

Independent Residents' Panel

June 2020

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Purpose of the Independent Residents' Panel

The Independent Residents' Panel (IRP) consists of 9 independent panel members who are all volunteers representing the communities of Avon and Somerset. Their aim is:

'To act as a 'critical friend' to the Police and Crime Commissioner (PCC) and to Avon and Somerset Constabulary by providing feedback on completed complaint files to the office of the PCC and to the Constabulary's Professional Standards Department (PSD). The Independent Residents' Panel (IRP) will review complaints against the police from a local citizen's viewpoint.'

Further information can be found [on our website.](#)

ATTENDANCE:

Attendees: SB, LC, KS, DH, DW, TW, AD, PAK & PK

Apologies: CW

STRUCTURE OF THE SESSION

Due to COVID-19 and lockdown measures, the Independent Residents' Panel was facilitated virtually. 9 members attended including 2 that have been seconded from the OPCC volunteer's network. The Panel focused on complaints relating to COVID-19 as the OPCC and the Police Professional Standards Department saw an increase in complaints with this theme due to police enforcement responsibilities and government restrictions.

Total number of cases sampled: 16



ACTIONS

No.	Action	Status
1. Dec 18	A request to the PCC and then to the Head of PSD for comments regarding obtaining Complainant satisfaction/feedback (face to face, telephone or electronic survey) for the Panel. The Panel will look for opportunities to monitor and track the 'Complaint Experience' (e.g. surveys, focus groups, one-to-one discussions). The IRP want to keep this as an overriding theme for 2019/2020.	Dip sample report circulated to Panel - completed. KEEP IN VIEW
7. June 19	Suggestion of a possible theme for the IRP - complaints have arisen from incorrect information or data held against an address or person.	KEEP IN VIEW
New Actions – No new actions		

PSD UPDATE

Detective Chief Inspector Edward Yaxley and Deputy Police and Crime Commissioner John Smith

NEW COMPLAINT REGULATIONS

The new regulations have now been live for four months. We are working between Home Office guidance, Independent Office for Police Conduct Statutory Guidance and local internal guidance which causes challenges. Having to jump from one to another to try and ensure that protocol, process and decision making are right is labour intensive. We have had to work within the new regulations as well as the old ones during the changeover period and we are still trying to find our way. 15-20 % more complaints being recorded under the new regulations as the scope for what is considered a complaint is broader. This is therefore impacting on the turn around which has increased. We are working hard internally and across the force to fine tune the recognition of what would be considered 'Practice Requires Improvement'.

COVID 19

Since lock down, the Professional Standards Department have all moved to home working and this continues to work well.

Clearly marking COVID complaints since day one has enabled us to recognise where the complaints have been. The PSD weekly COVID report that is submitted to Constabulary leads on a weekly basis enables us to understand any themes or trends that we may be seeing in relation to dissatisfaction and COVID-19. This work has enabled us to be confident about the data that can be provided. To date we have 103 complaints however the weekly rate is declining from 16 at its peak to 2.

Themes are lack of enforcement or officers not social distancing and the converse has been excessive enforcement of the guidance. There was some confusion about what guidance is and what law is. Regrettably this saw officers with the best of intentions over enthusiastically implementing the guidance. There have been minimal complaints about Fixed Penalty Notices (FPNs). To provide context, the Constabulary has received 13,000 calls relating to some level of COVID breach with 350 FPNs issued.

It does appear that there is a disproportionate number of FPNs issued to BaME communities. There will be work undertaken to understand why this is.

With the COVID regulations as they are now - policing them is challenging. The force strategy has been to explain, engage and encourage compliance with enforcement being a last resort.

CENTURION

The new system has been now updated to allow the data return to the IOPC under the new regulations.

PANEL Q&A

Panel Member - Bradley Stoke/Stoke Gifford residents are maintaining social distancing and there are very rarely police about.

PSD – *This is not an area that is recognised as a hot spot - it is reflective of housing situations e.g. people in flats or residing in large numbers. Where people have large gardens and space it does not appear as much of an issue.*

Panel Member - What is the police take on the George Floyd situation? Especially after the recent incident in the St Pauls area?

PSD – *The incident has not resulted in a complaint at this stage. There is a huge amount of scrutiny from BCC Mayor and Dep Mayor. The Chief Officers have also been involved in reviewing the community tensions. It does appear to be routine policing that, against the current climate and socio-economic concern, has caused tension. ASP has managed to maintain fairly peaceful approaches so far. There are concerns about scheduled protests this weekend. It is very challenging maintaining staff health and safety and public safety.*

Deputy Police and Crime Commissioner John Smith - I have been involved in the meetings since Friday and the videos that have been released on social media are

somewhat misleading without the full facts of the case. There has been mass scrutiny from partners and all at ASP respect the timing is so poor and are very supportive and concerned for our BaME communities.



Pictured: Deputy PCC John Smith

PSD - *The protest will be supported as peaceful however the recognition of the public health threat is credible and leaders are encouraging social distancing wherever possible.*



Panel Member - what are the stats on domestic violence due to COVID?

PSD - DV cases have remained at the same level as previously through the lock down period. Overall crime has fallen by 20-30% so it may be significant that DV hasn't. It is also worth noting that victim service providers have reported an increase in referrals. It is generally thought that DV will have increased but not be reported - we are working on this with victim service providers and local authorities

Panel Member - More advocacy is needed because the community only see what they see. More communication is needed with the community so that they understand this. These messages just don't get to these forums. More is needed from the Police; this is not a USA issue, there are parallels and they are drawn when people see that the police are concerned about it.

Panel Member - 99% only see that version of events, seeing the arrest it was handled very well and there were people there that were causing issues based on the events in America.

PSD - We are acutely aware of this and there is a significant amount of work going on to try and address this as we are not reflective of the communities that we represent. Avon and Somerset Police have a dedicated Equality and Diversity lead and have an Outreach Team who work within our communities to try and encourage people from all backgrounds in to policing.

Panel Member – We are all aware that there are poorer outcomes for BaME communities affected by COVID and if you are a black police officer, policing these protests - there will be internal conflicts, we have seen how officers in America have dealt with this.

Deputy Police and Crime Commissioner John Smith – The force is working very closely nationally and with the Black Police Association to try and offer support and reassurance. HR and COG and BPA are very alive to this issue.



The Deputy Police and Crime Commissioner then provided the Panel with a briefing about his role and how the work will be split between him and PCC Sue Mountstevens.

For further information -

<https://www.avonandsomerset-pcc.gov.uk/about/role-of-the-pcc/>

<https://www.avonandsomerset-pcc.gov.uk/about/meet-your-deputy-pcc/>

HIGHLIGHTS OF POSITIVE FEEDBACK



“Very fast response from the neighbourhood team, and a positive outcome of more visibility in the community.”

Panel Member

Positive Commentary from the Panel:

- The Panel felt it was positive to see awareness of previous multiple contacts for context when handling complaints.
- The Panel found a lot of evidence of good practice & sensitivity. Also quality record keeping and good use of the additional expertise (the MH lead), and the importance of expert feedback to the officers concerned. Also good practice within PSD seeking to deal with this reasonably and proportionately.
- [REDACTED] the response letter written by [REDACTED] is a good example of written communication in the absence of a verbal discussion with a complainant. Really good example of how to write to someone with a concern.
- [REDACTED] Letter of acknowledgement was courteous, explained the reasons for the delay in responding and gave links to the appropriate website for reporting breaches as well as how to progress if they were dissatisfied with the response.
- Consistent positive commentary about timeliness of complaints
- Recognises and implies extensive training takes place for all Police Staff and this requirement to enforce Covid 19 requirements is still very new and the training is still developing.

“The PCC Review letter was an excellent finalisation letter which explained the law, procedure and reasoning very clearly.”

Panel Member

HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
House gathering during COVID 19 - advised to break up within an hour. Another officer returned and then decided that because they had been there since the 8th April they could remain. Inaccuracy was blamed at the wrong officer.	<p>Edward Yaxley PSD - Sympathy for front line colleague who had to implement this legislation within 24 hours of it going live. The consistency and understanding evolved over time and hindsight is a luxury and not necessarily available at the time.</p> <p>PSD - When the Complaint handler was aware that the complaint was against the officer not the PCSO, she apologised to the complainant and advised that feedback would be given. Once she had been advised by the PC's supervisor that feedback had been given, she wrote to the complainant to update him. From the case docs, the complainant never responded to this email.</p>
Information quite disjointed perhaps due to the format of presentation. It is not clear what level of investigation has been done. The email exchange between the different parties are unclear on ongoing action/outcomes/feedback	<p>Yes I agree, the emails are not listed clearly and the assessment sheet is not fully completed.</p> <p>Feedback needs to be provided to the complaint handler on this case.</p>
No evidence that the officers who attended had been contacted in order to reflect on their actions being perceived as intimidating. It had been alluded to in the final email, "I'm sure they would reflect on knowing this information as it would have not been their intention". This is an occasion when having access to the officer BWV (Body Worn Video) would have been invaluable to me in a scrutiny role, as the words used in the allegation (<i>Intimidated, Criminal, Trapped, Frightened</i>) have serious connotations in what should have been a community visit to Engage, Explain, Encourage and as a last resort Enforce.	<p>I have on this case, asked the Complaint handler for an account to get a better understanding of their actions:</p> <p><i>"The officers were not contacted on this occasion due to the high demand of COVID related complaints we were receiving at that time. The guidance states: "Reasonable and proportionate assessment - doing what is appropriate in the circumstances - weighing up the matters seriousness and its potential for learning, <u>against the efficient use of police resources</u>. This is a poignant point as this was a situation that the whole country had not been in before and has been a huge learning for all involved.</i></p> <p><i>The enforcing rules for our officers set by the government were very 'grey;' in some areas and constantly changing.</i></p>

Our officer's first port of call was to engage, explain and encourage people to comply with the Government's requests, but unfortunately it is also down to public responsibility to do this, which hasn't embraced by some.

The public did not quite simply like being told what to do in these circumstances, even though it is for their safety. This therefore has created a large majority of hostility towards our officers.

I did emphasise in this particular case as I was concerned for the welfare of her sister who was a single mother, hence the Morrison's next day food offer they were made aware of.

With regards to the Body Worn Camera footage we are lucky enough to have access to BWV footage most of the time, but this was an occasion when we did not. I would imagine the reason being that the PPE being put in place for the officer on each visit is very time consuming and maybe they 'just forgot' to switch on their camera. This was also a time where there was a lack of resources due to officers self-isolating with their own families so there would not have been an opportunity for a community visit at this time"

Final email to complainant was OK, but could have been more satisfactory to the 'customer experience' if the complainant had been advised of the increased visibility in the community – this would have turned his need to make a complaint into an assurance that he had effected a positive change for his community.

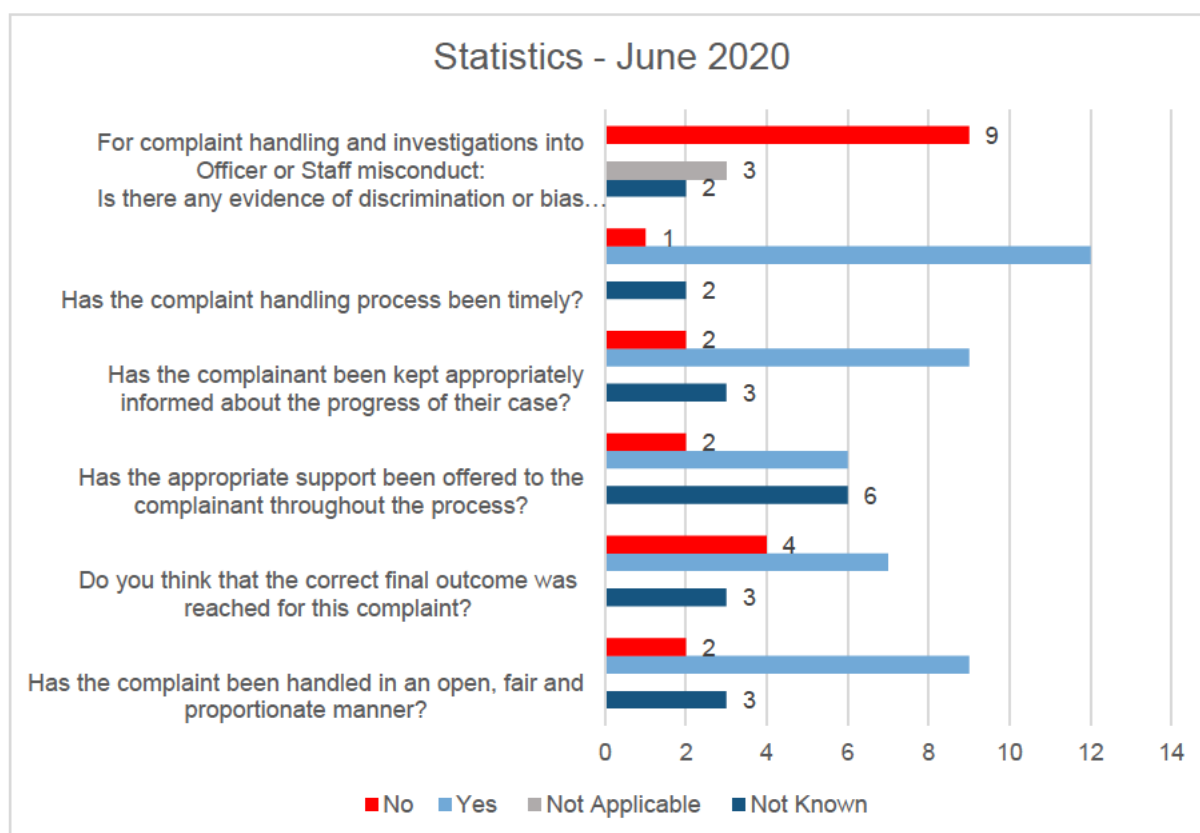
Feedback noted thank you.

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1. There is no record of the officer Engaging, Explaining and Encouraging the adult present or explaining the necessity to comply with Reg 5. As the owner and presumably hairdresser was absent the lack of an explanation might firstly leave her unclear whether she can continue with the hairdressing and secondly inform an officer who is called out to investigate another alleged breach.
 2. The "signing off "text message does not explain how to continue with the complaint or send feedback.
 3. On the face of the documents some of them are undated.
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Noted – I have read the text message and it does not give contact details to the complainant, feedback will be provided. It is really helpful when the investigator or complaint handler provide a summary or explanation of what the BWV shows. I would always advise that some of the BWV is viewed. If there are 5 clips of an hour each for example, then I would find it reasonable that main BWV covering the event is viewed, not necessarily all of it.

<ol style="list-style-type: none"> 1. From the reviewed documents the lack of dates make it difficult to follow the chronology. 2. The case assessment does not specifically deal with the 3 allegations. 3. It is unclear whether the alleged rudeness was attributed to a Housing officer or a Police Officer. The reference to a taser would suggest the latter. 4. There is an undated and presumably draft letter to the complainant summarising the complaint (saying that rudeness was from a Housing Officer) and confirming that the complaint is on hold. Assuming this letter was unsent why hasn't a letter been sent to the complainant in the terms of the draft? 5. Is BWV ever shown to a complainant and if not why not? 	<p>Agree that lack of dates is very unhelpful. The Assessment sheet records the actions taken to deal with this complaint, which includes dates of a conversation with the complainant and a BWVC review. The third allegation of 'rudeness', only came up in conversation with [REDACTED] but she indicated that this was a housing officer, who was also in attendance.</p> <p>At the end of my telephone conversation with [REDACTED], she stated she wanted to speak with her children to decide what action, if any, she wanted to take, hence me drafting a letter to her and confirming, as per her request, that her complaint would be put on hold.</p> <p>So, as regards point (4) it seems I have opened a progress and placed my draft letter in the 'Administration to be printed – COVID-19' workflow and then it seems I have closed it!! Having now recognised this, I am inclined to still arrange for this letter to be sent, with apologies and recommendation that [REDACTED] contact us if she wants to pursue this as a complaint, but will await your comments.</p> <p>As regards point (5), if the complainant wants to review BWVC footage they are directed to submit a subject access request (SAR), which is then addressed by the Data Protection Team.</p>
<p>Was the attending officer spoken to? What investigations were carried out?</p> <p>I appreciate the enormous pressure the police were under at this point and have read the complaint in that context. However unfortunately I do not think this was dealt with properly. The lockdown relies on individual responsibility and the complainant had complained about unfairness. If people feel they are being treated unfairly or there are double standards then they are less likely to comply. I can understand that resources did not allow a full investigation as normal, but the reply to complainant does not address her complaint at all. If not then this could seriously undermine her trust and confidence in the police and the Covid rules. There is no evidence that the attending officer was even spoken to, meaning that if they were being heavy handed with the public then their behaviour would go unchecked.</p>	<p>I would have upon review liked to have seen some interactions/emails with the attending officers in order to establish what has happened here. However I am of the mindful of the emphasis placed on the Complaint Handlers to deal with matters reasonably and proportionately. This matter was recorded during the height of lockdown shortly after emails had been circulated to staff from NPCC relaying the critical matters that should be prioritised as a department.</p> <p>I feel the acknowledgement email to the complainant was well explained, tailored to the individual and offered an apology. But feedback should be given to the complaint handler about placing email correspondence to officers, in the case docs to show that feedback has been given.</p>

STATISTICAL ANALYSIS



This chart related 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.

Comments from Head of Professional Standards Detective Superintendent Simon Wilstead:

The Covid pandemic has created unique challenges for policing and has stretched already limited resources. Constantly changing rushed emergency legislation has undoubtedly led to uncertainty and frustration for front line colleagues. The demand of Covid related complaints has also significantly impacted on our PSD complaints handlers. The complaints handling feedback from the IRP is a valuable tool for us to apply our own learning values and I'm grateful for their energy in providing this oversight. I'm also really pleased to see evidence that my staff are generating good reports to complainants and acting reasonably and proportionately when handling complaints.



Comments from Avon & Somerset Police and Crime Commissioner Sue Mountstevens: The IRP findings have been interesting and have provided assurance that whilst there are always areas for improvement, the Constabulary have embraced the new legislation worked very hard to adopt to the unprecedented demand placed on them since the pandemic started. I would like to thank PSD for their open, transparent and reflective commentary and for continuing to assist the IRP to exercise their invaluable scrutiny function.

Sue Mountstevens