

Independent Residents' Panel

June 2021

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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, KS, LC, DW, TW, AD, PK & PAK

Apologies: CH

STRUCTURE OF THE SESSION

Due to the continuation of COVID-19 and lockdown measures that remain in place, the Independent Residents' Panel was facilitated virtually once again. This meeting structure will continue for the year ahead, until the Panel are in a safer position to accommodate meetings in person. The Office of the Police & Crime Commissioner will regularly review how meetings can take place safely and in line with government recommendations as the year progresses.

The Panel have been incredibly resilient throughout the pandemic and have transitioned seamlessly into the virtual world. New ways of working have proven to be very successful and hybrid working will certainly feature more in the future. Using technology in this way allows the Panel to be as efficient and effective as they can to be in order to fulfil their scrutiny function of the police complaints regime.

8 of the Panel members attended and the Panel opted to focus their meeting on the use of **Body Worn Video Camera (BWV)**.

All of the complaint cases sampled, related to the use of BWV where allegations had been made in relation to the use of force or where allegations had been made relating to arrest over the past 12 months.

The Panel welcomed a presentation from Inspector Mark Nicholson from Avon & Somerset Constabulary's Operational Planning department on the use and development of BWV in Avon and Somerset. This input assisted the Panel to understand in greater depth, the reasons for the introduction of BWV and the benefits of its use in policing.

Total number of cases sampled: 34

ACTIONS

No.	Action	Status
Dec 18	Request from Panel to PSD regarding obtaining Complainant satisfaction/feedback (face to face, telephone or electronic survey). The Panel will look for opportunities to monitor and track the 'Complaint Experience' (e.g. surveys, focus groups, one-to-one discussions).	KEEP IN VIEW, BM has raised this with PSD, overriding theme for 2021/22
June 19	Suggestion of a possible theme -complaints have arisen from incorrect information or data held against an address or person.	KEEP IN VIEW
Mar 21	Inclusion & Diversity training for all panel members	ONGOING, online training module offered

PSD UPDATE

Temporary Detective Chief Inspector Gary Stephens

LIVED EXPERIENCE WORK

PSD remains extremely busy following the change of new regulations which has resulted in a significant uplift in complaints. Lived Experience Work focuses on the concept that people in society can offer a culturally relevant, informed and influenced insight to assist the police based on their own experiences on a range of topics. PSD has commissioned some work which has come back with some proposals about how best to utilise the concept of lived experience. PSD are actively discussing the report and will be able to share proposals/decisions in due course. It is hoped that it can be used to reach diverse communities to assist PSD in the handling of discrimination complaint cases.

CHANNEL 4 FILMING

For the last two years a filming crew from Channel 4 has been filming PSD focusing on the work the department undertakes. The aim being to help convey to the public PSD's openness and transparency in relation to handling police complaints.

THE IMPACT OF RECENT VIOLENT DISORDER IN BRISTOL

The series of recent disorder events in Bristol was well reported in the media and although it put considerable pressure on police resources to manage the violence it attracted a limited number of complaints (16 in total). PSD are always evolving and learning and a review has been carried out of the social media coverage and police actions which were flagged to them from various sources throughout the disorder. No misconduct was identified and a full operational de-brief is to be held but no significant issues have been raised from a PSD perspective.

Outstanding Policing - Traditional Meets Technology

Presented by Inspector Mark Nicholson, Operational Planning, Avon & Somerset Constabulary

The UK as leaders in Body Worn Video Camera

Inspector Nicholson provided an extremely informative and useful insight into the use of Body Worn Video Camera (BWV). Inspector Nicholson has helped support former Chief Constable Andy Marsh as the national lead for BWV with this portfolio for the last 2 years.

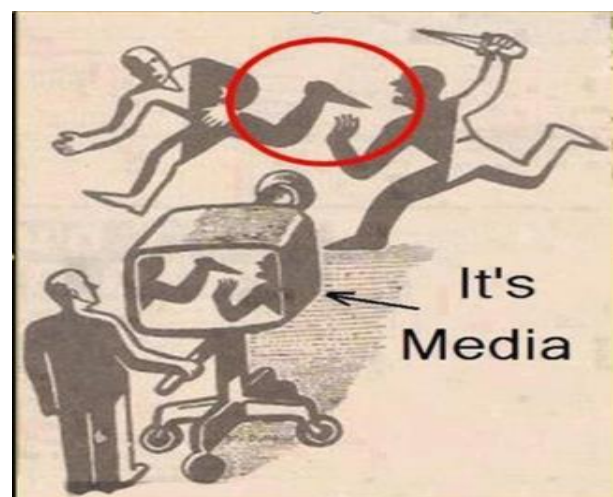
In 2006 the roll-out of body worn video cameras began in Avon & Somerset Constabulary. Since this time every Force in the UK has implemented the use of BWV. The UK is renowned for being the world leaders in the digital technology with other countries such as Canada, France, Portugal and India keen to follow suit. In fact Inspector Nicholson joined the meeting swiftly after a Teams call to the national police service of Canada where he was sharing his wealth of knowledge regarding the benefits of BWV.



Why Body Worn Video?

Inspector Nicholson explained that not only does BWV help to maintain the trust between the public and police service, it increases evidence led prosecutions. The support of BWV can be the tipping point towards gaining that successful prosecution. BWV helps to de-escalate public order incidents and it reduces complaints. It assists in safeguarding situations to outline an individual's needs to other agencies. Police officers are encouraged to behave in an exemplary manner when utilising BWV and it helps to inspire members of the public to do the same. It is a useful tool for enhancing officer's career development and it helps to improve their overall personal safety. BWV helps to show the real picture and the actual facts.

'Providing The Real Picture'



Ongoing development

There are many areas where BWV can be developed, to highlight just a few: it is hoped that in the future the use of BlueTooth Technology will become more developed enabling it to activate the cameras. For example BWV could start automatically once the blue lights activate on a police vehicle.

It is hoped that there will be increased use of Live Streaming to enable Incident Commanders and colleagues to see live coverage of events.

Mobile Phone Apps will be developed so that footage can be viewed and phones used as a camera. Furthermore, BWV can be used more to support Data Analytical Solutions.

Statistics - Benefits of use

- Reduction in Complaints – 66% since launch
- Reduction in Use of Force – 20% decrease
- Public Confidence – 7% increase
- Keeping staff safe – 66% drop in days lost through injury
- Earlier guilty pleas - 4% increase where BWV used

Questions raised by the panel

Has BWV ever gone against an officer and in favour of a complainant?

Yes, most definitely. There have been incidents where the use of BWV has helped address an officer's behaviour and allowed training or other disciplinary measures to be put in place to address the concerns raised.

Is it correct that the use of BWV only last 45 minutes?

No, the cameras will keep recording until their battery runs out. On the new D5 cameras that is up to 12 hours and on the older RS2 cameras (that are now in the minority as all are being replaced) up to 6 hours. The battery will run out before the memory. The confusion may be because the camera will split recorded footage into clips of 40 minutes, but with no loss or stoppage in the recording. I.e. if you record constantly for 90 minutes, when uploaded there will be clips of 40 minutes, 40 minutes and 10 minutes in the system.



Dr Barak Ariel 2016

'There can be no doubt that body-worn cameras increase the transparency of frontline policing. Anything that has been recorded can be subsequently reviewed, scrutinised and submitted as evidence'



HIGHLIGHTS OF POSITIVE FEEDBACK

Positive Commentary from the Panel:

- “The investigating officer’s report is very comprehensive and, in my view, a model of clarity and transparency. The findings of fact are clearly expressed. The conclusions are well supported by the evidence, which was fully disclosed to the complainant”
- “Most thorough investigation as is reflected by the detailed investigation document dated 10th August which accompanied the “final” letter to the complainant. Good to see an account of the officer’s thought processes in assessing what type of force to use to effect the arrest. Yet another example of the benefit of BWV to show what was happening in a dynamic and chaotic situation”
- “Thorough and timely investigation which addresses all of the complaints. Detailed reference to the BWV audio paints the picture.

Pleased to see the learnings for feed back to the inexperienced officers”

- “The Assessment Officer dealing with the complaint apologised for the delay and wrote an empathetic letter to the Complainant keeping them informed throughout with a polite follow up email to close the case”
- “The Investigating Officer’s report is comprehensive and sets out clear findings of fact with, overall, sound reasons for the conclusions reached”

“BWV enabled the investigating officer to view a true record of the incident, rather than rely solely on the complainant’s statement of what happened. The officer gave a valid reason why she drew her taser and pointed it in the direction of the complainant’s daughter. The complaint was recorded as ‘Use of Force’. However, the amount of force required to stop the young person from walking away from the officer, was entirely justified”

HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
<p><i>The complainant took almost 12 months to log the complaint. Is there a time limit to log a complaint?</i></p> <p><i>Do PSD try and access CCTV if available or do they feel the BWV is enough?</i></p>	<p>Prior to February 2020 police were entitled to consider not dealing with complaints made in relation to an incident more than 12 months ago. When new legislation and allied regulations were introduced at that time this ability was removed so complainants are now entitled to make a complaint about matters over 12 months old.</p> <p>This case was dealt with otherwise than by investigation which by definition requires a reasonable and proportionate approach. In this case the investigator was able to rely on body worn camera footage, officer's statements and other police records without the necessity to seize/review CCTV. Where it is deemed necessary CCTV is seized.</p>
<p><i>The officer in the rear of the vehicle restraining the complainant was not wearing a BWC. When officers start their shift are they issued with one as part of the uniform or is it optional to carry one?</i></p>	<p>Officers are personally issued BWC and they should equip themselves with it at the start of each shift, they should then follow force instructions and guidance in respect of when it is switched on. It's unclear why the officer in this case did not have his BWC to hand as he suggests. This is learning for that officer but events were captured on BWC of a colleague.</p>
<p><i>Was any thought given to inviting the complainant to view the BWV?</i></p> <p><i>Can PSD consider whether it would be advantageous at the outset of a complaint to consider whether there is BWV to view and, if so, should a viewing be offered to the complainant with a record made of the decision?.</i></p> <p><i>Can PSD explain the current procedure for a complainant to be given a viewing of BWV?</i></p>	<p>In normal circumstances we have invited complainants to view BWV. However within the confines of working from home and other COVID restrictions this has not been possible.</p> <p>It's prohibitive to be able to show every complainant BWC footage given the sheer numbers we deal with but I agree post-covid we can make more use of it, we will certainly explore how we can effectively do this and which cases are best suited once we are able.</p> <p>We are able to simply ask a complainant if they wish to see the footage, we can meet them at the station and they can view it, there is no difficulty in that regard.</p>

I am unable to form an opinion on if the final outcome was reached. This is due to the outcome being based on the officer's review of BWV, which I don't have access to. Please can you consider placing a copy of BWV evidence in the case files when an outcome relies so heavily on viewing this source?

Unfortunately it's impossible to retain a copy of BWV on case files. The size of BWV files prohibit this as there is limited storage space on the standalone system used to store case files.

A more personal approach might be to include the findings and conclusions, along with an explanation of any applicable legal provisions, in the final letter itself, rather than simply furnishing the investigating officer's report as an appendix to a short personal letter. I acknowledge that this would create additional work for the PSD

Feedback noted, there is always the danger of duplication and as highlighted, it will create additional work. The report is the main response which should outline complaint, enquiries made and conclusions reached. The letter is primarily to outline the circumstances, provide closure and signpost the right to request a review. However the possibility of providing a clearer explanation in the final letter is noted and it will often be appropriate to do so.

What training is currently available on dealing with mental health issues?

The force has invested heavily in training in many aspects of mental health in many and varied contexts.

The force has an appointed mental health lead who plays a pro-active role in developing policy and training, advising on operational matters and developing working relationships with partners. This lead is supported by dedicated staff and by recently appointed mental health tactical advisors who adopt this as a secondary role to their permanent posts. Much closer working practices with mental health professionals for timely assistance and guidance is also in place.

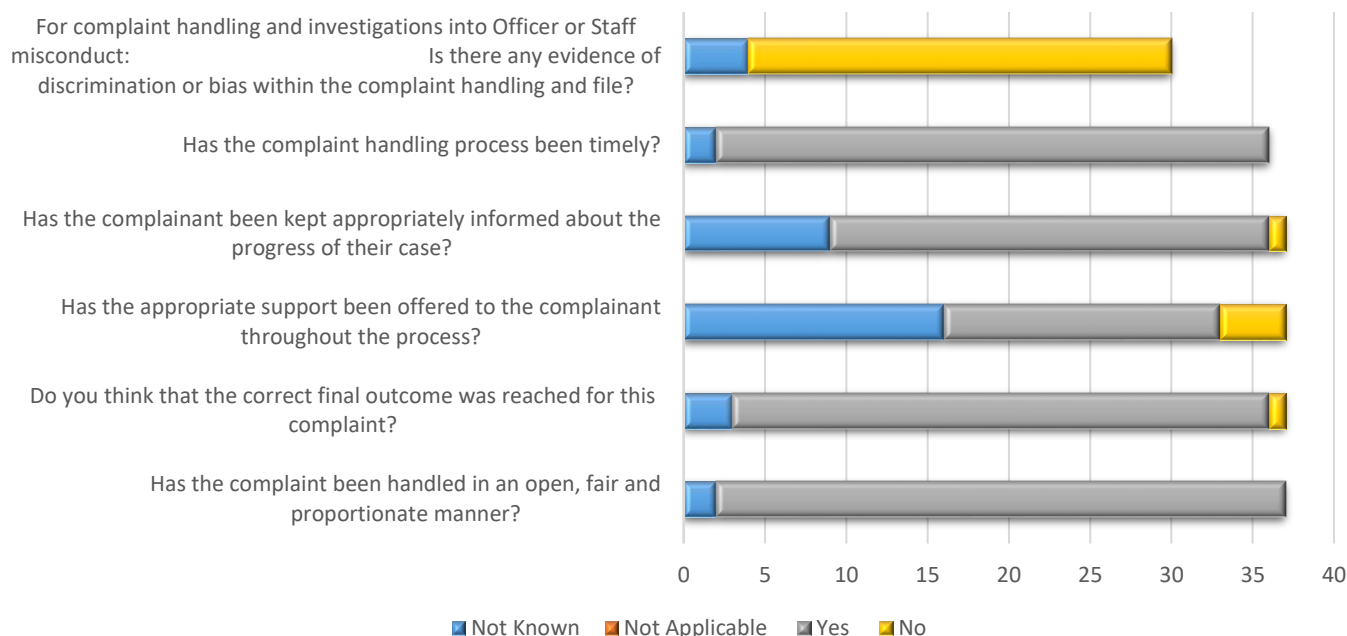
Mental health training has developed significantly in many years as has guidance, policy and procedure.

It is difficult to judge where undue force has been used based on statements and photos that are not always clear, there is some assumption that where a taser is employed, compounded by issues of non-compliance and intoxication of any sort – the outcome in terms of injuries can be severe – it becomes more complex to get a definite view of the standard of delivery where a complaint has been raised. The measure might be about 75%.

The occurrence of significant injuries following use of Taser is very rare. The use of Taser is a method to incapacitate subjects and allow for control to be obtained, a Taser does not inflict injury per se. This incident was caught on body worn camera and a commentary of this coverage is included within the final report. A reasoned review of the circumstances concluded the use of force was appropriate.

STATISTICAL ANALYSIS

June 2021 Statistics



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 Jane Wigmore: *This has been another important review period from the IRP, the group remains a vital and influential means of independent feedback for PSD to review the content, structure and nature of our responses to dissatisfaction. We welcome the constructive feedback which we consider in the way we deal with public complaints, I also thank the panel for the positive feedback which is shared with the team. I'm pleased to say that the IRP will be playing more of a role in reviewing our response to allegations of discrimination by considering more cases on a regular basis. This enhanced involvement assists greatly and forms part of a wider tranche of measures being reviewed around our response to such allegations, a key element of which is identifying genuine lived experience to assist in understanding the context of the experience of the complainant. We hope that as we move towards a more open way of working post-Covid, and when the time is right, we will be able to directly engage more with complainants. In particular to sit with them, show them and talk through Body Worn Camera footage on a more regular basis. As after each cycle of review I would wish to sincerely thank the IRP for giving up their valuable time to assist us, it is of real benefit to us and allows us to improve our service to the public.*



Comments from Avon & Somerset Police and Crime Commissioner Mark Shelford: *I am delighted to have been elected as Avon & Somerset PCC and over the last four months I have been able to see first-hand how incredibly valued our volunteers are. I would like to express my personal thanks to the Independent Resident's Panel who perform such a pivotal role in scrutinising and reviewing how police complaints are handled. It is their hard work which helps to ensure the police maintain a high quality approach to complaints which focuses on accountability, transparency and learning. Thank you to the Panel for assisting PSD further in the review of their discrimination complaints portfolio & their overall willingness to embrace new ideas of working. I am very much looking forward to working with the Panel in the future as we strive together to make sure Avon and Somerset is the most efficient and effective police service for all our communities.*