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Draft Dip Sampling Protocol

Introduction

Police Authorities have a statutory duty to maintain an efficient and effective police force¹, and this includes a duty to keep themselves informed about the handling of complaints and misconduct matters by that police force².

The Association of Police Authorities has prepared guidance (“the Guidance”) which sets out best practice for Authorities on how to fulfil this duty³. The Guidance sets out that Authorities have both a duty to oversee ongoing complaints and a duty to “dip sample” closed complaint and misconduct files. It also provides detailed guidance on the dip sampling of completed complaints files⁴. This Protocol relates only to the latter obligation to dip sample closed complaint and misconduct files and does not cover the duty to oversee ongoing complaints.

Purpose

The volume of files makes it impractical for authorities to oversee every complaint and misconduct file. Dip sampling allows authorities to monitor files and fulfil its oversight responsibility. The purpose of dip sampling is not to review the conclusion reached in individual cases. A general review of compliance with procedure and approaches taken can help to ensure public confidence in the complaints management process. Dip sampling should also be an occasion to identify learning and other issues for discussion with the MPS.

Procedure

1. Number or proportion of files to be reviewed
 - 1.1 DPS statistics show that 1103 conduct allegations and 11173 public complaint allegations were recorded by the MPS in 2008⁵. The complaint allegations amounted to approximately 6000 complaints cases as complaints cases can constitute more than one allegation. For example, a person may allege that they were pushed by an officer and that the officer was rude to them. This would be recorded as two separate allegations forming one complaint case. **[DN: FIGURES TO BE CHECKED]**

¹ Section 77 Police Act 1966

² Section 15 Police Reform Act 2002

³ Oversight and scrutiny of professional standards matters The role of police authorities - May 2007

⁴ Dip sampling of completed complaints files – Guidance for Police Authorities

⁵ DPS Borough Support Management Information January 2009 for Reporting Period 1 Jan 08 to 31 Dec 08.

WITH DPS AS TO NUMBER OF CONDUCT FILES AND EXACT NUMBER OF COMPLAINTS FILES]

1.2 2% of these files will be reviewed annually by the Authority. The Authority believes that this is justifiably representative of the total given the large number of complaints received by the MPS annually.

1.3 The Authority will also dip sample complaints relating to direction and control⁶. **[DN: CHECK FIGURES OF DIRECTION AND CONTROL CASES WITH DPS]** [% of these files should be reviewed annually.

1.4 These percentages will be reviewed annually to ensure that they remain justifiably representative of all the complaints.

2. Frequency of reviews

2.1 The criterion or criteria for the selection of files will be chosen by Members at each meeting of the PSCSC in accordance with paragraph 4 below. The results of the review will be presented at a subsequent meeting of the PSCSC. **[DN: TIMETABLES TO BE DISCUSSED WITHD DPS]**

2.2 The different categories of files, discussed in 4 below, will be reviewed at different frequencies having regard to the factors listed in 4.4. Files will be selected alternately on the basis of the type of complaint or type of resolution, and the Borough or particular area.

3. Access to files

3.1 The Authority will have free access to all files, including covert investigations.

3.2 **[DN: SPEAK TO DPS ABOUT HOW/IF THIS CAN WORK GIVEN THE LIMITED ACCESS TO TRIBUNE]**

3.3 MPS should not review a file before providing it to the Authority. The file should be provided in the exact form it was in when closed. To limit opportunity for any review, MPS will be asked to provide the file with [3] working days **[DN: Timetables to be discussed with DPS]**

4. Selection of files and type of files to be reviewed

⁶ In accordance with Home Office Circular 19/2005 Guidance on the Handling of Complaints relating to the Direction and Control of a Police Force by a Chief Officer

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- 4.1 The Authority will have complete freedom to choose the files to review from the totality of completed complaints files.
- 4.2 The Authority will request complaints files which have been completed in the previous 6 months.
- 4.3 The Authority will ensure that the categories and types of complaints being reviewed are representative of the total.
- 4.4 In so doing, it will have regard to:
 - (a) the categories of complaints (e.g. locally resolved, substantiated, unsubstantiated, discontinued/dispensed and withdrawn);
 - (b) the types of complaints (e.g. incivility, excessive force, appearance, stop and search);
 - (c) established trends or current areas of concern;
 - (d) the level of risk associated with the particular categories (for example, cases investigated/managed by the IPCC carry a lower risk whereas locally resolved cases carry a higher risk); and
 - (e) any particular areas, geographic or functional units or outcomes (e.g. substantiated, or resolved by dispensation) that are of higher or lower risk.
- 4.5 The DPS Tribune system can be interrogated so as to provide statistics demonstrating the categories and types of complaints both as a whole and by borough. Similarly, it can be used to identify trends.
- 4.6 Members will be presented with the statistics before each meeting of the PSCSC. On review of the statistics, Members will be asked to specify the criterion or criteria for the next batch of files that they wish to have dip sampled.
- 4.7 Authority staff will then use Tribune to pick a random sample of files according to the criterion or criteria specified by Members.
5. Checks to be performed on the files
 - 5.1 The Guidance attaches a sample checklist for the review of completed complaints files but specifies that the Authority should develop its own checklist in line with its own circumstances and extant policies.

5.2 This checklist will be developed by Authority staff in co-operation with DPS and presented to Members for their comments and approval.

6. Who will be involved in the review and their roles

6.1 The review of the files will be undertaken by Authority staff according to the checklist for review of completed complaints files.

6.2 The results of the review will be presented to Members for their consideration and comments. At each meeting, the files will be made available to Members for their review.

6.3 Training will be sought from the IPCC for the Authority staff who will be undertaking the review.

6.4 The reviewer should not contact the Investigating Officer directly and DPS will not be involved in the review of the file, other than to provide further information where necessary.

6.5 Where further information is required, this will be requested using a formal information request. A log of information requests will be kept so as to ensure that responses are received to all questions.

7. Arrangements for recording the review

7.1 A record of the inspection will be kept on the attached form (Attachment 2). A copy of the form will be kept by the Authority, with the original being permanently attached to the file itself

8. Procedures for considering the results of the review

8.1 A brief report will be presented to the PSCSC at each meeting with a summary of the results of the review.

8.2 In addition, a longer quarterly report will be prepared and presented to the PSCSC.

8.3 The longer report will:

- (a) be a record of the dip sampling completed during the relevant period;
- (b) identify any areas of best practice highlighted by the reviews carried out;
- (c) identify any concerns; and

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- (d) identify opportunities for learning or improvement.
- 8.4 Once approved by the Members, the report will be forwarded to DPS [**DN: PRACTICALITIES OF TO WHOM TO BE DISCUSSED WITH DPS**].
- 8.5 [**PRACTICALITIES OF HOW DPS WILL RESPOND TO BE DISCUSSED WITH DPS**]
- 8.6 DPS will also prepare a [**six monthly**] report setting out how it has implemented proposed changes and taken account of the Authority's comments.
- 8.7 [**An annual statement of results will be prepared and forwarded to both the APA and IPCC**].