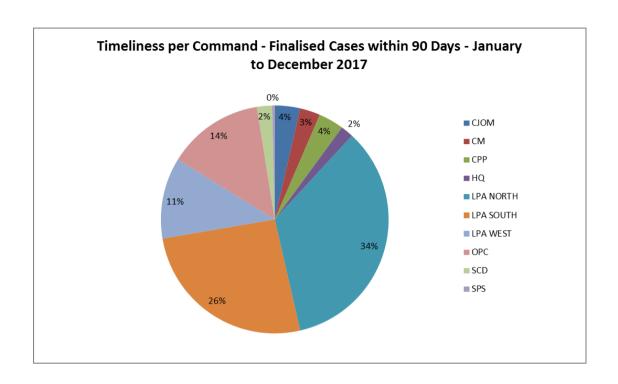


# **Command Breakdown of Complaints**









## **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

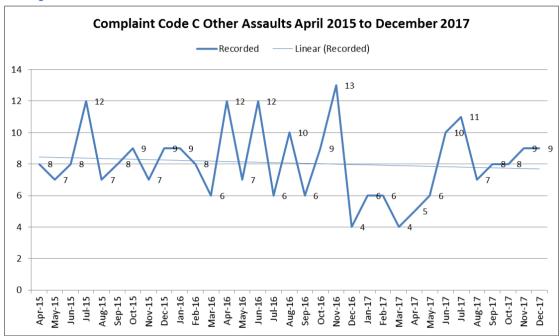
#### **Complaint Code B: Sexual Assault**

The following table shows numbers of B category since April 2015. Numbers have been low, with seven recorded. However, there has been a spike of them in recent months, compared with previously.

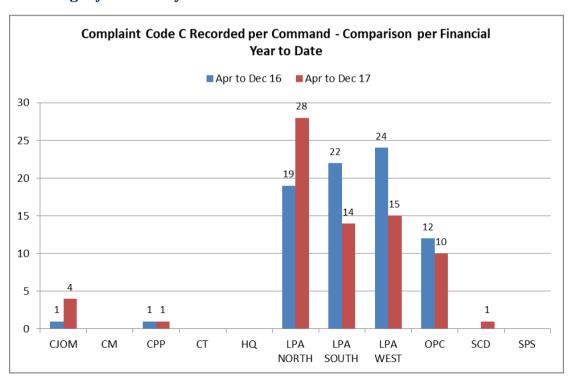
Month	Recorded	Command
Jun-15	1	CJOM
Feb-17	1	LPA WEST
Jun-17	1	LPA SOUTH
Sep-17	1	OPC
Oct-17	2	LPA NORTH, LPA WEST
Nov-17	1	LPA NORTH
Total	7	



#### **Complaint Code C: Other Assault**

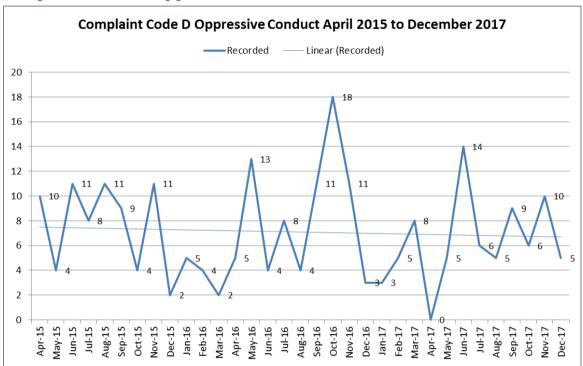


The overall trend in allegations of Other Assault (C) is reducing although North LPA has seen an increase and is currently projected to record more complaints in this category than last year.

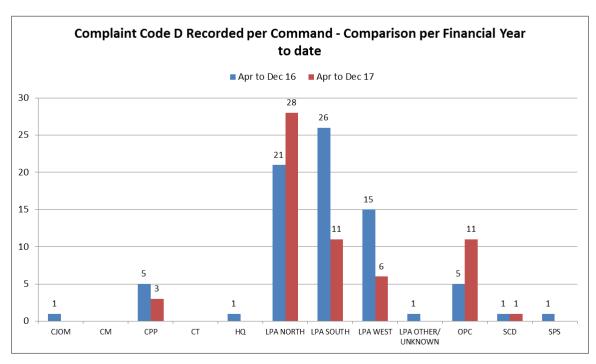




## **Complaint Code D: Oppressive Conduct**

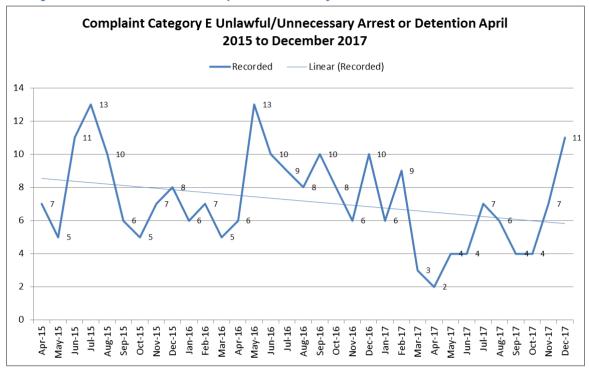


# There have been several peaks in D Complaints but numbers have decreased overall.

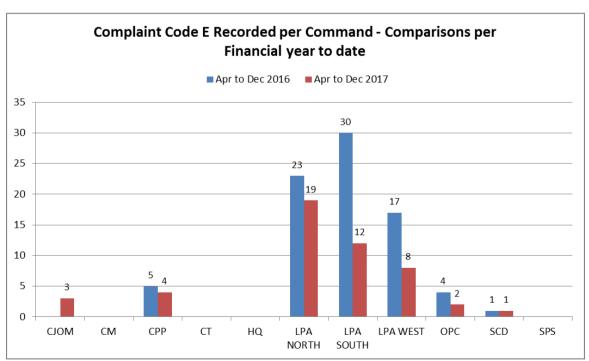




#### Complaint Code E: Unlawful/Unnecessary Arrest or Detention

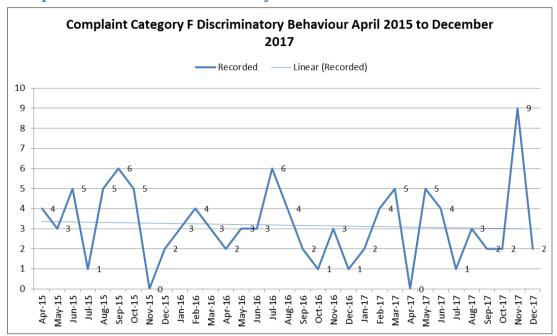


Category E Complaints have decreased. The previous peaks in the summer months have been repeated in 2017 but numbers are not as high.

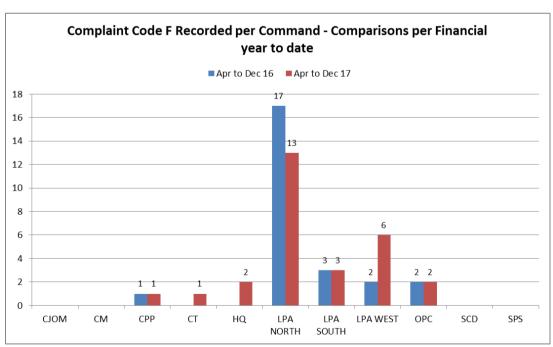




#### **Complaint Code F: Discriminatory Behaviour**

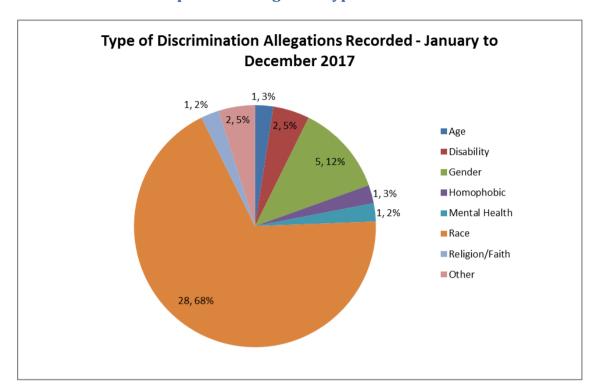


Though the overall number of F complaints recorded has decreased, there have been several significant peaks.

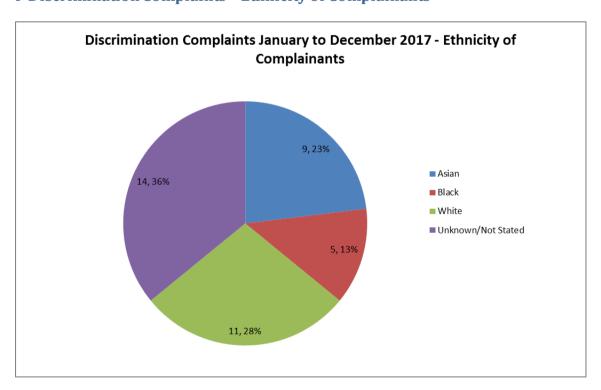




## F Discrimination Complaints - Allegation Type

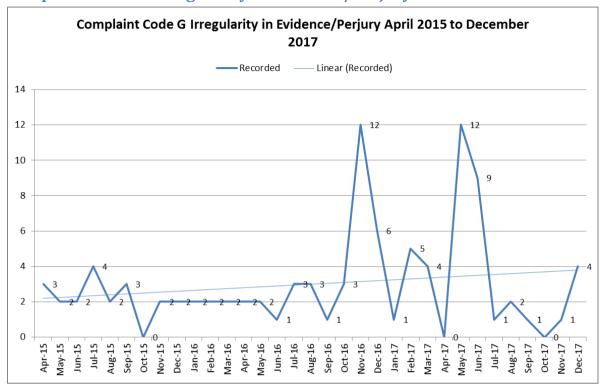


## F Discrimination Complaints - Ethnicity of Complainants

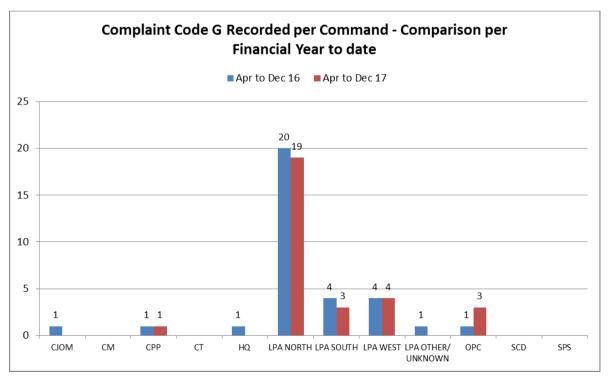




#### Complaint Code G: Irregularity in Evidence/Perjury

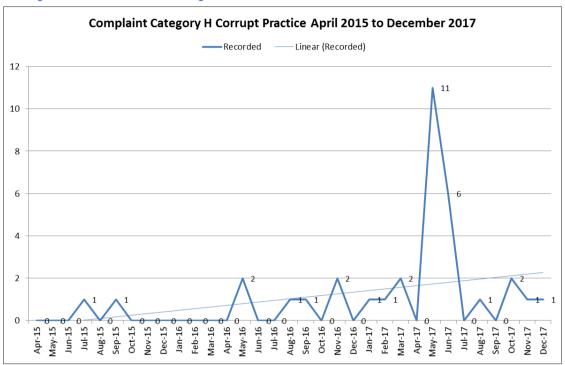


Allegations of Irregularity of Evidence and Perjury (G) remain low with peaks seen in Sept 16 and May 17 and both peaks associated to individual as opposed to multiple complainants.

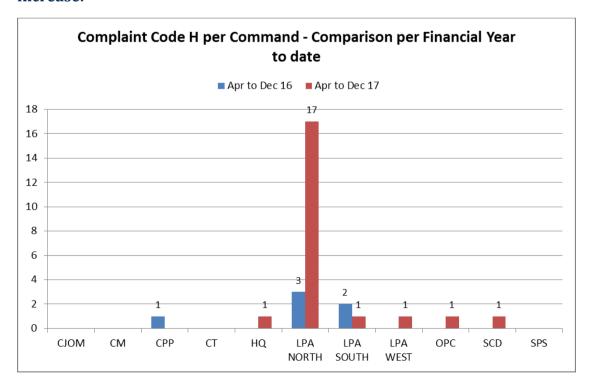




# **Complaint Code H: Corrupt Practice**

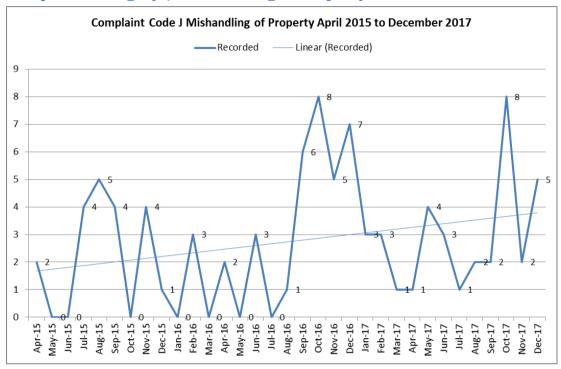


Numbers of H complaints have been low but have been affected by a complaint involving a repeat complainant in May 2017 (C/175/17) resulting in an overall increase.

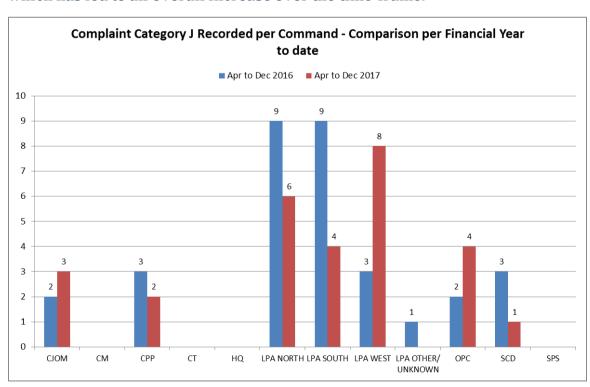




## **Complaint Category J Mishandling of Property**

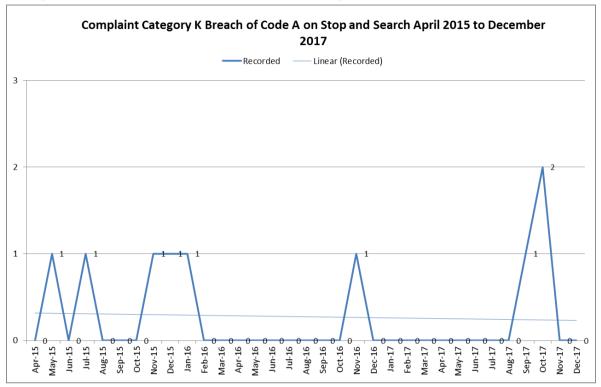


Code J complaints have been low in number, though with an occasional peak which has led to an overall increase over the time-frame.





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



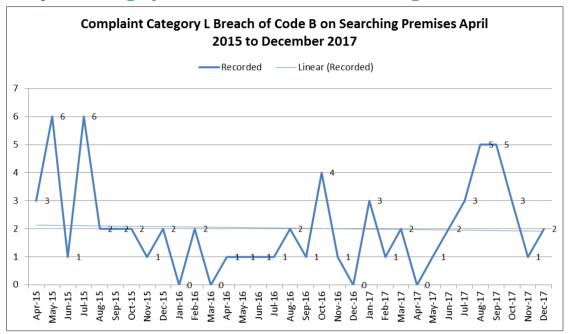
Breach of Code A - Stop and Search (K) complaints are low with there being a decrease overall. The Stop and Search figures for Quarter 2 (Jun to Sept 17) total 615. Only two complaints have been recorded arising from this area of policing since then.

#### **Comparison of Financial Years per Command:**

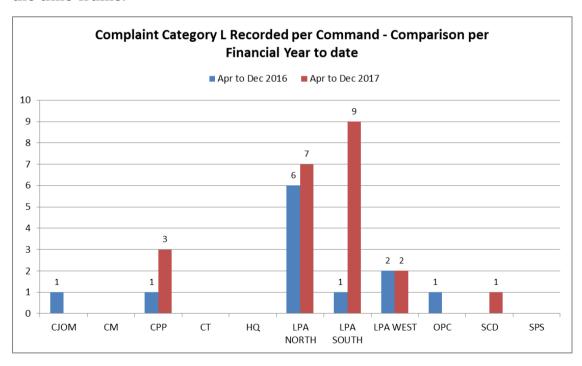
So far in 2017/2018 there have been three K Complaints recorded for LPA North Command, LPA South Command and Operational Policing Command. For the same period in 2016/2017 (Apr to Dec 2016) there was one recorded for LPA West Command.



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

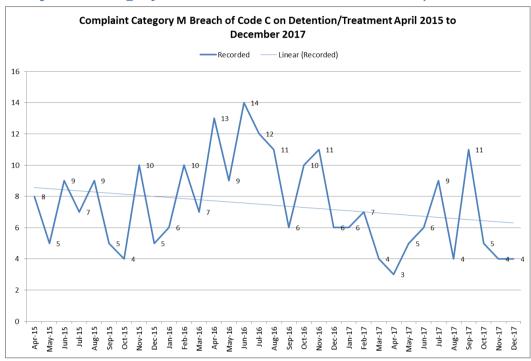


Levels of L complaints are sporadic, though there has been a slight decrease over the time-frame.

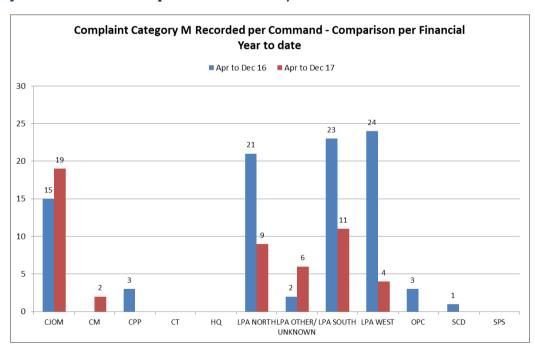




## **Complaint Category M Breach of Code C on Detention/Treatment**



Allegations of a Breach of Code C Detention and Treatment (M) show a general decline with a slight peak in September, 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.

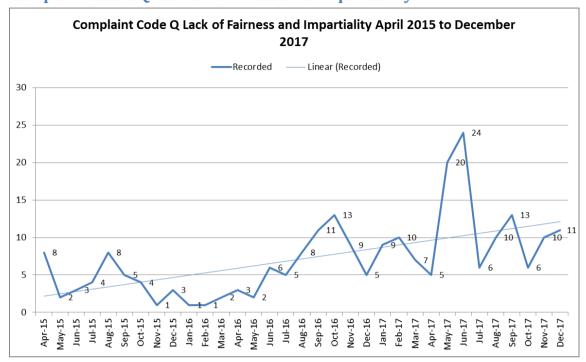
One was recorded in March 2016 (CJOM); the other was recorded in February 2016 (West LPA).

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

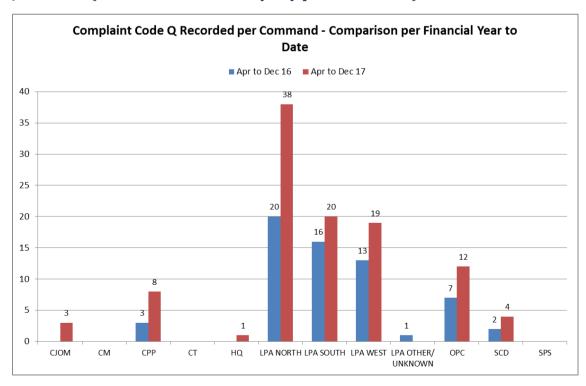
There have been no complaints recorded or finalised in this category in the three year time-frame.



## Complaint Code Q lack of Fairness and Impartiality

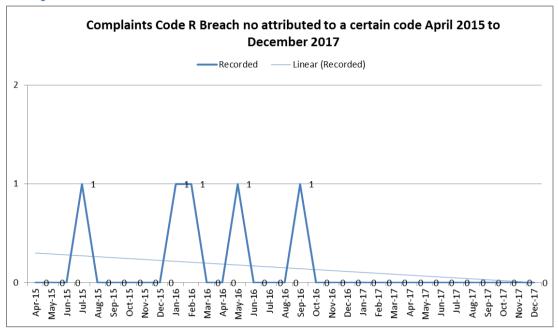


There has been an increase in complaints recorded, with a significant peak in June 2017 (this was not affected by any particular case).





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



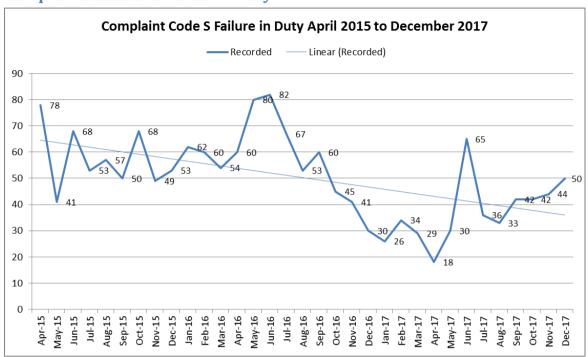
Numbers of R complaints are low in number and have decreased.

#### **Comparison of Commands per Financial Year:**

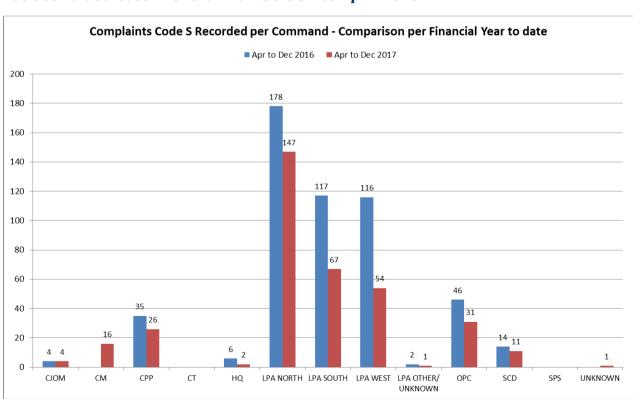
There have been no R complaints so far in 2017/2018 (April to December 2017). In the same timeframe in 2016/2017, there were two complaints recorded in LPA South and LPA North.



#### **Complaint Code S Failures in Duty**

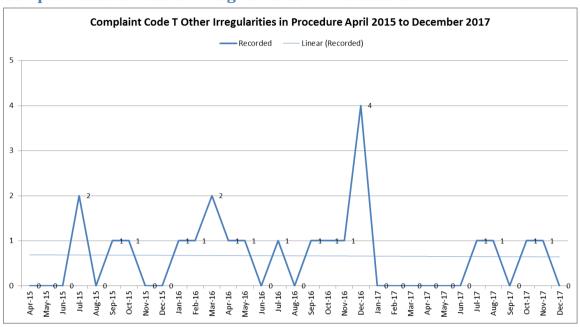


# S Complaints are the highest across all the complaint categories. However there has been a decrease in overall numbers since April 2015.

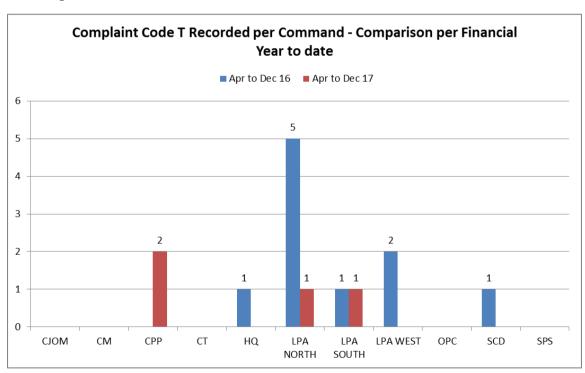




#### **Complaint Code T Other Irregularities in Procedure**

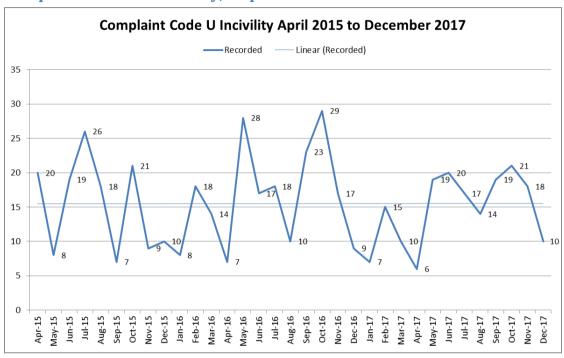


T complaints had a peak in December 2016, but numbers have been low overall since April 2015.

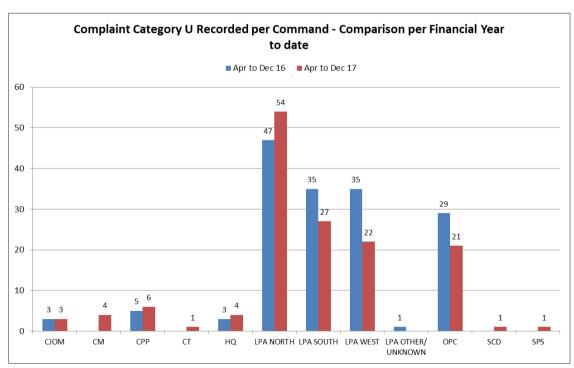




## **Complaint Code U Incivility, Impoliteness and Intolerance**

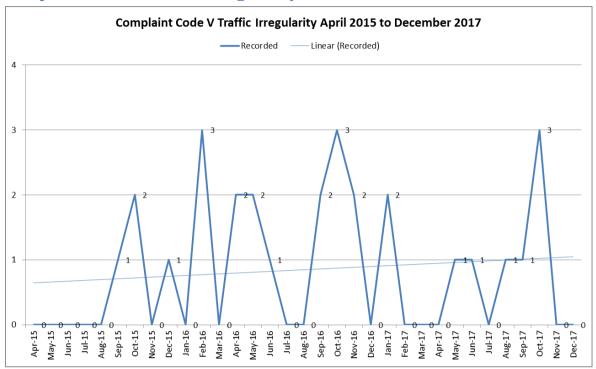


# U is the category that generally sees the second highest numbers across all categories, with various peaks in recording.

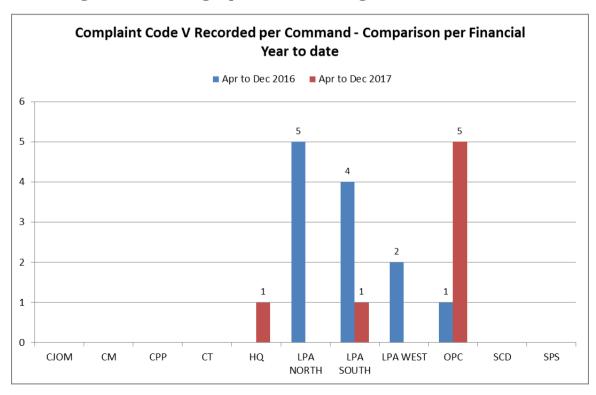




## **Complaint Code V Traffic Irregularity**

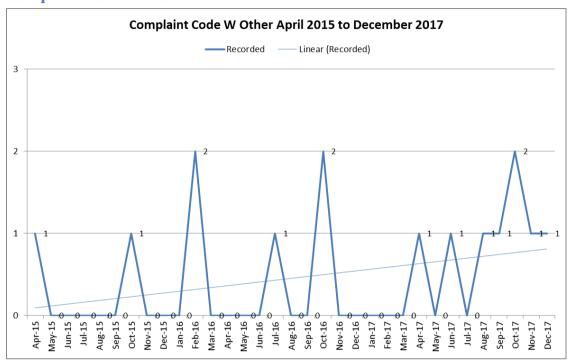


Numbers of V complaints are low, with levels recorded over the timeframe increasing due to some slight peaks in recording.

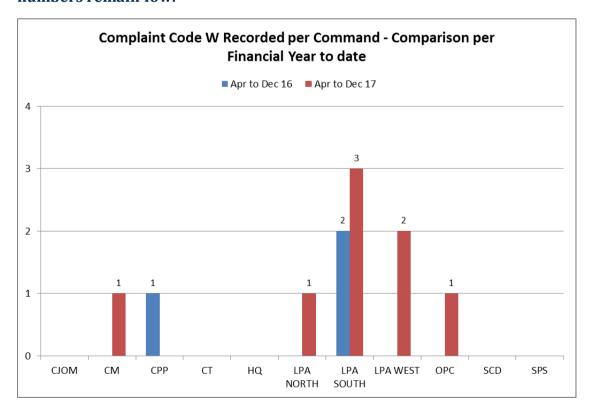




## **Complaint Code W Other**

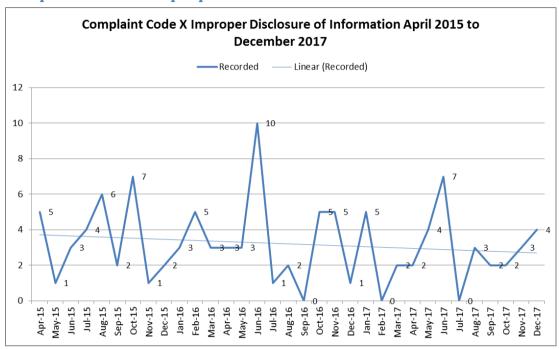


Complaint code W complaints have slightly increased since April 2015, but numbers remain low.

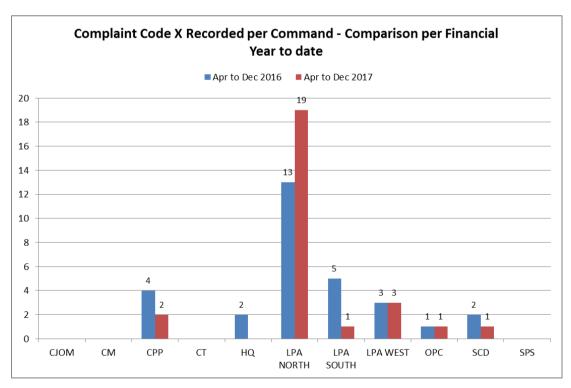




## **Complaint Code X Improper Disclosure of Information**



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**

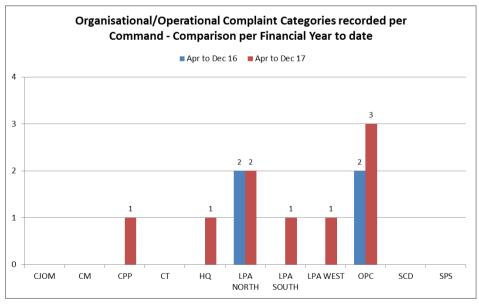
There are minimal numbers of Y complaints, with there being two recorded since April 2015 - SCD Nov 2015, North LPA Nov 2017 (the latter complaint was withdrawn).

#### Organisational/Operational Complaint Strands

These complaints consist of the following categories:

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

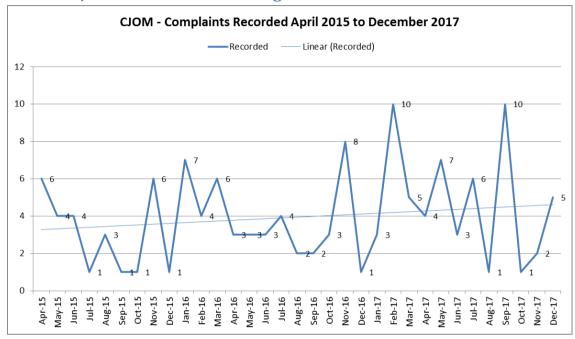


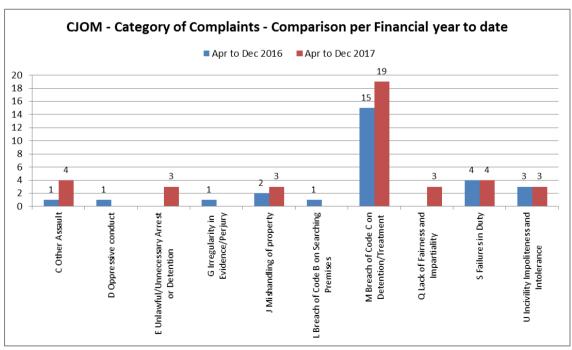




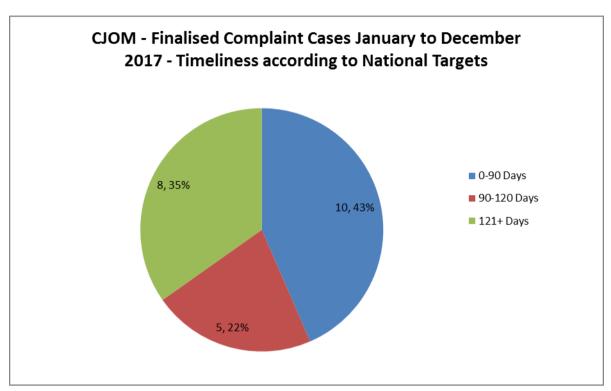
# **Complaints - Command Breakdowns**

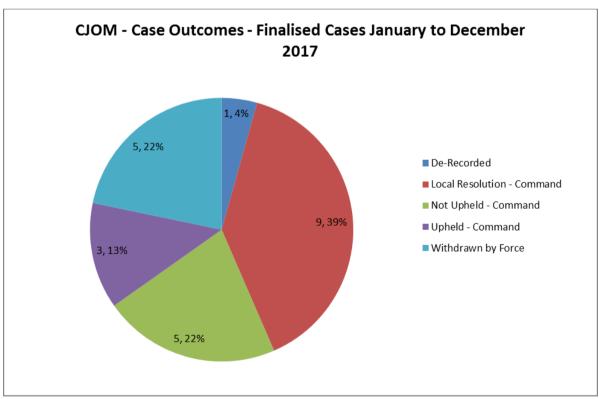
# **Criminal Justice & Offender Management Command**







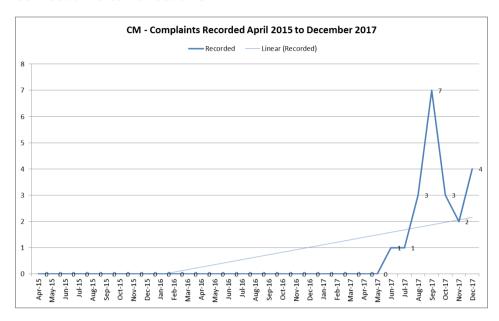


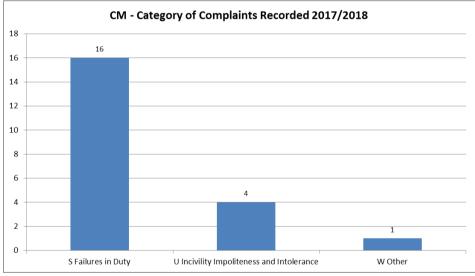




#### **Contact Management**

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:

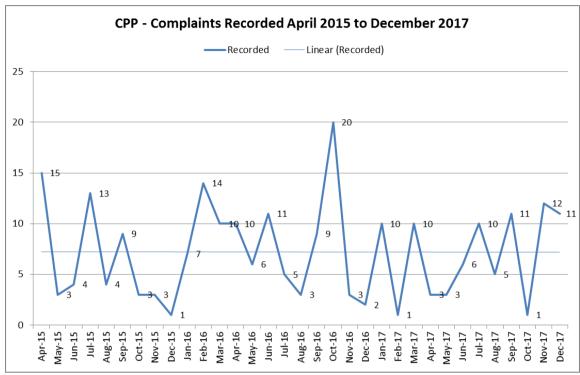
There are eight cases shown as finalised between January and December 2017 under CM Command:

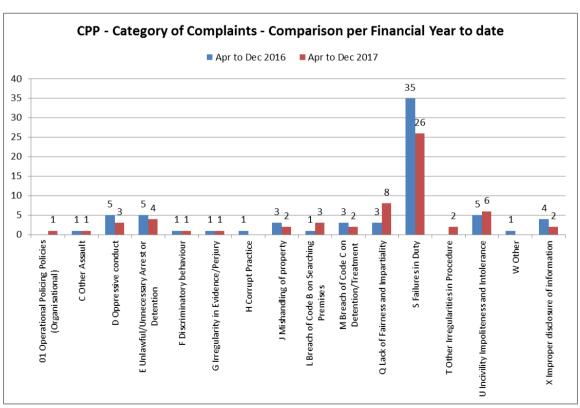
Timeliness - All cases were under 90 days.

Outcomes - All were Local Resolution by Command.

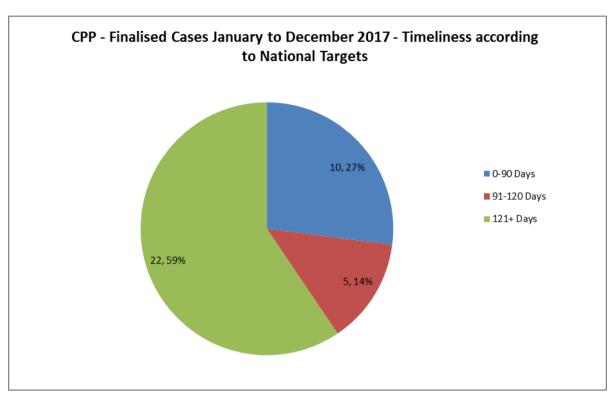


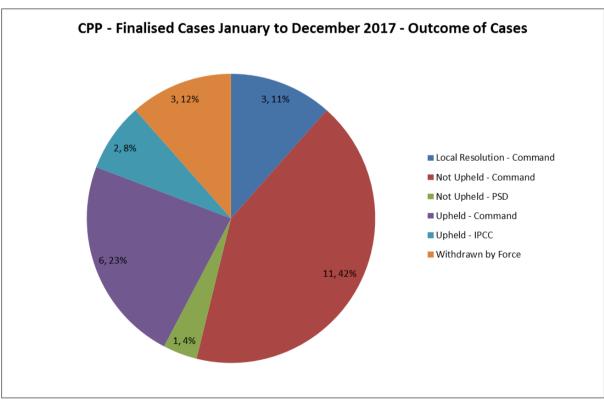
#### **Crime & Public Protection Command**













#### **Counter Terrorism Command**



# **Categories:**

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

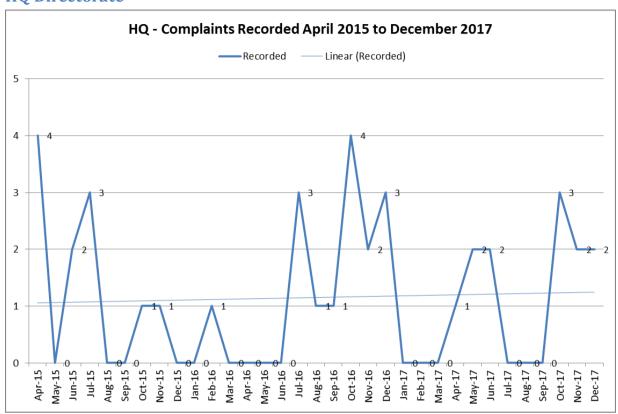
Complaint Category	Number
D Oppressive conduct	1
E Unlawful/Unnecessary Arrest or Detention	2
F Discriminatory behaviour	2
U Incivility Impoliteness and Intolerance	4
Total	9

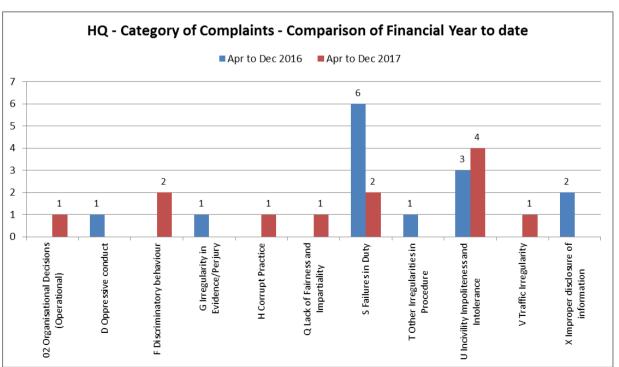
#### **Finalised Cases:**

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).

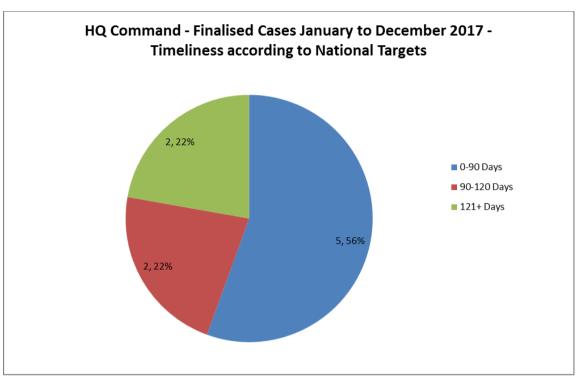


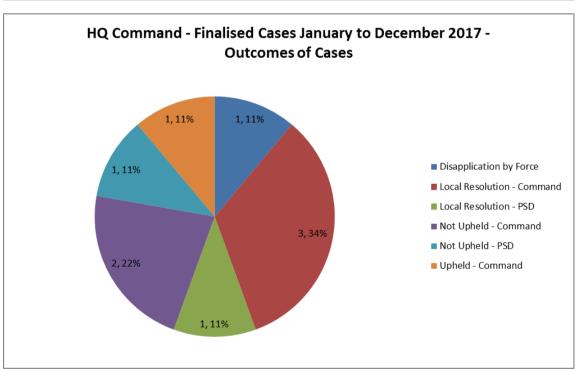
## **HQ Directorate**





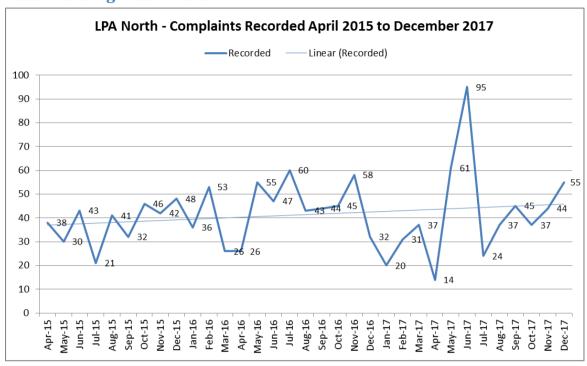


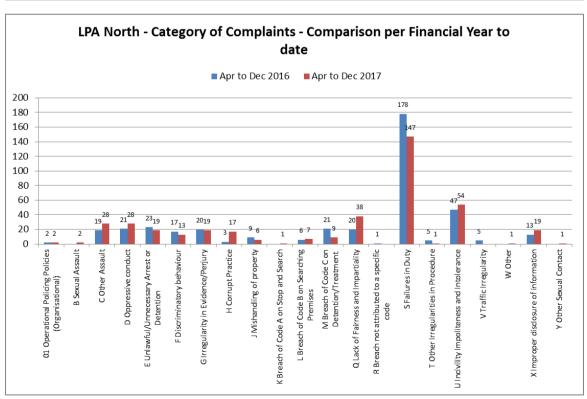




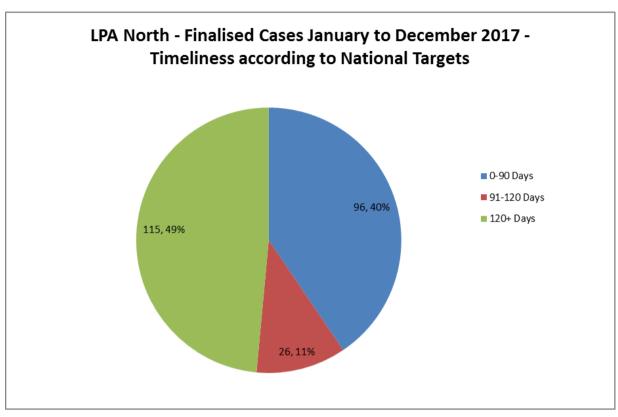


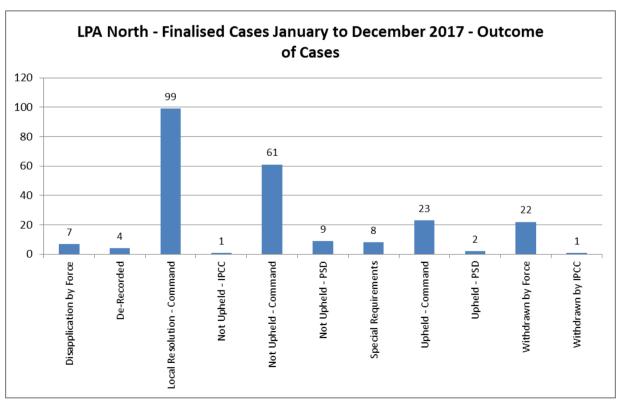
## **Local Policing Area - North**





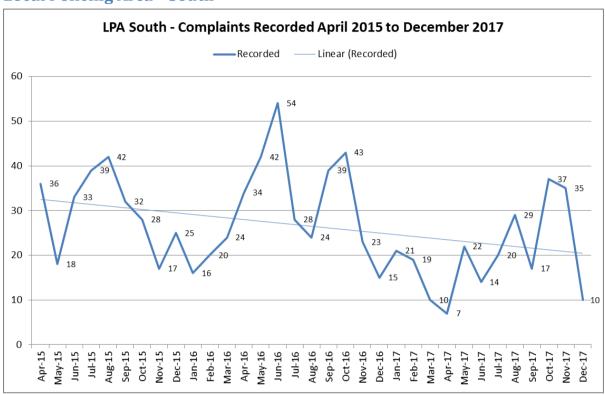


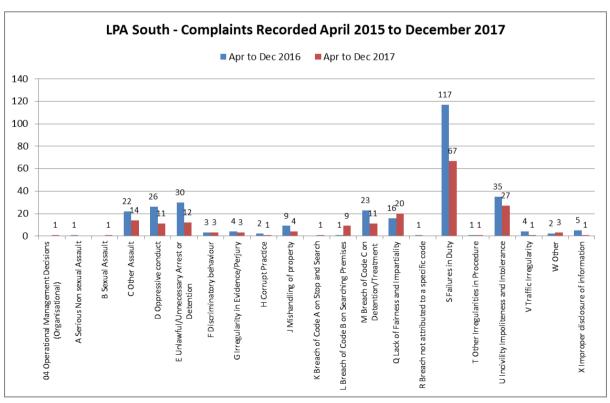




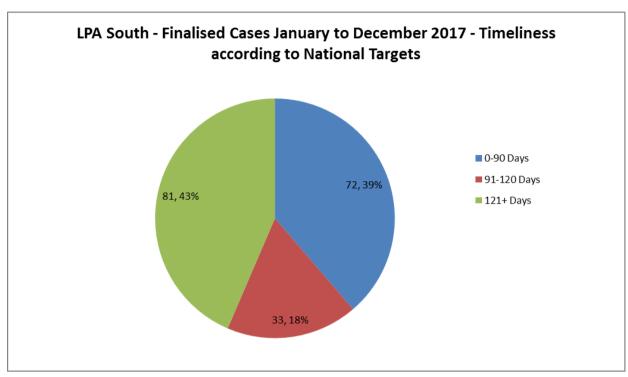


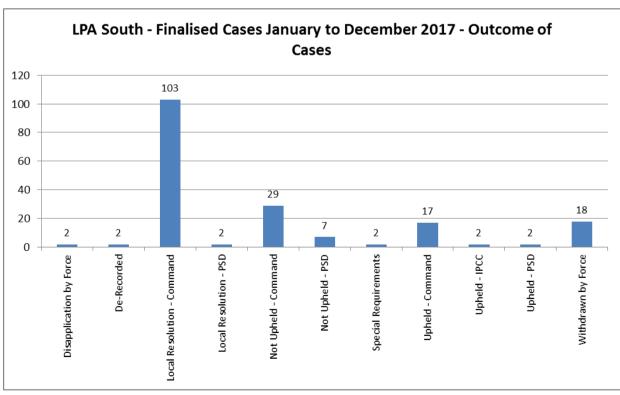
#### **Local Policing Area - South**





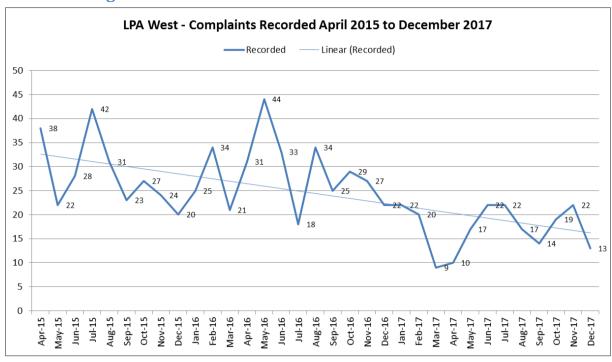


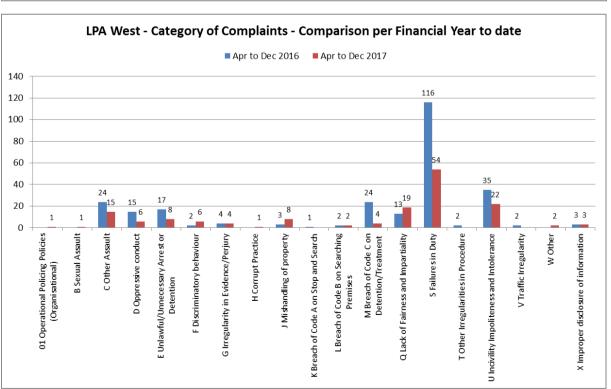




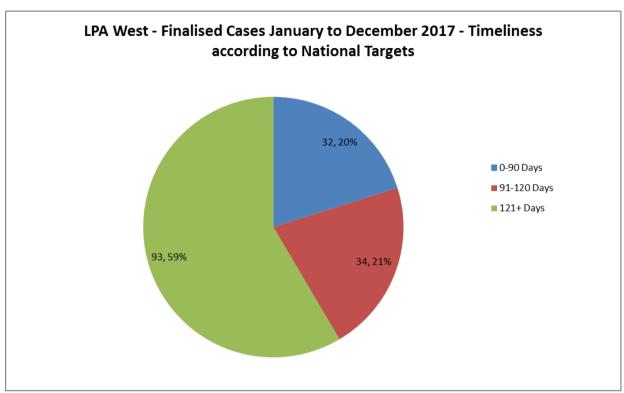


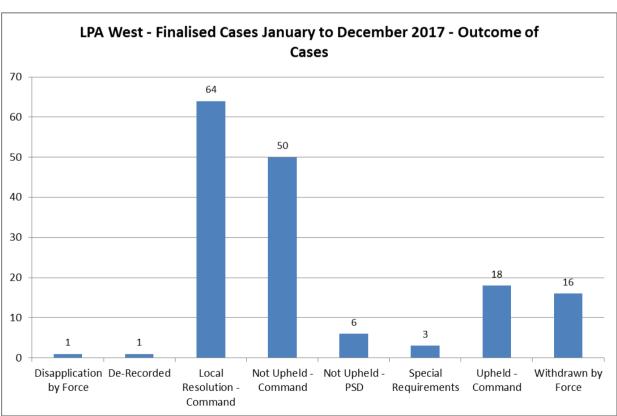
## **Local Policing Area - West**







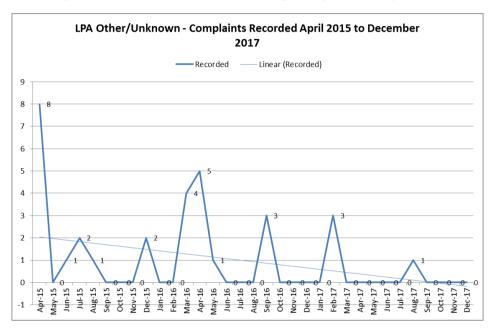


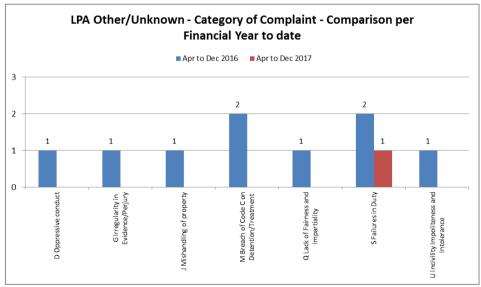




#### LPA Other/Unknown

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.





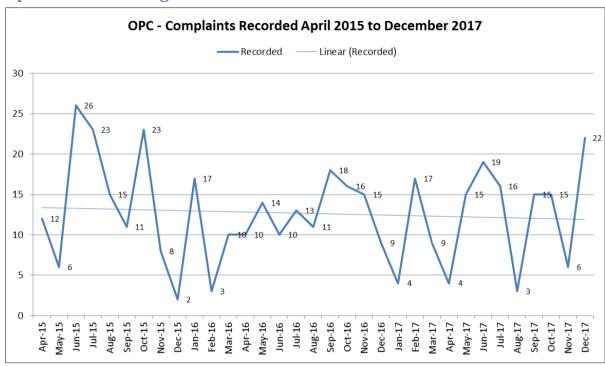
#### **Timeliness and Outcomes:**

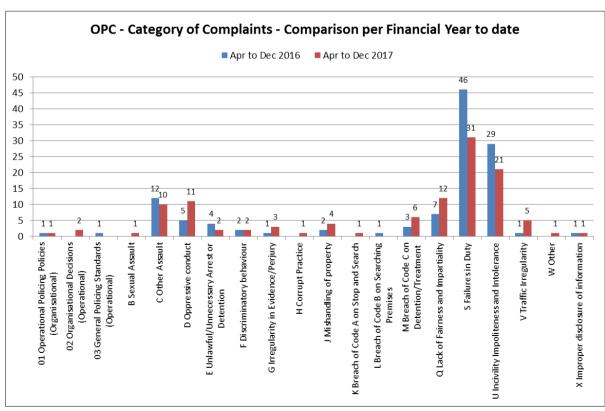
Of the five cases finalised in the last 12 months under LPA Other/Unknown, all had total days of over 120 days.

Finalised outcomes were Upheld by Command in one instance, Special Requirements in two cases, and Not Upheld by Command in the others.

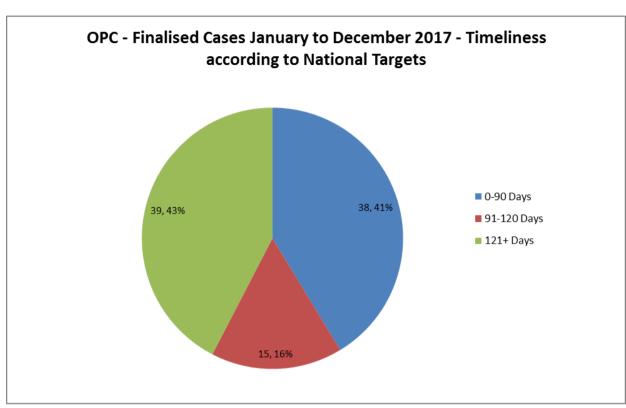


## **Operational Policing Command**





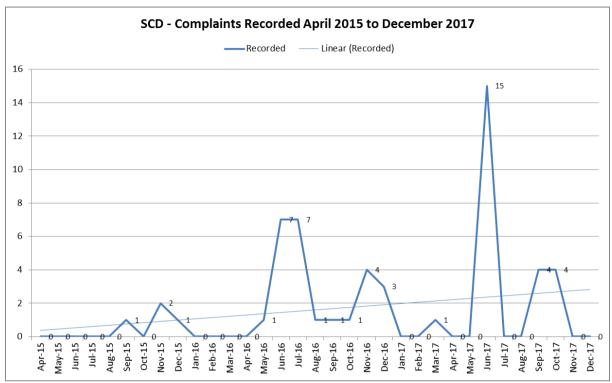


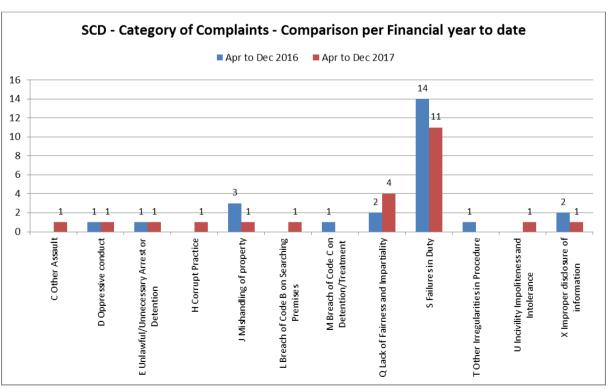




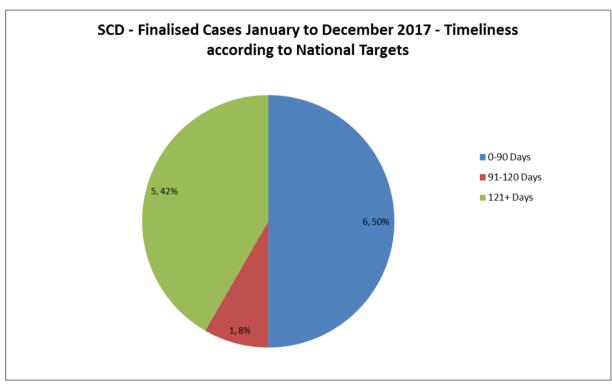


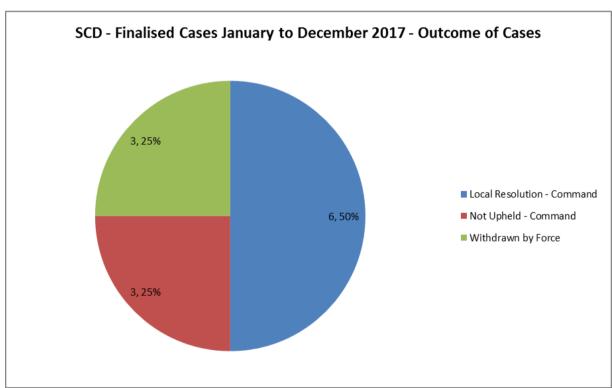
#### **Serious Crime Directorate**













#### **Support Services (SPS)**

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.

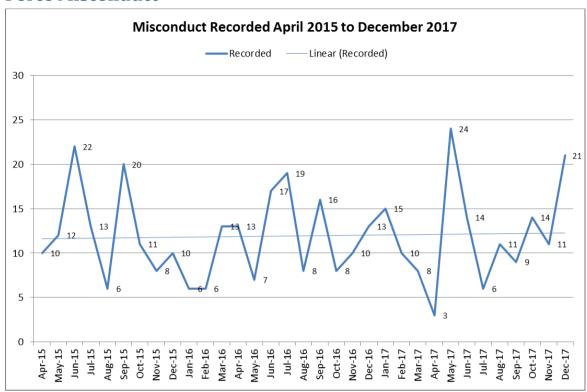
May 2016 - Oppressive Conduct - HR & Training - Finalised in 143 Days, Outcome Not Upheld on Command.

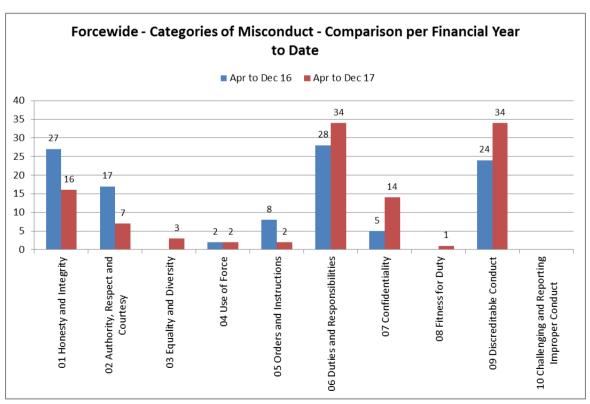
June 2017 – Incivility – HR & Training – Finalised in 47 Days, Outcome Local Resolution PSD.

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



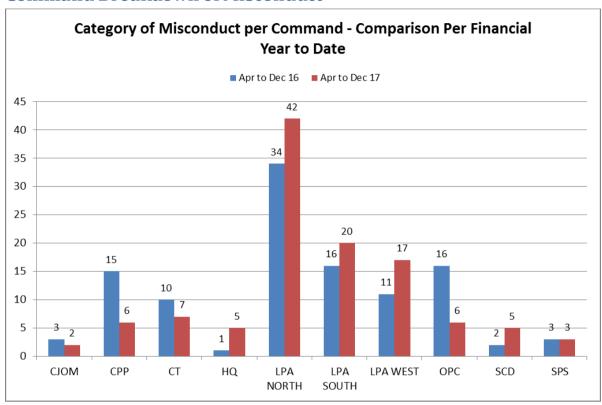
## **Force Misconduct**







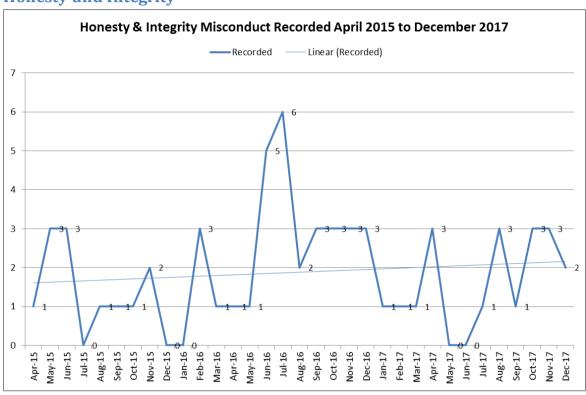
# **Command Breakdown of Misconduct**

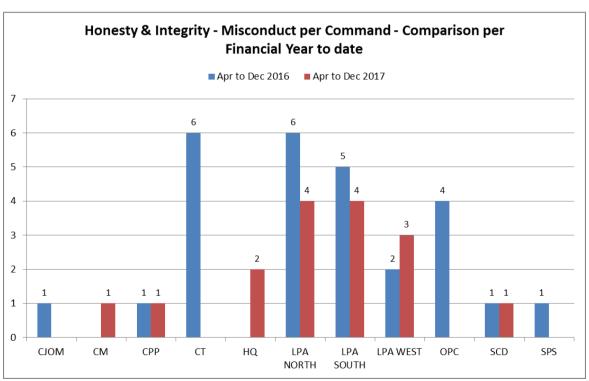




# **Misconduct Categories**

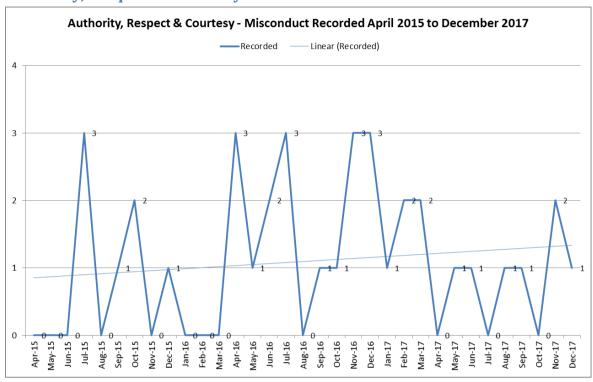
### **Honesty and Integrity**

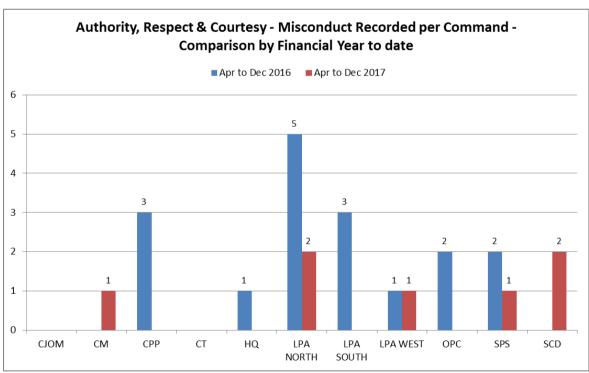






#### **Authority, Respect & Courtesy**







## **Equality and Diversity**

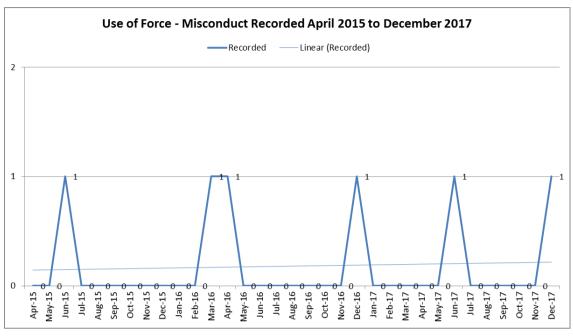
There have been four cases recorded under this category since April 2015:

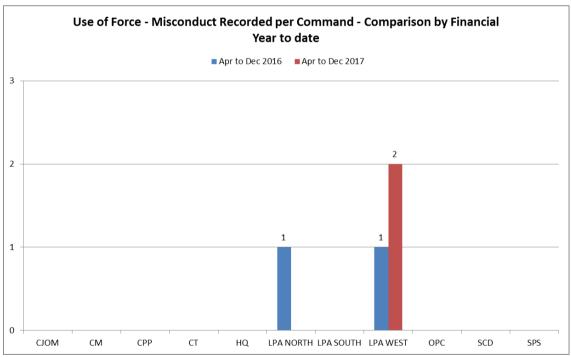
One of these was recorded in July 2015, three in May 2017, as additional strands of an already open Misconduct case.

Two of these cases are attributed to North LPA, one to South LPA, and one to Crime and Public Protection Command.



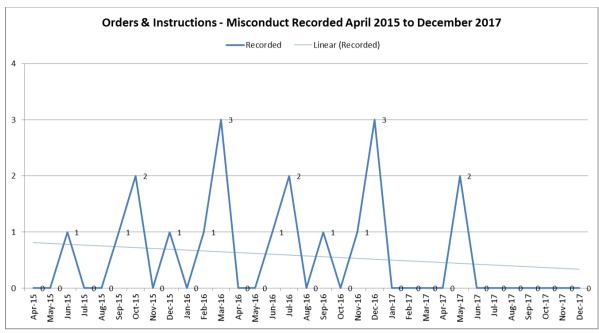
## **Use of Force**

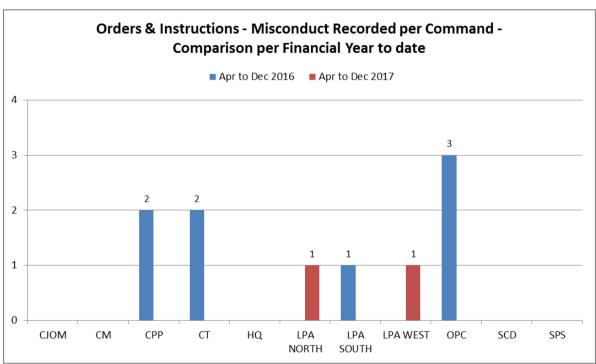






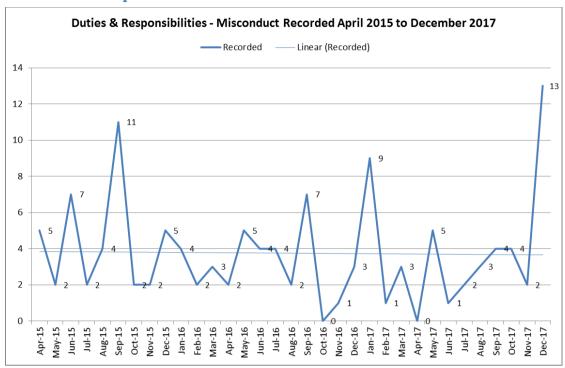
#### **Orders and Instructions**

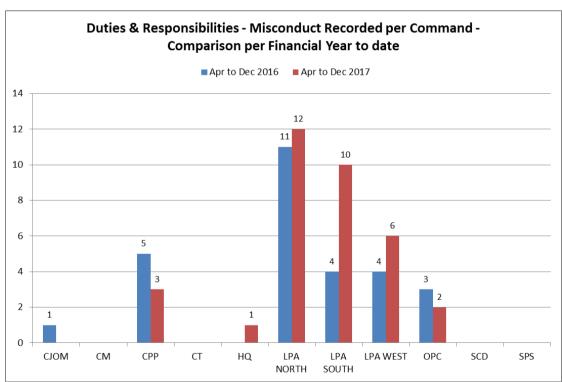






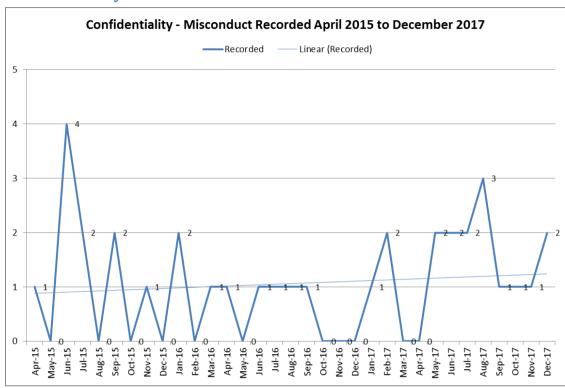
## **Duties and Responsibilities**

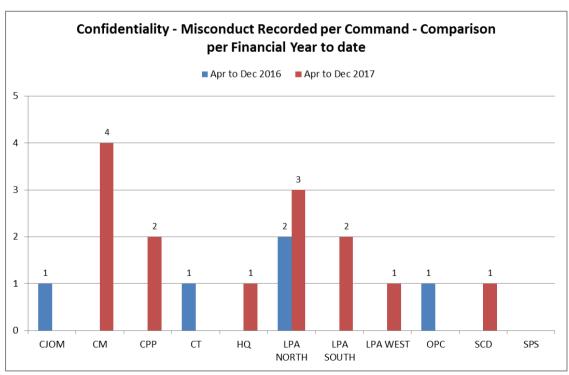






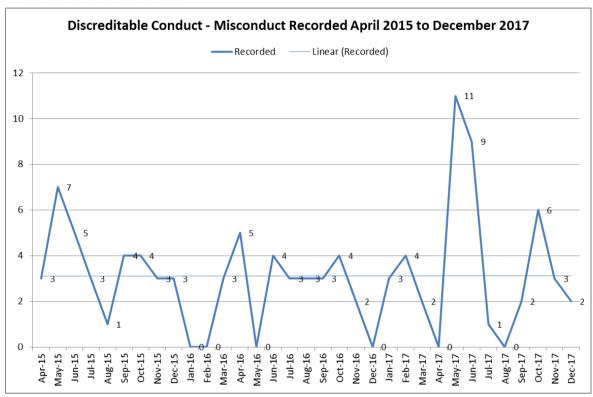
## **Confidentiality**

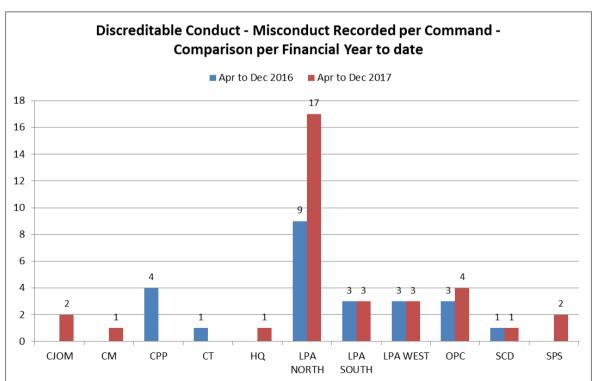






#### **Discreditable Conduct**







#### **Fitness for Duty**

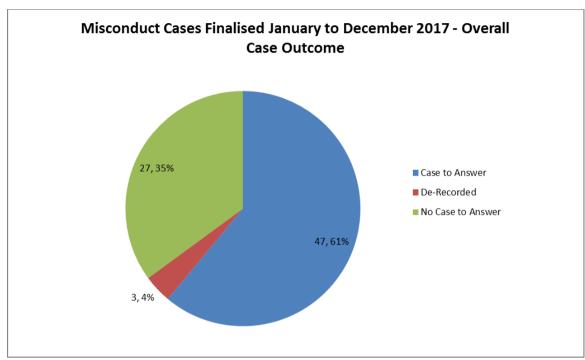
There have been two cases involving Fitness for Duty conduct since April 2015 – One was recorded in July 2015 (LPA Other/Unknown), the other in August 2017 involving LPA North.

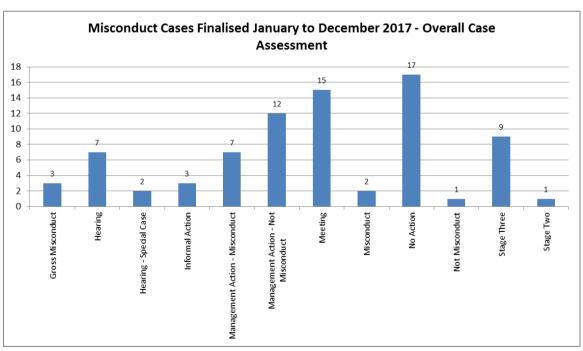
#### **Challenging and Reporting Improper Conduct**

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

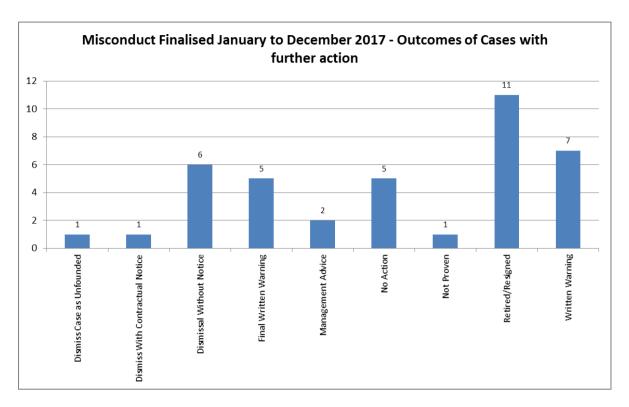


#### **Outcomes of Misconduct Cases**









Please note – the latter graph reflects the outcomes of those cases that were progressed after the assessment decision in the first instance – It does not include the cases that were already decided as No Action, Informal Action or Management Action as the assessment decision for example.



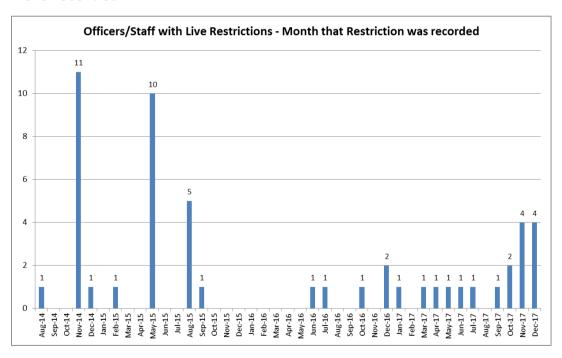
## **Suspensions**

There are currently 12 officers/staff recorded as Suspended (as at  $10^{\rm th}$  January 2018). The table shows the months in which the officers/staff were initially 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	1
Oct-17	1
Nov-17	2
Total	12

#### Restrictions

There are currently 49 officers/staff restricted under a total of 34 different cases (as at 10<sup>th</sup> January 2018). The chart below shows the months the restrictions were recorded.



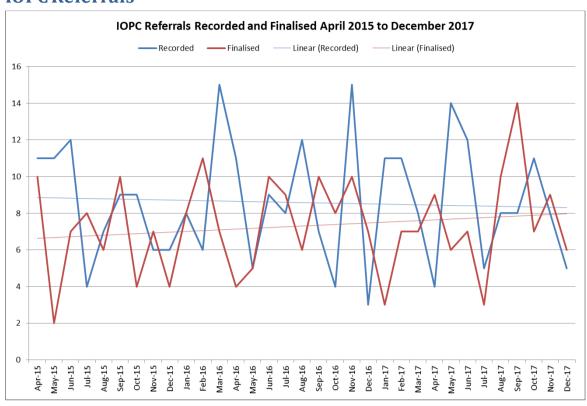
#### **Hearings**

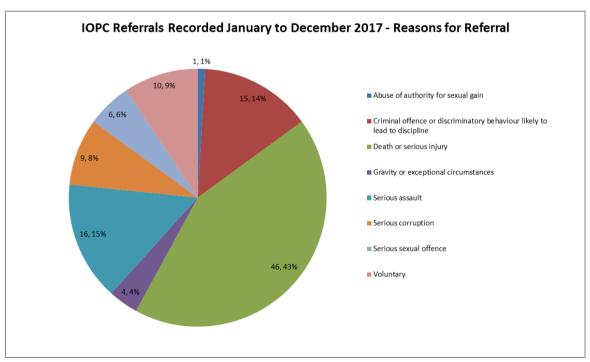
In the financial year 2016/2017, there were 14 Misconduct Hearings.

In 2017/2018 there have been eight hearings so far and there are five more booked for up until the end of 2017/2018. 4 officers have been dismissed and 6 officers have received Final Written Warnings.

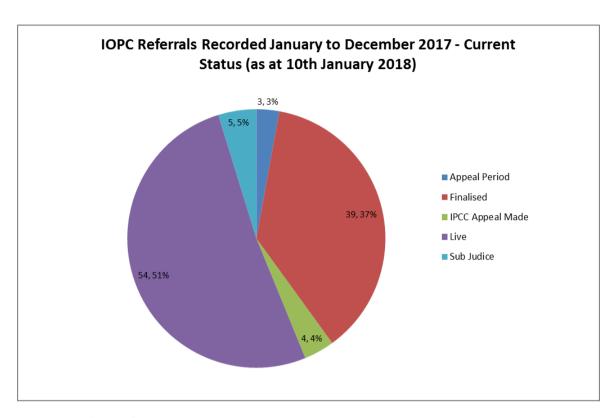


## **IOPC Referrals**

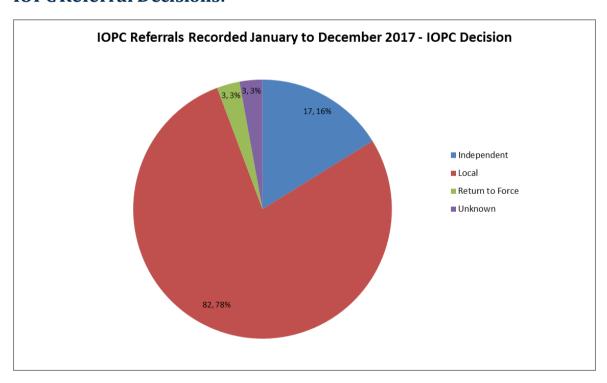








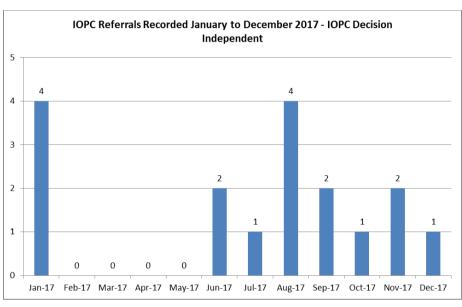
## **IOPC Referral Decisions:**

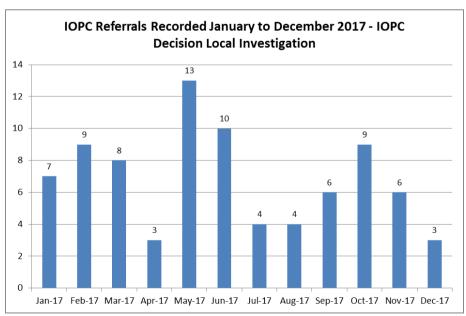




IOPC Decision	Total
Independent	17
Local	82
Managed	0
Return to Force	3
Supervised	0
Unknown	3
Total	105

# There have been no recorded IOPC referrals that were Managed or Supervised in this time frame.



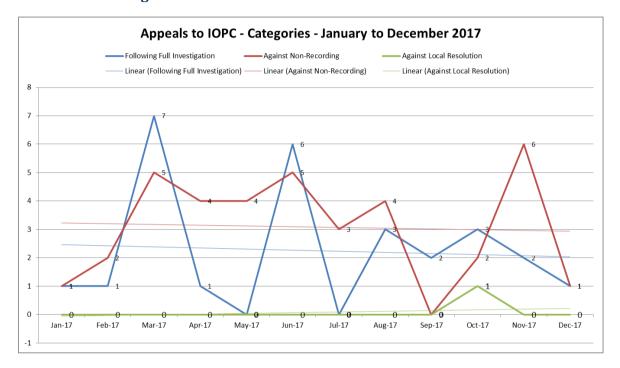




## Appeals January 2017 to December 2017:

# **Appeals to IOPC**

Please note the data for the IOPC Appeals used below is not taken from Centurion, but local PSD recording.

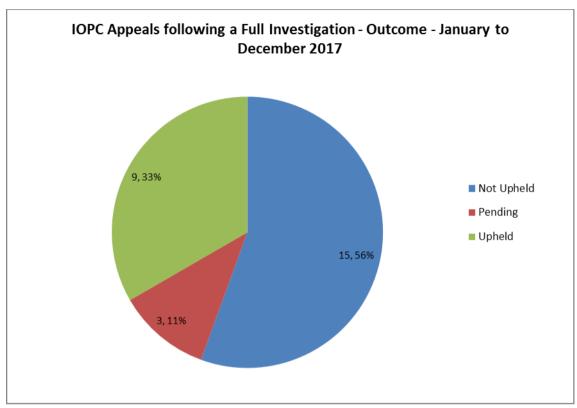


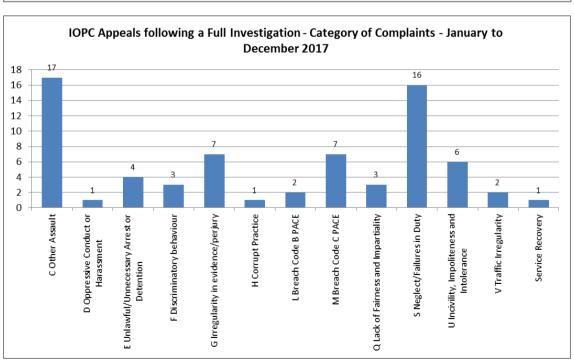
#### **IOPC Appeals against Local Resolution:**

There has been one recorded in the last 12 months, in October 2017. This was C/398/17 which involves an Other Assault allegation.



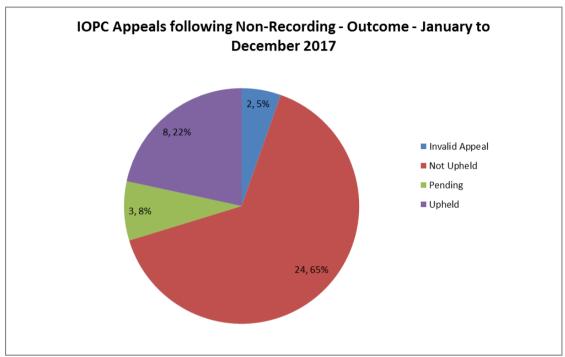
## **IOPC Appeals Following Full Investigation:**

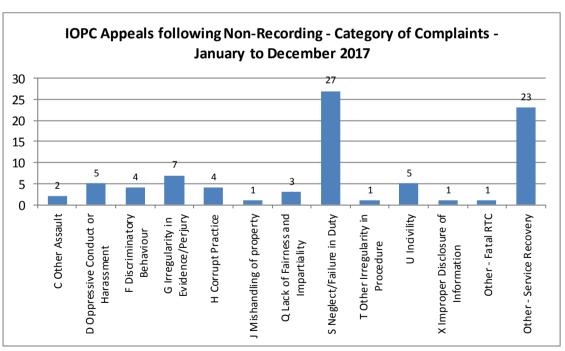






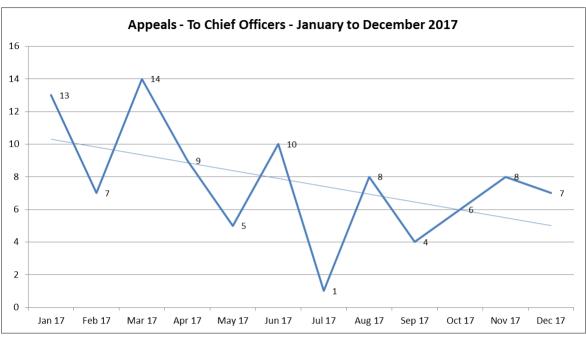
## IOPC Appeals Following Non-Recording:

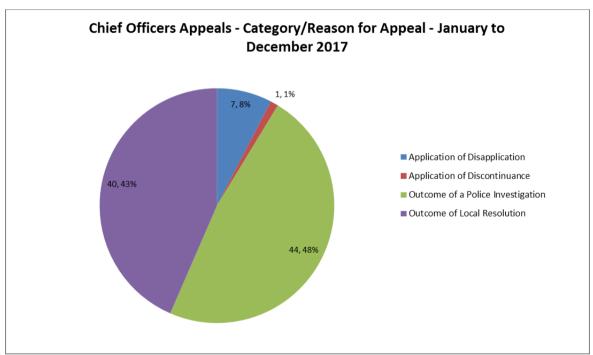




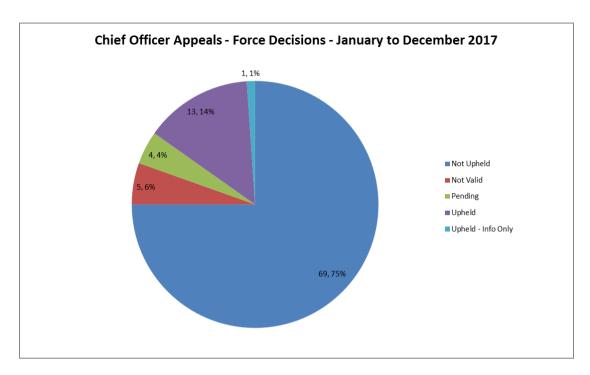


# Appeals to Chief Officers:

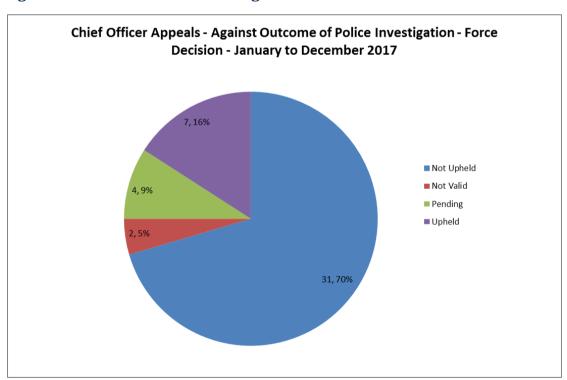




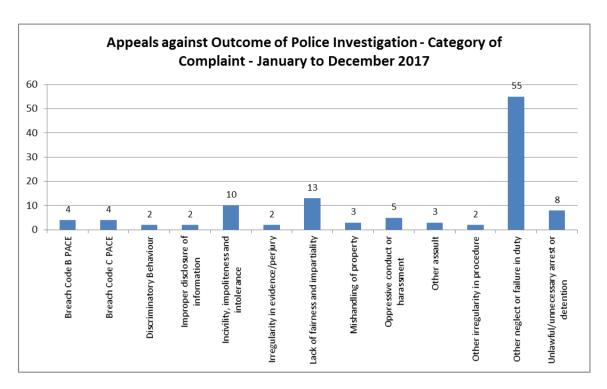




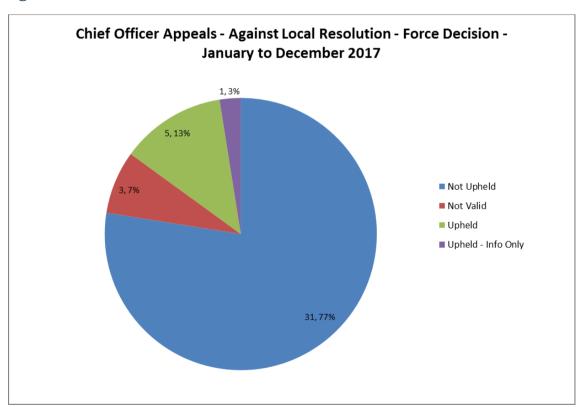
## **Against Outcome of Police Investigation:**







## **Against Local Resolution:**







### Against Disapplication/Discontinuance

