

# INDEPENDENT RESIDENTS' PANEL

Complaints Review: Thursday 13 December 2018, 10am–3.30pm

## STRUCTURE OF THE SESSION

Six of the 8 Independent Residents' Panel (IRP) members attended this quarter's meeting, reviewing 29 complaints from the list of requested cases. In addition to complaints reviewing, copies of some compliments from local residents to the Police are also circulated at each Panel meeting, for members to read.

**Themes:** Complaints against the Police within the following Independent Office for Police Conduct (IOPC) complaint categories of:

- Incivility, impoliteness and intolerance: 9 complaints;
- Also complaints that have been appealed (handled locally by the Constabulary): 8 complaints
- Plus the standing item of reviewing Early Intervention/Informally resolved complaint cases: 12.



Panel members recorded their comments for the Constabulary's Professional Standards Department (PSD) to read, comment upon and use for any individual and organisational learning, including highlighting to the Constabulary Management Board. There is also a round-table summary where each Panel member summarises their overall feedback on the complaint cases reviewed and any themes.

## ACTIONS

**Action 1 (Sep 2018) c/fwd:** DCI Mark Edgington will review and break down themes of complaint cases handled by 'Early Intervention' and report back to the Panel.

**and Action Dec 2018:** The categorisation of Early Intervention type complaints will allow the Panel to selected a themed/categorised type of complaint to dip sample and this will allow complaints within the Early Intervention type as well as complaints that has been formally recorded and either Local Resolved or Locally Investigated.

**Action 2 (complete): Panel Members Complaint Case Feedback Form.** Question 6 is often left blank when members complete the Feedback Form. The narrative has been discussed and agreed to be changed from:

"Is the complaint handling process and outcome fair and free from any form of discrimination or bias?"  
to: "Is there any evidence of discrimination or bias within the complaint handling and file?"

**Action 3 (Dec 2018):** A request to the PSD for access to a complainant complaint history for each case reference provided by PSD to the Panel for dip sampling. This is available in Centurion and therefore the PCC's Panel facilitator could use a laptop with Centurion access for Panel members to check the

complainant's complaint history. The history will allow the Panel to know if the Complainant has made previous or further complaints in addition to the complaint reviewed.

**Action 4 (Dec 2018):** A request to the PCC and then to the Head of PSD for comments regarding obtaining Complainant satisfaction/feedback (face to face, telephone or electronic survey) for the Panel.

**Action 5 (Dec 2018):** A question to the Constabulary's recruitment and training lead: Is there training for new Police Officer recruits regarding complaints against the Police? A Panel member suggests that probation Officers are shown all the work of the PSD, for example the complaints about Officer incivility, impoliteness and intolerance. This can take hours and hours of work for the PSD and Complaints Investigations Officers. The aim of the awareness session is to reduce complaints within this category.

**Action 6 (Dec 2018, AOB):** For Panel members:

The Panel agreed that alongside Dip Sampling themes, the Panel will look for opportunities to monitor and track the 'Complaint Experience' (e.g. surveys, focus groups, one-to-one discussions). The IRP want to keep this as an overriding theme for 2019.

**Action 7 (Dec 2018, AOB item 2):** For Panel members:

Development of an **Action Review Register** to monitor and track "we said, they did" type recommendations was favoured, monitoring what changes were made and if these are sustained.

## OTHER BUSINESS ITEMS

1. **Complainant Satisfaction/feedback – Service Delivery Assurance:** A Panel member's suggestion was discussed regarding seeking feedback from complainants about their experience with the Complaints System. Suggestions include:
  - 1.1: Complainants attend an Independent Resident's Panel (IRP) meeting.
  - 1.2: A telephone survey via the PSD office, after an explanation and request is added to the narrative in some initial letters to complainants and consent is received.
  - 1.3: An online 'Survey Monkey' satisfaction survey could be hosted by one of the Panel members and include a question asking if the complainant would agree to attending an IRP meeting.
  - 1.4: Use any existing National complaint questionnaire or another Police Force PSD's consultation?

The Panel agreed that alongside Dip Sampling themes, the Panel will look for opportunities to monitor and track the 'Complaint Experience' (e.g. surveys, focus groups, 1-2-1).

The IRP want to keep this as an over-riding theme for 2019.

2. **Chair's/Panel's Annual Report:** Panel members discussed the content of this year's Annual Panel report, drafted this year by a member of the Panel, with thanks given, particularly by the Chair. This report includes the process of how the Panel works. More information may be added about where the Panel have added value, such as the Panel's actions/requests and the Constabulary's/PSD's actions/responses.

A 'Risk Register' was discussed with RAG marking (Red, Amber, Green).  
Development of an **Action Review Register** to monitor and track "**we said, they did**" type recommendations was favoured, monitoring what changes were made and if these are sustained.  
Members will provide feedback before the final Annual report is published on the PCC's website.
3. **Panel Member Complaint Case Feedback Form:** The 6 questions on the feedback form were discussed (answers being Yes/No/Not Known). Question 6 narrative was agreed to be changed. See Action above.
4. **Citizens Academy:** A second Panel member has now completed Avon and Somerset Constabulary's 'Citizens' Academy' (this time at Bridgwater). This is 8 x 2 hour weekly evening sessions covering a wide range of Police Departments and activities, such as the Neighbourhood Policing Team, Despatch Officers, Community engagement, Forensics, Custody, Control room, Criminal Investigations, Roads Policing, Firearms and Safeguarding and Victims/Witness support. The Panel member reported that the sessions are excellent but the event name is wrong. It should be changed to something like 'Police Engagement' to encourage more under-represented communities (as was the case at the Bristol sessions). The Panel member discussed this diversity and name issue with the Chief Constable at the last 'graduation' event. The PCC agreed to look into this suggestion.
5. **Panel Chair and Vice Chair elections:** Panel members were asked to consider standing or nominating members for the Chair and Vice Chair Panel posts prior to the elections at the next (March 2019) meeting. Big thanks was given to the great work and commitment of the current Chair who has been elected for the last 3 consecutive years and has now reached the maximum term. Also, big thanks was given to the great work and commitment of the current Vice Chair who has also been elected for the last 3 consecutive years and has also reached the maximum term. The Chair can stand for Vice Chair and/or remain a Panel member. Similarly, the Vice Chair can stand for Chair and/or remain a Panel member. Nominations and expressions of interest are requested to the Panel facilitator by 28 February 2019. Names of nominated members will to stand will be circulated to all members one week before the next Panel meeting.

## PSD UPDATE FROM THE HEAD OF PSD

Avon and Somerset Constabulary's Head of the Professional Standard Department (PSD), Superintendent Richard Corrigan, gave a PSD update, with the main points summarised below:

- The PSD Head mentioned the Standards set by the National Police Chiefs' Council (NPCC) and Avon and Somerset Constabulary is recognised nationally as a Police Force of good practice and ahead of the complaints handling reforms.
  - There is now a lower number of cases alleging misconduct against a Police Officer (9% of complaints), with a focus on learning rather than blame. Serious wrongdoing is recognised and there is a disciplinary process but there is also Officer and Organisational learning.
  - The Home Office are highlighting Avon and Somerset Constabulary for their best practices. The PSD Head stated that the Constabulary's standards are about right for best practice and the Independent Residents' Panel are part of this. Thank you.
  - Parliament/Brexit may push back complaints system reform again from 2019 to 2020 but Avon and Somerset Constabulary's PSD are already embracing new Regulations anyway.
  - The Quarterly PSD performance report reflects the improvements. From 1 April to 30 September 2018 (6 months) only 3 IOPC (Independent Office for Police Conduct) complaint appeals have been upheld. This compares to 8 per month during the 6 months from 1 April to 30 September 2017. The specific reasons for the 3 appeals during 2018 (April to September) being upheld are:
    - i. Insufficient evidence to back up the final decision of the complaint.
    - ii. The complaint investigation had only explained the reason for the first Taser deployment, not the second.
    - iii. Additional learning was requested for the Police Officer regarding the police interview process. The Officer should have had management learning.
- With an average of 140 complaints per month, the number of appeals made and upheld are low. However, the process of handling complaints should be made appeal-proof.
- Where there is dissatisfaction expressed by a member of the public in their complaint then Avon and Somerset Constabulary must apologise, put it right and learn. However, it is acknowledged that not all complainants will be satisfied.
  - The analysis technology use within the PSD is the Complaints case management system (Centurion) and the analytical tool call Qlik Sense.
  - Avon and Somerset Constabulary's PSD is number 1 (out of 43 Police Forces) for timeliness of formally recording a complaint and number 1 for total complaint completion (averaging 53 working days). This breaks down into 2 types of complaint handling: Local Resolutions (LR) and Local Investigations (LI). The PSD are timely in handling LR complaints (49 working days, the lowest for the most similar forces of Derbs., Kent, Sussex, Herts., Essex, Hants. And Staffs. 10<sup>th</sup> best nationally) and 3<sup>rd</sup> lowest nationally for Local Investigations (87 working days, with Derbyshire and Sussex the lowest of all Police Force PSDs. This timeliness is not at the expense of quality, both being important to the public. The Constabulary and the PSD are open and transparent and work productively with the IOPC.
  - The IOPC quarterly statistics for Avon and Somerset Police (July-Sep 2018) is published [here](#).
  - The PSD monthly performance report is published [here](#).
  - The IOPC 'learning the lessons' bulletin (Nov 2018) focussed on Stop and Search, as reviewed by this Panel, the Scrutiny of Police Powers Panel and Avon and Somerset Police and Crime Panel. The web-link to these bulletins is [here](#). The bulletin highlights national examples where more Officer management is needed. In Avon and Somerset Constabulary, Body Worn Video cameras (BWV) are switched on during incidents including Stop and Searches, so Officer scrutiny is better as well as a safety tool for the Officer and other people at the location. BWV footage will also be used when investigating a complaint allegation.
  - IOPC themed analysis includes Police responses to: Mental Health, Domestic Abuse, Discrimination, Custody near misses, Abuse of power regarding sexual relationships and Road Traffic Incidents (Police pursuits).

## **Question and Answer Session with PSD Head Supt. Corrigan and PCC Sue Mountstevens**

**Panel question:** The IOPC research report (published Nov 2018 [here](#)) headlines that there are major barriers for people with mental ill health making a complaint about policing. Is there a mechanism of benchmarking against the research outcomes and any mechanism for dealing with these reports?

**PSD answer:** The IOPC produce Quarterly bulletins and concentrate on the most serious complaint cases. The IOPC demand a PSD response in these cases, for example an issue of Mental Health Triage working with the Police in a specific Police Force. This is cascaded to all Police Forces for learning.

There are 2 possible areas to capture the research:

- i) The IOPC
- ii) HMICFRS (Her Majesty's Inspectorate of Constabularies, Fire and Rescue Services) through the Legitimacy Inspections of Constabularies.

The mechanisms are:

- i) IOPC bulletins
- ii) NPCC Lead Officers are contacted, for example the Mental Health lead, who could write to the Chief Constable for a response.
- iii) There are also national governance arrangements.

There were no further questions about the last Panel meeting's quarterly report, prior to the Panel report being authorised for publication on the PCC's website [here](#) .

## THIS COMPLAINT 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 scanned and are also available to the PSD to review.

### HIGHLIGHTS OF POSITIVE COMMENTS

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

1. There is great improvement in the quality of language and terminology. Sections of legislation used to be quoted (e.g. schedule 3 of the Police Reform Act 2002) but the case files reviewed during this Panel meeting use plain English. There is an excellent example in Inspector Sharon Baker's Officer's response, using excellent language. There are many examples of clear response letters.
2. A Panel member reviewed a complaint against a Chief Inspector in the Police Control Room (Communications 101/999 call handling and Officer despatch) which is well investigated by the Complaint Investigations Officer with the lower rank of Detective Sergeant than the Officer complained against, in this case a Chief Inspector (Complaint case ref. 9 below refers).

Question: Are there any protocols for investigating officers who are tasked with investigating complaints about officers who are much more senior to them? Whilst I didn't feel there were any problems in this case, it puts the investigator in a difficult position and has the potential to influence the complaints process. It appears that a more senior officer became involved in this investigation later on, but perhaps that senior officer should have handled all direct communication with the complaint subject from the beginning. Please would PSD comment on this point?

The Head of PSD explained during the Panel meeting case file summary session that there are no rank inhibitions. The Counter Corruption Unit (part of the PSD) ethically interview Senior Officers. The PSD Head has the final review. The PSD Police Staff and Officers are also under the direct authority of the Deputy Chief Constable.

3. There are examples of good complaint response letters, including an excellent finalisation letter by **Sergeant 4769 BROWN**, detailing the agreed Action Plan for a Locally Resolved complaint case.
4. Some Log of Enquiries in complaint cases contain good evidence that shows the support offered to a complainant and the progress of the complaint case.
5. Courteous and polite emails and phone call examples have been noted in Early Intervention (EI) complaint cases. There are examples of good use of EI to efficiently and effectively address complaints. Also it is helpful to have a final paragraph in the final response to the complainant to state how to proceed should the complainant wish the matter to be recorded as a formal complaint.
6. There are examples of formally recorded complaint cases dealt with in a positive and timely manner. CCTV evidence is captured in one complaint case before it is deleted.
7. There are examples of full reports in the Case Files. This includes an audit of Officers being spoken to and their reflection – learning - regarding their response to the member of the public.

8. Thorough complaint investigations indicate points of learning, for example the requirement for Officer fairness and equality, without any unconscious bias. Also, a thorough and professional complaint investigation by **DS MATTHEWS** is highlighted, with a respectful tone in the communications with the complainant and the finalisation letter is excellent.
9. A PSD Complaints Assessor **Hamish GALLOWAY** went the extra mile in an Early Intervention case by looking up the complaints procedure for a private Delivery Company. Good customer service and aiming to try to resolve the complaint. A professional response from PSD. Also, a PSD Complaints Assessor **Angus KROUWEL** writes an excellent Early Intervention response. It is quick and has the human touch. Handling the Twitter element of the complaint is also handled well. Case ref. 21 below refers.
10. The PSD Appeals Officer **Steve CROUCH**'s appeal outcome letters to complaints are highlighted in dip sampled cases as being clear and thorough, with a good explanation why the decision had been reached to not uphold the appeal. The letters are timely and written in plain English which is welcomed by the Panel.

*PSD response:*

*Feedback will be provided to the members of staff recognised.*

*We have seen a significant improvement in the quality of complaint handling, with swift complaint resolution, clear audit trails, detailed investigations, demonstrating decision making during the course of complaint handling. As with any process / procedure, there is always room for continuous improvement and reflection, looking at best practice and complainant satisfaction.*

*We praise ourselves on the timeliness of our complaint resolution procedures and the positive engagement with members of the public to resolve their complaints.*



## HIGHLIGHTS OF CONCERNS, NEGATIVE COMMENTS & SUGGESTED ORGANISATIONAL LEARNING POINTS

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

1. Complaints of Incivility have ranged from 8 to 25 per month in the last 12 months to November 2018. Is there training for new Police Officer recruits regarding complaints against the Police? The Panel member suggests that probation Officers are shown all the work of the PSD, for example the complaints about Officer incivility, impoliteness and intolerance. This can take hours and hours of work for the PSD and Complaints Investigations Officers.
2. There are examples of complaints handled by way of 'Early Intervention' ending without a full audit trail of the conclusion or resolution of the complaint or confirmation of the actions stated by local Police Officers. Panel members don't know the outcome as there is nothing on file. For example, was there a telephone call from the local Police Officer to the complainant when this is stated to PSD? Did the complaint get resolved? Was there the Line Manager's discussion with the Police Officer complained against when this is stated? There is no audit by the PSD Early Intervention complaints handlers of what the local Officers state that they will do and the complaint file is left open ended. This point supports the Panel's proposal for complainant satisfaction analysis. See Action 4 above.
4. A complaint case reviewed shows genuine reflection in an internal document. However, it wasn't shared with the complainant which is a missed opportunity.
5. Attention to detail/quality assurance is required in reply letters. This includes when using Constabulary Headed paper. The address and narrative should be lined up correctly and there should be no spelling mistakes or typographic errors.
6. The Local Resolution Action Plan has an Equality of Service Monitoring Form which includes the following narrative highlighted in yellow:

### ADDENDUM

#### Equality of Service Monitoring Form

This section of the form will be destroyed.

This Monitoring Form is scanned and stored electronically in the complaint case file. Panel members request the record retention time and seek assurances that this Equality Monitoring data is destroyed as stated on the Form.

7. The Panel wish to encourage the inclusion of an apology in finalisation letters, even if the Officer's conduct is correct and does not breach any Standards of Professional Behaviour or the Code of Ethics. The apology can still have a positive outcome in a response with the aim of fostering good relationships between the Police and the complainant (family, friends and community) that although not intended the Constabulary apologises to the complainant for any distress caused by the Police encounter.

The Panel have previously noted and had feedback from PSD regarding the problem of forwarding complaints to the correct Officer to handle and keeping abreast of staff/officer movements/changes. The Panel recognise there is no immediate resolution to this, but would like to keep it on the agenda for process review or a rethink on how to improve. Case 5 below refers.



*PSD response:*

*The number of allegations of incivility has been noted, Professional Standards Department continue to work collaboratively with the Training department to ensure that comprehensive training is provided across the force. The training input for new recruits has been increased to enable PSD to cover a wider range of topics.*

*Predominately early intervention cases are resolved over the phone, through discussions with the members of public and local area managers. We appreciate the negative points raised by the panel, however, each member of the public is spoken to throughout the resolution of an early intervention resolution. Progress updates are recorded on the progress actions of the Centurion record, these are used as logs to record dates of conversations and actions taken. All matters are finalised by way of letter confirming the actions taken. The member of public is given the option to have their complaint formally recorded, should they remain dissatisfied with the outcome. I would like to share with you, a small insight of the positive feedback received from early intervention cases:*

*El/e.g.1/18*

*The two officers sent out were exemplary. They listened to us they then proceeded to the address and got the person to come back from Sherborne and then issued warnings etc. They even took the time to come back to us with a full explanation of their thorough actions. This has taken a great burden off my wife and myself I was assured if there was a recurrence of these events they would come back . I hope we never have to endure this again but if you could pass this on to the two officers a big Thank you.*

*Sue Mountstevens a big Thank You also a very grateful Big Thank You to yourself.*

*Yours Sincerely*

*El/e.g.2/18*

*Dear...*

*Thank you for your phone call today and the e-mail below. Your time spent investigating this has been much appreciated.*

*I would like to feedback that the handling of this complaint has made me feel like I am being listened to and taken seriously (which means alot to me).*

*Thank you, so much, for everything you have done.*

*El/e.g.3/18*

*Hello,*

*As the incident now appears to have been properly investigated, I'm happy that the 'complaint' can be closed off.*

*Thanks for your help getting things looked at.*

*Regards,*

*El/e.g.4/18*

*Hi ,*

*Thank you for your detailed and informative email. I would also like to thank you and the wider Police team for taking my points into consideration, for acting upon them in such a timely manner and for coming up with a plan. At a time when Police resources are under intolerable pressures, it is all the more a credit to you and the teams that resolutions are sought.*

*It is regrettable that I've had to call 101 nine times this year and that doesn't count the times when I witnessed drug taking or intimidation yet decided to prioritise my children and my time with them before their bedtimes over making the call or simply sought not to inconvenience the Police with the matter further.*

*Thank you for suggesting the Ride Along Scheme and it's something I shall look in to.*

*Please do close this matter as I am pleased with the plan outlined.*

*Thank you once again for your time.*

*Kind regards,*

*El/e.g.5/18*

*Dear Mrs ,*

*Thank you so much for your very prompt response and intervention I am astonished!*

*I didn't think someone would personally deal with my email in this way.*

*It really warms my heart to receive an email like this.*

*I appreciate the dedication, effort and time you have spent to help me today, you have restored the faith.*

*Thank you again for your well wishes they are indeed reciprocated back.*

*I wish you all the best*

*Kindest regards*

*El/e.g.6/18*

*Good afternoon,*

*Firstly I'd like to apologise for not responding to your original email, it was extremely thorough and helpful. Thank you for getting in touch so swiftly. I really appreciate you passing on my concerns and do understand the need for a police car to overtake and make good progress, the main reason for raising the concerns was that we then followed the police vehicle in a slower queue of traffic I think all the way to the A4, so the progress they made seemed fairly minimal. Perhaps it wasn't obvious at the time of overtaking that they wouldn't get much further. I'm pleased to accept PC apology and would consider the matter closed, I do really appreciate the way this has been handled. If there is anything further you need or would like from me at this time then please do get in touch.*

*Many thanks & kind regards,*

*All information held by the Professional Standards Department is retained in line with NPCC guidance, subject to weeding and retention criteria. The data recorded on the system will be removed in accordance with the retention criteria; a reminder will go to staff of the need to destroy electronic copies.*

*We agree with the panels comments that providing an appropriate apology when resolving matters is valued; this is encouraged by the Professional Standards Department.*

## REQUESTS FOR COMPLAINT FILE REVIEWS

There are 7 complaint cases (5 being Early Intervention cases) requested by the Panel for the PSD to review:

### Complaint case reference 1: Incivility - Local Investigation

The original incident is an assault of a 16 year old by an older female. The complaint (via a Solicitor) allegation is that a Police Officer is rude and also has not investigated the incident. The Complainant is also under investigation where the assailant is a witness.

There are no positive points to note. The negative points are:

- The complaint – for Local Investigation – is initially sent to the wrong DCI (but forwarded in timely manner to the correct person).  
The Panel have previously noted and had feedback from PSD regarding the problem of directing to the correct person and keeping abreast of staff movements/changes. For example, narrative reads:  
“Sorry, please can you deal with the attached? PSD still had me down as DCI for Team 4”  
The Panel recognise there is no immediate resolution to this, but would like to keep it on the agenda for process review / a rethink on how to improve. Internal email ‘chasers’ also went to the original Complaint handler, not the revised Complaint Investigation Officer for the Local Investigation.
- Unnecessary delays and no explanation why.
- The complaint case file does not seem complete. There is no summary of actions or any items.
- An email from the Complaint Investigations Officer states:  
“I’ll send the completed paperwork through to you with the log of enquiries.”  
However, neither the finalisation paperwork or the Log of Enquiry (LOE) appear in case file.
- This case might well be resolved satisfactorily but there is not enough paperwork on file for the Panel member to confirm this from an independent scrutiny perspective.

### Operational comment:

As summarised above (and see negative points of concern section above) a longer term resolution is needed for directing internal emails to the correct Police person. Issues arise when Police Officers move jobs or posts, sickness and holiday.

#### *PSD response:*

*After reviewing the case and conducting a search we have retrieved the finalisation documents including the letter for this local resolution. This was an administrative error and feedback has been given.*

### Complaint case reference 2: Local Appeal (after Local Resolution)

The complaint is handled in a timely manner but is then appealed by the complainant. The Panel member feels that the Complainant is correct in that the Officers did not conduct a search of the area. One of the Officers says she briefed 2 other PCs to search but she has not recorded this in her notebook or has no recollection of who they were. The Panel member considers this is an insufficient response as there are other ways to examine if the area was searched and who received this request but it has not been followed up. The Panel member also believes that the Police have not done enough to try and secure a copy of the CCTV from the retailers. The Panel member does not think that the complaint has been handled in an open, fair and proportionate manner or that the correct final outcome was reached for this complaint.

#### *PSD Response:*

*We did not believe that the response sufficiently explored or explained the search aspect. This is why we upheld the appeal.*

*The file was returned to Insp. in November with an instruction that he should provide the complainant with a more comprehensive explanation regarding the search and the CCTV recovery (or lack of). He subsequently provided this information.*

*On review, we feel that the complainant was let down. He reported an assault but 'misunderstandings' led to the CCTV not being collected (therefore it was over-written) and a search for the offenders was similarly confused.*

*Therefore we have upheld his second appeal. Another manager has been appointed to review the circumstances and provide a second opinion. The complainant has been informed, we hope that the provision of further information and a heartfelt apology, can go some way to addressing our mistakes and his dissatisfaction.*

### **Complaint case reference 3: Early Intervention**

This complaint is successfully resolved using the Early Intervention process and the CCTV footage was recovered from South Glos. Council before it was deleted. The Panel member answers Yes to all the Feedback form questions (see the last page of this report for the question narrative). However, within this complaint no reason is given as to why the CCTV wasn't obtained as a matter of routine. Although there were no serious injuries from the Road Traffic Collision (RTC), it appears fairly serious and should have been taken seriously. It is unsatisfactory that the Complainant was the one who made inquiries from S. Glos. Council and tracked down the footage – had he been less tenacious then the CCTV would have been lost and there would have been no public appeal to locate the vehicle. As the Complainant notes, it should not take the involvement of PSD to progress the inquiry. Due to the way PSD audit and handle Early Interventions it is impossible for the Panel Member to judge why the quality of policing service in this case was not to an acceptable standard. However, the lack of a Crime Reference Number and Police updates to the victim all suggest that for some reason this incident was not dealt with rigorously.

**Question for PSD Action:** Please can PSD confirm that the Police Officer's Supervisor spoke to the Officer about his performance in this case? As stated above, there is no information about why the RTC investigation was not progressed, but the Panel member considers that there is clearly some sort of performance issue which needs to be addressed.

#### *PSD Response:*

*Cases resolved through early intervention are done with the aim of resolving the member of public's concerns at first point of contact, which has been achieved in this case. Once circumstances surrounding concerns are identified, line managers are contacted and asked to address the concerns raised with the individual. This process means that individuals are made aware of their failings to put right, learn and reflect.*

### **Complaint case reference 4: Early Intervention**

This contains a clear response letter, citing examples of conflicting accounts. However, this doesn't address the Complainant's concern that his allegations are dismissed due to his mental health problems.

The Panel member has answered 'Not Known' to 2 Feedback Form questions:  
Has the complaint been handled in an open, fair and proportionate manner?  
and: Do you think that the correct final outcome was reached for this complaint?

**Query:** It is difficult when numerous conflicting accounts are given, particularly as this is an ongoing family/relationship situation. However even if there is no evidence to mount a prosecution, it may

have been helpful to review the 13+ allegations to ensure that they are not seen as isolated incidents and also to get some understanding for how the local Community/Neighbourhood Policing Team – and other agencies - can better support this family. Complaint allegations include physical abuse from both himself and from his partner, which should be understood.

A review may help reassure him (and the Panel) that his allegations are not dismissed because of his mental health problems, as this part of the complaint is not really addressed.

*PSD Response:*

*Professional Standards Department, made numerous attempts to contact the complainant to discuss and resolve their concerns, all of which were unsuccessful. Therefore, we could only deal with the complaint received, and provide a suitable response and outcome for the complainant. Unfortunately without their engagement we are unable to progress other aspects of the complaint. It is expected that the line manager will address any performance issues through the IPR process, it would be a matter for PSD.*

**Complaint case reference 5:**

The evidence log of the incident is quite clear. The response from the Police is courteous. However, the case could have been dealt with in timely fashion, from the paperwork it appears there was enough information to give the family whilst other investigations were proceeding. The finalisation letter in the evidence folder does not make the outcome any clearer; it restates the purpose of Early Intervention as below however clearly the time taken – 5 working days 15<sup>th</sup> to 22<sup>nd</sup> November - does not remain consistent with the purpose. Clearly no-one has also been held to account in terms dealing with the complaint. After the update on 22<sup>nd</sup> November the Complainant writes to the PSD Assessor on 26<sup>th</sup> November, referring to the questions initially asked. The PSD Assessor emails the complainant on 28<sup>th</sup> November:

*“I would like to reiterate that your expression of dissatisfaction has been dealt with through early intervention. This approach focuses on resolving your concerns in a timely manner and not as a formal complaint (as defined under the Police Reform Act). In view of the above, this matter will now be closed by the Professional Standards Department. However, if you are unhappy with the explanation or would like to provide feedback on service delivered by the Professional Standards Department, please do not hesitate to contact me.”*

It is noted that the Officer handling this complaint provides an internal email update to the PSD stating:

*“I have now called <complainant’s name> and discussed this at length. It would appear that there is no complaint, however, she is not happy about the lack of initial contact from the OIC.*

*I have now explained the process and answered some of her concerns. I have provided my mobile number as a point of contact for queries have in the future.*

*... I will contact the Coroner’s Office separately to discuss this case.”.*

**Query:** Where there is a late response due to systemic issues, who is held accountable?

*PSD Response:*

*The concerns raised regarding lack of initial contact, was best addressed by making the officer’s immediate supervisor aware of the concern, as a learning opportunity.*

*After speaking with the complainant it was established that they had a number of questions about the result of a post mortem. Therefore, these were passed to the coroner’s office, not the police, so we did what we could to help and then provided contact details for the coroner’s office.*

### Complaint case reference 6: Early Intervention

The complaint is made by a person on behalf of his brother. The complaint is logged on the 14<sup>th</sup> November and a response to complainant sent on 19<sup>th</sup> November. The case was finalised on the 28<sup>th</sup> November. 10 working days. The final reply email states:

*"I have spoken to <the complainant's brother's name> and he has aired his concerns, he does not wish to make a formal complaint but wished for his points raised to be used as a learning theme to better improve our response to this type of incident. I have stated I will provide feedback to PC ... and we will consider how we may approach a debrief with potential risk in the future."*

A point of concern is that the complaint audit trail appears to be quite limited and the finalisation email sent to the complainant does not give a satisfactory outcome as the complainant asks:

*"If you could let me know why it happened and what procedures will be put in place to ensure this type of issue doesn't happen again, my brother is still scared to go out on his own and gets very upset when he thinks of what happened. Nothing is mentioned in this email about the above so I can only assume pc ... has not been spoken to yet"*

The response from the PSD Complaint Handler is to forward the complainant's email to the Sergeant. There is no further documentation.

The Panel member answers the 6 Feedback form questions for this complaint as follows:

*Has the complaint been handled in an open, fair and proportionate manner? Not Known.*

*Do you think that the correct final outcome was reached for this complaint? Not Known.*

*Has the appropriate support been offered to the complainant throughout the process? Not Known.*

*Has the complainant been kept appropriately informed about the progress of their case? Yes.*

*Has the complaint handling process been timely? No.*

*Is the complaint handling and outcome fair and free from any form of discrimination or bias? Not Known.*

**Question:** Is there a flow chart of expectations provided to complainants under the Early Intervention procedure that gives them an idea of the process and what to expect?

**Operational/Organisational learning comment:** There have been complaints cases reviewed in the past which has involved Mental Health issues – the suggestion from this complainant echoes some of the discussions held by the Panel during feedback. An extract is below:-

*"I have spoken to <complainant's brother's name> and he has aired his concerns, he does not wish to make a formal complaint but wished for his points raised to be used as a learning theme to better improve our response to this type of incident. I have stated I will provide feedback to PC ... and we will consider how we may approach a debrief with potential risk in the future."*

**Question:** What progress has been made?

*PSD Response:*

*The appropriate course of action was taken to resolve the matter, however, we recognise where we could have requested an update on what procedures would be put in place and asked the Officer dealing to confirm the actions taken with the complainant and PSD.*

### Complaint case reference 7:

Emails and telephone calls from the Complaints Assessor Peta King are very polite and kind in wishing the complainant well with her pregnancy and avoiding keeping her on the phone once learning she was in hospital.

However, no apology is offered to the complainant for the fact that she felt she was spoken to in an "intimidating" and "rude" manner, in fact the Police Officer's Line Manager states: "an apology is not applicable in these circumstances.". Although the complainant was stopped somewhere she should not have been and the Police Officer used his discretion not to give her a ticket, she has accepted full responsibility for this. An apology from the Police Officer concerned is still warranted, even if this is just for the – perhaps completely accidental – distress caused to her.

**Request:** Perhaps something could be said by the PSD to the Line Manager about the importance of and value in apologising for any distress caused by the Police Officer under his management?

*PSD Response:*

*The Officer was enforcing road safety around the school and understandably feels very passionately about road safety, which may have caused the member of public to feel intimidated.*

*PSD will always encourage an apology where appropriate.*

*An apology was provided by PSD in the final email, 'I am sorry if you continue to feel that the officer dealt with you unprofessionally, but as you can see it appears that both the officer and his line manager, felt that he dealt with you in this manner due to the concerns of road safety he had for yourself and others.'*



## SUMMARY OF COMPLAINT FILE REVIEWS – 29 CASES REVIEWED

### Complaint case selection:

#### 1. Complaint allegations of: Incivility, impoliteness and intolerance - 9 complaints

##### Complaint case reference 1: Incivility - Local Investigation

See Complaint case 1 to review, as above.

##### Complaint case reference 2: Incivility

The Complainant refers to the conduct of an Officer when dealing with a Custody case.

Timeline: Information provided by PSD: Formal complaint recorded: 16/5/2018. Case Finalised: 17/8/2018.

Case file: Initial complaint, managed as an Early Intervention: 13/4/2018. Response to initial complaint: 25/4/18. Final outcome: 11/5/18.

There is a second complaint on 16/5/2018 (formally recorded) following the response of the initial complaint, handled as an Early Intervention case. The complaint is finalised, however the Officer goes on leave from the 22<sup>nd</sup> July and a month later when they return the finalisation letter is sent. Final outcome date is 18<sup>th</sup> August.

Positive points of note are that the Evidence Folder contains a Log of Staff History. This may or may not be pertinent to the case. The Log of Enquiries has good evidence that shows the support offered to complainants and the progress of the case. The second complaint letter offers good detailed explanations and is compassionate and understanding. Also, the Local Resolution (LR) Action document contains a good summary and also picks up on learning points.

However, of concern is the tone of the first response letter which appears to the Panel member to be patronising – Complaints Assessor email on 11<sup>th</sup> May refers. If the first letter had a similar level of detail then the case would have been finalised within a month. The complaint case actually took over 4 months to complete.

##### *PSD Response:*

*Your feedback was that you felt the email was patronising, I have read this email myself and see what the Assessment Officer was trying to achieve in relaying the reasons for the officers' actions. This is not an easy job as stating the facts, can and have in this instance come across as patronising. This is definitely not what we want for the member of public. The email contained detailed information to resolve the matter. However, this was not to the complainant's satisfaction. Therefore, a formal complaint was recorded. Feedback will be given to the Assessment Officer to reflect and learn.*

##### Complaint case reference 3: Incivility

The complainant said they were spoken to by a PCSO in a manner not expected of an Officer.

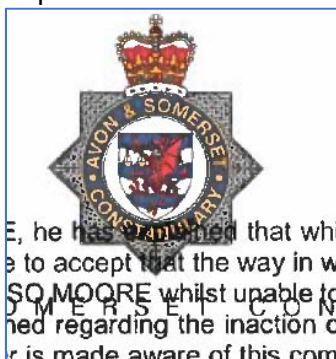
It is good that the assigned officer (on a night shift) takes the correct decision not to telephone an irate complainant at 3:30am. There is an excellent final summary letter detailing the agreed Action Plan, there is a good report on the outcomes of the Action Plan and also the organisation/individual learning opportunities.

The Panel member commends Acting Police Sergeant 4769 Brown.

However, formatting of the final letter on Constabulary headed paper is awful which lets down what is otherwise an excellent letter:

1. The postal address is printed too high on the headed paper. It should be under the Constabulary header/banner, not to the left of the crest.

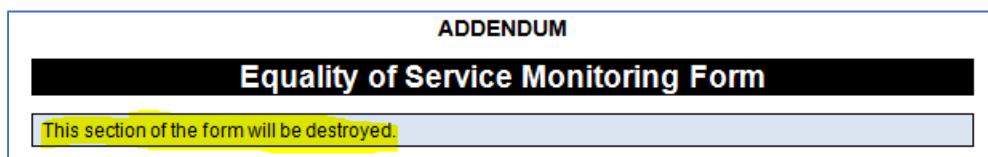
2. Formatting for Page 2: The text should be moved down or plain/non-headed paper should be used after the front sheet. A screen print is below:



#### Complaint case reference 4: Incivility

There is a sensible complaint resolution that: i) Compensation is given to the landlord for accidentally breaking the toilet (due to the flash bangs); and ii) The six Officers attending the incident are spoken to about leaving coffee cups in the garden.

**Question:** Is the section in the Local Resolution Action Plan for Equality of Service Monitoring, as shown in the screen print below, really ever destroyed if it is saved electronically?



*PSD Response:*

*All materials saved to complaint investigation files are weeding in line with the retention schedule criteria and Centurion will automatically delete the case all relating documentation.*

#### Complaint case reference 5: Incivility

Of concern: The PSD case assessment file has no severity assessment.

**Query:** Even though the complaint was withdrawn, there are 2 items referenced which should be checked as they have wider implications: i) The issue of the partner's malicious allegations are not being fully investigated; ii) The concern about the complainant's diabetes whilst in custody.

#### Complaint case reference 6: Incivility

A positive point is that a reassessment is requested to find out more about why the Complainant felt it was racist, as it was not possible to determine the severity from the information available.

Regrettably the final letter contains both a basic spelling mistake: "*the only person **hear** (sic) to ask*" and poor grammar: "*PC x informed you that he didn't have time for a debate and **were** (sic) leaving to continue with **their** (sic) area tour in the hope of locating the disorder.*"

Whilst it is acceptable for an Officer to indicate that he cannot engage because he is in a hurry to locate the disorder, the wording "*time for a debate*" was not perhaps very professional as it sounds dismissive. Even though no organisational learning is identified, it is important for Police Officers to remember that the public have an expectation of courtesy, even when the Police are busy. It may be helpful for the final letter to acknowledge this point.

#### Complaint case reference 7: Incivility

It is helpful that full reports are on file. This complaint of incivility is not upheld but it is clear that the Police Officer was spoken to (about another matter which was evident on the Body Warn Video

camera footage) and has reflected on his role at that night's events, and his response to the complainant's abuse. One important issue with the case file is that there is no final letter on file.

**Query:** When incivility is investigated, it would be helpful to have on record evidence of any previous complaints about the Police Officer – in a Staff History file, as seen in other complaint case files. Alternatively, perceptions of the Line Manager/Supervisor could be recorded about the likelihood of the allegation being plausible. These could inform the response, both to the Officer and Complainant, where there are conflicting reports.

**Actions:**

The Complainant has included confidential medical information which he clearly requests be kept separate:

*"This paragraph is included as I believe it gives an insight into my actions on the day HOWEVER, this is non disclosable. This is private medical information that very few people are aware of so please, please do not disclose to anyone unless absolutely necessary."*

However, the document has not been marked as confidential. This information should be deleted/redacted in the complaint folder as it is not relevant.

**Complaint case reference 8: Incivility**

This is complaint is about the manner of an arrest, that too many Police Officers attended and an allegation of racial bias and theft of jewellery.

There is a thorough complaint investigation. The Complaint Investigating Officer makes the point that even though the Complainant is elderly and quieter and the other person is a large man who has a history with the Police, that Police Officers should be careful of unconscious bias and should treat both parties fairly. There are no points of concern with this complaint case.

**Complaint case reference 9: Incivility**

A very thorough and professional investigation by Detective Sergeant (DS) Mathews regarding this complaint which included an allegation that a Chief Inspector was 'aggressive and intimidating in manner' and 'could be heard bellowing'. This is denied by the Officer.

The Panel member's impression is that all possible evidence is gathered and the tone of the communications between the Complaint Investigating Officer (CIO) and both parties is respectful and professional. In the Panel member's opinion, the conclusions reached are balanced and proportionate and the finalisation letter is very good.

The Panel member is impressed with the CIO DS Mathews, who was placed in the position of having to investigate a Police Officer who is much more senior to the DS. In particular, in the email on 23 March 2018 the CIO advises the Officer subject to the complaint about her future behaviour towards the complainant.

**2. Complaints that have been appealed (handled locally by the Constabulary) - 8 complaints**

**Complaint case reference 10 – Local Appeal (after Local Resolution)**

The Complaint allegation is that Police Officers failed to follow up an enquiry.

Despite receiving long legally-orientated letters that bore limited resemblance to the complaint the case was handled in a fair and appropriate manner.

**Complaint case reference 11 – Local appeal (after Local Resolution)**

This complaint has two allegations: 1) being 'fobbed off' by Police following a comment in an email; and 2) reports of harassment were not being followed up.

There are very eloquent letters and emails sent to the complainant, including an opportunity to meet with the Police - and with a female officer if preferred - but all offers were refused.

### **Complaint case reference 12 – Local appeal (after Local Resolution)**

See Complaint case 2 for PSD to review, as above.

### **Complaint case reference 13 – Local appeal (after Local Resolution)**

The complainant in this case is that a Police Officer contacted an individual about an incident when the Police Officer *should have* contacted the complainant's daughter. This resulted in distress for the father.

This is recognised by the Panel member as a difficult complaint that is handled in a reasonable and fair manner.

### **Complaint case reference 14 – Local appeal (after Local Resolution)**

The initial complaint (the outcome was appealed) alleged cover-ups and collusion to delay or not acknowledge an initial complaint which was made in June 2018.

There is good evidence of updates whilst the complaint investigation is proceeding. Also, relevant evidence from a previous complaint is used to address the current complaint (the previous complaint appears to have been quite complex judging from the correspondence).

The Record of Complaint file is clear and to the point and there is a good response and acknowledgement of the errors on the second allegation based on the delay to record the complaint. There are no negative points found.

### **Complaint case reference 15 – Local appeal (after Local Resolution)**

This complainant refers to a reported crime, defined as a civil matter by the Police, which the complainant disputes.

Initial complaint is on 7 September, with an initial response on 10 September and a final outcome sent on 30 September. The evidence folder has sufficient information, relevant to the case (including information on the initial complaint case file holding the Officer's history of complaint allegations) so being able to separate to relevant information is important.

No negative points are found.

### **Complaint case reference 16 – Local appeal (after Local Resolution)**

There is a good explanation of the approach taken to handling an appeal and why. This is noted as seen in several other complaint appeal cases reviewed by the Panel member.

However, the negative points of this case file are:

In the conclusions of the finalisation letter - relating to the original complaint - long sections of legislation, i.e. 'Section 17 PACE' (Police and Criminal Evidence Act) are inserted. In the Panel member's opinion these could have benefitted from more explanation as to exactly which points specifically justified the complaint allegation regarding entry to the complainant's property and perhaps other irrelevant points could have been left out in order to make the letter easier to read. The above also applies to the long quoted paragraphs of 'Section 18 PACE'.

Also, in the original complaint finalisation letter, the review of the Body Worn Video (BWV) camera footage does not address several points which would have been helpful in the complaint investigation: i) It does not refer to the moment when the lock on the garden gate was cut – if this was captured it would have been useful to refer to, as the cutting of the lock was one aspect of the complaint. ii) Similarly, the BWV review does not reference the Complainant and Suspect being aggressive. This would also have been useful as it is referred to later in the letter.

If these aspects were not captured on BWV then it would have been helpful to acknowledge the reason why this was the case.

**Query:** In relation to the first point addressed in the appeal outcome letter, the Officer investigating the appeal – the Appeals Officer - concludes that the original Complaint Investigating Officer (CIO) "found that the Officers acted legally, proportionately and professionally.". However, the Appeals Officer does not refer to having re-assessed the evidence for himself, e.g. viewing the BWV footage. Doing so may have been helpful in order to provide absolute clarity to the Complainant that the outcome was fair and proportionate.

**Question:** The appeal outcome letter refers to a “Specialist Civilian Investigator”. This title has not been referred to before. How does this post fit in with the rest of the PSD?

**Operational comment:** Throughout the original finalisation letter the Complainant is addressed/referred to as either “you” or “<complainant’s name>”. More consistency would make the letter easier to read.

### **Complaint case reference 17 – Local appeal (after Local Resolution)**

The appeal outcome letter to the complainant is clear and thorough. It did a good job of explaining why the decision not to uphold the appeal had been reached. The letter is timely and written in plain English.

## **3. Complaints handled by the Early Intervention process - 12 complaints**

### **Complaint case reference 18: Early Intervention**

Handled in a positive and timely manner.

### **Complaint case reference 19: Early Intervention**

See Complaint case 3 to review, as above.

### **Complaint case reference 20: Early Intervention**

This complaint alleges that the Police would not investigate the report of a rude Delivery Driver. A positive point is that the PSD Complaint Handling Officer, Mr Galloway, took the trouble to look up the complaints procedure of the delivery Company and provided this information in the email reply to the complainant. This provides good customer service (by the Constabulary’s PSD) and it is a good way of trying to ensure that the complaint is resolved successfully by the Early Intervention method. This is a very professional response.

### **Complaint case reference 21: Early Intervention**

There is a good initial response letter from the PSD Complaint Handler Mr Krouwel to the Complainant which states:

*“I understand and respect your view that this is frivolous, and implies a lack of respect towards cyclists.”*

The finalisation letter states:

*“...[Road Safety Officer] confirmed that he has amended the message in accordance with your wishes. I have also spoken with him on the telephone and he assures me that there will not be a repeat. I have also spoken to our press office and made the same point to them. Thank you for bringing this to our attention. I respect your views, as a cyclist myself. The words used to describe an activity can have an effect upon people’s perception and, while cycling can be a hobby, it can obviously be much more than this, and we need to be careful how we phrase the messages we give to the public. I am sorry that we got this wrong, and I trust we will get it right in future”.*

This complaint also involved Twitter and was also handled well. This is an excellent response, quick and has the human touch.

### **Complaint case reference 22: Early Intervention**

See Complaint case 4 to review, as above.

### **Complaint case reference 23: Early Intervention**

This complaint is dealt with in a timely manner. Consent is not obtained to use the Early Intervention process (which is noted by the Panel member as not required), but information is given in the final letter detailing how the Complainant can proceed should he wish this to be recorded as a formal complaint. This is within a combined initial and final letter.

**Complaint case reference 24: Early Intervention**

See Complaint case 5 to review, as above.

**Complaint case reference 25: Early Intervention**

See Complaint case 6 to review, as above.

**Complaint case reference 26: Early Intervention**

There is good use of the Early Intervention complaint handling method to quickly address this complaint. However, the wording of the email acknowledging receipt of the complaint does not read correctly:

“I apologise... that *your complaint* has resulted in you raising concerns about the fact your vehicle was towed away.”

The Panel member would prefer the narrative to read:

“I apologise that your *experience* has resulted in you raising concerns.”

or:

“I apologise that your concerns have resulted in you raising a complaint.”

Also, there is no feedback whether or not the Complainant is satisfied with the outcome.

**Complaint case reference 27: Early Intervention**

See complaint case 7 for PSD to review, as above.

**Complaint case reference 28: Early Intervention**

This complainant states that he was not offered a shower or clean clothes whilst in custody.

This complaint is handled quickly and efficiently. The evidence used is that the custody record appears to state that the complainant did not ask for a shower or clean clothes, as he suggested.

**PSD Response:**

*Case ref 5 – there was no severity assessment because the complaint met the conditions to be suitable for local resolution.*

*Case ref 7 – There is a final letter held on the case record, which the panel member unfortunately missed.*

*Case ref 16 – The point made is understood, but the terms of the question (in red above) highlight a possible and important misunderstanding about appeals. The IOPC state that an appeal is not a reinvestigation. It is a process check. In other words the Appeals Assessor makes sure that the police have investigated correctly, formed logical conclusions and written the appropriate letters. The Appeals Assessor does not (and must not) reinvestigate. Therefore the Appeals Assessor only reviews the evidence relating to matters which are directly contested.*

*The Appeals Assessor only watches Body Worn Video footage if it is directly relevant to an appeal point. The Appeals Assessor would not watch it as a matter of routine. This complies with the restrictions on ‘reinvestigation’ and is also a practical decision. The Appeals Assessor is employed for 15 hours per week to exclusively consider appeals. Timeliness is promoted by the IOPC, but the Appeals Assessor never gets to the end of the queue. Many complaint files have several hours of video and the role of the Appeals Officer would be untenable on current terms if this person watched all the video relating to every contested incident. Instead the Appeals Assessor must ensure that appropriate conclusions have been drawn by the police manager who did watch it, or the Appeals Assessor watch it only in instances where its content is directly contested.*

*Regarding the question about the use of the term “Specialist Civilian Investigator”. The Professional Standards Department as an establishment has Civilian Staff and they are specialist complaints investigators. The appellant in this case had particular concerns about perceived collusion and (allegedly) organised ‘harassment’ from his local police. The PSD Appeals Assessor is one of the many civilian PSD investigators. The description of this role is therefore accurate and whilst the term ‘specialist’ isn’t always used, the intention in doing so in this specific case was to underline the post holder’s unique and independent role within the PSD.*

*Regarding the general comment: PSD welcome the suggestion to have a staff history record for incivility complaints, this process will be considered.*

*We are pleased to hear of the improved quality of investigations, evidence folders containing sufficient information, detailed reports and clear communication with complainants.*

*Thank you for the positive feedback on swiftly resolving complaints through early intervention, the narrative of the final letter will be reviewed.*

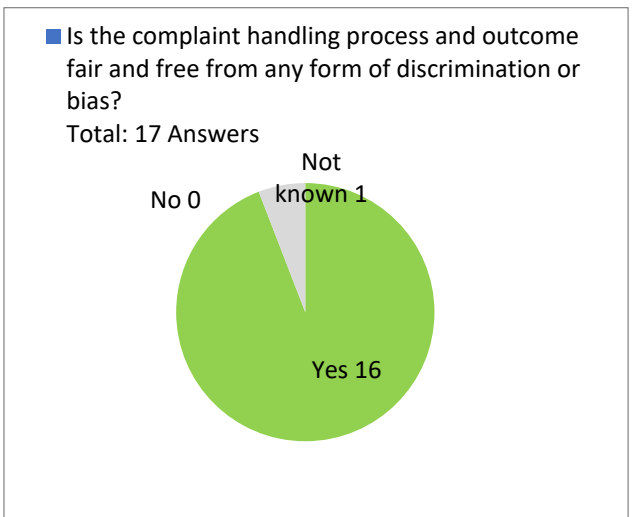
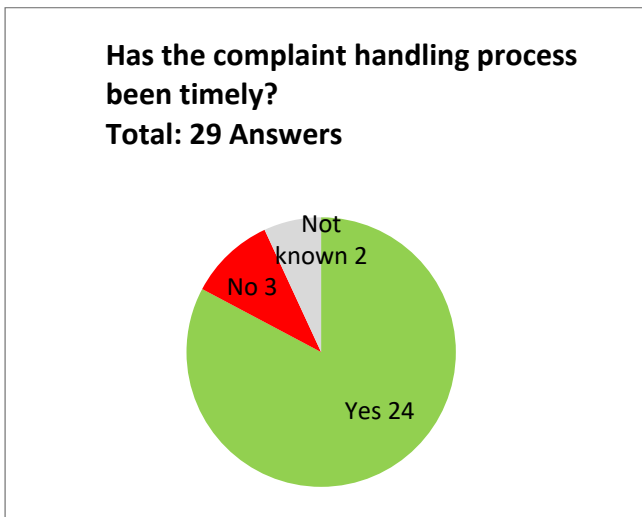
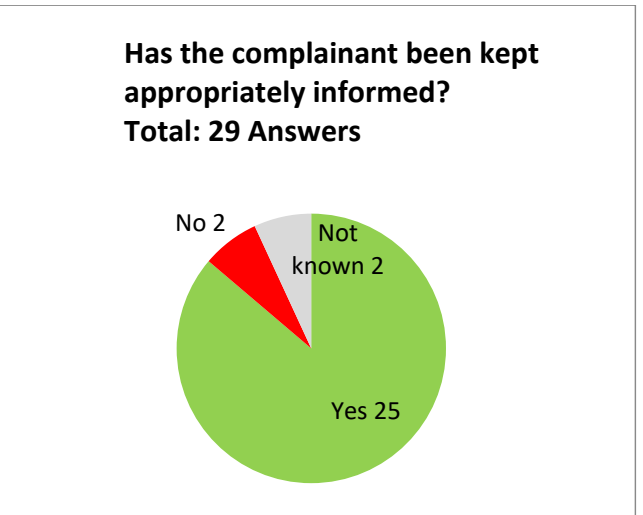
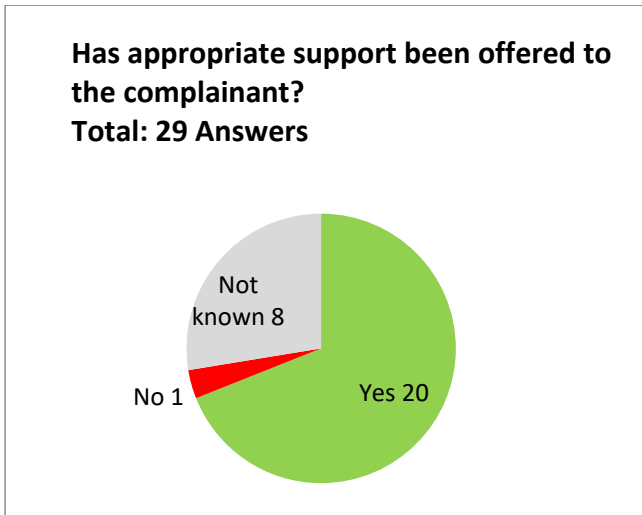
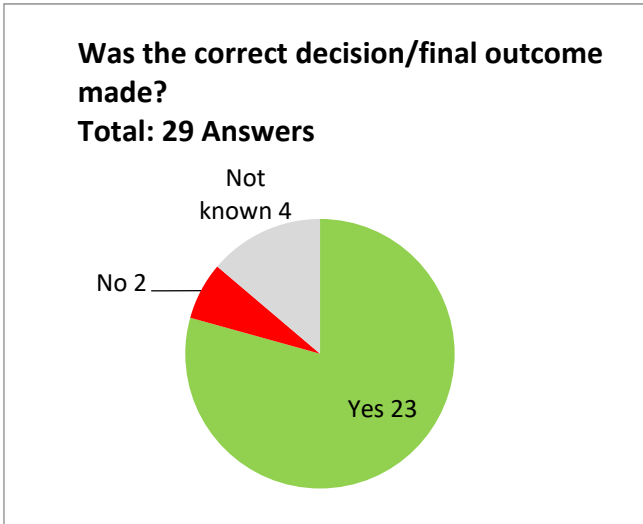
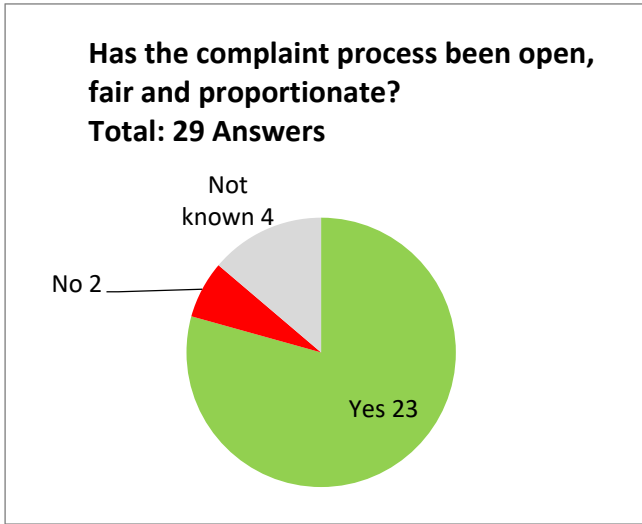
### **Complaint case reference 29: Early Intervention**

A cleaner at a Police Station has complained that she felt devalued by the way Police Officers were speaking to her.

This complaint took just over one week to complete. The Officer apologised and the PSD Complaints Handling officer telephoned the complainant and also sent a confirmation letter.



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.