

INDEPENDENT RESIDENTS' PANEL

Complaints Review: Friday 9 September 2016, 10am–3.30pm

Complaint category types: The most recently completed complaint cases

STRUCTURE OF THE SESSION

Four Independent residents' Panel (IRP) members attended this quarter's meeting, reviewing 22 completed cases from a total of 50 available files. As a comparison with the previous September 2015 complaint case review, the cases requested were the most recently completed complaints against the Police. This included complaints which were resolved by way of informal resolution or 'Service Recovery', providing a swift response from the Police, with an explanation and apology and action plan where necessary, to the satisfaction of the complainant. Panel members recorded their comments for the Professional Standards Department, (PSD) to read, comment on, and use for any individual and organisational learning.

There was a round-table summary: each panel member summarised their feedback on the complaint cases that they had reviewed, which included both specific and general issues as well as suggesting organisation learning about operational policing matters. Parts of this session were attended by the Police and Crime Commissioner's Chief Executive Officer and by Superintendent Richard Corrigan, Head of the Professional Standards Department (PSD).

DISCUSSION WITH THE PROFESSIONAL STANDARDS DEPARTMENT

Superintendent Richard Corrigan gave an update on current items of interest within Avon and Somerset Constabulary's Professional Standards Department (PSD). The process was launched in



May 2016 for Police 'Service Recovery' (or triage) whereby complaints are resolved to the satisfaction of the complainant as quickly as possible, often by telephone within 72 hours of the complaint having been received, providing an explanation, apology where appropriate and actions taken to improve the police service in future. Since the last update for May figures, the Service Recovery process is being used to

resolve around 50 to 60 complaints per month from June to August 2016 and Supt. Corrigan said that the Panel's scrutiny is very important in order to review the new process. The quality of letters is crucial and it is very important to record that the complaint is resolved to the satisfaction of the

complainant. If an apology is given and the issue of concern is put right then the Panel members were urged to please flag these cases as the aim is to be complainant-focussed in resolving the dissatisfaction.

The number of upheld appeals by the Independent Police Complaints Commission (IPCC) has remained relatively high. There were 45 in the last financial year (1 April 2015 to 31 March 2016) and for the current year-to-date, there have been 23 appeals and 7 (just over 30%) were upheld by the IPCC. However, the gap is getting closer between the number of appeals upheld by the IPCC compared to the number upheld by the PSD, the latter upholding 23%. 6 months ago, the upheld appeal rate was 10% by PSD and 50% by the IPCC. The PSD are now responding to appeals within a few days (within the week).

Regarding areas of encouragement, Superintendent Corrigan mentioned three Gross Misconduct Hearings taking place in September 2016, all in public and advertised, indicating that Officers are being held to account. The IPCC have also acknowledged that Avon and Somerset Constabulary's timeliness in the PSD handling of complaints is very good overall and improving, as well as the complaint file quality. Generally, there have been improvements and Panel members agreed.

Two areas of IPCC concern are: Firstly, that there was in the past a high upheld appeal rate by the IPCC against the PSD making a formal decision not to formally record a complaint for one of the official reasons that the complaint is fanciful. The definition of fanciful for the whole complaint was not used in accordance with IPCC guidance and there has been learning for the PSD Complaint Assessors. Also a specific case for an ex Police Officer and family members making complaints should have been recorded. Secondly, the number of recorded allegations per 1000 Police Officers in Avon and Somerset Constabulary is the second highest nationally. Supt. Corrigan explained that complaints are broken down into parts, for each allegation, such as excess force and incivility. This enables the Constabulary and PSD to understand each element of the complaint and to uphold or not each of these various elements of the complaint. This diligence makes Avon and Somerset Constabulary an outlier.

Supt. Corrigan finished by saying that Avon and Somerset Constabulary uphold around 24% of complaints and this is higher than most other Constabularies.

During the final business session, the Panel Chair referred to the updated Terms of Reference, to clarify the process for claiming travel expenses within the Financial year.

FEEDBACK REPORT

This feedback report contains panel members' comments and views, both positive and negative, along with the responses from the Professional Standards Department. Panel member completed feedback forms are also forwarded to PSD to review, along with this feedback report.

POSITIVE COMMENTS

Panel members identified a number of complaint cases which had been well handled and made a number of positive comments. Panel members commented generally that the complaint case files most recently completed (September 2016) compared to the completed complaint cases in September 2015 and over the last 3 years of Panel member reviewing, showed a significant improvement in file content, completeness of complaint handling records, and comprehensive records for audit. The letters were clear, jargon free and the process is much better. Rather than main items of concern, the Panel members comments were often now 'suggestions only' as the file quality, with examples of personalised letters from complaint investigations officers, was commended and was found to be greatly improved.

A Panel member noted that a Restorative Justice leaflet was given to a complainant which had not been seen in previous Panel reviews.

The Panel commented that the complaint process remained timely. There were also many refreshing examples where the complaint finalisation letter accepted errors, such as the lack of communication by a Police Officer, stating that the Officer was really sorry, rather than being defensive, as seen 3 years ago in reviewed complaint files. There was also learning, action plans and the letter stating that the issue/mistake would not happen again. The Panel recognised that finalisation letters were much improved and Panel members highlighted good letter writing by: A/DI TOMS, Insp. 3657 NURSE, PSD Assessor KING, DI KELLS and PCSO 6987 EDWARDS.

It was found that case file documentation in general allowed the Panel members to follow through the complaints handling process from start to finish, in a much more complete way than found in past case file reviews by Panel members.

The Panel recognised that Service Recovery should increase the efficiency and effectiveness in handling complaints and is to be encouraged.

PSD response:

Firstly, we would like to thank the panel for recognising and praising the significant improvement in case files, specifically mentioning 'file content, completeness of complaint handling records, and comprehensive records for audit. The letters were clear, jargon free and the process is much better'. It is important to reflect on the journey of change and continuous improvement over the past three years and now that the panel members feel that their feedback consists of suggestions rather than of concerns, really does demonstrate how far we have come.

We consider it important to recognise the hard work and professionalism displayed by all of those who have been involved in the complaints handling process, in delivering a better service to those whom wish to express dissatisfaction.

The Professional Standards Department introduced the Restorative Resolution process towards the end of 2015, which meant that 'Local Resolution' complaints would be subject to the Restorative Resolution (RR) procedure. We now include leaflets on allocation of a complaint to the Police area handling the complaint and ask the appointed Manager to contact the complainant in the normal way, agree an action plan, which should include discussing this RR option, and make contact with the RR Co-ordinator who has been copied into this email. The RR Co-ordinator will organise, facilitate the meeting, and send a report back to the manager with the outcome.

As always, feedback will be provided to the authors of the letters and giving emphasis to the quality.

This was the first time the panel have reviewed service recovery cases; we welcome the panel's support and recognition. As explained by Mr Corrigan at the review meeting, this year we have introduced and implemented this process, which has seen us successfully resolve 50 to 60 complaints per month from June to September there and then to the satisfaction of the complainant. Our ambition is to 'service recover' more complaints that are suitable and would have previously been recorded as a 'local resolution' complaint under the Police Reform Act.

Case review – positive comments:

A1: A complaint handled as Police 'Service Recovery' rather than a formally recorded complaint which has a timely (9 days) resolution once the complainant had made an official complaint regarding the long-standing issue requesting the return of a victim's property. Also see the negative point in the next section.

A2: Good recall and analysis of decisions made at the time of arrest/booking in to custody; very good and detailed finalisation letter for this complaint resolution; and there was good Police collaboration with the Support worker to identify learning opportunities and actions for both the Police and the complainant with learning difficulties. In future the complainant will carry and show the medical diagnosis. The Police will ensure literature is distributed about Appropriate Adult support. No negative points.

A3: A very comprehensive set of records for this complaint investigation, with a very thorough collection of records, statements and Log of Enquiries. There were repeated attempts by the Investigating Officer to request injury details from the complainant's Solicitor, although this was not forthcoming. No negative points.

A4: An apology was given by the Police (although not accepted by the complainant). In the circumstances – a report of potential firearms being carried – this apology should have been sufficient to finalise the situation and resolve the complaint. The Police offered to visit to give a face-

to-face explanation but again this was declined by the complainant. The Log of Enquiries was very full. However, see negative point in the next section.

A5: A very quick apology was offered by the Police in response to this online 'Dissatisfaction with Service' correspondence and Officers were spoken to regarding the appropriate action that should have been taken after a Police driver reversed into a fence, causing minor damage to the fence/post. However, see negative point in the next section.

B1: A very full and thorough local resolution action plan was written by A/DI TOMS. The Newspaper Editor initially refused to remove the witnesses/complainant's photograph which was causing distress. However the Police firmly informed the Editor that he risked legal action from the complainant and the photograph was then removed. See section below for Case review request.

B2: A Service Recovery case. This concerned a 20 year old complaint regarding the complainant being arrested at the workplace. A measured response was given, relying on facts, in an unbiased, professional manner. A firm but polite explanation was given to the complainant that any formal complaint is out of time. An apology was also given for the delays in handling this complaint. See negative point in the next section.

B3: A very clear, straightforward letter and Log of Enquiries by DI KELLS gave good advice on providing bank account details and statements and a clear explanation about the reasons for hold ups. This letter is the finalisation of the local resolution. In the letter the Investigating Officer offers a change of time and date for the re-interview to suit the complainant and explains that situation clearly, preventing any further agitation by the complainant. However, see negative point in the next section.

B4: A very clear, well written finalisation letter by Inspector 3657 NURSE which was specific and informative about the matter. The complaint was withdrawn after the complainant spoke to PC 4789 HAYNES. However, see negative point in the next section.

B5: A repetitious complaint to which PSD Assessor KING wrote a clear letter, explaining that Avon and Somerset Police are not the appropriate authority to record or handle complaints against Action Fraud and directed the complainant to the correct website. There was an apology that the complainant had not received this information when the Police were first contacted. This letter was very conciliatory, including setting out all the details of how the complaint outcome was reached and stating the appeal process should it be required. There are no negative points.

B6: This case was handled as 'Service Recovery'. The Neighbourhood Police Officer visited the complainant, confirmed that the vehicles concerning the complainant were indeed taxed and insured and that there would be more patrols for Police visibility in the area. The timing was very prompt.

C1: A Senior Officer contacted the complainant whilst the latter was on holiday and spent time and effort trying to understand the complainant's viewpoint. It was noted that this type of complaint of rudeness by one Officer may well be prevented in future when Body Worn Video Cameras are issued to Police Officers. There are no negative points.

C2: An anonymous complainant, making a complaint against a PCSO sticking (gluing) a notice on a vehicle windscreen (there was no front number plate which is an offence). As no name or identification was given, the Police made efforts to contact this person who refused to give a name and said but didn't forward photographic evidence. This was considered to be a very difficult complaint which was dealt with exceptional patience, politeness and courtesy. The complainant remained un-cooperative but Officers went beyond the call of duty in trying to resolve the issue. There are no negative points.

C3: A timely finalisation letter. However, see negative points section below.

C4: Officers served the Domestic Violence Protection Order (DVPO) in a timely manner, albeit in Hospital and in front of staff and patients because the person was not replying to contacts. There was also no response from the Complainant to the letter of explanation, so it is unknown if the complainant was satisfied with the outcome. However, there was the right to appeal.

D1: A good final letter but is there a policy for how correspondence is signed? This letter was informally signed, with the Officer's first name only, as 'Olly'. See negative point in the section below.

D2: A good and prompt initial response was sent regarding this complaint for resolution. A good Log of Enquiries and it was considered good that the Officer telephoned the complainant before sending the finalisation email. There was an apology and a good conclusion. See negative section.

D3: A detailed finalisation letter and an acceptance that Officers may have been rude, including an apology. The letter stated that this matter had been referred for discussion with Supervisors and noted on internal records. See negative point in the section below.

D4: A good final letter and report with good contact after agreeing the next steps to be taken. See negative point in the section below.

D5: The initial referral to Police District Officers to handle was for a 'local resolution' process. However, there was a note to say if it was found to be more serious then it should be re-assigned for a higher complaint investigation. There was a good initial letter, a good Log of Enquiries and a plan for local resolution. The meeting at the Police Station also helpfully clarified the correct complainants.

There was an appointment of an overall Monitor – a Police Constable – however, could a Liaison Officer have been appointed earlier?

There was also a good apology in the complaint finalisation letter. However, see negative point in the section below.

D6: The complainant was spoken to immediately after the complaint and the custody record was reviewed. The complainant accepted that there was no complaint and the Officer wrote to confirm this fact.

What is the policy for custody as it was over 24 hours before medication from home was requested?

PSD response:

We appreciate the positive comments provided by the panel and for their time.

The service recovery process sees us resolving complaints as quickly as possible to the satisfaction of the complainant, receiving the feedback from the panel for our timely resolutions firmly confirms that we are achieving our objective.

The previous IRP report in June 2016 recognised the improvement of files with detailed logs of enquiries, thorough investigation reports and supporting documentation. For the panel to provide these positive comments simultaneously gives us confidence that the high standard of complaint handling is being maintained.

We are grateful for the positive comments highlighted by the panel, which includes; timeliness, willingness to apologise where the level of service may have fallen below the expected level, Investigating officers making attempts to meet with the complainant face to face to discuss their concerns.

This particular feedback is encouraging to read and clearly demonstrates the level of engagement of our investigating officers, in order to achieve successful complaint resolution. Receiving this feedback reassures us that the ongoing work with local policing areas/departments by the professional standards department is making the necessary improvements.

NEGATIVE COMMENTS & CONCERNS, QUESTIONS & SUGGESTED ORGANISATIONAL LEARNING POINTS

Panel members had concerns about the following issues and also made suggestions that may improve the quality of policing service, Police Officer conduct, or improve the complaint handling process.

Panel members again commented: Is there any other way of saying in Plain English: 'Managerial Advice' was given to the Officer complained against?

It was felt that some complaints could have been handled more effectively for the complainant by the Service Recovery process rather than being locally resolved.

As an organisational point, the policy for safely securing retained property was queried. A case example (A1) highlighted that a victim's mobile phone was kept in a Police Officer's locked desk drawer but was later lost. Also, what is the policy for timeliness of returning property to victims after an investigation has finished with no further action taken?

Complaints that were handled by way of the relatively new 'Service Recovery' process did concern Panel members regarding the quality, tone and content of the letters – not written in Plain English - including a considerable amount of detailed narrative. However, within the narrative, there was no explanation of the meaning of: 'Service Recovery', 'Filed' and 'Police Reform Act 2002'.

The narrative: 'look to attempt a service recovery' and 'effect a service recovery' (D1) was also not considered appropriate.

In addition to this, sentences were noted that read:

'... has been recorded as a Service Recovery complaint ... rather than as a formal complaint, which would have been recorded in line with the Police Reform Act 2002'. (A1)

and

'Initially referring to a liaison officer to see if your dissatisfaction can be considered as soon as possible rather than record as a formal complaint at this time'. (D1)

It was recommended by Panel members that the Service Recovery initial letter is reviewed by PSD. One example of formal, stilted narrative is as follows (B6):

'My role is to attempt a service recovery of your concerns, so what I am looking to do is deal with your dissatisfaction and provide a resolution to you in a timely manner, rather than record them as a formal complaint (as defined by the Police Reform Act.'

A suggestion to change the narrative in a template initial letter for Service Recovery is as follows:

"I have received your email/letter dated Avon and Somerset Police are working to resolve complaints such as yours as quickly and effectively as possible for you, to avoid the lengthy process of carrying out a formal complaint investigation. I will ask the local Liaison Officer to directly contact you in order to deal with this matter. I hope that you feel that this is a satisfactory way forward. If you do have any further questions or concerns then please contact me."

As a general operational policing observation, complaint cases were reviewed where Panel members felt that Body Worn Video Cameras for Police Officers would have negated the complaints so welcome the pilot and subsequent roll-out of modern technology.

PSD response:

It is our ambition to service recover more low level complaints which would have previously been recorded as local resolutions. This work is ongoing; however, it is important that we only look to service recover suitable complaints. Since implementing service recovery, we have seen an increase in the number of complaints successfully service recovered; last month the figure was 43% of all complaints received in Professional Standards Department.

We welcome the comments in relation to the letter narrative and lack of explanation. We have taken this feedback on board and revised the content of our initial letter, it now includes an explanation of the process.

Body worn camera training and technology is being rolled out force wide, we agree with the panel's comments and the footage will provide enhanced accountability and swiftly resolve complaints.

Case review – negative comments and concerns, including operational points:

A1: A complaint that was 'Service Recovered'. The closure email was considered premature by the Panel member because the complainant responded that the retained property was still not located by the Police Officer (it was lost) when the complainant arrived at the Police Station to collect it, as stated in the final letter.

A4: Attention to detail and professional standards: The initial letter had an error in the contact telephone number for the complaints officer overseeing the case, with an extra 9 typed. Therefore, the complainant was unable to contact the Officer and this inaccuracy (typographic error) may have escalated the complainant's dissatisfaction.

A5: Operational point: Police Officers knowingly drove away after checking the car and fence for damage. The Officers accepted that this was the wrong action and that they should have spoken to the fence owner.

B2: There was a severe breakdown in communication which exacerbated the complaint. The series of increasingly terse emails about the lack of response should not have been ignored.

The Panel member queried: Are Officers made aware of how small courtesies have massive consequences and similarly discourtesies can escalate bad feeling and reduce public confidence in the service?

B3: If the information provided in the complaint response had been given earlier then the complaint may have been avoided. The breakdown seems to have been over the non-receipt of emails, telephone calls and texts between the Police Officer and the complainant. Had the complainant changed his phone number?

B4: There is no evidence provided in the complaint documentation that describes the reasons for the complainant's change of heart, in withdrawing the complaint.

B6: The Service Recovery letter from PSD to the complainant was not clear to a member of the public in that the language was stilted and very cumbersome, almost clumsy. See the general comments above.

C3: A Police Officer told the complainant that £30,000 of stolen watches would not be investigated as it was a civil matter. It is not clear in the case file why the theft was not investigated before the complaint. The finalisation letter of apology does not explain why the Police Officer made the statement. However, the theft is now being investigated.

D1: The Service Recovered complaint was actually concluded on 28/08/2016 but this was recorded as 24/08/2016. Is there a target turnaround time for Service Recovery?

D2: The letter dated 04/07/2016 is not stored in the case file.

When a time extension is requested by a complaint Investigations Officer and granted by PSD, should there be a PSD enquiry as to how far the complaint handling has progressed and if the complainant has been informed? This evidence would be of benefit in the case file.

D3: The terminology in the letter by PSD is of concern: 'pain compliance was used'.

The finalisation letter dated 19/07/2016 does not deal with the allegation of use of excess force. The letter states that arrangements will be made for Officers (3) to be spoken to and noted on their record but by 08/08/2016 was this done as the Officer emailed for an update on the complaint? What is the Police/PSD procedure to ensure that if the finalisation letter suggests action that it is completed?

D5: A very long, 17 page, letter (15/07/2016). Could the letter content have been dealt with in a separate report and with the complainant or summarised more?

This is the first time that the Panel member has seen the option of 'Restorative Justice'. Is this new and is it promoted?

Going forward, will the Police Constable still oversee this matter and does the complainant have a single point of contact for future issues, within or with other support agencies, such as mental health crisis?

PSD response:

Case A1: Unfortunately there was miscommunication in relation to detained property, Professional Standards took action to return the property to its owners. However, when the member of public arrived a DPR the property couldn't be located.

Since the IRP review the property has been located and this matter was then dealt with as a claim for compensation. Professional Standards are raising the issue with the department to ensure lessons are learnt.

B2: This complaint was disappplied because more than 12 months had elapsed between the incident giving rise to the complaint. In line with the Police Reform Act 2002, forces can record complaints from members of the public and then take no further action. This process is referred to as Disapplication. Our initial letter gave the complainant the opportunity to make representations to explain why their complaint should not be disappplied, advising them that they had 28 days to make any such representations. We received an email from the complainant expressing their disappointment at our decision to disapply and their reasons for the delay. Unfortunately, this is where the delay then occurred. The case was allocated to the Inspector to review and make a final decision. In our final letter confirming we will be going ahead with the disapplication process, we did pass on our sincere apologies for the delay and reassurances were given that the complainant was not forgotten about. We do accept that these delays and timeframes are not acceptable but due to high demand during that period, we would have prioritised cases depending on their urgency. There is learning we can take on board here and ensure that we acknowledge complainants representation correspondence.

B6: The complainant raised concerns that no action had been taken in relation to a report she made regarding a vehicle that had no tax or insurance. PSD forwarded this to district to make contact as references she provided were not Avon and Somerset Police references and no other matters in her name related to this report. The matter was then finalised as we had confirmation that a local officer contacted the complainant to discuss her concerns. The vehicle was located and found to be both taxed and insured. The Officer advised the complainant of this and that they would carry out more visible patrols in her area.

*D1: The complainant raises concerns regarding a helicopter flying low over houses and making lots of noise, she wanted to know whether it was the police helicopter and if so, why they were so low. PSD sent the matter to the force liaison officer for the helicopter, to review and respond, who responded to the complainant and copied in PSD, giving the reasons why the helicopter was in the area and flying low. He invited the complainant to discuss the matter further if she wished. The matter was therefore finalised. **The IRP raise a query that the matter was concluded on 28/08/2016 but we have recorded that it was concluded on 24/08/2016....this isn't the case. The complaint was received on 22/08/2016, recorded as SQ (service recovery category) on 24/08/2016 and finalised on 28/08/2016.*

To provide some context to the case reviewed where the complainant withdrew their complaint; the final letter explains that the member of public spoke to the investigating officer and informed him that he was complaining due to a lack of Police response to an incident. During their conversation the complainant explained that the Officer in charge of the Case (OIC) now had matters in hand and therefore were no longer wishing to proceed with the complaint. They spoke a week later and the complainant confirmed that they were still happy with the Police response, the investigating officer followed this up with an email for the complainant to respond in writing that this is still the case. However, they did not receive a response, so the case was closed and filed.

When individual learning or performance is identified as part of a complaint investigation, the process should be that: at the finalisation stage a new progress entry is created to set an action to say that once the appeal period has expired the learning needs to be addressed with the individual and their line manager.

As a department, we take into consideration the feedback and suggestions. Where appropriate we include them within our training to officers and staff whom manage complaints.

REQUESTS FOR COMPLAINT FILE REVIEWS

The following complaint cases are requested to be reviewed:

Case C5: A Service Recovered complaint where PCSO 6987 EDWARDS' role appears to be very positive and consistent in reassuring the victim. However, regarding the operational policing matter, the Panel member felt that the Social Housing officer should have been more involved with the Police in a multi-agency approach to try to resolve this potential neighbour dispute, having escalated to a possible hate crime, in order to try to find a holistic solution. This issue does not appear to have been resolved. There is no apparent closure as the final letter states that another Officer will be contacting the complainant about the specific concerns.

PSD Response

In order to resolve the complainant's concerns by way of Service Recovery, Professional Standards sent an email to the complainant (no telephone number provided) giving an apology and setting out the actions that we would take in order to resolve her concerns. We advised of the actions we would be taking and liaised with the Beat Manager.

We received an email from the Police area stating that contact had been made with the complainant in the PC's absence. During the conversation, the acting sergeant apologised for the service complainant had received and explained the reasons why. The Officer asked what the perfect solution would be and tried to work through the issues raised with her. They confirmed that the PC would make contact when back on duty but also managed the complainant's expectations regarding possible operational commitments that may prevent contact being made in a timely manner. The complainant was also reassured that we take all reports of Anti-Social Behaviour seriously and do not favour one party over the other.

In view of the above, from a Service Recovery point of view, the complainant had been contacted by a supervisor, talked through her concerns and was provided with some reassurance and solutions. They were told that the PC would be in contact to discuss any further concerns. This matter was therefore suitable to be finalised within Professional Standards. A final email was therefore sent to the complainant to finalise the matter in PSD within legislative time frames. As with all service recovery finalisation emails we included contact details. If the complainant was unhappy with the way the matter was dealt with or wanted to raise further concerns they could have contacted us again. However, we received no further communication.

The operational policing matter regarding multi agency approaches and more involvement from the Social Housing officer (Yarlington) would not be something that PSD would deal with.

Case B1: As stated in the first section above, there was a very full and thorough local resolution and action plan written by A/DI TOMS. However, it was considered a valid point by the Panel member that the complainant stated that as the same bus is caught every day that the Police could have sought and made contact that way, rather than publishing a photograph in the Newspaper. The Police response was that this is standard practice to publish a photograph under the circumstances and is proportionate use of resources. Financial compensation was sought but as the outcome is not recorded in the complaint file then the Panel member could not judge whether or not this complaint resolution was fair or the correct outcome. Given the seriousness of the implied allegation, it was felt by the Panel member that speedy and personal support, such as visits or telephone calls, should have featured in the complaints handling process. Although there was no discrimination by Police Officers/Staff, the complainant felt that there had been discrimination by the victim, as the only connection was that the complainant was black, as was the victim's assailant. Operational learning comment: If there is a requirement for the publication of photographs of people then public exoneration should be given if the outcomes conclude that the subject is blameless.

PSD Response

Releasing a picture to the press in these circumstances over 4 months since the offence, and when the victim was unsure is a big decision; unfortunately, there is no policy we can rely on as to the process.

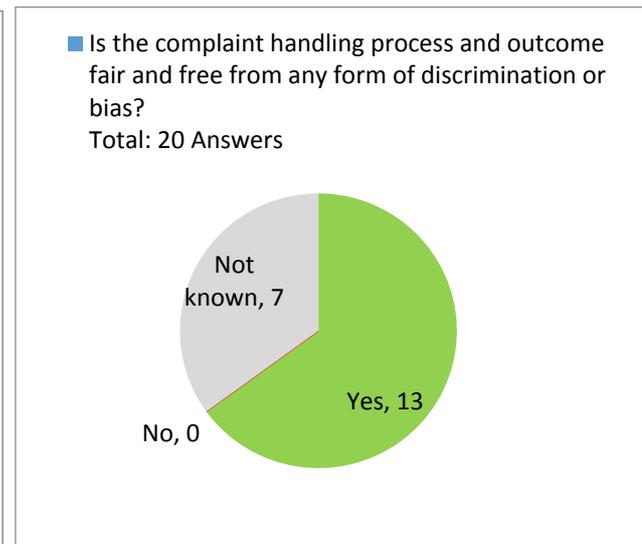
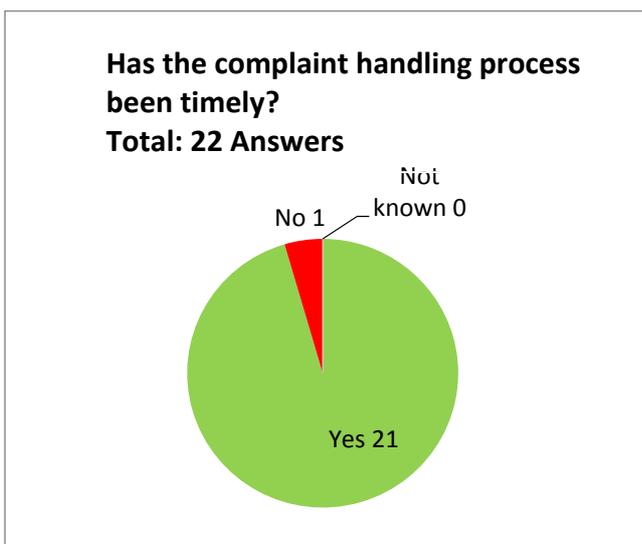
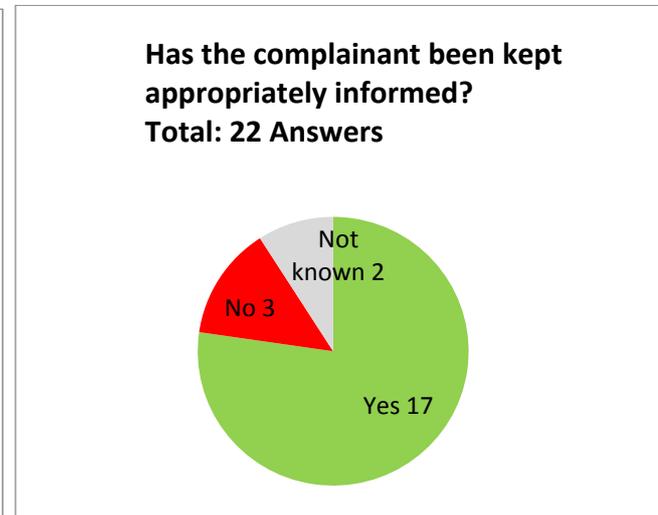
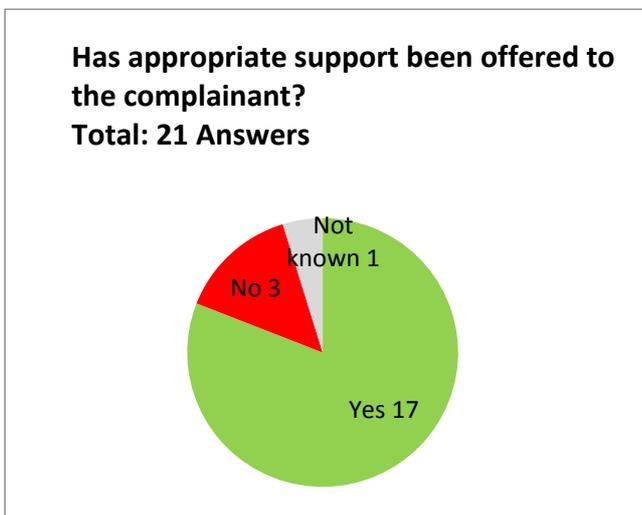
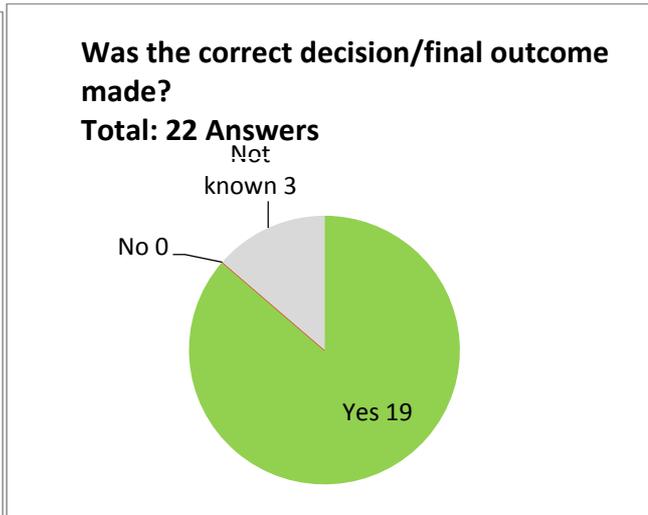
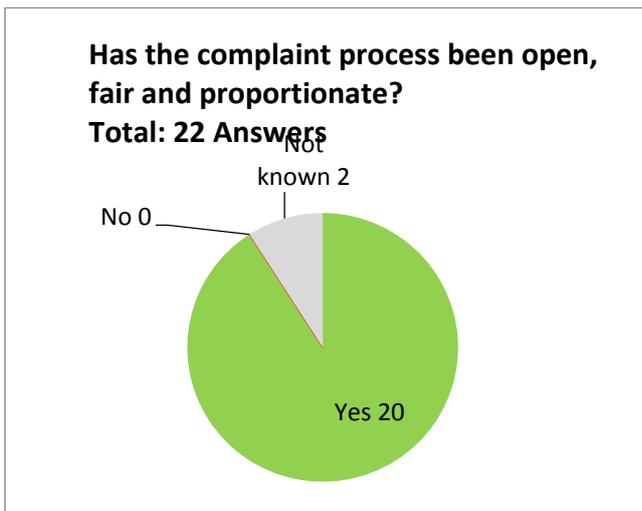
Ideally, all proportionate enquiries should have been undertaken before release. The picture was released internally before so that was good, the OIC could have enquired with the bus driver further or considered visiting the bus the same time another day. Whilst policing isn't an exact science what is proportionate for one isn't for another. A policy decision should have reflected our decision to release to the press reflecting why this release is requested and how that decision has been reached, that wasn't done so we can't consider it.

There is no misconduct but there is learning, firstly for Investigations supervisors to ensure proportionate enquiries have been undertaken before considering external release and to record a policy decision on the reasons why. Secondly for Corporate Communications to satisfy themselves that has been done before release. Any question over financial compensation is not a matter for PSD and as such has no relevance in considering investigation outcomes.

In an ideal world we could have gone to visit the complainant and spent some time with him but this isn't always possible.

The consideration of printing an apology was considered but the press simply don't do that unless they have a legal obligation to do so and that is not something we can enforce.

APPENDIX 1 – FEEDBACK FORM STATISTICS – SIX QUESTIONS



These pie charts relate to the six questions in the feedback form. Panel members record 'not known' when the case file does not give sufficient detail to allow a categorical yes or no answer.

Note: Answers left blank on the feedback form are excluded from the pie-chart figures.