

# INDEPENDENT RESIDENTS' PANEL

Complaints Review: Thursday 14 June 2018, 9:15am–3.30pm

## STRUCTURE OF THE SESSION

Seven of the 9 Independent Residents' Panel (IRP) members attended this quarter's meeting, reviewing 28 complaints from the list of requested cases. Copies of some compliments from local residents to the Police are also circulated at each Panel meeting, for members to read, in addition to complaints.

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

- Stop and Search (IOPC category K: Breach of PACE Code A on stop and search): 6 complaints;
- Custody (category M: Breach of Code C PACE on detention, treatment and questioning), specifically where the detainee has mental ill-health: 2 complaints;
- Taser related complaints: 9 complaints;
- and Incivility complaints to total 50 complaint cases.
- Including the standing item of reviewing Early Intervention/Informally resolved complaint cases.

Published quarterly complaint statistics from the IOPC are in 'Read the latest bulletins' section [here](#).



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 Learning Board and 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:** More appeal statistics and a breakdown of appeals upheld will be provided by the PSD.

**Action:** Additional narrative about Early Intervention will be added by the PSD to the Police website, on the complaints webpage, such as on [the Complaints Process](#) web-page.

## **DISCUSSION WITH THE PROFESSIONAL STANDARDS DEPARTMENT**

### **Visit to the PSD**

Members had the option to visit the Professional Standards Department (PSD) for an overview of the department structure and complaint handling procedures by Inspector Gary Haskins. The department's work includes handling of complaints from members of the public against the Police, initially assessed and then dealt with either by an 'Early Intervention' process, 'Local Resolution' process (i.e. assessed as not misconduct and not a disciplinary matter) or by 'Local Investigation'. All Local Investigations are handled within the PSD. If a PSD Assessor decides that a complaint includes an allegation of misconduct then a Threshold 'Severity Test' is undertaken and the Police Officer is served with a formal form stating the allegation of a breach of Professional Standards and the allegation is fully investigated. There are a variety of outcomes for the Police Officer, including putting an Action Plan in place, management action, aiming at learning rather than blame. If there is a case to answer for Misconduct then there may be a Misconduct Meeting. If there is a case to answer for Gross Misconduct then there is a Misconduct Hearing. The PSD also internally investigate Police Officer 'conduct matters' (where there is no public complaint, but an alleged breach of the Standards of Professional Conduct or the Code of Ethics). The PSD are also involved, with the Independent Office for Police Conduct (IOPC), in deaths or serious injury cases after Police contact. The PSD make voluntary as well as mandatory referrals to the IOPC and the Department also monitors Business Interests and Notifiable Associations of Police Officers and Staff. The new Regulations expected from April 2019 have a 'Requirement to improve' basis. A positive item highlighted is that there have been no upheld appeals by the IOPC since February 2018. In May 2018, 2 complaints were assessed as having alleged misconduct and 2 as having alleged gross misconduct.

**The monthly PSD (internal) performance 'dashboard' report** is published [here](#).

Body worn video camera footage has been very helpful in seeing and hearing the actual incident for 11 complaints received in May 2018.

### **Panel observer**

The Independent Residents' Panel Chair, Linda Cunningham, summarised the work of the Panel and introduced the Chair of the Avon and Somerset [Police and Crime Panel](#), Councillor Martin Wale, who observed part of the Panel meeting for the PSD update and Panel member verbal case summary.

### **PSD update from the Head of PSD**

The Avon and Somerset Constabulary's Head of the PSD, Superintendent Richard Corrigan, gave a PSD update during the Panel meeting, with the main points summarised below:

- There are ongoing changes for the PSD. The first tranche of changes has been the change in January 2018 from the IPCC to the newly formed Independent Office for Police Conduct (IOPC).

This is now complete. It is not just a name-change for the IOPC, there are also better communications and more streamlined decision-making by the IOPC.

- There was a Home Office visit to Avon and Somerset Constabulary earlier in June 2018. The emphasis for complaints is to put it right as soon as possible and this is the advantage of the Early Intervention process of handling complaints, which is before any formal complaint. The Home Office were impressed by Avon and Somerset Constabulary having complaint cases critiqued by the Independent Residents' Panel. There is no such scrutiny for most other Police Forces. The Home Office said the Panel is a good approach regarding checks and balances.
- April 2019 will more formally embrace *learning rather than blame and sanction* which is welcomed by the Head of the PSD. Avon and Somerset Constabulary are ready for this next tranche.
- After April 2019 (the proposed commencement of the complaints part of the Policing and Crime Act), 'Local Resolution' terminology and complaints processing will disappear. Recording decisions and the terminology/language used which is not public-friendly will go, such as 'disapplication' and 'de-recorded'. Every complaint will be recorded. The complaints handling process will be less prescriptive, with more local judgement on resolving the complaints. Full details of the legislation are still awaited.
- The threshold for misconduct will also change to 'Would the Police Officer complained against receive a written warning or higher sanction?'. This is a shift from blame to learning.

### Question and Answer Session

**Panel question:** As 'Local Resolution' will be disappearing and all complaints will be recorded, what about the 'Early Intervention' process?

**PSD answer:** There are no details yet as legislation is awaited. However, subject to the legislative changes, the PSD want to get rid of all jargon/language and record all complaints. Some complaints will be assessed as so serious as to have a sanction of a written warning or above. The rest of complaints will have a reasonable and proportionate resolution, to include Early Intervention. The complaint range will be from Early Intervention to a full Investigation and within this range, serious allegations by known and repeat complainants, to manage appropriately. In the middle of the complaints range, the complaints process will include a meeting with the complainant, resolution by Action Plan and delivery of the learning and actions.

From around April 2019, the right of appeal for complaints below misconduct will be to the PCC rather than to the Constabulary's PSD.

The term 'Appeal' is going and will be replaced by the 'Right of Review'.

**Panel question:** Will the 'Right of Review' require a different volume of resource? Will there be more reviews than the current number of Appeals?

**PSD answer:** The details are not current known.

There are Terms of Reference from the PCC's office and work undergoing to prepare for the change in the complaints system regarding the Policing and Crime Act, including the involvement of the Independent Residents' Panel.

**Panel question:** The May 2018 PSD report states that there have been 24 finalised Complaint Appeals to the Constabulary for the last 12 months (year to date) and 7 of these appeals were upheld, which is reported as 31.8%. Most appeals appear to be upheld for procedural reasons, rather than because the substantive decision was wrong.

The March 2018 Panel request was for more narrative and background context from PSD for Constabulary Appeal data, particularly the meaning of 'upheld' appeals. The suggested terminology for upheld Constabulary appeals is a breakdown including:

- Upheld: The complaint was not suitable for local resolution.
- Upheld: The complainant was not given the opportunity to comment on the complaint during the investigation and/or not provided with a written response.
- Upheld: The complaint Investigating Officer did not conduct a fair and proportionate investigation, and/or responses which were insufficiently detailed (with an apology or learning points identified where appropriate).
- Upheld: The original complaint outcome is changed.

**PSD answer:** PSD have a set of rules for handling complaints, for example, an Action Plan for Locally Resolved complaints. In all 7 upheld appeals it has been agreed that there was a breach of the complaint handling rules. An upheld appeal rarely means a change to the original complaint outcome.

**Action:** More statistics and a breakdown of appeals upheld will be provided by the PSD.

2 out of 11 finalised Constabulary appeals in May 2018 were upheld.

10 (38%) of IOPC investigation appeals upheld between 1 April 2017 and 30 March 2018 and 7 (26%) non-recording appeals upheld by the IOPC in the last financial year 2017/18.

**Panel question:** The total number of complaints formally recorded per month is around 70. However, the number of open complaint cases as at 11 June 2018 is 242. This equates to over 3 months of complaints that are currently open which seems high?

**PSD answer:** The average time to resolve and finalise a complaint is 63 working days (3 months) and there is robust analysis and an efficient 'engine' within the PSD. The Independent Residents' Panel is also additional Quality Assurance.

**Panel question:** Successful 'Early Intervention' of complaints are currently 41% of the total number of complaints received, i.e., for May 2018 there were 123 total complaints, 68 formally recorded and 51 had successful early intervention, with 93% completed within 72 hours. The Panel review Early Interventions but should they be themed according to allegation categories?

**PSD answer:** The PSD Head shared the worry areas, for the Panel's consideration in future reviews:

1. Concern regarding complaint allegations of incivility.
2. The complaint handling should be within the current legislative framework.
3. Regarding the PSD work that goes out, is it public/complainant focussed? Currently, locally resolved complaints are handled by local Managers, within the geographical area or department of the Officer complained against, whereas locally investigated complaints are handled by the PSD centrally at Police HQ.

The Panel Chair noted that the Panel's last review of complaints of incivility was in March 2017 and is scheduled to be reviewed again in December 2018.

**Panel question:** As at the last Panel meeting, the Panel request that narrative about Early Intervention is added to the Police website, on the complaints webpage.

**PSD answer:** This is agreed.

**Action:** Additional narrative about Early Intervention will be added by the PSD to the Police website, on the complaints webpage, such as on [the Complaints Process](#) web-page.

The Head of PSD attended the Panel member verbal summary session and was also available to respond to any questions about the last Panel 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.

### **POSITIVE COMMENTS**

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

1. Within the last 18 months of a Panel member's review of complaints, there have been good terminology changes, jargon which couldn't be understood has been removed and there is a warmth in letter writing to complainants. There used to be no apology but now there are clear and early apologies and the narrative is now meaningful, in plain English, which is a great improvement.
2. Excellent examples of Complaints Investigations Officer (IO) Investigation Reports for Locally Investigated complaints. (Noted that there are Action Plans for Early Interventions and Local Resolution complaints, rather than Investigation Reports).
3. At the last Panel meeting, Body Worn Video camera footage (BWV) was reviewed, and there were 4 different abbreviations used by the Constabulary. Now it is consistently referred to within the Constabulary as 'BWV' which is excellent.
4. A Panel member reviewed 6 complaints and overall, the complaints were considered to be properly handled.
5. Another Panel member was really pleased with the Constabulary correspondence. There were no bad letters. One complaint had a personalised reply to the complainant, saying thank you for the letter and giving an apology.
6. An example of thorough complaint work regarding a complaint relating to a report of domestic violence in 2017. There were 91 potential occurrences on the Niche Police database and this was successfully narrowed down by the PSD complaint handler to one occurrence.

*PSD response:*

*We are pleased to hear of the improved quality of investigation reports and letters. We have been working hard to ensure that this is the case, which now appears to be the norm with our investigators.*

## **QUESTIONS, 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. The Complaints handling database is noted for the PSD staff. However, the files stored on the Police hard drive (Q drive – the ‘warehouse’ area) are not in a standard format. A suggestion, to keep it simple, is 3 sub-folders within each complaint case file:
  1. Complaint, 2. Investigation and 3. Resolution.
2. The introduction of a complaint ‘Front sheet’ summary electronic document would be useful for complaint reviews.
3. Have the Log of Enquiries (LOEs) gone?
4. Examples of complaints reviewed by the Panel today and at previous Panel reviews have shown that complaints are left un-progressed whilst a complaint investigations officer/complaint handler is on holiday (on Annual Leave).

**PSD/Complaint question:** Can another Officer cover the complaint process when the main Officer is on leave?

5. Care and awareness/learning is needed regarding some internal correspondence narrative, for example, in one case, making subjective comments about the complainant. This is not good.
6. A clear, advanced warning of the possible use of a Taser would have prevented one example of a complaint.
7. Panel members do not consider it appropriate to use inverted commas/quotation marks when referring to another “Witness”. It insinuates that it is not believed.
8. Examples were reviewed where the initial complaint didn’t seem to match the allegation narrative recorded, for example a recording of Excess Force wasn’t the issue of the complaint.
9. Operational Policing concern that if Officers are attending an incident concerning a person with mental ill-health that there should be as much intelligence and information as possible.
10. One case regarding a person who was mentally ill indicated by the Complaints Investigations Officer that the Police Officer’s BWV was switched off during the incident.

**Operational question:** Why would an Officer stop their BWV during an incident?

11. **Operational question:** it is noted that after the deployment of a Taser, officers are able to discuss the incident before making statements. Why is this standard practice and does it not risk inadvertent contamination of evidence?

**PSD response:**

*The suggestions raised by the panel are all really valid and ones which we will consider. In relation to Log of Enquiries (LOEs), yes these have now gone as we encourage all our staff to record their actions on the Centurion complaints database. That makes it easier for all to search. Our investigators do carry quite high workloads which does mean that operational Inspectors carry less complaint investigations. This is better in so much as they have more competing demands that they need to juggle on a daily basis. The practicalities and continuity of complaints being passed over to others is problematic but we always strive to ensure complainant are updated every 28 days and that they know of any planned absences. We do occasionally hand some complaints over to other investigators where the need arises.*

*Regarding operational questions we will ensure they are passed onto the relevant people. In terms of the BWV, we encourage our officers to leave their BWV running at all times. However, it is right that they have discretion on when may be appropriate to turn it off. For example, if they were visiting locations with vulnerable people (such as a Brothel) and if a vulnerable victim preferred the camera was not on. These are rare circumstances though and in the main, it should always be on when deploying to an incident. Battery life is also another possible factor.*

*In terms of officers conferring with one another following a Taser incident, I am not aware that officers would discuss the incident prior to completing notes/statements. This would not be done, however officers may speak and discuss the deployment with the FIM, maybe this is what they are referring to. The FIM is the Force Incident Manager based in the Communications Department (Police Control Room/Call handling) with responsibility for the initial management of firearms and other critical/high risk incidents.*

*The below is a number of questions which may be asked post deployment by the FIM to the deploying officer. Routinely any incident officers are deployed to where Taser is pre authorised they do not speak to the officers, although this is on a case by case basis. If Taser is deployed dynamically without pre authorisation by officers then the FIM will contact the officers to discuss the deployment and check the below, and ask questions around the officer's rationale working around the National Decision Making Model:*

- 1 IF SUBJECT HAS CARDIAC PACEMAKER, REFER TO HOSPITAL
- 2 IF SUBJECT HAS OTHER PRE-EXISTING MEDICAL CONDITION, CONSIDER HOSPITAL REFERRAL
- 3 IF SUBJECT TRANSPORTED IN POLICE VEHICLE - MUST BE ACCOMPANIED BY ONE OFFICER PLUS DRIVER
- 4 ESCORTING OFFICER MUST ENSURE CUSTODY OFFICER ADVISED OF TASER DISCHARGE
- 5 ALL ARRESTED SUBJECTS OF TASER DISCHARGE MUST BE EXAMINED BY FORCE MEDICAL EXAMINER
- 6 ADVISE OFFICER DEPLOYING TO CALL FIM FOR DEBRIEF PRIOR TO END OF TOUR OF DUTY - ANY CONCERNS REFERRED TO DUTY TFC CADRE
- 7 CONFIRM POLICY FOLLOWED RE. PACKAGING OF BARBS/CARTRIDGES AND PAPERWORK AND THAT COMPLETION WILL BE PRIOR TO GOING OFF DUTY.

## REQUESTS FOR COMPLAINT FILE REVIEWS

There are no complaint cases requested to be reviewed by the PSD.

*PSD Response: None required.*

## SUMMARY OF COMPLAINT FILE REVIEWS

**Theme: A detainee in custody, with mental ill-health: Both of the 2 complaint cases in this category are reviewed by Panel members.**

### **Complaint case reference 1: Custody – Detainee with mental ill-health**

This complaint has been dis-applied (no further action taken) following a lack of follow-up by the complainant. The complaint is recorded and logged 28/12/2017 and the final disapplication letter is sent on 1/5/2018. The complainant self-defines as mixed heritage, with mental disability. The positive points of the case are that evidence against the allegations is concise and also that there are repeated efforts to communicate with the complainant. However, the structure of paperwork in the complaint file – 54 files in 7 folders - does not flow easily.

### **Complaint case reference 2: Custody – Detainee with mental ill-health**

A very thorough and detailed investigation by **Jenny POTTER**. All available evidence is reviewed in detail and the reasons for the decisions are clearly explained.

The final letter to the complainant is clear and well-worded. The Constabulary reply offers an apology for any misunderstandings and for the situation regarding the medication which could have been better handled. Also, another positive point is that the letter outlines what action will be taken to ensure that Staff are better trained in the future and learn from this mistake.

However, a point of concern is that the Officers attending the incident switch off their Body Worn Video camera (BWV) before the complainant's partner arrives, according to the Complaints Investigations Officer. It would have been helpful if BWV was available for the entire incident, since one of the complaint allegations relates to a conversation which occurred after the BWV was switched off (how the complainant's partner would get home).

This is a case in which the issue of a detained person being denied medication because the Custody Staff do not know what the Detained Person has taken prior to detention. This situation has been reported by the Panel in previous reports.

**Operational Policing Question:** What can be done to improve the situation where a Detained Person is denied medication because the Custody Staff do not know what the Detained Person has taken prior to detention? Is this a matter for the Professional Medical Person on duty in the three Constabulary Custody Units?

**Taser: All 9 complaint cases (over the last 12 months) in this category are reviewed.**

**Complaint case reference 3: Taser use. Independent Investigation by the IPCC (now the IOPC).**

The failure to recover the CCTV of the incident is very concerning and the panel member did not get the sense from the correspondence that it was taken sufficiently seriously – an email states that the officer couldn't remember much about the case due to the passage of time but had been spoken to. On the face of it, that does not seem adequate given the consequences which resulted from the omission. It is also noted that the IOPC appears to have had difficulty obtaining evidence from that officer.



The two learning points in the letter to the IOPC are noted – please can PSD update on progress with those actions. The panel member also suggested that consideration is given to having some form of policy or procedure which would prompt officers to record intelligence about mental illness on PNC and/or NICHE (subject to data protection compliance etc.). In this case the panel member's view was that, had the attending officers had that information, the situation might have unfolded differently.

#### **Complaint case reference 4: Taser use.**

This is a complicated situation where Police Officers are dealing with two individuals in a difficult and obstructive situation and the Panel member also notes that the complainant is distressed. This is a thorough, reasonable and proportionate complaint investigation.

The Panel member very largely agrees that the complaint allegations investigated are correctly not upheld. The Police Officers are commended for taking their time to calmly try and resolve the situation. However, the Panel member's observation of the BWV is that the situation very rapidly moves - about 17 minutes into the situation - from this on-going calm(ish) discussion to handcuffs and a Taser red dot used. Therefore, the Panel member can understand why the complainant is somewhat taken aback at this situation.

**Operational Policing question:** The Panel member wonders whether some further clear warning to the person of what would happen if he didn't behave – a Taser warning - would have been appropriate. The Complaint Investigation Report correctly says that the Police Officers said "Get up and I will not put the cuffs on". However, there is no forewarning of the threat of Taser use.

#### **Complaint case reference 5: Taser use**

The Panel member didn't read all of the voluminous files, i.e. 436 Files in 29 Folders.

This is a very thorough IPCC independent investigation.

A recording of an interview of a Police Officer following the Taser firing (HQ15 FIM), where the Interviewing Officer says of the complainant "What an idiot", meaning that if the complainant had chosen to give his name and address this whole Taser event wouldn't have happened. While this was probably a comment made in passing, as a member of the public, the Panel member is not happy that Officers are referring to members of the public as "idiots" when members of the public are wrongly put in unexpected and difficult situations. I say this within the context that while such events are every-day events to Police Officers, they are not every-day events to members of the public.

The Panel member agrees with the IPCC report that the Police Officers should have warned the complainant before discharging the Taser. (The Panel was informed by the PCC's CEO that in Court the Judge stated that there *had* been a warning) and with the IPCC's final conclusion that the use of the Taser in these circumstances warrants a case to answer for Gross Misconduct for the Police Officer who used the Taser.

#### **Complaint case reference 6: Taser use**

A "Dissatisfied with Police Service' email is received by the PSD. The complainant states she 'witnessed a racist attack on one of my elderly neighbours (names and age given), which lead to him being tasered".

The response from PSD is:

*"In view of a previous complaint having already been received from a 'witness' to this incident, (Case 4 as above reference quoted) and the fact that the IPCC are now dealing with this as an independent investigation, this complaint is to be formally recorded and then referred onto the IPCC to deal."*

Positive points are that there is a clear letter sent to the complainant, setting out what has been done and that the IPCC will be in touch. A letter is sent from the IPCC 10 months later, providing an update.

Of concern is that the use of inverted commas around the word **witness** (see above) is not appropriate and suggests a judgement has been made. This is important as the previous complainant referred to (the Case 4 complainant) is a relative of this complainant (in Case 5).

#### **Complaint case reference 7: Taser use**

There are very good letters, clear and comprehensive, with excellent documenting of both the investigation and the thought-processes at all stages. There are no negative points or concerns.

#### **Complaint case reference 8: Taser use**

Police attended to question a male. The complainant is the father who alleges that Police Officers failed to identify themselves or provide authority for the entry to the complainant's home address and stated 'the uniform was the only identification that I was entitled to see'.

The complainant alleges that the Police Officer used unnecessary and excessive force against him, 'held a taser' 'twenty centimetres in front of my face' and 'warned to move away else I would be shot in the face'.

BWV is used, showing 3 different views. The BWV does not support the complainant's version of events, although the experience was clearly very frightening for him.

The Panel member notes that the threat of Taser is sufficient to stop the son resisting being handcuffed. However, given that there were 5 Police Officers present, was the drawing of a Taser necessary?

Of concern regarding the complaint handling is the decision that it is not necessary to interview the complainant. As he is elderly and clearly very angry, this may have been helpful to the complainant.

**Operational policing enquiry:** Although the threat of Taser (a red dot) is sufficient to produce acquiescence in the male subject, where there is no risk to the public, the police or the suspect, with 5 Police Officers in a small room, should a Taser even be drawn from the holster in this situation?

#### **Complaint case reference 9: Taser use - and use of PAVA spray**

A thorough investigation which sets out in detail all the relevant information. Although it is decided that the Officers' actions are appropriate, good attempts have been made to give feedback and learning points identified, which is good. The learning was specifically regarding the complainant's car being removed for disposal due to him not responding within 14 days. However, this is whilst he is in Hospital).

Of concern is that in the final letter sent to the complainant's Solicitor, there is no apology made to the complainant. The experience was clearly very traumatic for the Complainant, who is suffering from mental ill-health at the time of the incident. The Panel member considers that this case definitely requires an apology for the distress caused to the complainant, both in relation to his experiences of being detained and in relation to the damage to his car.

#### **Complaint case reference 10: Taser use**

The complaint has been thoroughly investigated and the fact that the complainant pleaded guilty in court when charged essentially undermines the complainant's complaint against the police.

#### **Complaint case reference 11: Taser use**

There are 74 files in 5 folders for this complaint case.

BWV is helpful in showing the Police actions, which did not seem excessive and there is evidence of the complainant being treated with respect and kindness. "PC WEBB then offers his Police issue fleece to <the person is named> to keep him warm which he accepts."

The reports are detailed and the complaint investigation appears appropriate, with the final letter clearly setting out what had been done prior to the complaint.

The complainant wrote to the IOPC and the IOPC passed this to Avon and Somerset Police. This is then recorded as:

*The complainant alleges that the officer used unnecessary and excessive force upon him with the discharge of a Taser.*

However, the complainant's letter is more a description of events and his injuries. His main complaint in fact appears to be about the inadequate medical treatment of his injuries.

The complainant also wrote, chasing a response. He refers to a communication:

**"For the attention of <named PSD> Case Administrator. I refer to your email of 5.2.2018."**

However, this email is not in the complaint case file.

**PSD/Complaint question:** The BWV evidence is posted by the PSD to the IOPC on a memory stick, with the password emailed separately. Is this within policy?

**Operational policing comment:** This mental health incident is handled appropriately given the risk to the public and the male subject, who is vulnerable. It is difficult to see how else this could be resolved quickly and safely. It is important that support (e.g. Call Centre Mental Health Triage nurses to advise Officers) and training for dealing with mental health incidents is ongoing.

**Theme: Stop and Search: 4 out of 6 complaint cases in this category are reviewed.**

#### **Complaint case reference 12: Stop and Search**

A well researched and very comprehensive report. This complaint investigation is upheld and the Officer dealt with by Management Action. Regarding the file-structure, the Complaint Investigation Officer's report is attached to an email, not stored separately in the folder.

#### **Complaint case reference 13: Stop and Search**

The Officer is dealt with by Management Action. This case is thoroughly investigated, with a well written Investigation Report produced. The complainant makes 5 allegations against Police Officers and one is upheld.

#### **Complaint case reference 14: Stop and Search**

A female is stopped in her car when Police Patrols are looking for a similar car involved in a domestic dispute. Officers are looking for a male suspect. The female complains and also appeals against the outcome of the first complaint, but acknowledges that she had no complaint against how the Police Officer conducted the complaints investigation. The appeal is against the principle/policy which allowed her to be stopped.

**Operational policing question:** When the driver is identified as a female and not a male that the Police are looking for, why isn't an apology immediately given by the Officer and the female allowed to go on her way? Once information is received by an Officer to inform them that the wrong person is being detained, why isn't there general, Constabulary-wide learning that the Officer should immediately release the person, explaining the reason for the original action?

#### **Complaint case reference 15: Stop and Search**

The Stop and Search is recorded on BWV and the complainant is provided with a copy of the footage. The Constabulary emails are also in plain English. The complainant is unhappy with Early Intervention and a request is made for a formal complaint which is recorded.

The Early Intervention process is helpfully in a sub-folder of the subsequent, formally recorded complaint.

**Theme: Incivility, impoliteness and intolerance: 3 of the 7 cases were reviewed.**

**Complaint case reference 16: Incivility, impoliteness and intolerance**

The Incident Log typed by the Police (101) Call Handler is available for review, which is helpful. It is also a timely complaint, taking just over 2 months. However, the final letter does not really address the complaint (The complainant alleges that the officer wrongly accused him of causing a collision to claim money, was rude and shouted at him). Rather, it gives a definition of what the nature of the road traffic collision refers to – i.e. undue care.

The final report does state that the Highways CCTV captured the collision and that it does clearly show the complainant stopping in a live lane on the motorway, with the lorry colliding into the rear of the complainant's vehicle.

**PSD/Complaints question:** Is there a checklist that Police Officers dealing with complaints can use as a toolkit to ascertain their awareness of conscious or unconscious bias?

**Operational Policing question:**

Why did the Officer accuse the male of causing the collision to claim insurance? Was there evidence?

**Operational policing concern:** Is this case racial discrimination? What interaction did the Police/Officer have with the other party involved in the road traffic collision?

**Complaint case reference 17: Incivility, impoliteness and intolerance**

Evidence records are very detailed and provide a comprehensive log of all actions taken, all interviews and summaries leading to the final decision. The final letter is very needs-driven and respectful and also acknowledges areas of learning whilst being very assertive about the outcome based on the evidence. The support and updates to the complainant are regular.

**Query:** The complainant's letter suggests that the body language exhibited by the Police Officer could have influenced her perception of the case. It is clear that it is an emotive subject and the trauma is evident in the complaint letter. How do we as a panel corroborate this?

**Operational Policing question:** Interviews are recorded. Are there any options where this recording may be visual as well as audio, with consent?

**Complaint case reference 18: Incivility, impoliteness and intolerance**

The original case is logged on 26/2/2018 and there is an intention to deal with it through early intervention. However this was not possible due to allocations/resource at district level. Therefore the complaint is formally recorded. The complaint is then swiftly progressed and a final letter is sent on 21/3/2018. However, no evidence of any investigations being carried out is available for Panel member review. Reference is made in the Action Plan: Speak to officers and view BWV.

**PSD/Complaints query:** Evidence that leads to a decision should be made available to the Panel within the complaint file. In this complaint case it is difficult to know whether the case has been dealt with adequately.

**Early Intervention: 10 cases reviewed from a selection of 25.**

**Complaint case reference 19: Early Intervention**

This is essentially a series of minor events (in the Panel member's view) from a time period before 2013 up to 2015. The Constabulary has gone to considerable lengths to try to understand the nature of the complainant's complaint – which is to be commended – but with the result that (the Panel member thinks) the whole matter has been disappplied because of its historical nature. The right for the complainant to appeal against the disapplication decision is given.

In all, this wasn't a particularly speedy resolution, but appropriate given the nature of the complaint and the complainant.

**Complaint case reference 20: Early Intervention**

There is a sensible, proportionate investigation of the complaint, reaching the correct conclusion in the Panel member's opinion.

The initial letter to the complainant isn't dated. The email complaint is 27 February 2018 and the final letter is dated 31 March 2018, so this isn't a very early resolution.

The complainant complains about a number of items, including (i) how long they were detained, and (ii) why their phone was confiscated for so long. However, neither of these allegations are explicitly addressed in the final letter. While these may have been subsumed within the response to whether the arrest was lawful, it would be helpful for the complainant to answer the complainant on their terms.

**Complaint case reference 21: Early Intervention**

In this case the allegation that a crime is not being investigated is not upheld. It is completed in a timely manner.

**Complaint case reference 22: Early Intervention**

An allegation of wasting police time is not upheld. No further comments from the Panel member.

**Complaint case reference 23: Early Intervention**

The complainant is not met at Patchway Police Station by a Police Officer when told this by a Police Call Handler. The conclusion is that there is a breakdown in communication between Police Call Handling/Communications Department and the duty Sergeant who did not get the message to attend. This complaint took longer than it should have to resolve an early intervention case - a total of 45 days. It is considered that there are too many delays in trying to resolve this matter which should have been sorted out quicker.

**Complaint case reference 24: Early Intervention**

2 Police Officers arrested an individual in a Rough Sleeper Centre without approaching the Centre's staff first. This complaint is dealt with in a timely manner and sympathetically.

**Complaint case reference 25: Early Intervention**

This complaint relates to lack of action by the Police to carry out an inquiry/investigation due to holiday (annual leave) reasons. The proposal to deal with the complaint as an early intervention may not have been successful. The original complaint is logged on the 21/5/2018 and correspondence suggests a reactive approach rather than proactive, with the final outcome letter dated the 31/5/2018.

- Positive: Issue was dealt with
- Neg: As mentioned above it is a reactionary approach from the officers, there are several reminders to officers to communicate with the complainant
- The main reasons cited were A/L – the attending officers

**PSD/Complaint questions:**

i. Why should a complainant have to wait for their complaint to be resolved because a Police Officer is on leave?

ii. What opportunities are there to centralise the handling of early intervention cases to a pool of Officers (the PSD Assessors at Police HQ)?

### **Complaint case reference 26: Early Intervention**

The complaint is acknowledged within 36 hours and some investigation is carried out but the email response to the complainant and the Officer's comments to the PSD Complaint Handler appear to be inconsistent.

Clearly the case is still ongoing. The last email correspondence is dated 13 June 2018 (the day before the Panel meeting). This case should not have been included in the completed complaint case references provided for review as a second complaint has been added (10 June 2018) and it is still ongoing.

### **Complaint case reference 27: Early Intervention**

The complainant could not recall date of incident or which Police Officers might have been involved in investigating an allegation of domestic violence where the complainant is the suspect.

The PSD Early Intervention Team try to assist by looking for incidents relating to the complainant. This is difficult as there are 91 occurrences on the Police database. This is narrowed down by elimination and cross-referencing to the potential victim. The Panel member considers that this is providing excellent complainant-focus as he is unable to provide this basic information about his complaint beyond that: "it happened in 2017". Compliments to the PSD Assessors handling this case.

### **Complaint case reference 28: Early Intervention**

This complaint is finalised within 7 days. Initially it is a cycling/van near-miss incident reported by the cyclist who wants the Police to talk to the van driver. The Police are unable to satisfy this request by the cyclist so it is referred to the PSD as a complaint, to ensure that the advice given to the member of the public by the Police Officer is really correct.

The Panel member states that it is nice that a *personalised* apology is given, even before the expression of dissatisfaction – the complaint - is referred to the PSD:

"Good morning <first name>,  
Thank you for your email. I'm sorry you are disappointed in the service we are providing.  
I have forwarded this email chain on to our Professional Standards Department...."

The Panel member considers that this diffuses a situation at a very early stage and also makes the complainant feel that their complaint is being dealt with by real people and not 'the system'.

*PSD response:*

**Case ref 2:** *Yes, the embedded Health Care Professional in custody will complete assessments and make decisions regarding medication that can or cannot be taken by the detainee.*

**Case ref 4:** *As part of the Taser training officers are encouraged to provide a warning before deploying. However, it is not always possible to issue a warning but what officers must remember is that it is for them to justify the use of force under the requisite legislation.*

**Case ref 8:** *As above, the decision to use Taser is one for the individual officers to make.*

*Regardless of the number of officers present, they need to consider the threat posed and use the National Decision Making Model. In doing this it is possible to come to a decision which merits the use of taser despite their being a large number of officers present. Reasons for this could include the injury that could be caused to the individual, police officer or the public if they decide to place their physical hands upon them and what reaction this may invoke.*

*BWV has meant that we now have vast amounts of data that needs to be stored. Because of this it's not possible to send such large files as attachments on email. Memory sticks are therefore often the most appropriate way to send this and it's not in contrary to any policies.*

**Case ref 14:** *The panel were right to highlight the issue of officers not apologising to the person mistakenly stopped. This is something we would always encourage.*

**Case ref 16:** *We do not have a checklist for officers to assist them in identifying unconscious bias. However, all our operational staff have received training as part of a comprehensive roll out.*

**Case ref 18:** *We agree that in order for the panel to be able to review cases, they need to be provided or have access with all the relevant material to enable them to come to a well-considered finding.*

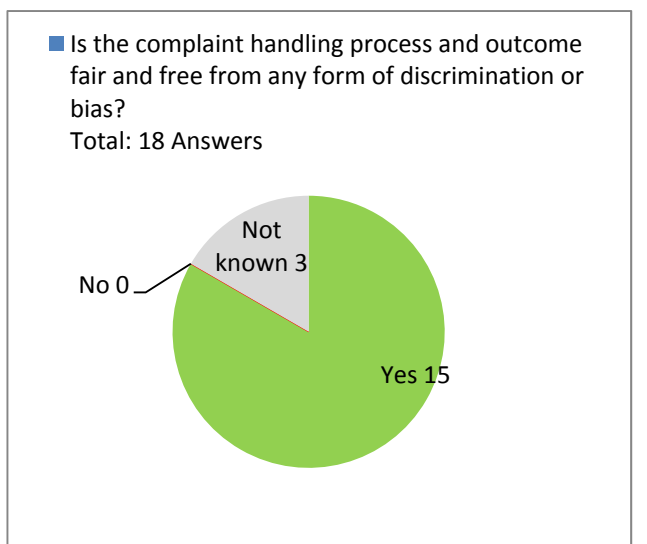
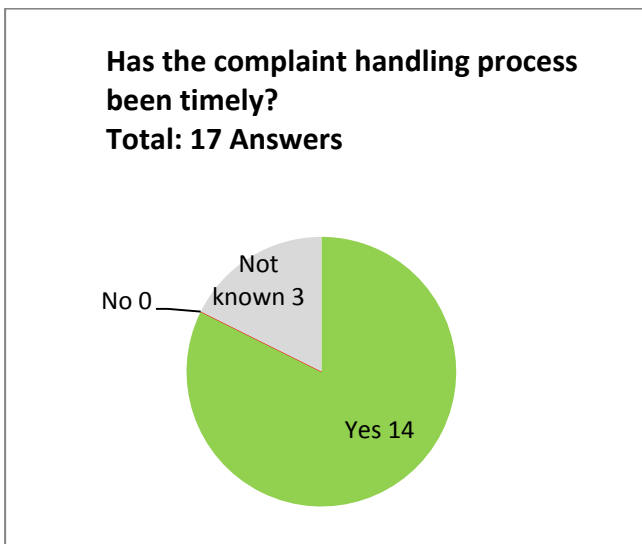
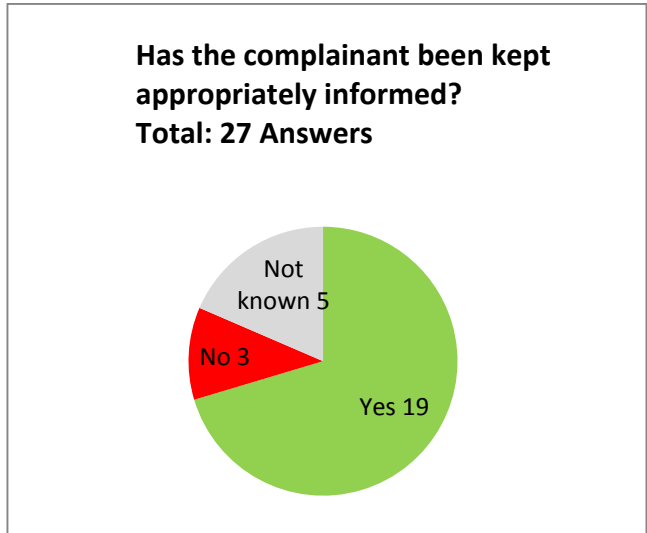
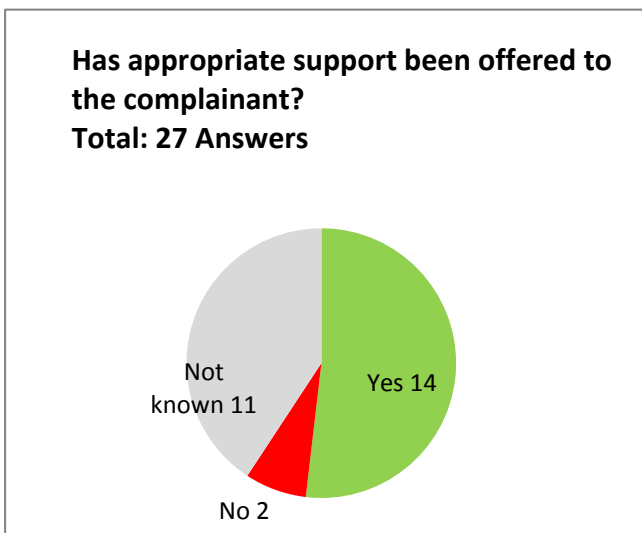
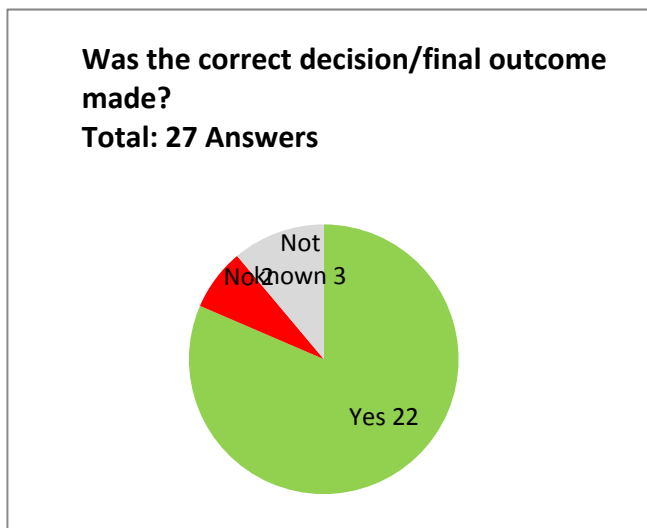
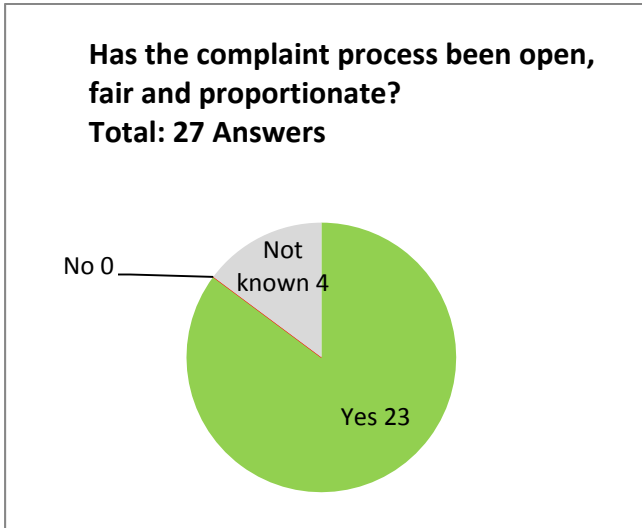
**Case ref 25:** *Often, waiting for an officer to return from annual leave is beneficial particularly if the complaint is particularly complex. The Investigating Officer will more often have their own specific way of collating, reviewing and presenting their findings, which can become frustrated if another person is brought in to do this. When this happens, we always aim to update the complainant of this.*

*I can confirm that the Early Intervention team are all located in once place, which is at Police Headquarters. This enables unforeseen absences to be covered and the workload shared between the team.*

### **Any other business**

- The Panel's Terms of Reference were updated regarding the General Data Protection Regulations and authorised to be published on the PCC's website.
- The Panel member who attended the Service Delivery Assurance Enquiry Day on 9 March 2018 regarding vulnerability, gave an update on this excellent day. The family have been directly involved in discussing the Enquiry Report. However, as a generic comment, the panel member expressed disappointment at the poor internal communication regarding the reasons for the delay in publishing the final output report and had asked for timescales, that had slipped. Work was being done but no assurance was given to the Panel member. It is important to engage, even if there is no information, that fact should be communicated. Apologies were given by the PCC for the lack of communication regarding the delay.
- There were no further questions from the Councillor but comments on it being very helpful to see the Panel in action, having previously received reports of the work. Also compliments were given regarding the Head of PSD's update and response to the Panel members' questions.

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.