

INDEPENDENT RESIDENTS' PANEL

Complaints Review: Thursday 15 March 2018, 10am–3.30pm

STRUCTURE OF THE SESSION

Seven of the 11 Independent Residents' Panel (IRP) members attended this quarter's meeting, reviewing 36 complaints from the list of requested cases after the annual elections of Chair and Vice Chair. 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: The most recently completed complaints against the Police (and beyond the 28-day appeal period) from April 2017 to the end of February 2018 were requested by the Panel, within the Independent Office for Police Conduct (IOPC, replacing the IPCC from 8 January 2018) complaint categories of:

1. **Discrimination (disability).** As there were *no* disability discrimination complaints since April 2017, complaints from complainants with a self-declared disability were requested. 20 finalised cases (plus 18 'unknown/prefer not to say') cases were provided by PSD. Some were live/ongoing cases. This theme is a request from the Disability Independent Advisory Group (DIAG) for the Panel to review **complaints from people with disabilities**. A total of 46 complaints with these disability responses (including 'unknown/prefer not to say') from complainants were provided to the Panel by the Constabulary, for the time period from April 2017 to the end of February 2018. 6 cases were Mental Health/Psychological; 11 cases were Physical disability (6 from the same person); and 3 marked as 'other' (1 marked cancer, 1 marked unknown).
2. **Sexual assault and Other sexual conduct** – 2 complaints finalised since April 2017.
3. Also requested were 12 of the latest finalised '**early intervention/informally resolved**' complaints.

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



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.

DISCUSSION WITH THE PROFESSIONAL STANDARDS DEPARTMENT

Avon and Somerset Constabulary's Deputy Head of the Professional Standards Department (PSD), Detective Chief Inspector Mark Edgington, attended the Panel member summary session and was available to respond to any questions about the last Panel report.

PSD update from the Deputy Head

- Panel members' compliments about Police Officers have been fed back and there is good learning;
- The PSD changes to their Department includes more complaints being handled centrally (20% more work has been taken from District Officers) to free up front-line Police Officers' time. PSD processes are good and the Department is looking at empowering Police Managers, for example, in handling conduct matters, with Intranet information to assist Line Managers;
- PSD Incident Assessors have an extended role, now including the informal resolution of complaints – or expressions of dissatisfaction - suitable for early intervention (a target response within 72 hours);
- There has been a discrimination awareness event at Police HQ, including 'Achieving Best Evidence' (ABE) training and the benefits of video interviewing;
- The PSD have undertaken analysis of crime and hot spots and areas of complaints, more effectively using available data.
- There have been changes within the Independent Office for Police Conduct (the IOPC, replacing the IPCC from 8 January 2018). There has been very good feedback from the IOPC on how Avon and Somerset Constabulary perform. The PSD make voluntary as well as mandatory referrals of cases to the IOPC. Due to the IOPC confidence in the PSD, the IOPC most often refer back to the PSD for local investigation, rather than an independent IOPC investigation;
- Conduct: Internal investigations can be very stressful for Police Officers and the process has now been improved. The Constabulary has invested in enhanced Officer support and Welfare Officers.
- Locally handled appeals (i.e. by a PSD Appeals Officer, not the IOPC) take a national average time to complete of 30 days. Avon and Somerset PSD take an average of 5 days.
The monthly PSD performance 'dashboard' report is published [here](#).

Panel request: More narrative, background context from PSD is requested for Local Appeal data, particularly the meaning of 'upheld' appeals (4 in Feb 2018 out of 13 appeals locally completed). The suggested terminology for **upheld local 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).

The PCC will take over local appeals later in 2019 and the PCC wants Panel members' involvement in the process, for continued scrutiny.

Panel request: Can the Early Intervention process be summarised on the Police website, such as on [the Complaints Process](#) web-page?

THIS FEEDBACK REPORT

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

POSITIVE COMMENTS

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

1. Excellent Body Worn Video Camera (BWV) footage, for example by **PC 251 Keith McMahon**, particularly for turning on the BWV prior to the incident and leaving it on after. This includes running narrative by the Officer as to the reason for his welfare check attendance and safeguarding actions. This is very useful to view the whole event. See case 5 below.
2. The Panel member is very impressed that **C.I. Rowlands** took on a complaint case personally, identified the problem and offered an unequivocal apology. See case 8 below.
3. The terminology used by Complaint Investigating Officers when corresponding with complainants is noted as very much better than 18 months ago. Narrative like 'Disapplied', 'Filed', 'words of advice given to the Officer' and 'Police Reform Act 2002' are now either replaced or explained in plain English.
4. Video footage within the complaint file (.MP4, one case with a huge 390Mb file size) was very good. This is opposed to viewing BWV in the database called 'Reveal DEMS'.
5. There are good examples of complaints being fair and free from any discrimination or bias. The Complaint and Equality Form response for Disability showed no relevance to the complaint handling process, which was good as equality of service is shown.
6. A Panel member's case reviews showed that most of the complaints were dealt with in a timely way, although one Early Intervention case took longer than a formal complaint. See case 35 below.
7. A very clear initial letter from PSD **PC 4523 Linda HYDE**. See case 27 below.

PSD response:

It is pleasing to see that some of the issues and learning highlighted in previous IRP sessions are now coming to fruition. In particular, the use of plain language in IO reports is something we have worked hard on improving to ensure that our complainants understand the process and have confidence within it. In addition, the examples of complaint investigations free from discrimination is very pleasing and what we expect from 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. Panel members found a trend of detained people in custody with ill health making a complaint that for various reasons their medication was not given to them. This is noted as the same issue

raised by the PCC's Independent Custody Visitors at their meeting on 14 March 2018. In most instances, the reason given is that Custody staff don't know what the detained person has just taken. Approved Mental Health Professionals are located at the Custody Centres in each of the Police Centres.

2. Organisational learning point: Some complaints occur due to the failure to de-escalate a situation. Officers' interactions with members of the public with mental ill-health are very important to avoid tempers being lost. Are de-escalation techniques taught as part of Officer training? This should include the Officer keeping their voice calm and quiet/low, using short, simply worded sentences, being polite and respectful, being assertive without being aggressive, plus awareness and interpretation of a person's behaviour, particularly someone in mental health crisis. See case 28 below.
3. A serious complaint – noted as still live and ongoing rather than completed – has no recorded actions since 27/11/2017. Concern is that these serious cases are not prioritised along with Officer's other front-line duties.
4. Organisational learning point: A single abbreviation for 'Body Worn Video Camera' is required to be used by Avon and Somerset Constabulary as an institution. Four versions have been used in documents and more thought is needed by the Constabulary.
5. Panel members review complaint case files from electronic folders (rather than within the PSD complaints handling database called 'Centurion', which would require the purchase of a licence for each Panel member or concurrent users, which may be 11 extra licences). Panel members requested standardisation of complaint file sub-folder naming and standardised document naming.
6. Officer BWV camera use training, to include switching on early, before arriving at a location, would better capture how the mood/behaviour escalates.
7. Multi-agency issue: A Panel member reviewed 3 complaints where a Doctor was required earlier than the arrival time.

PSD response:

The issues regarding the detention on people suffering from mental health problems is a significant one. The Constabulary is committed to ensuring that its staff are equipped with the right skills and provisions to effectively manage such cases, although it is not always easy to know if people are suffering from such problems. Examples of practice include a mental health triage nurse situated in our communications team to provide help and advice to officers. We also operate a policy whereby anyone detained solely under the Mental Health Act, are not taken to police custody but instead to a mental health facility. We have a force lead on mental health and we will ensure that the feedback highlighted by the panel is acknowledged, and consideration is given to the areas highlighted. In terms of Body worn Video, the official terminology is BWV and this is something we need to ensure all our staff use for consistency going forward.

REQUESTS FOR COMPLAINT FILE REVIEWS

Three complaint cases are requested to be reviewed by the PSD as follows:

Complaint case reference 1

The complainant had a heated exchange with his neighbour who was blocking his right of way and the Police were called. The complaint is that the Officer sided with the neighbour and warned the complainant that he could be arrested for public order/breach of the peace, when he was within his rights and his neighbour was trespassing on his land.

Positive points: A swift resolution, which was facilitated by BWV footage.

This complaint was resolved by agreeing to pass on to the Officers how strongly the complainant feels about access to his land. The BWV footage and incident log shows that the complainant himself had committed offences during the incident by threatening people and property. The local resolution log states: *"Both officers are calm, reasonable but firm with the Informant. The BWV clearly does not support the Informants version of events."* Therefore, the Panel member considers that the complaint should have been dismissed and the complainant should perhaps have been warned about his behaviour (he might well have been warned outside of the complaints process).

Query: Why was the complaint concluded in this way? It gives the impression that the complaint was in some way agreed with, when in fact there appears to have been no grounds for complaint and the complainant committed offences through his bad behaviour.

Please would PSD examine this case file and comment upon whether this was the right way of handling the complaint and right conclusion.

Complaint case reference 2: This is a complaint about an older person (who identifies as disabled) possibly being exploited/abused by his son and feels that nothing is being done. The reported criminal damage to the father's car is the only aspect referred to in the complaint response. There is no action log. Possibly this complaint is best dealt with by a visit, as the complainant is upset, angry and possibly vulnerable and needs safeguarding actions taken. The father's poor relationship with his son appears to be being treated as a 'domestic' issue, without any further exploration. There is a very narrow view taken of the complaint. The Complainant categorises it as relating to Age, Disability and Mental Health. This case does not appear to have been fully investigated. There is no acknowledgement of age or infirmity, or increased vulnerability due to the son's alleged drinking/drug abuse. The complaint was closed when the father's vehicle was returned. There is no evidence of an investigation into his claim of "causing me actual bodily harm, demanding money with menaces".

Queries: Why was the rest of the complaint not addressed?

Operational issue: Aside from the complaint being dealt with, was the safeguarding issue flagged and actioned as an operational policing matter?

Complaint case reference 3: The complaint finalisation letter, although brief and to the point, outlines well the action taken to address *part* of the complaint. However, not all elements of the complaint are addressed i.e. training of the Officer in question.

Query: Why did it take 9 days to acknowledge the initial complaint? The Panel member is concerned whether there is a bias or discriminative element to the lack of timeliness. Also, the complainants mention the names of the children involved and the Panel member is concerned that this may give rise to racial profiling which in turn can influence the process of resolution. A request to review this case is in order to seek assurances and rule out discrimination.

PSD Response:

Complaint case reference 1

We will review this case to ensure it was resolved in the correct way. There are strict guidelines outlining how and when we should not record a complaint. More often than not, we will record such a complaint and determine whether there is a case to answer on the part of the officer. The complainant will then have the various rights of appeal that accompany that.

Complaint case reference 2

Mr H was contacted by Inspector Sarah Treweek on 20th March 2018. During this conversation Mr H “was absolutely adamant that he did not want to pursue any complaint against police, and did not want any further police involvement”. PSD wrote to Mr H on 20th March 2018 to confirm that his complaint had been withdrawn as per his conversation with Inspector Treweek.

With regards to the Safeguarding issues – Inspector Treweek has passed Mr H details onto the local Beat Manager for their information.

Complaint case reference 3

The reason that it took 9 days to acknowledge this complaint was due to the exceptionally high workload of the Professional Standards Assessment Team at the time that this complaint was made. The Assessment Team was also working at a reduced capacity due to annual leave/part time working. It is worth noting that that this complaint was recorded and acknowledged within ten working days as stipulated in the IOPC (formally IPCC) Statutory Guidance.

SUMMARY OF COMPLAINT FILE REVIEWS

Complaint case reference 1: See case for PSD to review, as above.

Complaint case reference 2: See case to review, as above.

Complaint case reference 3: See case to review, as above.

Complaint case reference 4: This complaint includes an allegation of Police failure to ensure that the complainant is provided with medication for mental ill health. The Panel member agrees with the proposals within the Complaint Investigating Officer's report. However, no further comments can be made as the complaint is still live and ongoing.

Complaint case reference 5: The ability to review the BWV for this welfare check, with the extra verbal explanation from the Police Officer on leaving the location, to summarise his reasons for entering the home, is very valuable in defending against this complaint. PC 251 Keith McMahon made excellent use of this BWV resource to record the event and was particularly calm and polite to the complainant who was very agitated.

Complaint case reference 6: This complaint is formally recorded, after starting as an informal/early intervention dissatisfaction case. The complainant has declared mental ill health and insulin dependence. The positive points are that considerable trouble is taken by Custody Officers, the initial complaint investigation and the Appeal Reviewer to repeatedly explain to the complainant why his medication could not be administered whilst he was detained in custody and why his buzzer was deactivated. The complainant was in a custody cell and refused to engage with the Health Care Professional (HCP) to give permission for the HCP to administer the complainant's medication. The complainant repeatedly used the cell buzzer to ask for his medication and it was repeatedly explained that he would need to engage with the HCP (a contractor for G4S). Five buzzer calls are made within 30 minutes on the same issue. Welfare checks are still made on the Detainee.

Complaint case reference 7: This complaint is still live, so no further comments are made by the Panel member.

Complaint case reference 8: Disability is declared by the complainant. He reported an incident of dangerous driving where a car deliberately swerved at him whilst he was cycling and he submitted helmet camera – dash cam - footage. This incident was allocated to the Police Crime Unit. However, the complainant was then told that this was in error, that it was a road traffic matter and there would be no further action. This resulted in the complaint alleging a failure by the Police to investigate.

Positive points: The complaint seems to have been taken very seriously and the complaint was investigated by C.I. K Rowlands who identified an organisational problem with the way in which dash cam cases are allocated and investigated. There appears to be two issues:

- Was this a Police matter at all?
- If so, to which Department should it be allocated for investigation?

It appears that C.I. Rowlands has identified that there is no process for such cases and will address this issue. The Panel member is very impressed that CI Rowlands took on the case personally, identified the problem and offered an unequivocal apology.

Organisation policing: The complainant did appear to receive a very poor service by the Police. He was clearly distressed by this dangerous incident and had presented video evidence, only to be told that the Police would not investigate. The Panel member couldn't view the footage but it appears that this was more than simply inconsiderate driving and could have qualified as a serious driving offence such as dangerous driving. Whilst the Panel member commends the Officers for dealing with this complaint, if the complainant hadn't been assertive and complained then there would have been no action at all.

Also, the complaint finalisation letter seems rather scant given how much work went into this complaint. It appears that it was provided further to a discussion, so it may be that most of the information had been imparted via telephone. However there is value in recording the full result of the complaint in detail in the final letter so that everyone has a clear record of how it was concluded.

Query: Do the police deal with all road traffic offences, or are the more minor offences dealt with by another agency?

Request: Would PSD please provide an update on progress with C.I. Rowlands' project to put in place procedures for dealing with dash cam footage in road traffic cases?

Operational / Organisational Learning comments: This case highlights the need for a process for dealing with cycle helmet/dash cam cases.

Complaint case reference 9: An Officer investigating an assault wants to arrange a voluntary interview. The complainant alleges that during a telephone conversation the Officer was threatening and aggressive and would not listen to her side of the story.

A physical disability is declared as the complainant is receiving treatment for cancer.

Positive points are the unusual but effective letter which sets out in full the accounts of the Officer who is the subject of the complaint plus the Officers who witnessed the call. The letter then concludes that the complaint is not upheld and explains why. Whilst this may not always be the right approach because it results in a lengthy letter, in this case it is effective because it allows the complainant to understand why her complaint was not upheld in circumstances where it was her word against the Officer's.

Complaint case reference 10: This complaint alleges a failure to investigate reports of assault. The negotiation with the Investigations Officer reveals that the complainant understands the reasons for the Police taking no further action (NFA) but also wanted the alleged assailant to understand the gravity of the actions. The alleged assailant was asked to consider mediation but declined for the reason that they had moved away from the area. The investigation is then closed. Disability was not

a factor in this complaint or the investigation. The use of mediation to resolve the complaint is a positive action. Careful discussion with the complainant indicates sensitivity to the issues.

Complaint case reference 11: The complainant's son alleges Police assault on arrest. However, the son had been in a street fight so the injuries may have been caused at that time. Although there is a full log of enquiries, the case notes do not contain the Police Officer's email to the Complaint Investigation Officer. This document should be on record.

There is good communication with the family and the review of the Officer's account is noted in the complaint finalisation letter. The Complaint Investigation Officer's conclusion is considered fair and balanced and includes an apology to the complainant. CCTV of the street fight has been reviewed. However, the Officer complained against did not have BWV on and this might have helped the complaint investigation. A colleague's BWV was on at the time but the footage had been deleted (this may have been due to the time lapse between the incident and the complaint investigation).

Operational point: This case shows the importance of BWV usage for all parties involved in a complaint case.

Complaint case reference 12: This Complainant alleges a reported breach of a non-molestation order five times in one month which were not investigated by the Police. The complainant describes herself as having a disability.

Positive Points are: The request for a welfare check; the welfare check visit record shows positive attempts to support the complainant about various personal issues; care about the complainant's mental state; and attempts to liaise with a support worker (an Independent Domestic Violence Advisor – an IDVA).

The Panel member considers that the whole email from the Complaint Investigation Officer to the complainant is over formal, written in bureaucratise and should have been redrafted into plain English:

"As indicated below your complaint has been forwarded to me for investigation. . . "

This is an ongoing, live complaint so no further comments can be made by the Panel member.

Complaint case reference 13: This is not yet concluded, but the complaint seems unjustified.

Operationally, the Officers were concerned for their own and the individual's safety so BWC is particularly useful in cases like this to validate the statements given by Officers.

Complaint case reference 14: This complaint is handled in a timely and logical manner. Again good terminology is used and 'disappication' is now explained much better:

"Under certain circumstances the Police Reform Act 2002 allows police forces to record complaints from members of the public, but to take no further action if the complainant has failed to make contact. *This*

process is referred to as 'Disapplication' and I am of the opinion that due to your non-co-operation, disapplication is appropriate with regard to your complaint."

Complaint case reference 15: Well-handled complaint, in a timely manner.

Complaint case reference 16: A well-handled complaint, in a timely manner.

Complaint case reference 17: This is an allegation that the complainant should have received medical attention whilst under arrest for another incident. Case is still open and the investigation has not been concluded. To date, the complainant has not made contact with the Investigating Officer.

Complaint case reference 18: This complaint relates to the time spent in a Police custody unit. The positive points are that there is no evidence that the complainant's mental health (he was subsequently detained under Mental Health Act) impacted on the management of or response to complaint. Also, the final letter contained a clear apology and referred back to a wider conversation about the complainant's situation.

One negative point: Providing toilet paper after the event is not hygienic.

Complaint case reference 19: The complainant reports being assaulted and arrested during an unlawful search of his property. He is being treated for cancer. Two positive points are that the ill health is acknowledged (the complainant was interviewed at home, not at a Police Station). Also, the response letter acknowledges learning from the complaint.

Complaint case reference 20: This complainant was stopped by an off-duty Special Constable (this action resulting in the Special Constable then being deemed on-duty).

A positive point is that there is no evidence of the disability impacting on the complaint management or response.

An apology was given for the Officer's over-zealous action, which was prompted by the concern.

Operational point: Special Constables must be made aware of the boundaries of their role.

Complaint case reference 21: This complaint relates to lack of interest in investigating the original incident of identifying and taking action against an individual following a road rage incident. The initial complaint is speedily acknowledged, within 2 days. However, there is no audit trail of any investigative work that has been carried out during the complaints handling process. The final outcome letter alludes to activity. However, there is no proof attached and the complainant is not kept informed; Written acknowledgement from PSD took 3 weeks, which may have been delayed due to the festive period in December.

The Police Call Handler has typed 'INFT' on the Call Log. Is this standard abbreviation for 'Informant', the person on the phone?

The final letter appears to focus on the police investigation rather than the complaint:

“Complainant alleges member of staff failed to properly investigate a report of an assault; failed to track suspect, despite advising ‘the individual is known to us already, failed to speak with the hospital, obtain CCTV or identify and speak with witnesses or attend the address of the registered keeper – 5217255396.”

There is reference to the lack of attention in process. However was this good enough?

Query: The complaint appears to have been dealt with with very little significance. Is this because of the nature of the crime, or is it attributable to a busy period of the year where more significant crimes occur?

Does the outcome determine the means, which in this case was a re-opening of the original investigation?

Action request: The Panel or the public do need to be aware of cases where resource deployment is prioritised for cases deemed to have more significance.

Operational: It is quite obvious that the severity of the crime may have affected the resource deployed in this case – taking into account the limited public resource – but what other alternatives are there apart from the use of the informal resolution (target response within 72 hours) which could have been applied in this case?

Complaint case reference 22: This complaint alleges that Avon and Somerset Police are failing to train sufficient wildlife crime officers. Also, if advice was received from a wildlife crime officer then this was poor and allowed a landowner to escape prosecution.

Positives points are: The complaint acknowledgement, sent within 2 days, is timely; Responses are factual and reasonably timed; There is an Action Plan to address learning points for the individuals under question; and the final letter is informative, polite and addresses the learning points. There is use of an abbreviation by the Police Call Handler (in the Call Card on the STORM Incident ‘ISR’ Report), referring to ‘INFT’.

Query: Was the fast speed or response because the original complaint is recorded as an Organisational complaint?

Complaint case reference 23: The acknowledgement of the initial complaint is timely, within 7 days. The appeal finalisation letter is informative, polite and addresses the points of appeal. As the evidence used in the decision making – the BWV footage – is not included in the complaint file then it is not known if the correct final outcome has been reached for this complaint. [Noted: access to BWV (marked as ‘evidential’ is in the Reveal DEMS database].

Complaint case reference 24: The complainant asks for the complaint (incivility and threat to arrest) to be dealt with informally but it is still formally recorded. The acknowledgement to the initial complaint is within 6 days which is timely. The Police Call Handler (ISR) report is helpful and informative in explaining the decision making process.

Complaint case reference 25: The complainant alleges that a Police Officer failed to acknowledge that he was genuinely worried about being stabbed and was accused of trying to get a free lift home. The Police Call Handler's report is detailed and informative. The complainant withdrew his complaint but the Panel members queries that there is no PSD request to ask the reason for the withdrawal.

Complaint case reference 26: The complainant complains of excess force used during detention under the Mental Health Act. The BWV provides the Complaint Investigation Officer with evidence which shows no excessive force is used - it is compatible with protecting self-harm and the outcome is that reasonable force was used. The complainant did not provide body mapping sheets that she originally offered, despite several reminders.

Complaint case reference 27: A very clear initial letter from PC 4523 Linda HYDE, referring to local resolution/early intervention as a positive way of dealing satisfactorily with a complainant's problem, emphasising how Early Intervention ensures a speedy conclusion and an effective outcome. However, this letter is unsuccessful. The Complainant wants to escalate it to a formal complaint and states that she has a dislike of all Police Officers and suffers mental health issues. There is an effective process here of resolving an intractable issue. Inspector SWEETING opened the formal complaint because he found that the Officer was at fault as an assault should have been logged and investigated, but was not dealt with at the time. However, having given words of advice to the Officer, he finalises the case in the next paragraph.

The complainant would not make a formal allegation against her mother or say what would satisfy her in terms of resolution. Officers had at the time assisted her and her brother to move from the mother's house back to the complainant's flat.

Complaint case reference 28: This complaint is regarding Officer incivility by a Tenant, who later realised that his problem was one of housing rather than a Police matter of harassment. The Police Community Support Officer (PCSO) complained against recognises her abruptness and being short tempered. There is a nicely balanced report, sharing blame. The PCSO apologised. The no further action (NFA) is considered to be an appropriate outcome. However, the PCSO could have been more polite and calm in her approach. Maybe she could have picked up on some signs of the complainant's frustrations and altered her manner accordingly.

Operational/Organisational learning comment: There is a need for Officer awareness/training to include strategies for successful interaction, being polite at all times, staying calm, being assertive rather than aggressive.

Complaint case reference 29: This complaint is very full. The Niche (Police database) record is long and detailed, but confused. From the complainant's perspective this is a very serious allegation – that an Officer's behaviour is ill informed, over zealous and one-sided, determined to get a conviction at all costs against a vulnerable young man with learning difficulties, ADHD and global developmental delay. There is a detailed report of two court cases for the same offence, the

first dismissed through lack of evidence, and the second resulting in a remand in custody for 6 months. This is a very serious complaint and a very complex case with valid points – which need to be evidenced – on both sides. This is a live, ongoing complaint, so there is no finalisation yet in the case file.

Query: With a complaint of this severity, the lack of timeliness is questioned. There are no records after 27 November 2017. Is this subjudice?

Complaint case reference 30: This complainant alleges that Officers ignored his request to take a statement about a broken window. The complaint is well handled, in a timely manner.

Complaint case reference 31: This complainant includes an allegation of Sexual Assault. The complainant alleges that Police Officers attended her home address, behaved in a very aggressive and threatening way and accused her of lying about a criminal allegation. One Officer allegedly told her to shut her mouth and said that she should be dead. The file note states that this complainant has made a number of false allegations against the Police, on record. A Marker exists to request Police Officer double-crewing and use of BWV camera.

An additional complaint is made against a Police Officer assaulting the complainant. A complaint Investigation Officer is allocated to verify the credibility of this complaint before confirming responsibility for the complaint investigation. The Single Point of Contact (SPOC) Officer requested removal of his support after an allegation is made against him as part of this complaint. The case file includes an email note that the SPOC Officer has supported the complainant for a long time and had an good relationship with her until this complaint.

The SPOC Officer's report reads: "I am the Npt [Neighbourhood Policing Team] Sgt who effectively has been the "Spoc" for this **difficult young female for the last year** . . . (details of challenges faced in his work). I have known <complainant's first name> since she was 16 years of age and have done my level best to support her through house moves, job applications and other various crisis she has had."

The complainant sends a text message about 9 weeks after making the initial complaint, indicating that she does not wish further Police contact and a complaint withdrawal letter follows.

Positive points of the complaint process includes that:

The complainant seems well-known to the local beat team which appears to have verifiable records of previous false allegations; Overall, sensitivity is applied to the complaint investigation from the Investigating Officer (i.e. checking the credibility of allegations about a Police Officer before a decision on locus of investigation); Considerable attempts, recorded, are made to meet the complainant and listen to her story; and persistence and patience is given towards the complainant, to give time and support regarding the complaint.

Negative points of note are: Concern about how the complainant is described by SPOC Officer. The word 'difficult' is a judgement with considerable negative connotations. The complainant appears to have mental health issues and so a more neutral word, such as 'distressed', should have been used. The Panel member has no doubt from the record that the complainant was behaving in a way which made contact with her difficult.

Request for action: A gentle reminder is requested to the SPOC Officer about judicious use of language in case records. ('difficult' refers).

Operational/Organisational Learning comment: As mentioned above, a value judgements ("difficult") should be avoided in case notes.

Complaint case reference 32: This 2016 complainant includes an allegation of Sexual assault against an Officer from another Force. Due to the nature of the complaint, Avon and Somerset Police was requested by the IPCC to log it (the other Police Force's Chief Constable appeared reluctant to use delegation of powers).

The IPCC took the lead and the complaint was passed to South Wales Police to undertake the investigation. Avon and Somerset Constabulary seemed to need to chase the IPCC in order to update records, in spite of the IPCC stating their responsibility to update every 28 days.

In spite of the IPCC lead, an email chain shows a lack of clarity over Avon and Somerset Constabulary's position, particularly in the absence of regular updates from the IPCC.

Due to the number of abbreviations/acronyms, four organisations and names (but no job titles, a problem with emails without signatures) this case was hard to track through the correspondence for the Panel member. There is reference to a specific letter being drafted to the complainant rather than sending a standard letter, but this letter is not on file. This action is 3 months after the complaint. Due to the complaint being handled by the IPCC, there is no correspondence or information relating to the complaint investigation or outcome.

Early Intervention complaint reviews:

Complaint case reference 33: This complaint is regarding the Police not following up on a dangerous driving incident. It is handled in a timely and logical manner. The Panel member is delighted to see that the terminology used in emails and letters to complainants has improved from the illogical and incomprehensible language used in the past. This complaint case example of good practice is quoted below, highlighting in italics where the wording has been greatly simplified:

"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 remain dissatisfied and wish for a formal complaint to be recorded, please let me know."

Operational/Organisational learning comment: The Police Officers were concerned for their own and the individual's safety. BWV is particularly useful in cases like this to validate the statements given by Officers.

Complaint case reference 34 & 35: Early Intervention cases (Reviewed by 2 Panel members, separately)

Panel member 1: This complaint is actioned rapidly with the desired outcome and early intervention is appropriate.

Operational/Organisational learning comment: This is a complaint which need not have happened. If a victim of a possible crime (particularly a victim) contacts the Police with a query about their case then they should always get a response. This would have prevented the complaint.

Panel member 2: It took 2 weeks to confirm that the reasoning behind the complainant issue was due to Age.

Question: What are the target timelines on Early Intervention cases?

Complaint case reference 36: This alleges that the Police did not request supermarket CCTV to evidence a vehicle collision in the carpark.

The case is opened and closed quickly, with an appropriate phone call to the complainant to explain the reason for the Police taking no further action (NFA). Early intervention is appropriate for this dissatisfaction. The email from the complaint investigation indicates that the phone call to the complainant recognised his frustration that the collision incident was 'dropped' but he understood the reasons.

Complaint case reference 37: This complaint is that a PCSO in Broadmead Bristol did not intervene to stop a member of public using racist and derogatory language whilst reporting in conversation with the PCSO. (The complainant self-reported as being BAME).

The PCSO pro-actively reported an account of the incident and had requested that the language desist and apologised to the complainant for the language used by third party. The complainant "had appeared happy" with this when she left the building. The response letter to the complainant quotes the PCSO's report. Appropriate early intervention is used for this matter.

PSD response:

Complaint case reference 8

The Police do tend to deal with all road traffic related incidents. This may sometimes be by way of desktop investigation or for more serious cases they would be allocated to a specific investigator.

Response from C.I. Rowlands: Avon and Somerset Constabulary have instigated plans to deal with video of alleged traffic offences. Members of the public can submit video footage at:

<https://forms.avonandsomerset.police.uk/forms/ior/> .

This is then viewed in the control room by police officers from our incident resolution team who then take appropriate action – send Notice of Intended Prosecution, warning letter or no further action.

Complaint case reference 21

Having reviewed this complaint, it was resolved by way of Local Resolution. Inspector Wasiak in his final letter does make it clear that the complainant did not receive the service he should have expected. What is good is that he has taken the learning from this and ensured its' passed onto other team members. Although this could be considered a low-level incident, it is only correct that members of the public receive a professional and appropriate level of service. There were some failings here, which has been addressed. Local Resolution was the appropriate way of managing this complaint and although there is no documented communication plan, the complaint appears to have been resolved to the complainant's satisfaction.

Complaint case reference 22

The nature of complaint should not determine how quickly we update the complainant. We will always endeavour to update the complainant as soon as possible and are then required to provide updates every 28 days.

Complaint case reference 29

This complaint is not subjudice and the investigation is ongoing. DCI Deryck Rees appointed DI Larissa Hunt to investigate this matter and updates have been provided, however, this appears to have been sent to a previous PSD administrator for the Investigations Department and not to Headquarters PSD Case Administration for central updates. DI Hunt has been in regular contact with the complainant and is in the process of finalising this complaint.

Early Intervention cases need to be resolved within 72 hrs. The Police Complaint regulations dictate that after this timeframe we must record the matter as an official complaint. What this window allows is for simple matters to be resolved to the member of the public's satisfaction. Clearly this only applies to matters that are low level.

The last meeting's Panel report was approved for publication after the member-review time period.

Any other business

One Panel member attended the Enquiry Day on 9 March 2018 regarding Mr Ebrahimi's tragic murder in 2013 and the IPCC independent investigation report response in 2017. The Action Plans were reviewed for the Police, Bristol City Council and SARI (Stand Against Racism and Inequality),

to learn from the mistakes. There were 20 attendees and useful challenges. The Enquiry Day Panel were PCC Sue Mountstevens, Bristol Mayor Marvin Rees and a SARI Trustee member. The PCC welcomes transparency and the Enquiry focussed on what has been done and is to do. The Outcomes from the event will be published.

The Panel Chair will circulate a Panel member's update regarding attendance at the recent Chief Constable's Roadshow.

ACTIONS

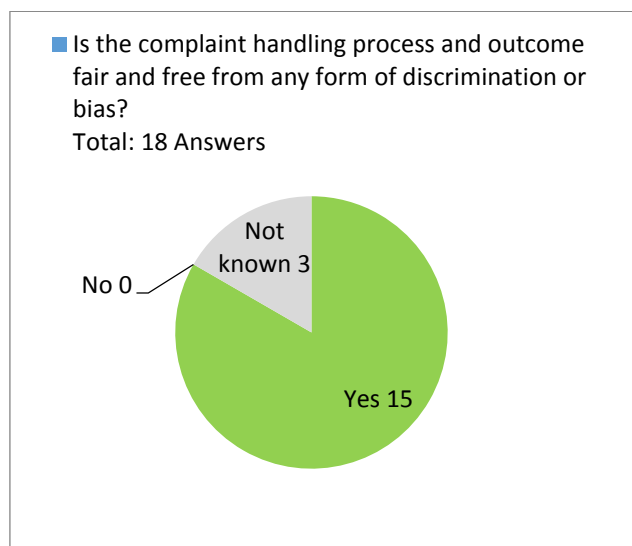
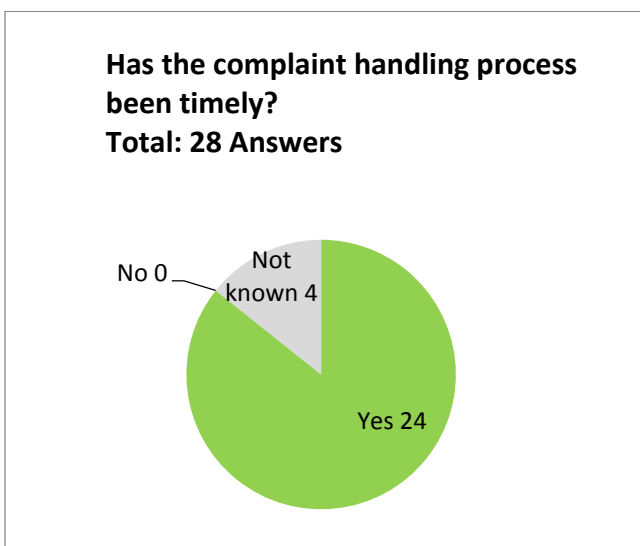
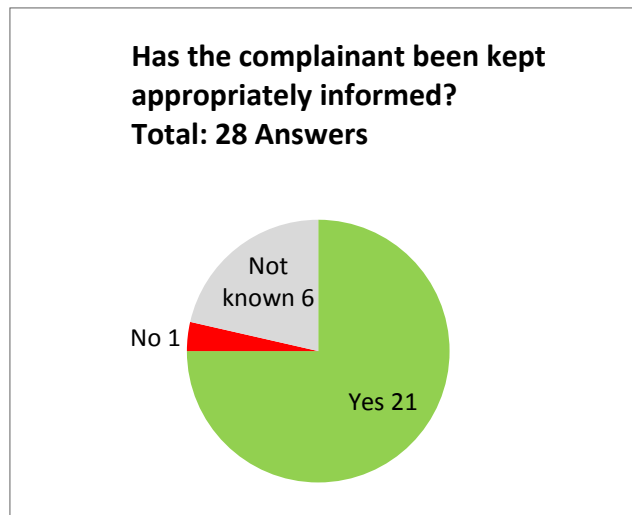
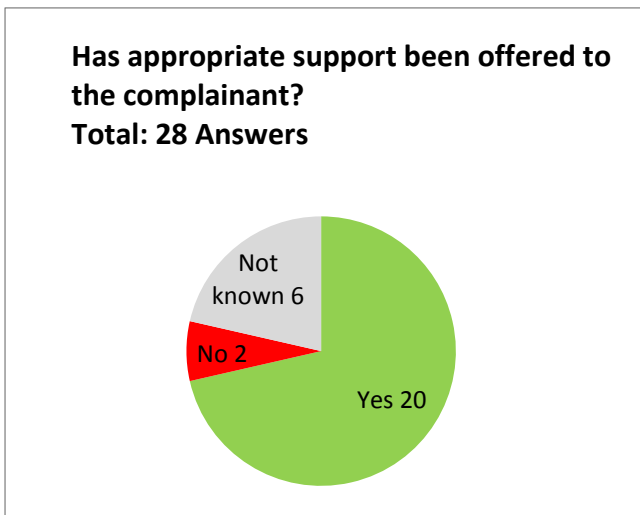
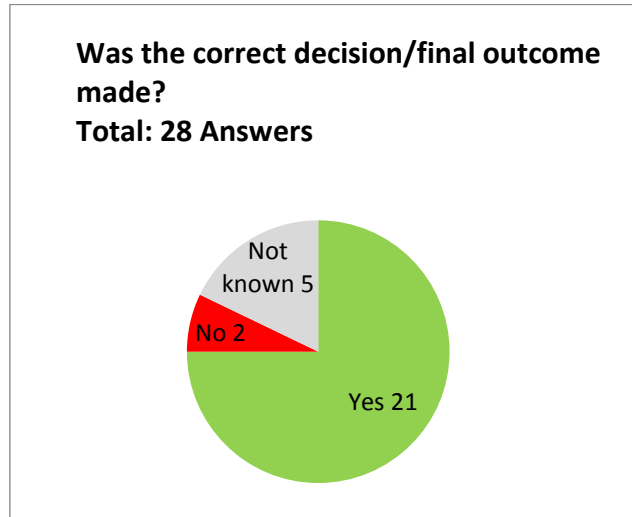
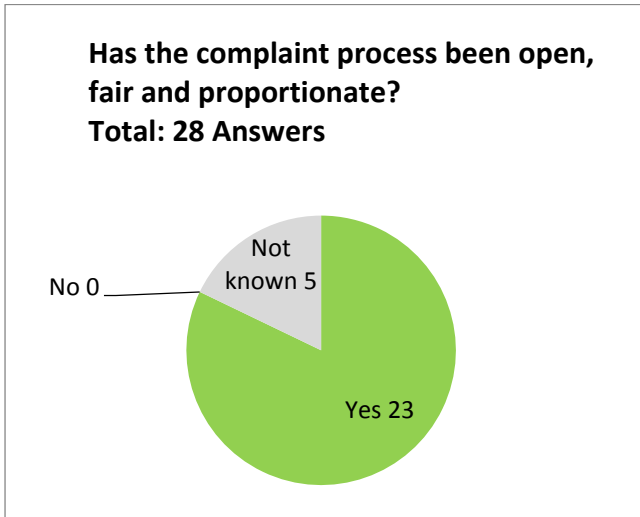
ACTION 1: Completed - A 10 working day extension has been given for Panel member comments to the December 2017 Panel report before publication.

ACTION 2: Completed - The Panel have accepted the offer to visit Avon and Somerset Constabulary's Professional Standards Department at the beginning of the next Panel meeting on Thursday 14 June 2018.

ACTION 3: Completed - A visit has been arranged for Panel members to the Police Communications Department - the Call centre for 101/999 and Police Response - for the meeting on 13 September 2018.

This is similar to part of the Police Ride-Along Scheme, with an application form and information here: <https://www.avonandsomerset.police.uk/services/ride-along-scheme/>.

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.