

INDEPENDENT RESIDENTS' PANEL

Complaints Review: Thursday 9 March 2017, 10am–3.30pm

STRUCTURE OF THE SESSION

A welcome was given to two new members and the annual Chair and Vice Chairs' election took place. 11 out of 12 Independent Residents' Panel (IRP) members attended this quarter's meeting, reviewing 53 completed cases from a total of 82 requested files. One of the Vice Chairs reviewed a specific, very complex complaint case and this member's feedback report was forwarded to the Police and Crime Commissioner and Professional Standards Department.

Themes: The most recently completed complaints against the Police were requested by the Panel within the following IPCC complaint allegation categories: 1) Incivility, impoliteness and intolerance; 2) Sexual assault; and 3) Oppressive conduct or harassment (use of force). Also reviewed were 'informally resolved' categories of complaint.



Panel members recorded their comments for the Constabulary's Professional Standards Department 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. Parts of this session were attended by Police and Crime Commissioner Sue Mountstevens, the PCC's Chief Executive Officer and

Superintendent Richard Corrigan, Head of the Professional Standards Department.

DISCUSSION WITH THE PROFESSIONAL STANDARDS DEPARTMENT

Avon and Somerset Constabulary's Head of the Professional Standards Department (PSD), Superintendent Richard Corrigan, responded to the last Panel report and stated that the Panel had highlighted: timeliness, the tone and plain English content of correspondence, Body Worn video camera usage and openness and transparency. The PSD have listened and responded and are implementing issues.

The overall summary of PSD performance is published as a monthly report on the Police website at:

<https://www.avonandsomerset.police.uk/about-us/publication-scheme/what-our-priorities-are-and-how-we-are-doing/professional-standards-performance-information/>

The PSD accepted the Panel's feedback that the role title of 'Service Recovery Officer' is changed to 'Police Complaints Officer'. The narrative used in future letters to complainants where an informal resolution process is used to rectify a complaint will focus on the action taken, reflecting 'you said we did'. The narrative 'Service Recovery' will no longer be used.

FEEDBACK REPORT

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

POSITIVE COMMENTS

Panel members highlighted the following positive aspects within the complaint case files:

1. The quick resolution of complaint cases due to Police Officer body worn video availability, providing clear evidence. Also, one complaint was made one year after the event and the Constabulary are complimented that the body worn video footage was retained.
2. The documents sent by the PSD to complaint Investigating Officers to 'Locally Resolve' a complaint are very good.
3. Complaints are being dealt with well, with thorough investigations, good terminology used in correspondence and in a more timely manner to conclude the complaint.
4. The acknowledgement from the Constabulary to a complainant is very clear, in a conciliatory letter. Excellent complaint resolution within 2 days.
5. Panel members were pleased that 'Service Recovery' and 'Filed with PSD' narrative/terminology is no longer used and there is now a better explanation of the process, with clearer, plain English narrative.
6. Informally resolved (service recovered) complaints are generally very quick and some include home visits.
7. It was recognised that there is a huge Police demand in dealing with vexatious complainants and people who continually contact the Police.
8. The complaint files and complaint handling is much improved from the initiation of the IRP 3 years ago and the negative comments/concerns are much more low level points now.
9. General comment: It was noted that only one finalised complaint regarding Police incivility and one regarding Excess Force was made - and completed - in 2017 (to mid February).

PSD response:

The introduction of bodycam footage provides an effective investigative tool and is regularly used for investigating complaints, such as use of force. The video footage provides intelligible evidence for investigating officers and decision makers in order to detail the precise context, explanations, whilst enabling investigations to be dealt with in a timely manner.

Avon and Somerset continue to show great progress, which is, reflected in PSD's performance figures. We have been recognised for our consistent timeliness for recording of new matters, average timescales for locally resolving and locally investigating matters, as well as finalising complaint cases. This recognition is pleasing to see and will be fed back to all staff and officers who work hard and are committed to resolving issues of dissatisfaction successfully.

Feedback from the Independent Residents Panel (IRP) as always is gratefully received. The comments and views have contributed towards building organisational effectiveness. It allows the forces response to evolve, reflecting best practise, whilst maintaining a clear victim focus in our approach to complaint handling / investigation. Seeking to continually improve our service delivery, increases public confidence in the police service and improves overall customer satisfaction.

Police demand in dealing with vexatious complainants has been recognised nationally. Complaints that are vexatious, malicious or false are extremely time consuming and drive up demand. This has a significant impact, which when resources are limited, unfortunately impacts in the wider public service delivery of the police.

NEGATIVE COMMENTS & CONCERNS

Panel members highlighted 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:

1. Panel request: The inability for Panel members to view video footage is a current issue. Also, a Constabulary presentation on body worn video cameras would be useful to Panel members.
2. It would be helpful to Panel members if complaint documents, such as within the Log of Enquiries or Police Officer responses, are stored separately in the complaint case electronic folder so that they can be opened. An XML document also could not be opened (Panel members have read-only access to electronic files).
3. The wording in the footer under the complaint Investigating Officer's signature is unclear if it refers to a Unit or Department not recognised by a member of the public, such as 'Catch and Disrupt'.
4. The Police Officer complaint history/record is a new addition to complaint files. However, it appears inconsistent across files. Also, Panel members agreed to read these reports after reviewing the complaint file in isolation, in order to remain unbiased and not judgemental.
5. The Complainant Police record is a new addition to complaint files. However, it appears inaccurate, for example, one record has one stop (and search) yet the allegation said there had been repeat stops.
6. Panel members would value a summary of the advice given to the Police Officer complained against when the complainant is informed in the finalisation letter that 'words of advice' have been given. Preferably, this advice summary should be included in the response to the Complainant.
7. The narrative: 'Officer was asked to reflect on this' can be interpreted as a tacit admission that something is not right and the PSD may wish to consider a change of narrative.
8. A PSD template includes a severity assessment section, which for clarification would be helpful to have the narrative 'N/A' input if it is not applicable, rather than left blank and not completed.
9. It would be helpful to have a record to ensure that the points in the complaint resolution 'Plan of Action' is carried out and has been completed.
10. Complainant satisfaction is not known.
11. A complaint was finalised/closed before all the evidence was received. In one example, multiple emails were sent from a Complainant and there were no Constabulary/PSD replies.
12. The narrative used in replies to complaints where no action is going to be taken – i.e. those 'disapplied' – states that the complainant has '28 days to make *representations*'. This is not clear and requires a plain English explanation of this legislative narrative.

PSD response:

We appreciate the difficulties the panel members face not being able to view body camera footage. Enquiries will be made to establish what can be done to resolve this issue.

Staff will be reminded that best practice involves the saving and storing of complaint documents, such as the Log of Enquiries or Police Officer responses, separately within the case 'electronic folder' in order for them to be more easily identified and accessed.

Staff / officer history is considered when recording new complaints or conduct matters. This is imperative to help provide context and rotational allowing for more informed decision making to take place. Occasionally the history will be referred to or referenced throughout a new investigation, but there is not always a requirement to extract a report.

IPCC statutory guidance stipulates that at the conclusion of the complaint investigation forces must communicate the reasons for decisions and outcomes. All correspondence is written to ensure the tone, content and use of plain language is appropriate so that the recipient understands it. A considerable amount of work has gone into improving our communication and correspondence over the past few years; this is evident from the recent IRP feedback. Previous work with a behavioural insights team has assisted in this aspect especially in reducing the use of Police jargon and acronyms. Observations by the panel during the March file review recognised a lack of explanation and unclear narrative where matters have resulted in words of advice or where an individual is asked to reflect on their actions. This is very valuable feedback and the learning will be taken forward and disseminated to relevant parties with a view to improving this aspect as we move forward.

A review of our disapplication letter templates will be undertaken in light of the panel's comments. It is important that we clearly explain the circumstances and requirements in plain language, so that members of the public can understand the requirements set out in legislation. Furthermore so they understand there is a proper reason as to why their complaint has been disapplied. This term in itself can be a confusing one for the public, but it is believed that with the changes in legislation under the forthcoming Policing and Crime Act this will be addressed and revised.

In accordance with legislation, severity assessments are carried out in cases that are subject to special requirements (criminal offence / misconduct or both). When a complaint is recorded an initial assessment is conducted. The assessment firstly determines whether the complaint is

suitable for local resolution (LR). For a complaint to be suitable for LR it must meet the conditions set out in legislation (Police Reform Act) and statutory guidance. In order for an LR to be an appropriate method of handling the complaint we need to be satisfied that no criminal offences have been committed and that the officer/staff member has not acted in a way that would justify bringing formal disciplinary proceedings. In essence, that it is not a Special Requirements case.

Complaints which are not suitable for local resolution must be investigated by the Constabulary and these would be the cases where severity assessments are undertaken for those investigations subject to special requirements. This is why the severity assessment section may appear blank, as it is not required under legislative requirements.

We appreciate that for the panel members this may make the forms appear incomplete when the panel reviewed them. We accept and take this feedback on board.

QUESTIONS & SUGGESTED ORGANISATIONAL LEARNING POINTS

1. With reference to the Police Officer Complaint record, does the PSD review complaints against Police Officers/Staff? Should the complaint Investigating Officers see this or should the PSD read it after the complaint investigation is complete?
2. Is there any internal analysis on the effectiveness of 'words of advice' given to Police Officers?
3. What is an 'internal appeal'?
4. Do complainants agree to Plans of Action?
5. Why is the body worn video footage from 1 year ago stopped and re-started?
6. Are complainants offered the opportunity to view body worn video footage?
7. Police Officers complained against are asked for comments by the complaint Investigations Officer (IO). It can be a long time for a response statement, which is then only a few lines of narrative. What authority do IOs have regarding setting deadlines to receive internal responses?
8. There were no completed complaints within the category of sexual assault during the last 12 months. Although this can be considered good that complaints are low, a Panel member was concerned whether sexual assault allegations against the Police were being reported.
9. It is unknown in most complaint cases, including those informally resolved, whether or not the complainant was satisfied with the process and outcome other than the right to appeal was not taken. Would the Constabulary consider asking complainants for feedback, as a survey exercise, particularly for informally resolved complaints?
10. How many complaints might a Police Officer have against them under 'normal circumstances'? Is there data at Constabulary level in addition to the number of complaints per 1000 Officers?

11. It seems difficult to get quick internal responses about informally resolved 'Service Recovery' (SQ) cases. Is this because they are regarded as less important complaints?
12. Organisational policing concern: Have the Constabulary reviewed the resourcing of the High Tech Department as there is high demand?
13. How do the PSD ensure that agreed actions within the complaint process are completed?
14. Would the PSD consider adding a time-scale for next contact within the initial response letter?
15. Disapplications (due to the long time elapsed) seem appropriate in these type of complaint cases. However, is a PSD overview kept of disappplied complaint themes, to ensure that the wider picture is not lost? This is particularly important for key issues such as Hate Crime and Mental Health, where victims may be reluctant to complain.

PSD response:

At the recording stage for all new complaints and conduct matters, the member of staff or officers complaint/conduct history is reviewed. This is because there may be live cases, or live warnings against the person subject of the new matter. Reviewing these enable us to see a full picture of the staff member/officer and make an informed decision. It also assists in identifying recurring performance issues as well as any proportionate interventions that may be required.

Currently there is no internal analysis on the effectiveness of 'words of advice' given to Police Officers, this is valid feedback recognised by the panel and we thank you for it.

It is difficult to determine what is meant by the terminology 'internal appeal' without reading the full context behind the phrase in each specific case. This could possibly be referring to a force appeal or a failure that has been identified in a previous investigation. PSD may request an 'in house' review of the investigation.

Complaints resolved by means of local resolution (LR) will always include an action plan, which outlines the steps to be taken to resolve the complaint. This is generally agreed with the complainant at the outset. If the complaint is not engaging with us then this is formulated by the investigating officer who applies a general rule of proportionality and common sense to the action plan. These actions should be discussed with the complainant and be able to provide comments. The 2012 regulation changes meant that there is no requirement for complainants to agree action plans in order for the force to resolve the complaint.

Body warn video footage is used to prove or disprove allegations. The Professional Standards Department have previously shown footage to complainants and where appropriate to complainants

representatives. However, this is not routinely offered and is considered on a case by case basis and the relevance test applied.

If an officer has been served regulation notices then they have 10 working days to reply, however, that can be adjusted depending on annual leave, sickness or other mitigating factors as to why the timeframe cannot be achieved.

Expressions of dissatisfaction, which are informally resolved, are concluded by way of a final letter or email, which invites the member of public to contact the Constabulary, should they remain dissatisfied with the outcome. We recognise the panel's observations regarding obtaining feedback, as previously suggested for the purpose of achieving complete impartiality. We would invite the Police and Crime Commissioner's Office (PCC), in their capacity as oversight panel to consider being the mechanism for such feedback and quality control processes.

All concerns received by the Constabulary are taken seriously; irrespective of how they are then progressed and eventually dealt with. Matters which are dealt with by means of informal / early intervention require a more direct approach to resolving matters quickly in a far shorter timeframe. Therefore, occasionally we may experience difficulties obtaining responses in a shorter timeframe, due to staff abstractions, including rest days, annual leave etc.

The Constabulary handles disapplications in accordance with statutory guidance, Regulation 5 of the Complaints and Misconduct Regulations, (Schedule 3 of Police Reform Act 2002).

A disapplication can only take place if we consider applicable grounds apply. They are recorded as a formal complaint in line with the Police Reform Act 2002 which includes details of the allegations made. A letter is sent to the complainant explaining why the constabulary will be disapplying their complaint, asking them to make representations within 28 days from the day following the date of the letter. If representations are received or no response received, this is then tasked to the PSD Inspector to review and assess if they agree with the decision to disapply the complaint. PSD can maintain an overview of these matters at any such time.

53 complaint case reviews – positive and negative comments:

1: Completed in a timely manner. No points of concern.

2: Dealt with in an appropriate and timely manner. No points of concern.

3: Handled in a speedy manner and well investigated with some nice positive words used in the finalisation letter:

“Firstly, I would like to take this opportunity to apologise on behalf of the Constabulary that you have been involved in an interaction that left you feeling the need to raise this complaint. However, I thank you for taking the time to do so as I find it extremely useful to receive feedback, whether it is positive or negative. As discussed with you during our conversation yesterday, I have reviewed the accident investigation and actions of the investigating officer.

“I have spoken to Sergeant ... and informed him of your concerns. He accepts that he should have obtained an account from you sooner and apologises for this delay...

“I am sorry that this was not initially dealt with as speedily and professionally as I would expect but I hope our conversation has restored some confidence in the Constabulary.”

Operational question: Should a Police Sergeant know to take an evidence statement/account sooner in the process?

4: Handled in a timely manner and apologies were offered and due Police process was well explained. However, the complainant was dissatisfied with the resolution/explanation but the appeal was rejected.

Queries raised:

What criteria is required before an arrest? Would not the following be required in this case and therefore the arrest might have been unnecessary?:

1. The alleged weapon had been found (there was no evidence in the complaint file);
2. The individual who made the call had earlier been reported to 999 for kicking at the complainant's door;
3. The alleged perpetrator would be perceived as aggressive or in any way a risk/threat to the public (there was no evidence in the complaint file);
4. The search of the house found something to allege suspicion of violent activities;
5. The individual who had made the allegation was not found to validate what had happened.

5: Well-handled and documented and in particular and very well written organisational apology, without apologising specifically for what happened:

“I apologise on behalf of the organisation that you feel we were not able to support you that night, however given the findings of my enquiries I do not uphold your complaint and find the officers acted appropriately and proportionately on the night.”

No points of concern.

6: The complaint was well handled and dealt with in a timely manner.

7: The complaint was handled in a very timely manner and the terminology used for ‘service recovery’ is much better since comments were made at the last Panel meeting. Positive comment 5 applies.

8: This has been handled quickly.

9: The response included an apology for an action, which had been misinterpreted. Also an (unprompted) reassurance that an action had NOT been taken, although discussed in passing: purposes of your complaint, it is irrelevant what conditions you were discussing. There are certain mental health conditions which are notifiable to the DVLA. The police are duty-bound to disclose relevant information to the DVLA once they become aware of it, unless they can be sure that the driver has already correctly notified the DVLA. I can confirm that there have not been any disclosures to the DVLA as the result of your conversation with PC Cudd.

Suggestion/action: If a complainant cannot remember facts from an event long ago, it may be helpful for the Constabulary to provide the recorded information, even if the complaint is dismissed.

Negative points of concern: Points 8 and 12 apply, as above.

10: The original complaint was difficult to prove/disprove. The Complainant did not accept the local resolution response and responded with further complaints, some of which appear to be ongoing and some already addressed. The latest correspondence in the complaint file is from the Complainant, indicating that he does not consider the case closed and he has responded to the offer of a meeting.

Negative points 2 and 8 above apply. Also, it is unclear where the ongoing resolution attempts for the other complaints are being collated; Should the issue of a Community Protection Notice (due to excessive and abusive calls to the Police 101 service) be referred to in this complaint file as it is not relevant to this specific complaint investigation?

11: A well-handled informal complaint resolution, including a speedy and friendly response, which got a good response from the Complainant. Contact from the complaint Investigating Officer appears to have reassured the Complainant that her concerns were not being “swept under the carpet”.

12: The Police response is considered appropriate, with the response acknowledging points made by the Complainant, providing an explanation and an apology as police practice could have been better. Negative point 2 applies.

13: The Police Officer has been able to explain about SARI (the support service provider) working with hate crime, when asked by the Complainant and assurance was also given that the complaint would be forwarded to them. However, given the time that had elapsed and the fact the Complainant could not remember whether he had complained at the time of the incident, it may have been helpful to check Police records and inform him whether he did or not.

Concern point 8 and 12 above refer. Question 16 above also refers.

14: The complaint file states that action has been taken to stop the error re-occurring (a speeding incident letter sent to a deceased person), which is positive. However, the initial email to the complaint is quite technical and not easy to read, with some spelling mistakes and use of untranslated acronyms. The substance of the complaint is not dealt with sensibly.

15: The investigation was extensive and very thorough. There was evidence additional to Police statements that were very useful in testing and judging the complaint. Overall, it was correctly concluded that there was no case answer.

16: The investigation was relatively thorough but it is largely competing views of the same event. There is CCTV footage outside the Police Station where the complainant's arrest happened and a more thorough analysis of this would have been useful in judging the complaint. The written statement of this by the complaint Investigating Officer sides with the Police Officer's view, not appearing to give much credence to the Complainant's view, although it is acknowledged that the report of this case is brief.

Negative point 7 above applies: The Police Officer who is the subject of the complaint has been 'asked to reflect' on their actions this day. The letter to the Complainant can say things such as 'it might be that the Officer's behaviour wasn't quite to the highest standards we expect and I have asked the Officer to reflect on this'. If a Police Officer is being 'asked to reflect', could the Police apologise to the complainant, at least a bit, too?

17: It was a quick investigation. There was no other evidence so it was only one person's word against another's. The Police Officer's own report of their behaviour shows that they could have behaved better on that day and consequently the Panel member is minded to believe the complainant rather than the Officer. The finalisation letter makes the point well that the Police Officer has been asked to reflect on their behaviour.

However (as in the negative comments above, point 6), the letter also says that the Officer will also be given 'words of advice', which is considered unsatisfactory. The Complainant may want to know what those words of advice are – are they 'don't get caught next time' or 'you know you didn't behave properly and you need to change your attitude'. This extra information is a critical component to properly answer the complainant.

Action: When Complainants are informed that Police Officers will be/has been given 'words of advice', tell the Complainant what the advice will be/has been.

18: The complaint investigation is very thorough and clear. The body camera evidence (which is not viewable from the complaint file but is reported extensively by the complaint Investigating Officer) is clear and compelling. The full and balanced explanation of why the complaint was, rightly, not upheld is a model of clarity. The invitation from the Police to the Complainant to watch the body camera footage is excellent. The explanation to the Complainant that the Police have to make decisions in scenarios with conflicting information is excellent and clearly underpins the Officers' reasonable suspicion to seek out and arrest the Complainant.

Action: Congratulations to the complaint Investigating Officer Shaun Screen and to the author of the complaint finalisation letter.

Operational policing comment: Body worn video cameras are good.

19: The Complainant was, largely by chance, seen walking by a house that an existing court order (prevented him from being in this area and on that basis the Police Officer sought to arrest him when he was nearby, at a local pharmacy. The Complainant resisted arrest and the two Officers used force to make the arrest.

The arrest – which is acknowledged that it may have looked very violent to members of the public – was filmed and in the local media. Seeing this without the context of knowing that the Complainant was in breach of a court order would have been disturbing. However, the complaint was thoroughly investigated and the outcome of no case to answer is considered correct. A very clear, thorough and balanced investigation, that feeds through into a similarly clear finalisation letter.

One of the two Police Officers who were subject to the complaint had a ‘Staff History’ in the complaint file, showing previous complaints made against the Officer. In one case there was some action taken against the Officer concerning a complaint of incivility. This is very useful context for judging the outcome of the complaint, although more information on the previous complaint that was locally resolved would have been useful to view. There was no such staff record for the other Police Officer and for consistency, there should have been. Negative comment summary point 5 above refers.

20: The investigation was relatively swift and the complaint Investigating Officer sought to meet with the Complainant, but the Complainant left early-on in this meeting, citing a ‘police cover-up’.

There were three Police Officers on site at the arrest, but there are no statements in the complaint file from two of these Officers. Such information could usefully have been used to substantiate, or not, the complaint. Body camera evidence would also have been very useful in this setting.

There is a ‘Staff History’ file for the officer about whom the complaint is made and this Officer has two cases to answer. It would have been useful to know more about these previous cases because this might point (or not) to repeated matters concerning this Officer’s behaviour. For example, if this showed that in previous cases to answer that the officer was given ‘words of advice’ and complaints are still being made, then it might suggest that these ‘words of advice’ are not being effective.

Queries raised: There is a lack of evidence from all the relevant Officers. Also, the absence of body worn video cameras.

Complaint handling process comment: Officer’s staff history concerning complaints are actively included in (i) assessing the veracity of complaints and (ii) can be used to see if previous actions toward an Officer are effective or not.

Does PSD systematically review Officers’ staff history files to seek-out Officers who have a substantially above average number of complaints made against them, noting that there may be some very good reasons why Police Officers in some particular roles may be exposed to more complaints despite having the very highest standards of professional behaviour?

21: A very complex case (alleged excess force on arrest), very well explained and detailed in considerable depth. Officers took no risks with a potential domestic violence case with a vulnerable victim. However, there was little comment about 'rear-stack' handcuffing of the complainant (who resisted arrest), with a car journey, which can be painful.

22: No apology was given and the finalisation letter was the Police perspective rather than being complainant focused.

23: There is no known resolution regarding the allegations that a Police Officer was rude, unwilling to listen or their name and collar number wasn't given when requested. The only part of the complaint that was responded to was that it was agreed to take no further action regarding prosecution because the Fixed Penalty Notice was incorrectly worded.

24: The use of CCTV evidence is very good, with a detailed account of who said what to whom.

25: The history of complaints of the Police Officers complained against was useful within the file. One Officer has a significant number with a case to answer. Question 11 above refers to this case. The complaint was upheld and this was considered to be a correct final outcome.

26: The Panel member is unsure what to make of the Police Officer's history of complaints.

27: There is no evidence in the file about the behaviour of custody staff other than that of the Officers concerned. Question 12 above applies.

28: A positive point is that the Police Officer was encouraged to look at files before visiting the person (there was a history) and to be more open-minded. Both seem sensible suggestions, although there is very little evidence in the file. Unfortunately, as with most complaint files, it is not known if the Complainant was satisfied.

29: This case has a good letter to the Complainant. There are no points of concern.

30: See 'Request for complaint file reviews' section below.

31: (Reviewed extra case file). Query raised: When is a complaint not a complaint?

Is the assessment based on an expression of dissatisfaction?

This complainant submitted a Police website online complaint form but stated: "*This is more of an observation, although could be a complaint as the situation became quite dangerous.*".

32: Much improved wording in these 'SQ' informally resolved complaints. Positive comment 5 above refers. The police error was identified and fed back to the source, with ways to avoid this happening again. There are no points of concern.

33: Positive comment point 3 above refers. However, the Panel member cannot see any other actions other than the finalisation letter, two months after the complaint Investigating Officer spoke with the Complainant, which seems too long a time period for the complaint process.

34: The finalisation letter is very comprehensive and fully addresses all complaint issues. However, negative comment point 3 above applies.

35: A very quick resolution (2 days) due to the availability of Body Worn Camera footage, which clarified the situation and context (positive point 1 above). However, Panel members are unable to view the footage (concern point 1 above).

36: The member of the public was asking for an explanation about a conditional caution given in 2014 and why he wasn't offered a Penalty Notice/fine, the latter wouldn't affect his career opportunities. Was this necessary to be assessed as a complaint and is there not a better way of handling these enquiries, in answering a question? The complaint was disappled as it was over 12 months since the original incident. However, it was good to see the flexibility in this decision making.

37: The complaint investigation was particularly thorough as the Complainant was insistent and persistent. However, it seems a long time - around 7 weeks - to resolve a simple query regarding the lack of communication.

38: Local resolution of this complaint ensured that the complaint has been dealt with quickly, in one day; The Police Officer was spoken to and had a verbal warning about his behaviour (considered appropriate and necessary), which is recorded on his file; There is a good finalisation letter which clearly states that the Police have high expectations and this incident was not what is expected of staff. Although the Officer complained against was required to write a letter of apology, it is not recorded in the complaint file.

39: The finalisation letter is very open, honest and clear. The difficulties encountered regarding the over-worked High-Tech Department are acknowledged and not swept under the carpet. There is also recognition of the Complainant's understandable frustration that her equipment could not be returned for 4 months (from *Inspector 881 Lee MOORE*, to be commended). The process is timely, 7 days to complete and informal resolution seems to be speeding up the complaints handling process. Question 13 above refers.

40: Positive comment 1 above applies. Body Worn Video provided evidence to refute the complaint allegations of punching by a Police Officer and damage to a door. Unfortunately one of the Police Officers forgot to switch on the Body Worn Video Camera before the confrontation stated as the equipment was new. The complaint has been thoroughly investigated, in a timely manner and the consistent reports from the Police Officers concerned indicate that despite the violent behaviour of others and the emotional tension, Officers behaved professionally, appropriately and with restraint. Compliments to all involved in handling this complaint.

Query: The introductory email appears to be **bias** in its initial assessment, before details have been gathered. For example: "*I need to make sure that my report is to a standard where he has no grounds to appeal and that if he does then the IPCC have nowhere to go with it.*" See Appendix 1, last/6th question regarding bias.

41: Several times, independent witnesses referred to the Police Officers' exemplary behaviour, even whilst under provocation. Force was only used to arrest the person after efforts were made to calm him.

42: Despite conditions very likely to persuade the complaints Investigating Officer that the complaint is an open and shut case, the legislated complaints procedure was followed precisely, evidence meticulously gathered and the case was assessed after careful consideration. Also, despite the Complainant already having been prosecuted for criminal damage and his behaviour being very volatile, changeable and erratic (a diagnosed condition), the complainant has been treated fairly and without bias throughout the process.

43: See 'Request for complaint file reviews' section below.

44: See 'Request for complaint file reviews' section below.

45: The Complainant was contacted on the same day that the complaint was received, evidence was obtained on day 2 and the response letter asked if the Complainant was not happy then to get in touch. Of concern is that this complaint was made through the Police website online form on a Sunday, not opened by the PSD until the Wednesday, three working days after, but action appears to have taken place on the Tuesday? Question 14 above also refers.

46: A good finalisation letter, balanced (it says one can't say who is correct as it's one word against another, but 'words of advice' given to the Police Officer) and the letter includes an apology. However, the response states that the Police went to the flat due to intelligence but there is no evidence of this on the complaint investigation file. Question 1 above refers.

47: This complaint has been dealt with quickly, within 8 days. However, parts of the complaint are not addressed, such as inappropriate Officer response to the complainant experiencing panic attacks and also the complainant's organisational request for better mental health awareness. Concern point 10 above also refers.

48: Responses to the Complainant were quick and the initial letter begins with an apology, provides an explanation where it refers to the informal resolution role and clearly sets out what steps are being taken. Concern point 10 above refers.

49: All correspondence is written clearly and politely. The Complainant stated that they were happy for their complaint to be dealt with by 'words of advice' to the Officer complained against and this was done. Question 15 above refers.

The initial complaint mentions a second point of a search of the property being conducted without legal basis but there is no further mention of this point. If this was resolved it would be useful to include any correspondence relating to this matter in the complaint file. The account from the Police Officer is attached in an email but it would be helpful to Panel members to also have this stored as a separate document in the complaint file. Concern point 2 above refers.

50: The complaint was dealt with in reasonable time and the Complainant was satisfied with the outcome. Part of the complaint was that the Complainant had requested a copy of the Police Crime Investigative Papers and not been sent them. The complaint Investigating Officer took the time to explain how these could be requested from the Legal Services Team. It is good that they did this, rather than just saying that it wasn't their responsibility.

51: The Log of Enquiries in the complaint file mentions that the Complainant agrees with the outcome and is satisfied. There is also a good finalisation letter which clearly outlines how the Complainant's comments have been used to identify training needs and improve the Police Service in the future.

52: The initial response to this Police website complaint form is sent very quickly, in 2 days. The Complainant stated that she wished the matter to be resolved by informal advice given to the Police Officer and this has been done. The Complainant seems to be satisfied.

53: There is a clear letter and emails provided to the Complainant and clear explanation of what will happen regarding the next steps of the complaint, including the upcoming court hearing. However, as a negative point, the finalisation letter says that both reports from the Police Officers complained against are consistent with each other and they deny being unprofessional. This is a reasonable point to include but it might have been better to mention making a decision on the balance of probabilities – because the Officers' accounts are consistent with each other – did they speak to each other? - and this doesn't automatically make the Complainant wrong.

PSD response:

We would like to thank the panel members for their independent positive and negative feedback.

The Constabulary have recognised an increased willingness to apologise where the level of service may have fallen below the expected standard. However, it is important that where an apology is given, we specially apologise for those circumstances rather than on an organisational level. It is hoped that by being more specific to the individual that the apology is received as being more personal and genuine to them.

The Constabulary continues to achieve and demonstrate fantastic timeliness, including the recording and resolution of complaints. Of note the panel commented on particularly the thoroughness of investigations, including evidence used to correctly conclude matters. The benefits of body worn video footage in resolving complaint allegations, which we actively retrieve as part of our investigative fact-finding is becoming more and more apparent.

Feedback from the Independent Residents' Panel contributes to our continuous improvement and learning framework, to improve our service to the public. This learning is then disseminated to the force's organisational learning structure to ensure lessons are understood and acted upon. In addition, where feedback is received for an individual staff member or officer it is shared with them and their line manager.

REQUESTS FOR COMPLAINT FILE REVIEWS

The following complaint cases are requested to be reviewed:

30: This is a very unsatisfactory complaint file. The PSD complaint handler did their best to elicit a response from the identified Police motorcycle rider. However, despite innumerable requests, no response is recorded (albeit on leave for some of the period). This Police Officer should be required to account for his actions and the complaint should not be closed until this occurs. Is it the case that if the Officer complained against prevaricates then they will not be held to account?

43: Police Officers took a long time to respond in investigation emails, saying that they were dealing.

Was a Community Impact Assessment not applicable?

Why were the reported driving offences not on record?

There was a two-month delay due to the complaint Investigating Officer's ill health. Would complaints normally be transferred to another IO due to IO long term sick leave?

Would the member of the public be advised before a Body Worn Video Camera is turned on?

There is no reason for the two videos. Why did it go off?

Are all Stop and Searches recorded?

Did the Complainant see the Video footage? The request was forwarded on 22/02/2017. Is the case closed?

PNC is clear but driving offences? A "lengthy record of firearms, drugs and organised crime groups."

44: A positive point is that the person was advised to go to their GP. However, on the negative side, there is no investigation, Body Worn Video evidence is not reviewed and Police Officer comments are not obtained. The case was withdrawn. However, a PSD review is requested.

PSD Response

30: Unfortunately there was unforeseen delays in resolving this matter due to abstractions. When contacted the complainant confirmed that they did not wish to raise a formal complaint they were raising their observations. An apology was offered for the time that had elapsed. The officer's line manager confirms that the officer subject of the observations would be debriefed and directed to recognise the learning. This would be subject of a formal training needs analysis.

43: Police Officers took a long time to respond in investigation emails, saying that they were dealing. The complainant was represented by the organisation known as SARI, he did not wish any

contact from the police. Unfortunately, delays occurred due to timeliness of responding to our correspondence.

Was a Community Impact Assessment not applicable? Yes, N/A

Why were the reported driving offences not on record?

The previous stops on the complaint were researched and mentioned in the report but it is not for the I.O to further investigate these matters

There was a two-month delay due to the complaint Investigating Officer's ill health. Would complaints normally be transferred to another IO due to IO long term sick leave?

Yes, otherwise there could be a long unnecessary delay in concluding the matter, staff becoming unwell cannot be foreseen.

Would the member of the public be advised before a Body Worn Video Camera is turned on?

Sometimes in a violent disorder situation it may not be practicable, however, in general if it was a one to one then you would say out of courtesy the member of the public should be informed.

There is no reason for the two videos. Why did it go off?

There are occasions when more than one officer will activate their BWC

Did the Complainant see the Video footage? The request was forwarded on 22/02/2017. Is the case closed?

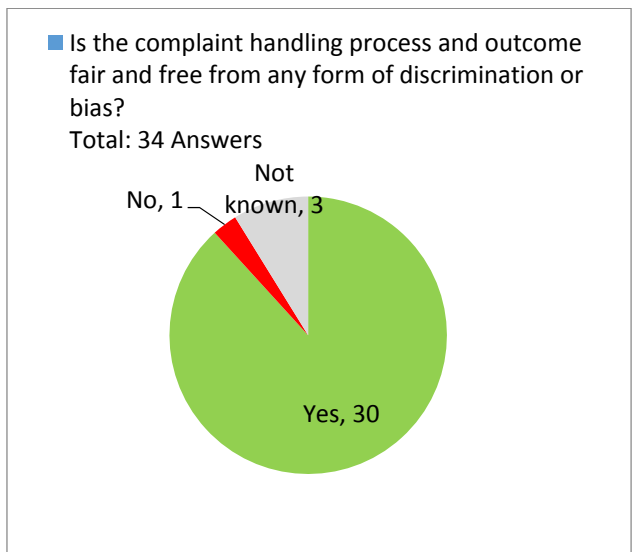
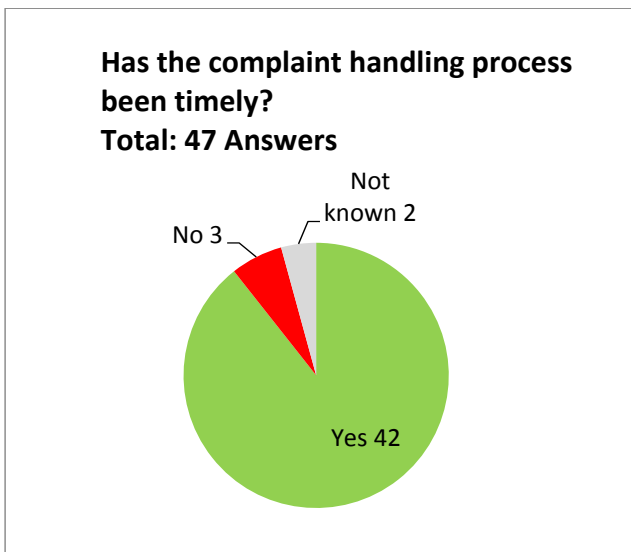
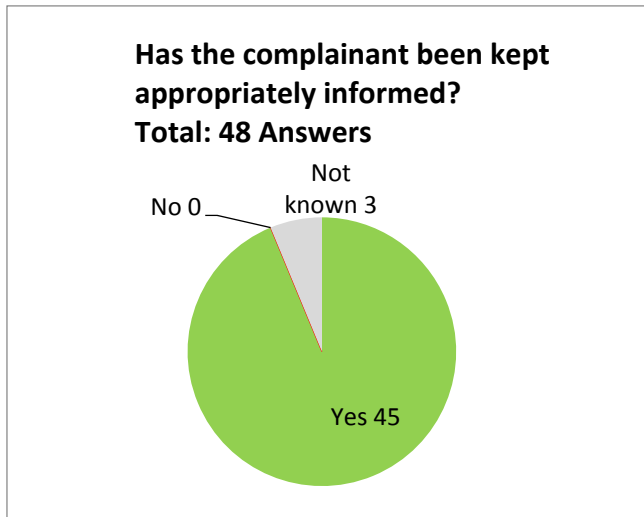
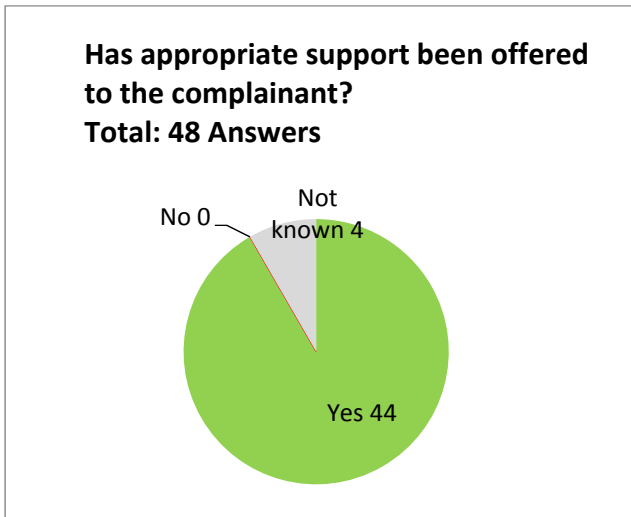
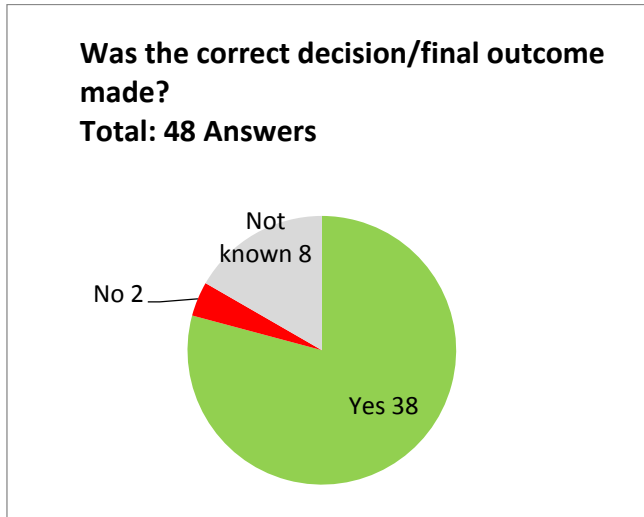
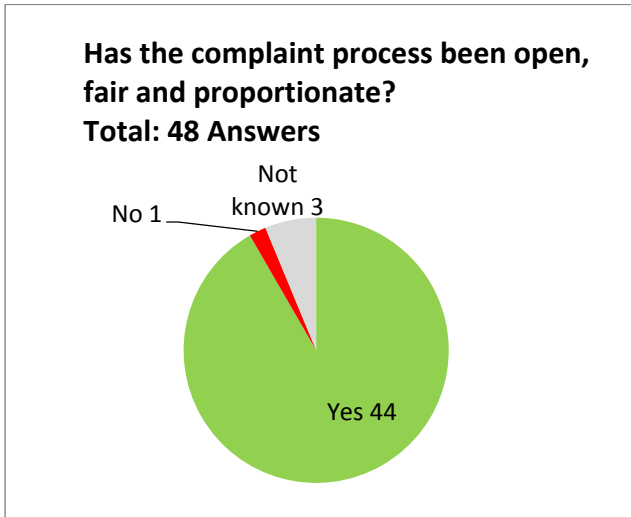
Both the complainant and the representative from SARI were given the opportunity to view the footage.

The investigating officer attended a police station by appointment and showed the full footage to the representative from SARI who commented that had he seen this footage at the time that the complainant approached them then they would not have taken his case.

The complainant declined the offer to view the footage and has never had any direct contact with the investigating officer

44: On review of this case, the complainant decided to withdraw the complaint before the investigating officer began to investigate the complaint. On the basis that written confirmation was received from the complainant directly, the case was subsequently finalised and no further action taken.

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.