

Independent Scrutiny of Police Complaints Panel

September 2023

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Purpose of the Independent Scrutiny of Police Complaints Panel

The Independent Scrutiny of Police Complaints Panel (ISPCP) consists of 11 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](#).



STRUCTURE OF THE SESSION

10 panel members attended the Independent Scrutiny of Police Complaints Panel (ISPCP) for the quarter. This was the first meeting held in person since Covid-19 and it was a welcome experience allowing people to reconnect in a more personal and meaningful way.

The panel welcomed 5 new members, all of whom have been successfully appointed following a recent Volunteer Recruitment Campaign led by the OPCC. Expanding the ISPCP will ensure that more police complaint cases are scrutinised, ensuring transparency and accountability within Avon and Somerset Constabulary. Scrutinising police complaints is a complex and often sensitive task, but the collective efforts of the panel helps to ensure that there is community oversight which is integral to building trust and maintaining the highest standards of policing. The addition of more panel members means that the ISPCP can further broaden their scope and delve deeper into examining and addressing more police complaint cases.

The Panel opted to focus their meeting on the theme of complaints involving the **handling of or damage to property/premises by the police**.

A total number of 30 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) and Chief Inspector Sharon Baker (PSD) answering questions. Richard Vise, ASC Delivery Manager – Estates & Facilities and Property Lead was also in attendance.

MEETING ATTENDANCE:

Attendees: AD, BK, DW, EK, JF-T, JB, KS, LC, PR, SB, TW

Apologies: JS-G



PROFESSIONAL STANDARDS DEPARTMENT (PSD) UPDATE

Detective Superintendent Mark Edgington

INCREASE IN PUBLIC COMPLAINTS

PSD have noticed a marked increase in public complaints. This demand it is felt is being driven by the national reporting and media attention that is currently being placed on policing. PSD are seeing increased staffing capacity to manage this demand. Complaint Handlers/Assessors are being uplifted from 5 to 7 staff members, this increase should assist with the handling of complaints at the earliest opportunity and providing a timely response to complainants. Statistically complaints for this quarter have increased to 638 compared to 516 last year, with a force average per quarter of 495.

PREVENTATIVE WORK & COMMUNITY INSIGHTS

Engaging with communities to increase their understanding regarding the police complaints system is one of PSDs key priorities. PSD continue to work closely with the Neighbourhood Policing Teams to try to access the harder to reach communities. PSD are also developing their Lived Experience programme by increasing the number of Lived Experience volunteers they have to reach out to within the organisation. Investigators can better understand the difficulties faced by

complainant's with protected characteristics by seeking the views of Lived Experience volunteers whom might share those protected characteristics and thus be able to offer subjective opinions to assist when handling complaints.

PSD INCREASING TRANSPARENCY IN DECISION MAKING

Supt Edgington reached out to the panel for volunteers to undertake some additional scrutiny work, reviewing Severity Assessments within PSD. When an investigator decides that there is an indication that an officer may have committed a criminal offence or behaved in a manner that would justify disciplinary proceedings, they are required to conduct a Severity Assessment. The Severity Assessment looks at whether the conduct, if proved, would amount to gross misconduct, misconduct, reflective practice or no further action. This innovative piece of work which is the first of its kind nationally will really seek to make improvements to the handling of severity assessments and to ensure that PSD as decision makers are being consistent.



Find out more
about the police
complaints system

policeconduct.gov.uk

Additional reading - learn all about complaints that police forces have logged nationally by reading the IOPC annual police complaint statistics: [Police complaints statistics for England and Wales report - 2022/23 | Independent Office for Police Conduct \(IOPC\)](#)

The IOPC produce quarterly bulletins for all police forces. Available on the website the latest edition can be read [here](#).

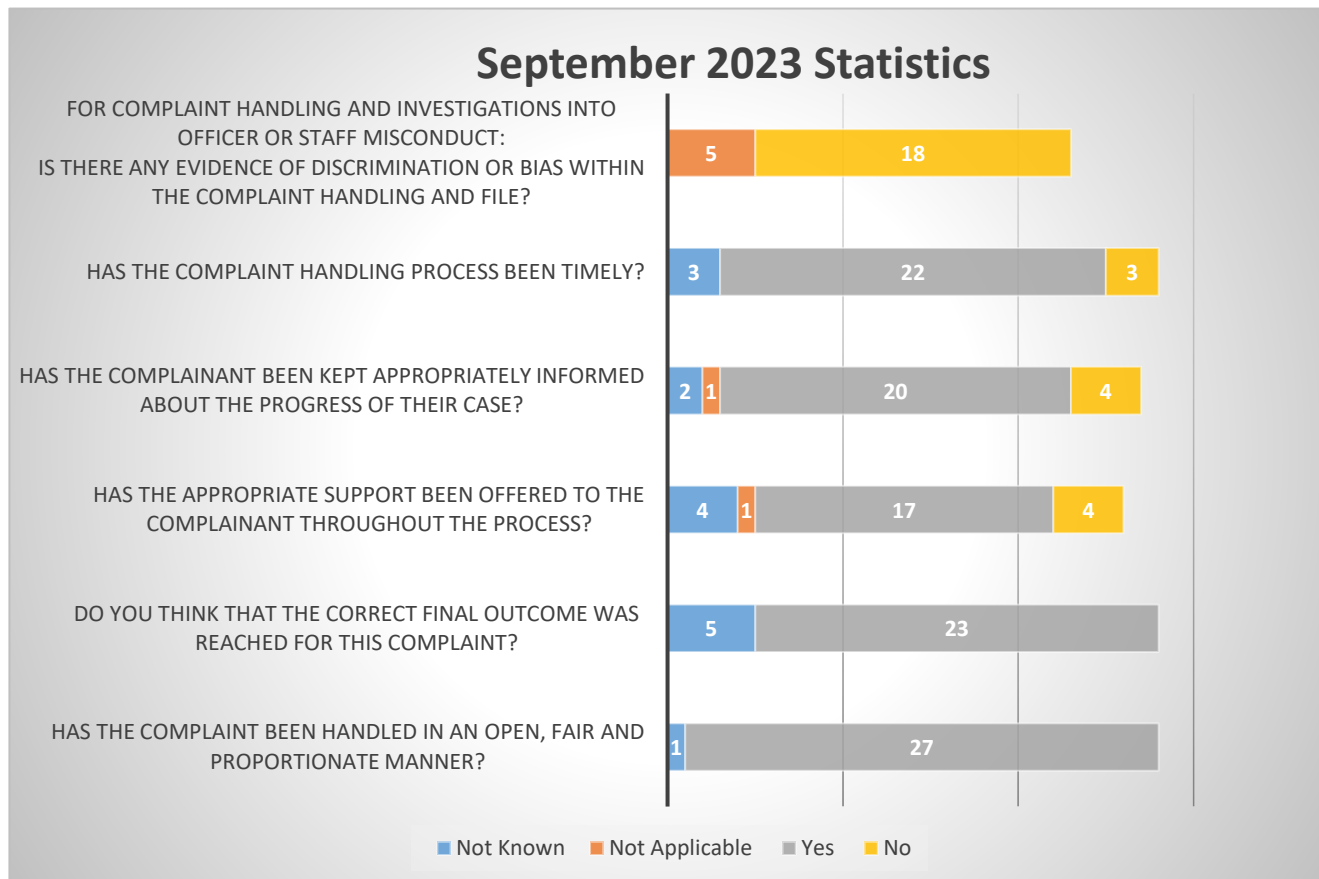


ACTIONS

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 Equality and Diversity E-learning package regarding the Equality Act Training has been circulated for all panel members to complete 28/09/23.</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>	Ongoing
2	Sept 2022	PSD to update the panel following Learning Meetings & provide a briefing on any recent complaint statistics of interest including the IOPC quarterly bulletins and annual complaints report. (ASP)	Briefing provided 14/09/23 and will continue to discuss points of interest at future meetings.	KIV
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 a review of Case SB-4 (ASP)	14/09/23 - Chief Insp Vicky Hayward-Melen attended and provided a rationale behind the decision making (see page 11)	Closed
5	Sept 23	Panel request a review of Case LC-1 (ASP)	To be discussed at December meeting	Ongoing

STATISTICAL ANALYSIS



This chart related to the six questions in the feedback form, 30 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.

EXAMPLES OF POSITIVE FEEDBACK

The panel cited the following examples amongst their 'Complaint dated 4th November 2022 and promptly resolved by return of SD card 16th November. Case officer identified how to speedily satisfy the complainant contacted the officer concerned and had the card returned'.

'Resolved under Early Intervention – sum reimbursed and complainant happy. Credit to the Investigating Officer for dealing with the matter swiftly, decisively and with empathy. In particular, by deciding not to send the matter to Legal Services and to deal with it themselves because they recognised the situation was unjust and wanted to restore public confidence. Very impressive.'

'The positive actions taken by the Investigating Officer to expedite the return of the complainant's phone should be noted. Finalisation letter lays out the OTBI process in simple terms, this is an improvement over previous cases I have reviewed.'

HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
<p>SB-4 - Circumstances of the complaint – C seeks return of laptop and phone which police took to search through. C was investigated for child sexual offences and a charging decision has not yet been made. C is still waiting a year later to get them back.</p> <p><i>Response to complaint is that the devices were released by the OIC to Detained Property who have a back log of property to return.</i></p> <p><i>Although the offences in question are very serious, C had not, at that stage, been charged, and it does seem unreasonable that C is waiting so long for the return of their property – it was released by the OIC in December and C was still chasing it in April. In those circumstances I felt that the final response was lacking in empathy and did not contain an apology when one was clearly due.</i></p>	<p>Feedback regarding letter, all noted. The line manager will be informed to provide the example as feedback in a 1:1 with the member of staff.</p>
<p>SB-5 - Circumstances of the complaint - C is a vulnerable person with autism. Mobile phone and laptop taken for information to be downloaded in June 2022 – still awaiting return. C lives in supported living accommodation and needs phone for family to contact them. Complaint made by someone acting on C's behalf.</p> <p><i>The response to C appears to have been sent directly to them – it may have been copied to their representative who made the complaint on C's behalf, but I could not see from my review that it had. The response was very brief and simply cut and pasted the reply from the OIC into the standard template. Bearing in mind that this is a vulnerable person, I'm concerned that the reply was not written in language which C would understand, and did not go far enough in explaining the situation and why it was necessary to keep the devices. The response was lacking in empathy and there should been an apology because C had been without their phone between June 2022 – Feb 2023 and this was causing them problems in their everyday life.</i></p>	<p>I agree, I believe that the complaint response could have shown more empathy and rather than a simple cut and paste, it could have been worded differently. Additionally, I think that an arrangement could have been made for the Sergeant to contact the complainant, or her representative, upon his return from rest days as agreed. This will be fed back to the complaint handler.</p>

AD-4-Circumstances of the complaint -

Family attempting at retrieving house keys, complaint raised about non-return of keys to the property by the police.

Why did it take 6-days to acknowledge receipt of the complaint, notably missing the requested response time and thereby not returning the keys before the funeral?

Given the nature of the incident, was there a role for family liaison team to support the return of belongings to the family? This seemed a pretty basic request that should not have taken so long to achieve.

This incident should not have required a complaint being raised by the family, especially given the circumstances and the urgency to have access to the property before the funeral.. although, once prompted, PSD/ASP did turn the request around quickly, it should not be considered as a `win`.

In general terms family liaison officers have a role of supporting investigative strategy by building and maintaining a relationship with next of kin creating a path for the exchange of information following a sudden and unexplained death. However, they are not appointed for every sudden death and are usually only appointed in cases that are suspicious or could result in prosecution. I am not able to comment on the specific question concerning family liaison support in this case without knowing more about the incident, beyond what is recorded in PSD records.

In relation to the timeline for handling of the complaint; The complaint was submitted at 2104 hours on 13th December 2022. The PSD assessors do not work outside of normal office hours as there is no organisational requirement. Therefore the earliest this complaint could have been actioned would have been the morning of Wednesday 14th December 2022.

From the Case Documents folder it appears that the online submission form was given a reference number and saved in its own folder at 1056 on Monday 19th December. The acknowledgement email was sent at 1429 hours on 19th. This represents a turnaround time of around 3 working days.

There are no current guidelines published regarding the turnaround times for initial complaint acknowledgement. All complaints submitted are scanned initially to allow decisions to be made about severity (for example those that may need to be referred to IOPC) or cases that may need immediate action in order to secure perishable evidence. It should be noted that since December 2022, the PSD assessment team has grown from 5 FTE posts to 7.4 FTE posts, with those recruited in May 2023 now completing their initial training and mentoring and taking on more work. However, the number of complaints received over the past 12 months has increased by around 10%. At the time of writing (29th August) the assessment team has 40 complaints awaiting assessment, with an additional 17 new complaints received over the bank holiday weekend. The oldest complaint awaiting assessment date to 23rd August - 6 days.

AD-5 - Circumstances of the complaint -

Complaint raised about a number of missing items.

Despite “..extensive enquiries..”, the items reported missing by the complainant were not located... how often has this happened?

The responsibility for recording any items of property detained as evidence under a statutory power rests with the Seizing Officer attending scene. A supervising officer (normally a Sergeant) should check that a record (Niche occurrence) has been correctly completed by that officer. The Seizing Officer is also required to provide the person from whom property is being seized with a receipt, detailing each item taken into police custody. This is done in order to avoid discrepancy and/or later dispute as to items held in police possession. Each item/exhibit must be entered individually on the Niche occurrence (property tab) and allocated an identifying exhibit reference number. With items of high value such as cash, officers are advised to record in company with another officer as witness. This process relies heavily on the integrity of officer's and it is near impossible to know if items have gone missing if they have not been recorded in the first place. The issuing of a receipt at point of seizure is designed, in part, to provide the owner with written record of what has been taken from them.

TW-4- Circumstances of the complaint -

The complainant witnessed an incident in which he was not involved. He was observing the incident when one of the police officers on the scene asked him to leave then pushed him in the chest. The officer had not approached other people in this way. The complainant considered that he was being singled out because of his race. He is now worried that he may be targeted by the police. Consequently, he has lost all trust in the police. The officer involved said that the complainant was standing right behind him and in the volatile situation that the officer was in he felt the need to move the complainant quickly out of harm's way.

Inspector West decided that the case could be dealt with OTBI. He would undertake a review and collect whatever evidence was available but any review of this type of complaint (racial discrimination) would have to be undertaken by the IOPC if the complainant wished to take the matter further. The complaint was withdrawn following the explanation.

The final letter is still longwinded and not easy to comprehend. The sentences are unnecessarily long and complicated.

I agree, I think the final letter is a bit wordy. On this occasion the final letter was drafted by a Sergeant within PSD however, I would add that the final letter starting point is a template. The template was set up in February 2020 to ensure that all the information we must provide to the complainant (such as the appeal process) is provided in accordance with IOPC guidance.

I will take the feedback onboard and we will look at amending the final letter to read better and condense the wording. The amount of input from the author is limited due to most of the letter being structured, I don't think individual feedback is required at this time.

TW-1- Circumstances of the complaint -

(Note – Discrimination complaint)

Complaint that his phones were taken off him.

Claims he has been without phone for 5 months and that solicitors have phoned requests many times to no avail.

EPU had not received authorisation and instructions to release property.

He expects the return of his phones and compensation.

The final letter did not address whether he would receive compensation or not.

As EPU have not received proper authorisation they were unable to release the property. There seems to be a pattern of errors which repeatedly delay the return of property. It may be a lack of resources or bureaucratic procedures but this problem needs resolving.

Under Section 22 of PACE the investigating officer is required to regularly review the continued need to retain evidence. This process is automated on Niche at 30-day intervals for the first 90 days and periodically thereafter. The process of updating the Evidential Property Unit (EPU) is a simple one i.e. a task entry on the system to either; retain, return or dispose. The process itself is not onerous but can be challenging for officers with high workloads and balancing priorities.

KS-5- Circumstances of the complaint –

Complainant requested the return of his phone & computer which were seized during his arrest & search of his house 6 months previously.

PSD were advised that he cannot have them back as they are still with DFU awaiting investigation, complainant informed of this in final letter.

Complainant known to PSD- sends numerous emails to CC, PSD, MP & others senior public figures. Complaint Strategy Plan being developed in line with IOPC Guidance on Handling Abusive & Unreasonable Behaviour

Complaint recorded formally to give him right to review, noted that he does not take advantage of this.

Emails show (understandable) confusion about which of several ongoing complaints people are being asked to respond to. He has also been sent an email suggesting that his phone was available, which was later contradicted. This highlights the importance of having one lead for all communication and a clear script for everyone else. This will be delivered by the Complaint Strategy Plan.

1. Given the number of overlapping complaints, emails and the scattergun approach to communication taken by complainant, should Complaint Strategy Plan have been implemented earlier?

This complainant was well known to PSD however, we have only recorded 4 complaints from them, the other contacts have been recorded as not warranting a response, this suggests the impact on resource within the Assessors team and wider PSD is minimal. The Complaint Strategy Plan that is now in place is more aimed at trying to contain the complainants contact to PSD opposed to trying to stop them emailing all together (which is often the aim of a Strategy Plan). We follow the IOPC guidance on managing unacceptable and unreasonable complainant behaviour, which sets out what unacceptable behaviour is but it also mentions that members of the public should be given the opportunity to express themselves, which might look different for different people. We think it is important not to jump to conclusions. As mentioned above, we will also look at the impact the contacts are having on our ability to carry out our day-to-day duties, most of the contacts didn't require a response so took very little time to deal with.

We don't take the decision to put a Complaint Strategy Plan in lightly, so it is highly likely this case would have been discussed during team meetings before the decision to put a plan in place was agreed.

2. What oversight does A&S have for Complaint Strategy Plans? How frequently are they reviewed?

3. Is 6 months awaiting investigation normal for DFU? It seems a long time.

Strategies can be reviewed at any point, for example if new or different behaviours are identified by PSD which requires a change to the strategy this will be considered, and appropriate changes made. Where this isn't application for us to trigger a review, then we will implement a review process. This is an ongoing piece of work that is currently being reviewed by our Office Manager. This review will include considering each strategy and decision made for appropriate review dates to be set.

All requests for phone examination are of course prioritised with a number of factors, including seriousness of offence. It can take significant time to process less urgent requests, additionally the time scales are longer when PIN codes are not provided and then phones have to undergo even more examination in order to access them, 6 months is not unusual.

LC-1- Circumstances of the complaint:

Complaint is about police attending and acting in a discriminatory manner to the Complainant's guest in her home, based on his race.

Complainant had since passed away between complaint and OTBI being completed. Final report produced, and outstanding OTBI case closed with NFA.

Following discussion in the Sept meeting, ISPCP request re-review of this case. Panel felt the decision to not voluntarily send this case to the IOPC for review should be reconsidered. PSD agreed to review and update sought for Dec ISPCP meeting.

I have conducted a review of the case documents and the associated niche reports - the victim committed suicide by hanging on 9th May 2023, she has been arrested for conspiracy to rape in May and there was a call regarding an attempted suicide on 2nd May.

It appears from reviewing the case that there was interaction from various partners including the police between the victim's death and recording of the complaint which may account for a break in causation which would negate the requirement for an IOPC referral.

RE-REVIEW OF COMPLAINT CASE REQUESTED BY THE PANEL



March 2023 ISPCP - 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 the officer thinks that 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.

This case was discussed further in the March panel meeting and despite the explanation provided by PSD, the panel still felt uncomfortable with the decision making, which they felt showed evidence of racial profiling. Therefore, the panel requested that this complaint be re-reviewed by PSD and discussed as the next meeting.

Re-review conducted by Chief Inspector Vicki Hayward-Melen and discussed during this quarters meeting.

C/I Hayward-Melen stated this was a reasonable stop based on the two factors of the PNC result and smell of cannabis but the softer skills and sense of procedural justice that we expect of officers conducting stop searches is missing. C/I Hayward-Melen stated that she would expect more cultural and emotional intelligence to be demonstrated by the officer. She could have apologised for misgendering the driver (was this an assumption that long dreadlocks must be on a male?) and apologised for the inconvenience after having realised her mistake. C/I Hayward-Melen commented that this is a perfect example of how Black people feel overpoliced, although nothing is 'technically' wrong with the stop.

Action to be taken – C/I Hayward-Melen concluded that this was a matter of individual learning for the officer involved as opposed to conduct and as a result of this review the officer will be spoken to directly by C/I Hayward-Melen.

Comments from Head of Professional Detective Superintendent Mark Edgington:

I want to personally thank all the members of the Independent Scrutiny of Police Complainants Panel for their time, commitment, and valuable feedback once again. When trying to describe what legitimate policing and policing with consent means, this in my view is exactly what this is. I also want to welcome all the new members to the panel and our teams really do look forward to working with you all over the year ahead.

Within PSD we are starting to see the investment of additional resources having a positive impact. Our ability to contact complainants and resolve their concerns quicker is really starting to show. In addition, our work in tackling disproportionality and our move forwards to become an anti-racist organisation is also making progress. Over the last few months, we have delivered training to all our complaint investigators regarding how to investigate issues pertaining to discrimination. This included some powerful lived experience input from REACH and the young person's IAG and I know all who attended came away with a much better understanding of how important their role is in this important area.

We were also pleased to have been asked to showcase all our work in this area at the last IOPC regional complaint handlers CPD event. We talked about the fantastic work of the ISPCP and how we are looking at Severity Assessment reviews, our Community Insights work and how we are now using lived experience accounts in all discrimination cases. We all feel optimistic and excited as we look forward to 2024 in how we can all continue to work collaboratively to build trust and confidence with communities.

Comments from Avon & Somerset Police and Crime Commissioner Mark Shelford:

I would like to take this opportunity to welcome and extend my sincere gratitude to the newly recruited panel members who attended their first meeting this quarter. The Independent Scrutiny of Police Complaints Panel is crucial for ensuring accountability and transparency in handling complaints against the police and is an important mechanism to help to build trust between our communities and the police. My Deputy, Claire Hiscott attended this quarter's panel meeting and was most impressed with the work of the panel, their diligence, careful scrutiny and attention to detail. Myself and Claire look forward to working with the newly expanded panel.

The thematic this quarter was complaints involving the handling of or damage to property/premises by the police. The number of complaints which involved the issue of property was identified as an area of concern by the panel when reviewing complaints in a previous dip-sample. It is excellent to see Avon and Somerset Constabulary's Property Lead attend the meeting, alongside PSD, to hear the concerns highlighted by the panel.

I am grateful also to C/I Hayward-Melen for attending and taking the time to re-review a closed complaint at the request of the panel. It is useful to see this re-review prompted further reflection and learning for the officer involved and this could be shared in a proactive way.

Further information about the Independent Scrutiny of Police Complaints Panel (ISPCP)

Further information about the ISPCP can be viewed through the following link:

[Independent Scrutiny of Police Complaints Panel | OPCC for Avon and Somerset \(avonandsomerset-pcc.gov.uk\)](https://www.avonandsomerset-pcc.gov.uk)

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