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DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER

**Police and Crime  
Commissioner for Dyfed-Powys**

**Scrutiny Panel  
Dip Sampling Exercise**

**Review of 2017/18 Quarter 2 (Aug-Oct 2017)**

**Professional Standards Department Complaint Cases**

**Force Communication Centre Welsh Language Calls**

**Stop and Search Records**

**Panel Members' Findings & Feedback**

**November 2017**

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## 1.0 Overview

At the third meeting of the Commissioner's Quality Assurance Panel held on 9<sup>th</sup> November 2017, Members reviewed a random selection of closed Professional Standards Department (PSD) case files and Welsh language calls made to the Force Communication Centre.

Stop and Search records were reviewed by the Scrutiny Panel for the first time since the responsibility transferred from the Independent Advisory Group (see [Commissioner's decision](#) of 01/11/17). The Panel considered 10 calls, 10 complaint files, and 10 Stop and Search records in total.

Welsh speaking Members attended a separate meeting on 9<sup>th</sup> October prior to the full Scrutiny Panel meeting in order to review Welsh language calls made to the Force Communication Centre. Calls were played to Members via the meeting room's speaker system with Members noting any observations during the playback. The group also had the opportunity to collectively discuss any queries, with notes being taken by Office of the Police and Crime Commissioner (OPCC) staff.

During the first session of the full Panel meeting, Members had the opportunity to discuss any feedback from the previous meeting with the relevant department leads. Members then worked in pairs to consider whether Professional Standards Department complaints cases were handled in a timely manner and discuss their view of the files. Members' feedback was collected through template observation forms. OPCC officers were available throughout the exercise to answer any questions and provide clarification where needed.

Panel Members reviewed Stop and Search records by openly discussing as a group. OPCC officers noted the discussion and any notes written by the Panel Members were given to the OPCC staff to assist with coordinating this report.

Following the meeting, Panel Members' findings were discussed with department leads in detail. Departments were then provided with the opportunity to formally respond to the Panel's observations. These responses are included within this report.

## 2.0 Action Summary

<b>ACTION SUMMARY FROM MEETING 09/11/2017</b>		
<b>Action N°</b>	<b>Action Summary</b>	<b>Action Owner</b>
1	PSD to consider how transfer of dissatisfactions from PSB to formal complaint are managed to reduce time delay for complainant	PSD
2	FCC supervisor to undertake review of call queried by Panel Members	FCC
3	FCC to clarify if the correspondence sent to the caller following a Welsh language call is sent through the medium of Welsh	FCC
4	Members to receive training regarding ICAT remit	OPCC
5	Panel Members to receive training on Stop and Search protocol	OPCC
6	OPCC and Force to consider how to raise public awareness that individuals have the right to receive a copy of their Stop and Search record	OPCC
7	Force to clarify how repeat searches are recorded and monitored	Force
8	Next performance report to include comparison of positive seizure rate based on both ethnicity and age	OPCC

### **3.0 Background, Purpose and Methodology**

The background and purpose of the Panel along with how the dip sampling is carried out and what the Panel is asked to consider is detailed in the Quality Assurance Panel handbook, which is available on the [PCC's website](#).

### **4.0 Approval by Panel**

All Panel Members have been provided with a copy of this report for comment and have confirmed that it fully represents the views expressed by the Panel during the dip sampling exercise dated 9<sup>th</sup> November 2017.

## **5.0 Complaints and Dissatisfaction Handling – update since previous session**

Prior to reviewing the new cases, Panel Members met with representatives of the Public Service Bureau and Professional Standards Department (PSD) to discuss any outstanding issues and comment on progress that had been made since the last meeting.

The Commissioner's Public Engagement Manager provided an update on the current performance of the Public Service Bureau (PSB). It was evident that positive changes had taken place since the previous meeting. The department had experienced a drastic improvement in the timely resolution of cases, which resulted in the backlog of cases being cleared. This was attributed to automated weekly performance reports being sent to the Chief Inspectors which helped to ensure the officers dealing with cases were held accountable for the progress of the resolution.

The Complaints & Misconduct Officer from PSD reported an update to the Panel Members on the department's timeliness performance. At the time of the Scrutiny Panel meeting in November 2017, figures suggested that swifter resolutions were being achieved. The average number of working days taken to locally resolve an allegation had reduced from 129 to 74 working days in the last year, only slightly higher than the national average of 70 working days. Further improvements have been made and the most recent bulletin published by the Independent Office for Police Conduct (IOPC) showed the resolution figure as 66 working days (below the national average of 71). Panel Members were also informed of future legislative changes to be made to the complaint handling process. In preparation for the changes, it had been agreed that the PSB transfer from the Commissioner's office to the PSD department, with the Commissioner becoming the route of appeal.

### **5.1 Closed Professional Standards Department Complaint Cases**

The Panel reviewed 10 closed cases from the Professional Standards Department (PSD). Whilst the overall timeliness of case handling was improving, it is recognised further improvements could be made to improve Dyfed-Powys' performance and standing in the National tables published quarterly by the IOPC. It had therefore been agreed between the OPCC and PSD that Members would concentrate on the timeliness of complaint handling on this occasion. Case timeliness is assessed by counting the number of days taken from the date the complaint is recorded to the date of closure. The cases considered by the Panel had been randomly selected to include a variety of timescales from less than 30 days, 31 to 90 days and over 90 days.

## **5.2 Best practice**

Panel Members highlighted the following areas they considered to be best practice:

- Four cases were identified to have been dealt with to the complainant's satisfaction and in an appropriate and timely manner.
- It was noted in one case rather than giving a countdown to the end appeal date, the letter was clearer by providing a specific deadline to the complainant.
- Panel Members would like to specifically compliment one of the Senior Professional Standards Managers on the effort that had gone into writing detailed resolution and response letters to complainants.

### **5.2.1 Professional Standards Department comments**

- PSD welcomes this positive feedback. This will be shared with relevant officers/staff.
- The Department's policy is to give outcome letters that specify appeal deadline dates (and not just the number of days in which to appeal). The Department will ensure that a consistent approach is taken in future.
- The Department is committed to providing quality letters to complainants that enable them to fully understand the outcome. It is important to highlight that whilst outcome letters will be reviewed by the Senior Manager, these are in most complaint cases drafted by other officers and staff within the Department (e.g. administrative staff, investigators and other supervisors). Therefore, whilst Mr Lemon may make changes to the draft letters, it would not be appropriate for Mr Lemon to accept the credit for the content and quality of the letters as this is very much the result of a collective effort. This feedback is positively received and will be shared with officers and staff in the Department.

## **5.3 Areas for learning**

Panel Members highlighted some areas of learning:

- Whilst the outcome of the majority of complaint cases was positive, it was felt that they could have been addressed in a more time efficient way from the start in order to progress the complaint process quicker. For example, delays were seen in the initial recording of cases whereby a complaint

may have been received by the Force up to 11 days before it was recorded on the PSD system as a complaint case.

- There was a feeling amongst the Panel that cases could have been closed sooner. There appeared to be significant periods of inactivity in some cases which could have resulted in a prolonged resolution.
- Two cases had been received in the Public Service Bureau prior to being recorded on the PSD system. Panel Members felt this delay affected the timeliness of the complaints process. The Panel suggested that a more efficient working link is forged between both departments to assist a smooth transition for the complainant.

#### **Action 1**

PSD to consider how transfer of dissatisfactions from PSB to formal complaint are managed to reduce time delay for complainant

#### **5.3.1 Professional Standards Department comments**

- The Department is required to record complaint cases within 10 working days and has effective and efficient processes in place to do this. The latest IPCC figures (April 2017 – September 2017) show that Dyfed-Powys PSD recorded 89% of complaint cases within 10 working days. This is much higher than the national average of 81%. In relation to the specific complaint case in question, this was received by PSD on 29th June 2017. The Senior Manager made a recording decision on 10th July 2017, and an acknowledgement letter went to the complainant on the same day. Therefore, this complaint was recorded on Centurion (and a letter sent to the complainant) within 8 working days, so comfortably within the 10 day timeframe. It is accepted that on occasion, some complaint cases will be recorded outside of the 10 day limit due to, for example, high workloads and demands on resources. However, these cases are few and far between which is reflected in the 89% figure referred to above.
- The Department is committed to dealing with complaint cases in a timely manner. As highlighted above, improvements have been made (particularly in relation to Local Resolutions) but the Department accepts that there is further work to be done.
- It is worth noting that responsibility for the Public Service Bureau function passed over to the Professional Standards Department on 1<sup>st</sup> January 2018. This decision was taken jointly by the Chief Constable and the Police and Crime Commissioner. Over the coming months the PSB function will be embedded into the Professional Standards Department so that the 'front end' of the complaints system sits entirely with the Force, and the

appeals/scrutiny function sits with both the PCC and the IOPC. This will not only make the transition between dissatisfaction and complaints a lot quicker and smoother, it will make the whole complaints process easier to understand for both complainants and practitioners with clear lines of responsibility. PSD will continue to update the Panel in respect of key developments in this business area.

## **5.4 Queries raised**

Panel Members raised a number of issues during the session which required further clarification:

- Panel Members queried whether there should be a system of priority given to complaints depending on their severity and stage in the process.
- Members suggested a chronological tracking method would be useful in order to follow the steps taken through the life of the complaint.

### **5.4.1 Professional Standards Department comments**

- More serious complaints (and internal conduct matters) are prioritised by the Department. For example, gross misconduct cases (where there is a possibility that an officer may face criminal charges and/or be dismissed at a Misconduct Hearing) are always dealt with as a priority. As highlighted above, the Department is also committed to resolving complaints as quickly as possible. To that end, decisions around priority of lower level cases are sometimes prioritised on the basis of timeliness. All live complaint and internal conduct matter cases are discussed weekly at the Department's Senior Management Team meeting where priorities are agreed.
- Centurion has a feature called 'progress log' which details the steps taken in respect of each complaint case. There is also a documents section on each case which has all documentation relating to the complaint case (complaint recording forms, letters, e-mails, reports etc). Therefore, there is sufficient information/facilities available on Centurion to navigate the path of a complaint case.

## **6.0 Force Communication Centre Welsh Language Calls**

The Panel reviewed 10 Welsh language calls received by the Force Communication Centre. There were nine calls received via 101 and one via 999.

### **6.1 Best Practice**

Panel Members highlighted the following areas they considered to be best practice:

- The majority of calls reviewed were to the Panel Members satisfaction by effectively offering a full Welsh language service.
- Good practice was displayed by call handlers by their attentiveness when establishing caller's needs and relevant details. In one of the reviewed calls, the call handler effectively determined risk factors of the reported issue.
- Call handlers were sympathetic when needed and recognised the severity of reported incidents and checked if there was police assistance available nearby.
- Callers were given appropriate advice on the next steps following a call reporting an incident such as how to get back in contact with more information regarding the reported issue and that correspondence will be sent to the caller through text including a reference number.

### **6.2 Areas for learning**

Panel Members highlighted some areas of learning:

- Panel Members felt that in one case the caller's expectations for further action on the reported incident were raised by the Call Handler as there was no indication during the call as to how the incident would be resolved.
- There is a need to ensure that the personal details entered into the system are correct as one call record displayed the wrong date of birth.
- Panel Members observed from one call recording that the Call Handler forgot that they were on the Welsh line and answered in English to which the caller had to request the handler to speak Welsh.

### 6.3 Queries Raised

Panel Members raised a number of issues during the session which required further clarification:

- Panel Members requested a review by the FCC supervisor on how one call in particular was handled.

#### **Action 2**

FCC supervisor to undertake review of call queried by Panel Members

- Panel Members queried whether the correspondence sent to the caller following a Welsh Language Call is also sent through the medium of Welsh.

#### **Action 3**

FCC to clarify if the correspondence sent to the caller following a Welsh language call is sent through the medium of Welsh

- Panel Members noted references to ICAT (Incident and Crime Allocation Team) on STORM records and were unsure of what their involvement was. It was therefore suggested that Panel Members receive a briefing on the ICAT remit.

#### **Action 4**

Members to receive training regarding ICAT remit

#### 6.3.1 Force Communication Centre Comments

- The call has been reviewed by a welsh speaking call handling supervisor. It is felt that the call taker had excellent rapport with caller who was a Welsh speaker from North Wales. All information is recorded. The caller is kept on the line for longer than required while the call taker looked for nearest response vehicle and then advised the caller that unfortunately this is quite some distance away. The caller's DOB and e-mail address for future reference and ease of contact. The caller is advised that what he is reporting will be treated as a 'hate crime' and dealt with accordingly. A STORM ref no is provided and the caller is advised recontact us should he come across the family again. The call was taken well with empathy.
- Any formal Police correspondence would be sent in both English and Welsh.

## 7.0 Stop and Search Records

The Panel collectively reviewed 10 Stop and Search reports conducted by the Force. The Panel's objective was to consider whether Stop and Searches being undertaken were based on reasonable grounds for suspicion.

### 7.1 Best practice

Panel Members highlighted a number of areas they considered to be best practice:

- Six of the Stop and Search cases reviewed by the Panel were considered to have displayed reasonable grounds to warrant the Search.
- One Stop and Search record in particular displayed reasonable grounds as the officers were concerned for the safety and wellbeing of the individual in question.

### 7.2 Areas for learning

Panel Members highlighted the following areas of learning:

- Members observed that the outcome wasn't noted on the majority of records. Panel Members suggested that even if there is no further action taken following the Stop and Search, an outcome should be recorded on the record.
- There is a need to ensure that recorded information is correctly completed as there were clerical errors on many cases. For example, the personal description of one individual was detailed under the 'Location' section and also spelling or typing errors were common. Panel Members questioned whether such errors undermine the validity and authority of a record.
- Some records were observed as having poor descriptions as they were too brief, lacked personal information or a reason code. One record did not include the searched individual's name. Insufficient detail on some cases meant that Members felt unable to make a judgement on the appropriateness of the stop.
- Panel Members felt that one search was conducted due to the fact that an officer was aware that the individual in question had recently been arrested and was a known drug user. Members felt this appeared to contradict Stop and Search guidelines which states that "Known Criminal" is not to be used as a ground for search".

### 7.2.1 Stop and Search Team comments

- Some outcomes may not be known at the time of completion of the record and this information is therefore not always visible on the record downloaded for scrutiny by the Panel. There are however IT systems in place that are able to link stop and search records to the custody system, and subsequent outcomes. For example, if a person is arrested – whether the final outcome was “no further action”, charge, summons etc. This information is collated and the relevant data made available to officers and supervisors for the monitoring and scrutiny of the use of the power via the Qlick View database.
- Following receipt of the Scrutiny Panel feedback a meeting has been convened by the force with IT Services to explore what further information may be made visible on the actual records for the purpose of scrutiny by the Panel. IT Services have been tasked to review and make any required amendments to match wording displayed on the form to data category titles that are in line with Home Office wording, and may facilitate those scrutinising the records. Also to assist the panel to understand what the outcome was where known. This work has been requested for completion by 12/02/18.
- Any errors on completion of the forms should be identified by Supervisors reviewing the forms, and any action to address concerns with the search or completion of the form documented on the form. Following receipt of this Scrutiny Panel feedback a meeting has been convened by the force with IT Services to request amendments to back office systems to enable the stop and search records downloaded for review by panel members to include information populated in supervisor boxes, so that they can see if any such issues have already been identified by supervisors and addressed. Also to include comments from Inspectors, supervising the effectiveness of the Sergeant supervision from dip samples that they are required to complete bi-monthly.
- The documenting of information in the incorrect box, or spelling mistakes will not in the majority of circumstances undermine the validity and authority of the record. Although it is good practice to have the form completed without any such errors, and officers will be provided feedback accordingly, cognisance should be given to the conditions that officers are completing these documents – out on the street, in all sorts of weather and hours of darkness, and often at a time of conflicting demands. This should not be used in any way as a justification for poor administration. However, it can often be a reason contributing to grammatical errors, and occasional examples of this are expected. The Police and Criminal Evidence Act requires that when a search takes place that does not result

in the person being arrested and taken to a police station, the record must be made of the search on the spot, unless it is not practicable, in which case it may be made as soon as practicable after the search is completed.

- Feedback in relation to the records highlighted by Members will be sent to BCU Commanders for review and consideration for any further action as deemed appropriate.
- In relation to the completion of the forms there is no requirement to record the name, address and date of birth of the person searched or the person in charge of a vehicle which is searched. The person is under no obligation to provide this information and they should not be asked to provide it for the purpose of completing the record.
- Copies of the search records scrutinised, and comments from the Members have been obtained from the OPCC and will be forwarded to respective BCU Commanders for review and response in relation to specific feedback and comments raised. Further updates will follow to advise Members on any actions taken accordingly.

### 7.3 Queries raised

Panel members raised a number of issues during the session which required further clarification:

- There was debate amongst Panel Members surrounding powers to warrant pulling a vehicle over to issue a Stop and Search. This resulted in Members requesting an input to better understand procedures.
- 'Gender of Officers Present' was not completed on any of the reviewed records and one report showed a female had been searched by a male officer. Members subsequently queried the procedure for conducting searches of the opposite sex.

#### **Action 5**

Panel Members to receive training on Stop and Search protocol

- Panel Members queried the 'Search Power Used' in record 4 as it was felt it did not accurately reflect the described grounds for the search.
- Queries were raised amongst Members over the 'Reason Code for being searched' in record 6 as they felt it didn't correctly correspond with the description given in the 'Reason Grounds for Stop/Search'.

- Panel Members questioned if people were being offered a copy of the record of their search, as many of the records stated that a copy had not been requested. Members queried if the public are aware that they are entitled to a record of their search.

#### **Action 6**

OPCC and Force to consider how to raise public awareness that individuals have the right to receive a copy of their Stop and Search record

- Panel Members queried how it may be identified whether individuals have been subject to previous searches. They felt it would be useful to be able to monitor whether individuals were subject to Stop and Search on numerous occasions.

#### **Action 7**

Force to clarify how repeat searches are recorded and monitored

- Panel Members requested performance data to be broken down to compare age and ethnicity with the positive seizure rate.

#### **Action 8**

Next performance report to include comparison of positive seizure rate based on both ethnicity and age

### **7.3.1 Stop and Search Team comments**

- Training inputs have previously been provided to Independent Advisory Group Members on Stop and Search by the force Learning and Development department. This will be arranged for new Members now forming part of the newly formed scrutiny group. This will include a full explanation of powers for police officers to stop road traffic vehicles under Section 163 of the Road Traffic Act 1988 as well as the relevant legislation covering the stop and search powers, the College of Policing APP guidance on Stop and Search and also an overview of the Home Office Best Use of Stop and Search requirements, to which the force are signed up. It is recognised that panel members need to have a good knowledge and understanding to effectively scrutinise the police use of this power, and full support will be given to provide them with the relevant training.
- The electronic stop and search form is designed to capture data on gender for those category of searches which directs the same gender to be

conducting the search or present at the time of the search. "Any search involving the removal of more than an outer coat, jacket or gloves, headgear or footwear, or any other item concealing identity, may only be made by an officer of the same sex as the person searched and may not be made in the presence of anyone of the opposite sex unless the person being searched specifically requests it".

- Existing force guidance directs that all officers must inform persons searched that they are entitled to a copy of the search, and also to explain how to make a complaint about the search if they wish to do so. They are also required to issue the person searched with a receipt, which contains further information on their rights in relation to stop and search, their entitlement to a copy of the search how to obtain a copy if they so wish, and information on how and where they may make a complaint.
- Following receipt of this feedback from Panel Members the force has convened a meeting with IT Services to consider whether an additional box may be added to the electronic stop and search form, to require officers to stipulate on the form whether this advice was given and whether a receipt was issued. This would facilitate the force's ability to more effectively supervise whether this requirement has been met. It was agreed that this could be accommodated, but would need to be submitted on a change request to the external provider for the force Mobile Devices, and would be scheduled into existing work programmes. An anticipated date when this change request may be made will be provided in due course.
- The Police and Criminal Evidence Act directs that when this power is used and a search record completed, "there is no requirement to record the name, address and date of birth of the person searched or the person in charge of the vehicle which is searched. The person is under no obligation to provide this information and they should not be asked to provide it for the purpose of completing the record". Therefore, it is not possible to effectively monitor repeat searches on the same person.
- The force has a performance management framework for stop and search and detailed requirements for the production of a force profile. This will be requested from Information Intelligence Department to be available to present to the next meeting of the Panel Members. Information on the content of the profile is detailed within the Stop and Search Performance Management Framework and will include analysis of data to demonstrate legitimacy concerning use of the power with respect to age, ethnicity and also type of search (to include JOG – Jacket, outercoat and gloves; More thorough search – eg removal of a t-shirt; EIP – exposure of intimate parts).