

Independent Scrutiny of Police Complaints Panel

March 2023

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Purpose of the Independent Scrutiny of Police Complaints Panel

The Independent Scrutiny of Police Complaints Panel (ISPCP) consists of 6 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 Scrutiny of Police Complaints Panel (ISPCP) will review complaints against the police from a local citizen’s viewpoint.’

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



MEETING ATTENDANCE:

Attendees: KS, LC, DW, AD, TW

5 Panel members attended the virtual Independent Scrutiny of Police Complaints Panel meeting for the quarter.

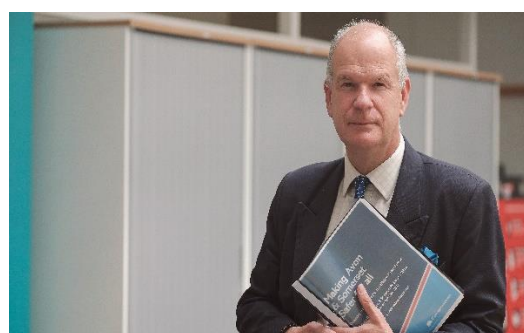
The Panel opted to focus their meeting on the theme of **Discrimination**. The cases were selected on the basis that the complainants felt that they had been treated unfairly and discriminated against by the police based on one or more of the 9 protected characteristics, as defined by the Equality Act 2010.

A total number of 24 completed complaint case files were reviewed in detail by the panel prior to the meeting. These cases were discussed in depth verbally with Superintendent Mark Edgington from Avon and Somerset Constabulary’s Professional Standards Department (PSD) answering questions.

In addition to the dip-sample of cases reviewed, one panel member, at the request of PSD, reviewed a special completed complaint case relating to use of force.

The panel welcomed guest presentations from staff working for the Independent Office for Police Conduct (IOPC) regarding their discrimination work.

A recent Volunteer Recruitment Campaign led by the OPCC, will see the panel increase from 6 to 12 panel members later this year. This will mean a higher number of complaints made to the police by members of the public will be reviewed and assessed for efficiency, fairness and transparency.



The PCC attended to thank the panel for their continued commitment and hard work and to reiterate the important function that the ISPCP performs in providing public accountability and different perspectives to those within policing. The PCC is thrilled that the panel are in the *‘expansion business’* with new members soon to be joining the panel.



Presented by Sian Beynon, Interim Stakeholder Engagement Officer & colleagues

The IOPC is an independent body that provides national oversight of the police complaints system. Sian Beynon, Interim Stakeholder Engagement Officer and her colleagues delivered an informative presentation about the discrimination work that is being carried within the IOPC.

Nischal Thakkar-Cunningham, Senior Oversight Liaison Officer was the force behind the race discrimination publication of the December 2022 edition of 'Focus'. Focus gives police force PSDs practical guidance on dealing with complaints, conduct matters, and death or serious injury cases. It supports police complaint handling and improves standards. Each issue looks at a specific topic, and gives advice and examples for PSDs, PCCs, and others in the police service who manage complaints. Focus complements and supports the IOPC [Statutory Guidance](#) for the police service and OPCCs on the handling of complaints. Nischal talked with passion about the edition entitled 'Handling complaints involving race discrimination', which is dedicated entirely to the handling of matters involving racial discrimination. It provides guidance but also aims to help forces improve the culture of how they handle complaints, with the aim to improve process overall.

Harry Petty, Investigator and Discrimination Advisor highlighted an interesting complaint case involving a Stop & Scrutiny Panel. Concerns about the manner in which a stop & search was conducted were raised by the Panel, which ultimately resulted in the IOPC conducting an independent investigation and findings of a case to answer for misconduct. Escalating their concerns ensured in this instance the IOPC was made aware of a case which could impact on public confidence and there was a clear learning outcome.

Further reading

You can read more about the discrimination work the IOPC are doing [here](#).

[FOCUS Issue 22 - Handling complaints involving race discrimination](#)

Independent Police Complaints Commission (IPCC) guidance around investigating discrimination (adopted by the IOPC) [IPCC Discrimination Guidelines \(policeconduct.gov.uk\)](#)

and [IPCC guidelines for handling allegations of discrimination – Summary guide \(policeconduct.gov.uk\)](#)



ACTIONS

This section logs ongoing actions requested by the Panel and forms part of their ongoing work to scrutinise police complaint handling.

No	Date	Action (OPCC, ASC, Panel)	Progress update	Completed Ongoing/KIV
1	March 2021	Inclusion & Diversity training for all panel members. (OPCC)	<p>The Learning Department have made several recordings available of the 'Expert Seminars' which formed part of the Inclusive Policing with Confidence Training in 2022. BM to consider circulating.</p> <p>The Equality and Diversity E-learning package regarding the Equality Act Training remains available.</p> <p>The ASC Inclusion & Diversity Team do offer information sessions about Race (Safe spaces) and Demystifying Islam (and Ramadan) and panel members can attend these sessions.</p>	KIV
2	Sept 2022	Supt Jane Wigmore to cascade reports as they are available following the PSD Learning Meetings & update on any recent complaint statistics of interest. (ASP)	Agreed Supt Edgington to take this Action over and update the panel each quarter regarding progress and share key headlines.	Ongoing
3	Feb 23	Schedule 3 advice issue to be monitored. (Panel)	Complainants can request that their complaint is recorded under Schedule 3. It was noted in one case by the panel that in the final paragraph of the finalisation email the wording is that, whilst the Complainant has the option of having the complaint formally recorded under Schedule 3 of the Police Report Act 2003, the ' <i>outcome will remain the same</i> '. It was agreed that this statement should be avoided as complainants could be dissuaded from exercising their right to have their complaint recorded.	KIV
4	March 23	Panel request feedback from the IOPC quarterly complaints bulletin. (ASP)	Agreed Supt Edgington to brief the panel at the next ISPCP meeting which will be 14 th Sept 2023.	Ongoing
5	March 23	Panel request a review of Case SB-4 (ASP)	Authorised by Supt Edgington. Review to be conducted by Chief Insp Vicky Hayward-Melen	Ongoing

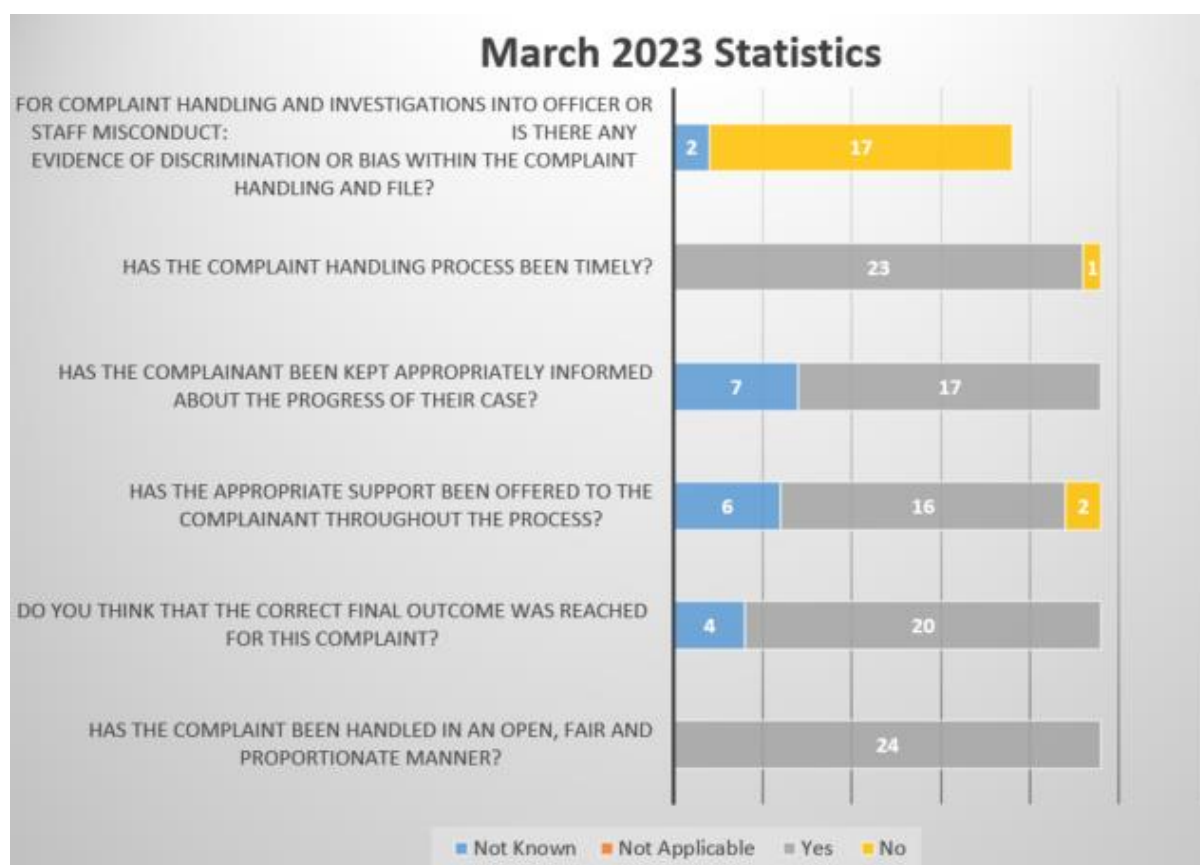
EXAMPLES OF POSITIVE FEEDBACK

“The final report was extremely thorough and well written. It provided the complainant with a most detailed explanation of what happened and why”

“Very through and clear actions by the IO, persistent in trying to communicate with the complainant (email, SMS, phone calls etc.), and reasonable adjustments to ensure the final report was in a form he could access it and get support to understand if needed”

“The investigation was carried out thoroughly and every email was responded to. The request to reinstate the drop box files was complied with, so the complainant was kept informed throughout”

STATISTICAL ANALYSIS



This chart related to the six questions in the feedback form, 24 cases were sampled. Panel members record 'not known' when the case file does not give sufficient detail to allow a categorical yes or no answer.



PSD UPDATE

Detective Superintendent Mark Edgington

THE PANEL WELCOME A NEW HEAD OF PSD

“It is a real privilege to take on the position of Head of Professional Standards and whilst we are working in unprecedented times due to low public trust and rising PSD demand the likes which we have not seen before, we have much to be optimistic about. I am proud of our team (which is growing in number), who are dedicated to making sure we provide answers to the public and who play a crucial role in identifying and addressing poor standards of behaviour.

The role PSD play in building trust in confidence with communities is significant and should not be underestimated. We are the only real means by which the public can seek answers and justice when they receive what they perceive to be a poor service. I therefore want to also personally thank all members of the ISPCP for all your hard work and dedication in ensuring that we as a department continue to learn and be the best we can. Transparency, scrutiny and demonstrating how we are taking the insights and learning from the ISPCP is fundamental to ensuring we build trust with communities.

As a department we also recognise the important role we play in preventing poor behaviour through education, influencing and shaping our culture and also in engaging with communities, particularly those with very low levels of confidence, in order to inform them of the complaints process and how we can work together to build trust. I look forward to discussing some of these workstreams and initiatives with the ISPCP in the weeks and months ahead”.

HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback

SB-4 - Circumstances of the complaint - C, who is of African heritage, was stopped by an officer whilst in her car. C is not satisfied by the explanation given for stopping her and believes she was racially profiled.

The officer driving behind C, says they thought they could smell cannabis, vehicle registration checks reveal that the car is registered to a female but officer thinks the driver is male as can only see their head. Pulls the car over, brief interaction, officer concedes they cannot smell cannabis in C's car and C is the correct driver, no search, C is free to go.

Questions for PSD - the issue of racial profiling/unconscious bias in stop and search is a

PSD Response

Response provided by C/I Victoria Hayward-Melen, Response Directorate, Portfolio Force Duty Officer:

There is currently no national policy in relation to the recording of police using s.163 of the Road Traffic Act (RTA) to stop a vehicle on a road. Avon and Somerset are one of a few forces who have voluntarily taken the decision to mandate the recording of any use of s.163 of the RTA – which has been force policy since 1st February 2022. This decision has been taken so that we can collect data to improve our insight into our use of the power, including any potential disproportionality, so that we can remain accountable to our communities for the use of this power in the

very sensitive issue. I would be interested to hear from PSD as to:

1) What policies are in place regarding use of statutory powers in such situations?

same way we do other policing powers such as stop search and use of force.

When an officer uses s.163 RTA to stop a vehicle they must record (by way of an online form):

- Time / date / location of stop
- Registration of the vehicle stopped
- Officer perceived ethnicity and gender of driver and any passengers
- Reason for stop
- Outcome of stop
- Officer details

Note – our policy regarding recording of s.163 RTA was introduced after this complaint was handled.

2) Are there any recent statistics regarding the ethnicity of drivers who have been stopped using these powers and the reasons for the stop?

On the current stats (up to and including 26/02/2023)

- 8,532 total stops
- 12,818 total people in those stops (this includes passengers)
- 10,532 White
- 932 Asian (2.31 times more likely than White to be stopped)
- 804 Black (3.63)
- 192 Mixed (0.76)
- 176 Other (1.37)
- 182 Unknown

Reasons for stop:

- ANPR marker – 928 stops
- Construction and use offence – 986 stops
- Document offence – 983 stops
- Drink or drug drive – 1092 stops
- Driving standards – 3223 stops
- Non construction and use offence – 326 stops
- Other – 1857 stops
- Vehicle examination (PG9) – 134 stops

There is currently no national data to benchmark against to understand whether officers are fully complying with the policy, however we know anecdotally that more than 500 vehicle stops take place a month. We have appointed a Tactical Lead for Vehicle Stops, an acting Inspector in the Roads Policing Unit to focus on improving compliance and ensuring officers continue to submit the forms so our data is accurate.

3) What steps can be taken to improve public confidence in these cases, especially in under-represented communities?

This case was discussed further in the panel meetings and despite the explanation provided the panel still felt uncomfortable with the decision making, which they felt showed evidence of racial profiling. Therefore, the panel have requested that this complaint is re-reviewed (in progress).

- **Being one of the first forces to mandate the recording of s.163 RTA stops demonstrates how committed Avon and Somerset are to improving public confidence.**
- **By recording at this stage of the interaction, we can understand how one of the most widely used police powers is impacting on our communities, particularly those who are under-represented.**
- **Without introducing recording at this stage, we rely on the recording of another police led occurrence (intelligence, stop search, offence, etc.) when some stops don't even progress this far (words of advice given for a brake light out, for example).**
- **We now have full visibility of this power (once completion rate is increased) and can then take steps to address any disproportionality within.**

LC-3 Circumstances of the complaint - C stopped due to ANPR markers (disqualified driver, failing to stop). C alleges discrimination for age.

Questions for PSD – the Final letter is inconclusive. It would be reasonable to expect a clearer response. Either “the officer correctly stopped you based on information they had been provided”, or “the officer had no information provided to him as a basis to stop you”.

Regarding the ‘age’ discrimination element of the complaint, this is not really closure and does not categorically state that there was no evidence or intent to age discrimination.

This is an unusual case that the vehicle was stopped due to an ANPR notification - there was a legal basis for stopping the car. The complainant states they were stopped due to their age and it being an expensive car - this is incorrect as the vehicle was stopped due to ANPR. The information provided to the complainant could have been clearer and provided them with a lawful basis which would have answered their question / alleviated concerns at the earliest opportunity.

In terms of age discrimination - there was no case to answer so there were no comparisons sought - should misconduct have been identified comparison data would have been sought to prove / disprove the claim. It would not be proportionate for this piece of work to be undertaken if the service level has been determined acceptable.

TW-4 - I had considerable difficulty in grasping the details of this case, as the PSD Assessment form is full of abbreviations, which I as a member of the public, did not understand. For example :-LSU: CSC: LADO: CAFCAS: DIRM: VWCO: DAT. Are there any observations from PSD in relation to how language can be simplified for complainants?

The headings within the assessment form are relatively clear. The abbreviations mentioned are contained within the "Niche Review" section (police Case Management System) which a member of the public would not usually see.

Further discussion during the meeting Chief Inspector Sharon Baker – this concern raised by the panel member prompted further discussion and C/I Baker confirmed that she is working on creating a list of commonly

used PSD abbreviations to assist staff and these would be forwarded to the ISPCP members for their consideration.

AD-2 - Circumstances of the complaint - C is the victim of a violent offence. The only line of enquiry to identify the subject was CCTV at the pub where the offence occurred, this wiped after 30 days. At that point nothing further could be done to progress the investigation to identify the subject. The complainant argues otherwise and complains that the CCTV is still available to view.

It would seem the primary justification for not dealing with the initial complaint in a timely manner was down to police resources; whilst this may well be the facts, it does not make it acceptable, therefore I do not believe it was appropriate to 'file it' away as closed. Keeping cases like this 'open', possibly with no realistic hope of closure may seem a pointless exercise, however, in so doing it builds a very real picture of how reduced police resourcing has a negative impact on outcomes, which in turn, when used effectively, can support a case for greater funds to improve those resources. Hiding cases like this serves no one in the long run.

How many complaint cases are closed each year where police resourcing was a factor?

The decision on how to handle a complaint can include filing not further action but that doesn't mean ASP are 'hiding' the complaint. It remains logged and recorded on our systems for monitoring and performance, hence why the panel are able to review it.

The force undertook a review of complaints at the end of last year to identify themes for further analysis. Those themes that will be subject to dip sampling are as follows:

- **Investigation (significant increase in application)**
- **Arrest (significant increase)**
- **Premises Search (Significant increase)**
- **Domestic/Gender Abuse (Recent Increase)**
- **Public Order Incident (Recent Increase)**
- **Neighbourhood Policing (Increase around Op Hibiscus, however starting to fall now we are out of the summer)**
- **Call Handling (Same trend as Neighbourhood Policing. Figures now starting to fall as we leave Summer Demand).**
- **Stop Search (Monitor - we have seen a reduction from the peak early 2021. Monitor to ensure no further peaks)**

AD-4 -Circumstances of the complaint – C alleges officers of being racist which has been dismissed on grounds of little/no evidence, the caller has made numerous similar complaints to PSD.

The list of previous complaints is extensive, however, what investigation has been carried out to determine whether these are all vexatious, or has there been a problem which has now become lost in the 'noise' of complaints?

Given the number of similar issues raised by the complainant, are PSD confident that no actions are being taken to 'stoke the fire' by some officers, with the intention of discrediting any further complaints?

The complainant is a repeat complainant and has stated that he does not like his local officers as they do not provide him with the answers he wants. His complaint handling is complicated as a number of his allegations are duplicitous and protracted however the assessors have a good handle on the more persistent complainers and have generated a contact plan for our challenging callers. The complainant in this case has not met the threshold to be on this list but I am confident that a process is in place should he continue to make complaints. A number of his complaints are also sub judice pending the outcome of criminal matters, so it is difficult for us to say whether the complaints are vexatious or not. The handling of the criminal matters and associated disposal can help inform the

complaint handling but this is done on a complaint by complaint basis.

TW-1 - Circumstances of the complaint – C alleges that three officers ganged up on him to get him fined. Additionally, that undercover officers followed him, were rude and used pepper spray on him.

The complaint was withdrawn after several correspondences. Officers involved in the incident mentioned racial abuse being levelled at them.

It would appear that the complainant had difficulty with managing the messages between him and the force. He had difficulties accessing the Box system. The whole issue became too problematic and he decided to withdraw the allegation, once he had calmed down and distanced himself from the incident.

Can the investigation of straightforward complaints be simplified further, without compromising outcomes or the transparency of the process?

PSD have also been considering how we can investigate matters in an efficient manner whilst being cognisant of what is reasonable and proportionate. The IOPC have offered to give an input which was scheduled for the end of February about what is reasonable and proportionate as part of handling a complaint and investigating. We have also reviewed our workbook templates to look to reduce down some of the unnecessary lines of enquiry if not relevant.

DW-5 - **SPECIAL CASE - Use Of Force, PSD requested a further independent review of this case by the ISPCP**

C alleges officer used excessive force. His arm slammed into fence which split his head open. Officer ignored his request not to squeeze his hand because of recent surgery. Cuffs too tight and in response to request to loosen them officer said "FO" and dragged him to police car. Complainant suffered cuts to wrist and upper arm, finger marks, black eye and cut above eye.

C alleges he was arrested when he done nothing wrong.

What protocols are in place to ensure that at the beginning of a shift an officer has access to a fully charged BWV and what happens at the end of the shift?. How are officers assisted to adhere to these protocols/what improvements could be made?.

Are there any statistics available to illustrate how many complaint cases have/do not have

The Body Worn Video (BWV) lead is on holiday so I as unable to get further detail from him in time for this response. There are BWV charging points in every station, at the conclusion of a shift BWV is charged so it is ready for the next one. Of course there will be times officers are off very late, have traumatic shift and/or forget to charge it or accidentally leave it on.

There is monitoring of how much officers use their BWV, this is one of many things supervisors and PSD can see and monitor. The information between PSD complaints and BWV is not automatically crossed reference, as they are two different systems that do not 'talk' to one another, so we do not have statistics. However if there is a complaint where we would have expected BWV to have been used e.g. stop search/use of force and it is not, the investigator could quite simply make enquiries into the officers use of BWV to see if there is a concerning pattern.

BWV when BWV would be expected to be available?.

Noted in OTBI report at Section 3 there are 2 options and neither is chosen. Should an option be selected or if irrelevant should Section 3 be deleted in its entirety?

This is a very thorough OTBI investigation, including the OTBI Report sent to the complainant. Is this a new standard set for all future OTBI reports or was there a particular reason why this case merited such a thorough approach?

Please advise what action is being taken with this feedback - i.e. will it be disseminated in any way or a response given to the complainant?

In relation to section 3 of the report, a template is used, and yes as it wasn't relevant it could have been deleted rather than left in the report. The investigator is new and is thorough, commenting on this 'reasonable and proportionate' is a scale and dependent on the context and allegations of the matter in hand, so they do vary, we need to balance the time taken on OTBI with demand and other workload. The supervisors now have oversight at the start with an investigation plan they sign off and we are starting a regular 28 day review that is more in-depth that will make sure this balance continues.

In relation to the review and further dissemination, I will seek advice on what we can share with the informant, it is likely to be summary of the findings, and assurances it has had your independent review.