

NORTH WALES POLICE

PROFESSIONAL STANDARDS DEPARTMENT

PROTOCOL FOR CONDUCTING PROPORTIONATE INVESTIGATIONS

Background and Aims

A review of working practices within the Professional Standards Department in relation to the investigation of public complaints and misconduct issues, in conjunction with the HMIC Inspection Report "*Raising the Standards*" has identified a requirement to introduce a structured protocol for **Proportionate Investigations**. The main aims of the protocol are:

- Provide an alternative to lengthy 'full' investigations.
- Reduce the time that an Officer, Staff member and complainant has to wait for the outcome
- Maintain the integrity and confidence in the investigative process
- Comply with IPCC guidance to proportionately investigate appropriate matters
- Ensure a structured and auditable decision making process

When can a Proportionate Investigation take place?

These will be conducted where:

- The complaint / conduct matter is generally of a minor nature and,
- Local resolution cannot be achieved (e.g. complainant does not consent) and,
- The sanction, if proven, would amount to no more than a formal written warning and,
- The matter has been deemed appropriate for Proportionate Investigation by the Superintendent, Professional Standards Department or Deputy.

Additionally, investigations which are initially deemed too serious for Proportionate Investigation may still be suitable for this process if it becomes clear at a later stage, during the investigation, that the conduct is of a relatively minor nature. A decision to re-grade the investigation on review will be the responsibility of the Superintendent, Professional Standards Department or Deputy.

The Proportionate Investigation Process

1. On receipt of a complaint or information concerning a conduct issue, the matter will be recorded by the Professional Standards Department in the normal manner in accordance with legislation.
2. At this stage, an early decision will be made by the Professional Standards Department as to whether the matter is suitable for Proportionate Investigation. The rationale behind the decision will be fully recorded and an indication of the potential 'At worst' outcome indicated to the officer / staff member on the notice (**PIN 1**).
3. In cases of public complaints, the complainant will be notified of the decision to carry out a Proportionate Investigation.
4. The Officer / Staff member will be notified of the complaint / conduct matter and the decision for a Proportionate Investigation as soon as possible. The service of a regulation 9 notice will be encompassed in the (PIN1) at the discretion of the Professional Standards Department. This decision will also be recorded.
5. At the same time, or as soon as practicable after receiving notification of the complaint / conduct matter, a notice (**PIN 1**) will be served on the Officer or Staff member (**PIN 2**) informing them of the decision for a Proportionate Investigation and the process.
6. Proportionate Investigations will be both thorough and timely. Statements, which go to the heart of the complaint or conduct, may be taken at the discretion of the Investigating Officer. Any other statements, which would only serve to corroborate the main statements, will not usually be taken. Investigating Officers will note what the testimony of the corroborative witnesses would be if a statement were actually obtained.
7. Formal interviews will not usually be carried out in cases of Proportionate Investigation. Instead Officers / Staff members will be invited to provide a written response. The written response will be made on the form **PSD 1** form which is available on the PSD intranet website.
8. It is intended that the process from service of the **PIN 1** or **PIN 2** to written response, should be completed within 10 days where possible, although it is accepted that other factors may inhibit this on occasions. If any delays are foreseen, then contact should be made with the Investigating Officer at the earliest opportunity to discuss the matter.

9. In order to make a written response, appropriate disclosure will be given, together with guidance on key areas of the complaint / conduct issue to be covered if the matters are not immediately clear.
10. If the written response does not adequately address the issues raised in the complaint as contained in the disclosure, then it may be necessary to interview the Officer / Staff member concerned. The reason for any such decision will be fully recorded.
11. Once a decision has been made for a Proportionate Investigation to be carried out, the process will not change unless evidence comes to light which was not available at the time of the recording decision and which makes the matter more serious. It is envisaged that such occasions will be rare and would necessitate reverting to a full investigation. The decision to discontinue the Proportionate Investigation process will be fully recorded. In these circumstances the Officer / Staff member will be told at the earliest practical opportunity.
12. Proportionate Investigations may be appropriate for investigations that are Managed or Supervised by the IPCC. In such circumstances, a Proportionate Investigation may only be undertaken with the implicit agreement of the IPCC.
13. At the conclusion of the Proportionate Investigation procedures, a decision will be made by the Superintendent, Professional Standards Department or Deputy and the Officer / Staff member informed as soon as possible of the outcome.
14. In public complaints, it must be understood that, the complainant has the right of appeal to the IPCC within 28 days of notification of the proposed outcome of the investigation. This will inevitably delay finalisation of the whole process. The Professional Standards Department will notify Officers /Staff members regularly of the progress of any appeal.
15. This protocol is intended to assist all parties in achieving a timely, proportionate and appropriate resolution to relevant complaints / conduct matters. Adherence to the guidelines set out in this document will ensure transparency, consistency and integrity in this system.

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