

**Police and Crime Commissioner**

**for Dyfed Powys**

**Complaints Dip Sampling Report**

**April 2024**

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# 1.0 Introduction

A series of dip sampling of complaints cases was undertaken by the Office of the Police and Crime Commissioner (OPCC) between January and March 2024.

The OPCC reviewed a total of 15 randomly selected closed complaint cases that were handled by the Professional Standards Department (PSD) between April 2023- December 2023. The main purpose of this scrutiny work is to independently review that the recording and handling of complaints complies with the guidance set out by the Independent Office of Police Complaints (IOPC) and that the service provided to the complainant is reasonable and proportionate.

# 2.0 Summary

The cases reviewed identified that overall complaints are handled reasonably and proportionally. Positive areas to highlight include consideration of relevant guidance documents/policies in relation to allegations of discrimination. The handling of a complaint of a juvenile who also had a disability and despite not being able to make contact with the complainant, PSD continued with the handling of the complaint and learning was identified for the officer.

Whilst there are some positive examples of the initial handling of a complaint, this round of dip sampling identified a theme where there was a delay with the initial handling of the complaint. As stated in the IOPC Statutory Guidance *“Responding to matters in a timely manner is key to securing confidence in the complaints system and providing good customer service (to complainants and interested persons, as well as anybody whose actions are being considered).*[[1]](#footnote-2)” Additionally in some cases it wasn’t clear whether communication had been provided to the complainant or what action had been taken to address the complaint. In the interest of transparency and external scrutiny, it is encouraged that there is a clear audit to support the action taken to address the complaint.

# 3.0 IOPC Statistics

The IOPC publishes quarterly data on Force performance which includes timeliness of investigations, complaint factors, complaint outcomes and complaint reviews. The reporting period considered for this report is for 1st of April 2023 – 31st of December 2023.

The information is broken down for each Force area which can be viewed on the [IOPC website.](https://www.policeconduct.gov.uk/information-for-police/police-data)

Having considered the quarterly reports for quarter one to quarter three, the OPCC identified that complaints handled Outside of Schedule 3 had taken longer to finalise than the same period last year as illustrated in the table below

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| Avg no days to finalise allegations | Force | SPLY | MSF Average |
| Outside Schedule 3 | 15 | 7 | 24 |
| Under Schedule 3 – not investigated | 59 | 73 | 96 |
| Under Schedule 3 – by local investigation | 171 | 121 | 172 |
| Under Schedule 3 –directed investigation | 0 | 0 | 0 |
| Under Schedule 3 – independent investigation | 0 | 0 | 50 |

Complaints handled Outside of Schedule 3 are not eligible for the complaint to be reviewed, therefore it was considered that the OPCC Assurance Team would conduct a dip sample of complaints handled outside of schedule three.

Secondly, when considering the category of complaints, it was recognised that there has been an increase in complaints relating to police powers, policies and procedures. The highest number of complaints in that category were in relation to the power to arrest and detain.

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| Category | Sub-cat Force | | SPLY | | MSF | |  |
| Police Powers, policies and procedures | Total | 219 | 24% | 138 | 16% | 261 | 24% |
| Stop and Search | 14 | 6 % | 13 | 9% | 14 | 15% |
| Searches of premises and seizures of property | 27 | 12% | 14 | 10% | 25 | 10% |
| Power to arrest and detain | 52 | 24% | 17 | 12% | 46% | 18% |
| Detention in police custody | 35 | 16% | 14 | 10% | 41 | 16% |
| Bail, identification and interview procedures | 10 | 5% | 7 | 5% | 18 | 7% |
| Use of Force | 40 | 18% | 38 | 28% | 65 | 25% |
| Evidential procedures | 4 | 2% | 5 | 4% | 6 | 2% |
| Out of court disposal | 3 | 1% | 3 | 2% | 7 | 3% |
|  | Other policies and procedures | 34 | 16% | 27 | 20% | 39 | 14% |
|  | Other | 0 | 0 | 0 | 0 | 0 |  |

Additionally, as outlined in the Police and Crime Commissioner’s Police and Crime Plan, the PCC must support collective efforts to eliminate discrimination under the Public Sector Equality Duty. Therefore during this quarter consideration was given towards complaints where a factor was in relation to discriminatory behaviour. Table below outlines the factors relation to allegations of discriminatory behaviour.

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|  | Factors | | | | | | | | | | | | | |
| Allegation | Arrest | Custody | Domestic/Gender abuse | Drugs/Alcohol | Firearms | Fraud | Investigation | Mental Health | Neighbourhood policing | Public order incident | Roads/traffic | Stop and/or search | Taser | VAWG(handling) |
| Discriminatory Behaviour | 1 | 1 | 1 | 1 | 1 | 1 | 5 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

As a result of this data this round of dip sampling has considered:

* Complaints handled outside schedule 3
* Allegations relating to Discriminatory Behaviour
* Complaints allegation where the factor was “Arrest and detain”

# 4.0 – Dip-Sample Findings

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| Dip sample subject: | Outside schedule 3 complaints |
| Number of cases viewed: | 5 |
| Average number of days to finalise complaints reviewed: | 14 |

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| Case1 | |
| Summary of Complaint | Complainant's daughter was assaulted and the complainant is unhappy with the outcome provided to the alleged offenders. |
| OPCC Comments | Findings identified a delay with the initial handling of the complaint and making contact with the complainant.  Additionally, the complaint was handled by the local Inspector, however there is no record/audit to establish how the complaint was dealt with by the Inspector. |

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| Case 2 | |
| Summary of complaint | Complainant has called police to report her partner driving erratically. On police attendance, complainant was made to wait for 4 hours to be collected, whilst the partner was allowed to drive on. |
| OPCC Comments | From the information provided for the dip sample we were unable to identify any communication with the complainant. |

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| Case 3 | |
| Summary of complaints | Complaint is a minor who is accusing a PCSO of threat of arrest for not identifying themselves and for being discriminated against due to them being a juvenile on the spectrum. |
| OPCC comments | Learning was identified with involving officer with regards to threats of police powers.  It was noted that the complaint was continued despite being unable to make contact with complainant which is encouraging for building public trust and confidence in complaints handling. |

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| Case 4 | |
| Summary of complaint | Father complaining on behalf of his son in relation to time taken to investigate his crime. Complainant is unhappy that the grandchild has been prevented to stay with the parent until crime has been concluded. |
| OPCC Comments | Response to complaint was timely, advising that complainant is not eligible to make complaint.  At the conclusion of this dip sample it was identified that the complainant had been given authorisation to complain on behalf of the son and the complaint has now continued to be handled under schedule 3 and therefore complainant will be entitled for the complaint to be reviewed once it has concluded. |

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| Case 5 | |
| Summary of complaint | Lack of updates in relation to complainant's investigation. |
| OPCC Comments | PSD apologised for the delay of correspondence due to festive holiday. The handling of complaint Outside Schedule 3 was deemed reasonable and proportionate method of handling this complaint, as the outcome provided the complainant with a satisfactory resolution with the officer in case. |

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| Dip sample subject: | Discrimination |
| Complaint handling type: | Outside Schedule 3: 3  Inside Schedule 3 : 2 |
| Number of cases viewed: | 5 |

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| Case 1 | |
| Summary of complaint | The complainant alleges that he has been falsely arrested for rape and discriminated against as he is black. Complaint was formally record. |
| OPCC Comments | The complaint handling was reasonable and proportionate and due regard was given towards the IOPC guidance on handling allegations of discrimination. The outcome letter provided was detailed and demonstrated good practice. |

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| Case 2 | |
| Summary of complaint | The complainant is unhappy with the police's actions following a stop and search incident carried out on her partner. The complainant alleges that her partner has faced constant harassment from the police due to his race. |
| OPCC Comments | Timely initial contact from PSD. It seems like the complaint has been split into two parts, the stop and search incident and the discrimination allegation. The OPCC have requested to dip sample the other part of the complaint once complaint has finalised. |

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| Case 3 | |
| Summary of complaint | The complainant is involved in a case of assault and states that the Police have been discriminatory towards him as they are homosexual and suffers from mental health problems. |
| OPCC comments | Timeliness   The OPCC considers the timeliness of the handling of this complaint could have been better. There was a slight delay in PSD making the initial contact with the complainant and the complaint was finalised 31 days receiving the complaint.    Communication  Whilst there was good communication between the PS and PSD, however we were unable to identify if there was any further communication between PSD and the complainant after the PS visit.  Use of language  The OPCC considered that some of the language used could be considered defensive.  Query For greater understanding the OPCC would be grateful for further clarification on why this was deemed suitable to be dealt with outside schedule 3.? |

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| Case 4 | |
| Summary of complaint | The complainant alleges that his case of fraud/theft has not been looked into by DPP as he is being discriminated against due to his criminal record. |
| OPCC comments | Initial contact from PSD was in a timely manner. It is evident that in depth enquiries have been carried out by PSD including good collaboration with North Wales PSD. Although there was no evidence to suggest that this incident took place in DPP the complainants discrimination allegation was taken seriously and the appropriate checks undertaken.  The OPCC were unable to identify a record for the outcome of this complaint. |

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| Case 5 | |
| Summary of complaint | The complainant alleged that there has been a lack of action from DPP against his hate crime allegation as he is English and black. |
| OPCC Comments | The complainant withdrew their complaint. The initial contact from PSD was delayed. The OPCC have queried whether this could be the cause of the withdrawal. |

**Arrest and Detain**

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| Dip sample subject: | Arrest and detain | |
| Complaint handling type: | Outside of Schedule 3 | 1 |
| Inside Schedule 3:  Other than by Investigation | 4 |
| Number of cases viewed: | 5 | |
| Average number of days to finalise complaints reviewed: | Outside Schedule 3 | 4 |
| Under Schedule 3 (handled other than by investigation) | 105 |

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| **Case 1** | |
| Summary of Complaint | The complainant stated that he is fed up with being arrested and placed in custody by DPP. He also alleges that DPP are harassing him which has resulted in him being evicted from his home. |
| OPCC Comments | * Unable to identify if anything further done in regard to this complaint? It is clear that the individual was wanting to make a complaint but there is no record of any further contact being made after they requested a telephone call from PSD. * PSD could possibly have contacted the complainant via telephone sooner to establish further details as there was a lot of communication via email that was not clear. |

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| Case 2 | |
| Complaint summary | Complainant is unhappy with his treatment by Llanelli Police Station and claims that he was refused a duty solicitor, refused medication and that there was no reason for arrest. |
| OPCC comments | Initial contact made by PSD was timely, complaint was received on the 18/09/23 and PSD’s initial contact was on the 20/09/23.  Evidence that a detailed investigation was undertaken by the complaint handler but the outcome letter did not demonstrate this to the complainant. It is beneficial to include detail of the investigation undertaken as this may mitigate the complainant remaining dissatisfied and reviews being submitted. |

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| Case 3 | |
| Complaint Summary | Complainant states that they have been unlawfully arrested. |
| OPCC Comments | * It is noted that this complaint was substantially the same as a previous  complaint that had been handled OTBI and had gone through the complaint review process which was not upheld.   However PSD still considered and recorded the complaint and provided a reasonable and proportionate explanation. The complainant also had an opportunity for the complaint to be reviewed but no request for review was made. |

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| Case 4 | |
| OPCC Summary | Complainant states that he was unlawfully arrested and falsely imprisoned. The complainant also alleges that during his detention that he was refused pain medication for his condition. |
| OPCC Comments | Evidence that a detailed investigation was carried out with all relevant Force held information reviewed. |

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| Case 5 | |
| Complaint Summary | The complainant alleges that she has falsely been arrested, unlawfully treated in custody. |
| OPCC Comments | Complainant withdrew her complaint .  Initial contact by PSD could had been improved. The complaint was received on the 11/09/23 but contact from PSD was not done until the 28/09/23 . |

# 5.0 General Comments Observations

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| OPCC Comments | PSD Response |
| Timeliness of initial contact  In some cases, there was a delay from the time a complaint is received and an initial contact being made to the complainant. | Unfortunately there will inevitably be some instances where initial contact is not made as soon as hoped. The OPCC have identified 4 cases where there were delays, caused by the workloads being experienced at the time.  Overall for the 2023/24 period, Dyfed Powys logged 884 complaints and made initial contact with the complainant in an average of 8 working days. |
| Complaint outcome letter  It was considered in one that the outcome letter could have provided more detail for the outcome to be understood. Having reviewed documentation it was clear that action had been taken but the outcome letter didn’t relay the action that had been taken by the complaint handler.  [Case 2 arrest and detain](#co42223) | This has been noted and fed back to the Appropriate Authority. |
| Communication  In some cases it was difficult to identify whether communication had been provided to the complainant or the complaint had concluded. For the purpose of scrutiny activity it would be helpful to have sight of all records of communication.  [Case 1](https://dyfedpowyspolice-my.sharepoint.com/personal/donna_cronin_dyfed-powys_police_uk/Documents/Desktop/CO-31-23) Arrest and detain sample  [Case 4](https://dyfedpowyspolice-my.sharepoint.com/personal/donna_cronin_dyfed-powys_police_uk/Documents/Desktop/CO-469-23) Discrimination dip sample | In regard to case 4 of the discrimination dip sample, this was not a Dyfed Powys matter (possibly Action Fraud). The complainant was informed of this and it was explained to him that we held no records relating to the matter he wished to complain about. This was captured on the progress entries on the case report.  In respect of case 1 of the arrest and detain dip sample there is a record of contact with the complainant captured on the progress entries on the case report.  PSD will ensure that case reports are provided for the next dip sample. |
| Complaints handled outside of PSD  For the purpose of scrutiny activity it would be helpful if there was an audit trail of communication from supervisors who have handled a complaint Outside of Schedule 3 to PSD to evidence that the learning/feedback has been undertaken.  [Case 1 Outside Schedule 3](#co2723) | To date this year we have recorded 917 complaints. 470 of these complaints were handled outside of Schedule 3.  There are two members of staff dealing with Outside Schedule 3 complaints. We do not have the resources to supervise every single complaint to this extent.  We have to trust and rely that supervisors are suitably responsible to assist with complaint handling when requested. As a safeguard we do advise complainants that if they do not hear anything further they should come back to us. |
| [Case 2 Outside Schedule 3](#co47523) Case file didn’t include any communication with complainant | Reasonable attempts were made to contact the complainant (recorded on the progress log) and a message was left asking her to contact us, but we received no further contact. |
| [Case 4 Outside Schedule 3](#co71323)Once the complainant had been given authorisation to complaint on behalf of the son, has there been a new case reference number provided for this complaint? If so, why was this not continued on the same case reference number? | The complaint was continued on this case number.  Handling under schedule 3 continued after the OPCC request for documentation for dip sampling. |
| Complaint handling decision  [Case 3 discrimination dip sample](#co1823) For greater understanding The OPCC would be grateful for further clarification on why this was deemed suitable to be dealt with outside schedule 3.? | The initial complaint concerned a suspect in a criminal investigation, who believed the victim had made a false allegation. He was therefore unhappy that the police were pursuing the matter.  This was deemed suitable for handling outside schedule 3 as it was thought the matter could be handled promptly by providing the complainant with an explanation outlining police have to take all reports seriously and have a duty to investigate.  When speaking to the complaint handler the complainant stated his belief that officers were being homophobic, however when asked to explain why he felt this way the complainant was unable to substantiate or support this assertion. Therefore no further action could be taken and there was no requirement to record this allegation under schedule 3.  IOPC Guidance does state that some discrimination complaints may be appropriate for handling outside of Schedule 3. |
| Use of language  In one case the OPCC considered that the use of language in the sentences highlighted could be considered defensive and not taking the allegation seriously.  [Case 3 discrimination](#co1823) | It is not clear what language may have been considered defensive. The OPCC may need to elaborate on this point.  Having reviewed the emails referred to, these were internal emails between PSD and the local sergeant and involved a frank and honest conversation about the person in question.  I’m not sure it is fair to describe the comments as defensive or dismissive. The complainant made an allegation of discrimination so it is only right that further information is sought to try and understand the allegation. In this instance the complainant was unable to substantiate the allegation of discrimination and this was reflected in the email.  The email from PS Dawson, although worded informally (this was a matter handled outside schedule 3) reflects his assessment of the complaint having looked at the matter. |

1. [2020\_statutory\_guidance\_english (59).pdf](file:///C:/Users/65038/Downloads/2020_statutory_guidance_english%20(59).pdf) [↑](#footnote-ref-2)