

Independent Scrutiny of Police Complaints Panel

December 2023

Contents

Page 3 | **Purpose of the Independent Scrutiny of Police Complaints Panel**

Page 3 | **Structure of the Session**

Page 4 | **Professional Standards Department update**

Page 5 | **Actions**

Page 6 | **Statistical Analysis**

Page 6 | **Examples of positive feedback**

Page 7- 12 | **Highlights of Concerns, Questions or Issues raised by the Panel**

Page 13 | **Comments from Professional Standards Department**

Page 13 | **Comments from the Police & Crime Commissioner**

Page 14 | **Further Information & Get in Touch**

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](#).



MEETING ATTENDANCE:

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

Apologies: EK, TW, LC, JS-G

STRUCTURE OF THE SESSION

8 panel members attended the Independent Scrutiny of Police Complaints Panel (ISPCP) for the quarter, 7 in person and 1 remotely. This new hybrid meeting approach worked well allowing for flexibility and will be adopted for future meetings. A new Vice Chair was appointed for 2024.

This was the first meeting where the new panel members had been given the opportunity to access and review a random dip-sample of closed police complaint cases. It was evident that the new members had grasped exceptionally well how to meticulously scrutinise the cases and had produced some very well thought out questions to pose to Avon and Somerset Constabulary’s Professional Standards Department (PSD). In order to prepare for the meeting, each new panel member buddied up with a more experienced panel member and reviewed the same complaint cases. This offered new panel members the opportunity to jointly discuss their findings and benefit from the support, insight and knowledge that the experienced panel member had to offer. This concept worked well.

The Panel opted to focus their meeting on the theme of Discreditable Conduct. Discreditable Conduct is a category of police misconduct. Police officers are expected to behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

A total number of 34 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 & Samantha Harding (PSD Investigator) from Avon and Somerset Constabulary’s (ASC) PSD. The panel welcomed presentations from Inspector Frazer Davey (PSD).

Presentation – Police Standards of Professional Behaviour: Training

Inspector Frazer Davey, Avon and Somerset Constabulary's PSD, gave the panel a very informative presentation regarding the key messages he has been delivering to all new police officers and staff who have contact with the public.

This face-to-face input which is delivered in a 90 minute session, seeks to educate all new entrants into ASC about what constitutes acceptable standards of professional behaviour and how the wrongful actions of a small minority can have a detrimental effect on public confidence.

The training reaffirms the Code of Ethics, a Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales and explores the 10 standards of professional behaviour, including honesty and integrity, equality and diversity, use of force, confidentiality and fitness for work, to list a few examples. The training seeks to develop an understanding of the meaning of these standards & how they impact on staff both on and off duty.

Staff are educated regarding the frequent mistakes that are made, including wrongfully accessing police data, misuse of social media, actions compromising honesty and integrity and sexual misconduct. Inspector Davey emphasized that with the correct education staff are made aware of how not to discredit the police. Conversations are also held regarding the importance of challenging inappropriate behaviour and the different thresholds for staff misconduct including: learning, misconduct and gross misconduct.

Q – Is the training mandatory? **A –** yes for all new joiners & all new police sergeants, it is discretionary for other staff. A new trainer will be reappointed when Inspector Davey retires shortly.

Q – What has the response been? **A –** good, even a lack of knowledge from retired officers rejoining ASC has been evidenced. The aim is to see conduct and complaints reduced, collating data over time will help to illustrate any positive trends.

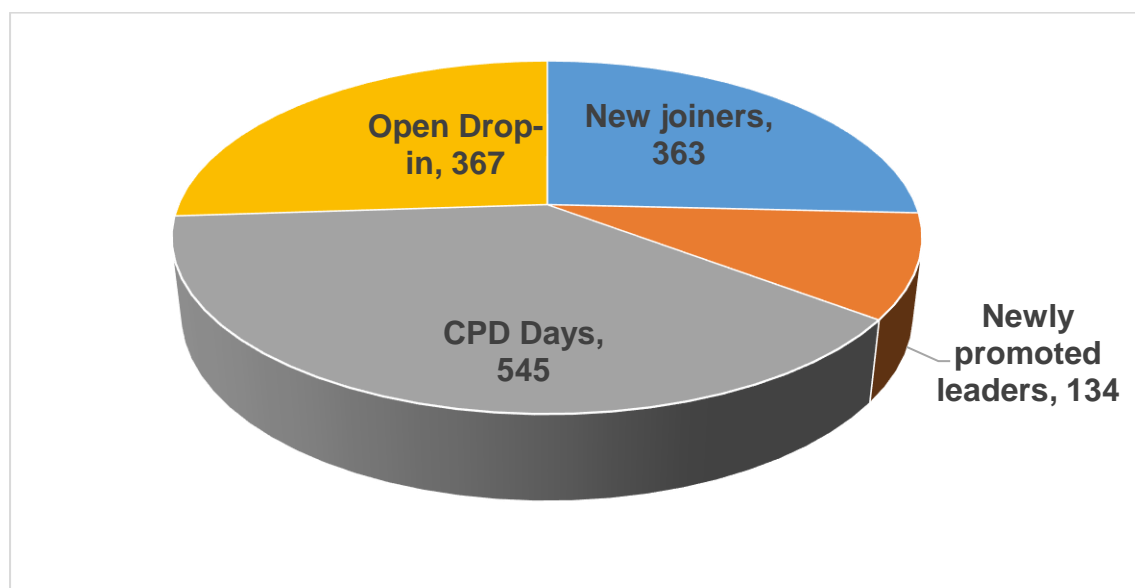


Figure 1 – Illustrates the number of sessions delivered – May to November 2023

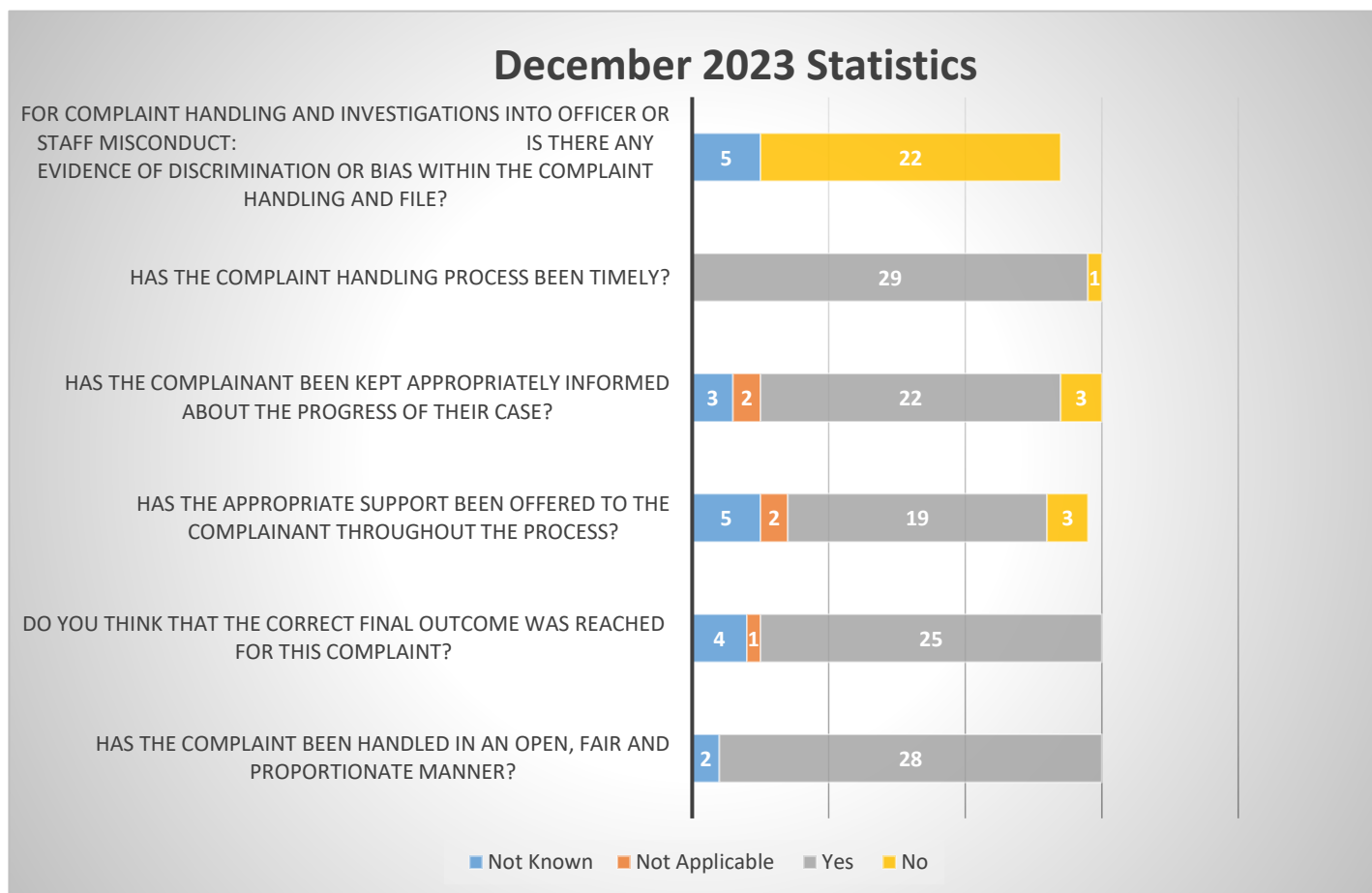


ACTIONS

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 28/09/23.</p> <p>The ASC Inclusion & Diversity Team run information sessions about Race (Safe spaces) and Demystifying Islam (and Ramadan).</p>	KIV
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. (ASC)	To 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
5	Sept 23	Panel request a review of Case LC-1 (ASC)	Discussed at December meeting and rationale provided.	Completed

STATISTICAL ANALYSIS



This chart related to the six questions in the feedback form, 34 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

“Apology for officer’s lack of empathy and explanation that his supervisor has spoken to him with words of advice. Good that the above was communicated by phone as well as the report”.

“Final letter gave a clear explanation, reassurance, and apologised for the standard of policing falling below that which could be expected”.

“A full and thorough investigation was carried out in respect of the allegations made against the police officers. The investigation provided no evidence of bias. Time frames were met. The language used in the correspondence was clear and was understandable. The complainant was provided the opportunity to discuss further any concerns.

The final letter provided comprehensive detail of the processes taken in a format that was easily understood with the case being closed within accepted time frames”.

HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
<p>DW-3 - Complaint Summary Subject Access Request received which also contains details of dissatisfaction against the police. The complainant requests disclosure of information collected about her by the police, alleges disclosures made amount to discrimination and harassment by police.</p> <p>Panel Member Feedback <i>I found it difficult to follow the internal correspondence and am puzzled to read the writer of the final letter to the complainant saying “I don’t confess to knowing much about the complaints procedure”. Is this because he is Data Protection and he has to use the Complainant’s template?.</i></p>	<p><i>When a complaint has been assessed as suitable for handling Otherwise Than By Investigation (OTBI), it may be allocated to managers from the area, team or department with knowledge of the relevant area of business. Exceptions to this approach are when a complaint involves an allegation of discrimination, or the complaint spans several areas of business.</i></p> <p><i>In this case the complaint related to the disclosure of personal data, so it was allocated to the Information and Disclosure Manager for handling. Reviewing their response, it appears that the complaint handler made enquiries with DBS to confirm that personal data had not been released relating to the complainant.</i></p> <p><i>When local managers complete an OTBI letter, the letter is checked by a PSD administrator. This check stops short of a full quality assurance check, but does check for compliance with the Regulations. The PSD administrators do not change the style or tone of the letter before it is sent to the complainant.</i></p> <p><i>In this case we accept the complaint handler did not take the opportunity to explain the processes fully in the template that is used to write the final letter to the complainant. As a consequence, the letter sent out at the conclusion of the complaint could have contained greater detail that would have reassured the complainant. Feedback will be provided to the complaint handler via the PSD Office Manager.</i></p>
<p>DW-4 - Complaint Summary Complainant alleges they have been discriminated against for their disability/mental health by the police during their interaction in relation to reporting anti-social behaviour from their neighbour.</p>	<p><i>PSD Admin have a process to send reminders after one month from the initial allocation of a complaint, with 28-day reminders being sent thereafter.</i></p>

Panel Member Feedback

PSD Response

Panel Member Feedback

The complaint is dated the 29th June 2022 and sent to Response to be handled OTBI on the 14th July at the same time confirmation was sent to complainant. Response then admit that this case 'slipped through the net' and was picked up by the Chief Inspector in charge of the directorate on the 16th January 2023. Additionally at some point, probably January, the complainant sends a text message (which I have not seen) probably requesting an update/withdrawing the complainant. A final letter was sent however to resolve the complaint on 2nd February 2023. What systems do PSD have in place to check the progress of cases such as these to ensure that cases don't 'slip through the net' for such a long period of time?.

During the period of Covid and immediately after, a large workload in the department resulted in the reminder process being suspended to allow the administration team to focus on other critical work.

The reminder process was restarted in February 2023. The process incorporates escalation for cases that are not dealt with in a timely way.

JB-2 - Complaint Summary

The complainant alleges that while he was in McDonalds in Bristol some people called him a 'paedo'. He believes they may have been police officers.

The complainant additionally alleges that while he was in Greggs in Bristol two men said he was the strangest man in the world. He believes they were police officers.

Panel Member Feedback

Although time consuming have any steps been taken to discuss the issues with the complainant, to try to address his repeated behaviours?. The case file lists at least 20 other previous complaints made of a similar nature.

Having reviewed the case file, there appears to be no further engagement with the complainant beyond the formal complaints processes.

I took the liberty of checking the Niche record for the complainant and I found a previous report by an officer relating to a crime allegation, which said, "I have spoken to Mr X this morning. He was very vague about the reason for the initial complaint (I have spoken to him regarding other previous reports and found him to be similarly vague on those occasions too). Given that he has stated he does not wish to take this matter further, I believe that this report is suitable for filing. During my various enquiries at his address, I have had cause to speak to his house mates - none of them have raised any additional concerns about Mr X and after considering all the factors I am inclined to believe that Mr X's allegations are a figment of his mental health condition, rather than something that has actually taken place. I have contacted his GP who has agreed to progress his treatment".

It would appear that Mr X has previously had support from ASC and contact made with his GP

Panel Member Feedback	PSD Response
	<p><i>on his behalf, albeit historically and not directly related to the series of complaints made in this case file. I am however content that ASC has provided suitable safeguarding in relation to this complainant.</i></p>
<p><u>SB-2/PR-2 - Complaint Summary</u> The complainant alleges that the officer is in an abusive relationship and is alienating her children from their father and has verbally abused him and sent him an unpleasant text. The complainant alleges that the officer is turning a blind eye to her partner's alcoholism and that her partner regularly drives her children around after drinking a large quantity of spirits.</p> <p><u>Panel Members Feedback</u> <i>The final email mentions that the bar for taking action about discreditable conduct is high – it would be interesting to hear from PSD as to what national guidance says about this issue.</i></p> <p><i>What further actions are taken by the police when an accusation of drink driving is flagged up as intelligence?</i></p>	<p><i>Chapter 5 of the Statutory Guidance on the police complaints system defined who can make a complaint and in what circumstances - Statutory guidance on the police complaints system (policeconduct.gov.uk)</i></p> <p><i>Action taken on receipt of information about a suspected drink driver will depend on the circumstances when the information is received. If information is received that an offence is in progress, that information will be circulated to patrol officers by way of observations and officers may be tasked to locate the suspect vehicle.</i></p> <p><i>In this case the information related to a pattern of behaviour. It was therefore sent to IAU (desk top investigation team) for recording as information and processing. That information will be checked and may result in future tasking for patrol officers as we would do for any allegation relating to drink driving.</i></p>
<p><u>LC-1/JFT-1 – Complaint Summary</u> Complainant alleges the officer played the complainant a recording of another complaint the officer was involved in stating she obtained it through the 'complaints department at work through someone she knows' Complainant alleges "As a member of the public I am sickened to have been told by Mrs X that the "banter" around her department, includes colleagues joking about dead babies looking like they're spatchcocked chickens when undergoing a post mortem. Complainant alleges "the officer has mentioned previous inappropriate relationships with Inspectors while seeking promotion".</p>	<p><i>Paragraph 13.38 of the Statutory guidance on the police complaints system says;</i></p> <p><i>On the completion of a severity assessment, the investigator must give a written notice to the person concerned notifying them that they are under investigation.</i></p> <p><i>In their contact with the complainant, the investigator should explain their terms of reference which in most cases will necessitate them making it make clear that the officer involved will be asked to provide their account. There must be a balance between making it clear at the outset that an officer subject to a complaint will be made aware of the complaint versus deterring people from coming forward</i></p>

Panel Member Feedback

Allegation made also that the officer forged a GP signature on a medical document through the recruitment process.

Panel Members Feedback

As part of the complaint process, is it made clear that an officer who is the subject of a complaint will need to be made aware of any on-going investigation? In this instance, making a complaint appears to have been very taxing of the individual and maybe if he knew at an earlier stage that the officer would need to be aware of the allegations/complaint he may have not invested so much in pursuing the complaint.

Are there any instances when the officer would NOT be contacted?

The IO could try to signpost the complainant to organisations that support individuals with relationships in the community.

There does not appear to be a conclusive follow-up on the matter of the officer forging the Doctor's signature as this would constitute a gross breach of the application process.

PSD Response

when they are dissatisfied with the service they have received.

I also have been unable to locate any evidence of the GP signature allegation being finalised. This is likely to be because the complaint investigation, in line with normal practice, was stopped at the point the complaint was withdrawn. Feedback will be provided to the investigating officer.

In ordinary cases the signposting of complainants to support services is not considered by PSD as it does not form part of the complaint process. However, if PSD felt a complainant required immediate support, then an appropriate referral would be made through the local neighbourhood team or directly to Lighthouse (the safeguarding referral team).

Further comments Inspector Louise Pressly 04/01/24 – *in relation to whether there should have been follow up on the matter of the officer forging the doctor's signature, despite the complaint matter being withdrawn – further enquiries have been made with the IO, Sgt and Insp involved in the decision making.*

The complainant had not committed to any of his allegations and was evasive when asked to provide a statement or any supporting evidence. PSD had been made aware there had been a complicated domestic situation and that there may be malicious complaints, and therefore had to treat the accusations with caution. There had been checks on the officer in question and there were no previous concerns from the officer's record.

The allegation with regards the doctor's signature was a third-party disclosure to the complainant. The complainant had not witnessed it and he was reporting what he had been told by another person. The investigating officer did speak with the 3rd party, but they were not prepared to disclose anything or get involved in the investigation.

Panel Member Feedback	PSD Response
	<p><i>Consideration was given to whether the allegation should be investigated further. PSD did not have the name of the doctor or surgery, or any details of where and when. In order to do this they would need to assess as a misconduct investigation, inform the officer and conduct an interview to ascertain details. It was decided that due to the lack of evidence being provided by the complainant there was not enough strength in the allegation to launch an investigation.</i></p>
<p><u>LC-4/JFT-4 – Complaint Summary</u> On 19/10/22 the police attended C’s home prevent breach of the peace whilst bailiffs were in attendance. The C alleged that they were assaulted by the bailiffs by them forcibly removing her from her bedroom, dragging her down the stairs and throwing her out whilst she was naked. She alleges that the police aimed a Taser at her, assisted the bailiffs, and did not prevent the bailiffs from assaulting her despite their prior knowledge of her medical record and information from a telephone call in 10/21. Moreover, C alleges that the police have failed to investigate reports of a fraudulent man posing as an insolvency practitioner.</p> <p><u>Panel Members Feedback</u> <i>When attending to support enforcement officers, as in this case, are officers required to confirm the legal basis and view the court order before lending support? When a member of the public is being treated in a manner a layman would perceive as too rough or in an undignified way on a civil enforcement, at what point would the attending officers consider it to be an assault on the individual?</i></p> <p><i>The police are drawn into supporting an authorised agent to carry out their duty even when the police have notified these authorities that they lack resources at that allocated time.</i></p>	<p><i>When called to support any High Court enforcement action, the role of the police is to prevent a Breach of the Peace from occurring. These situations are by their nature, highly emotionally charged and can be challenging to police. On arrival it would be normal practice for the HCEO to introduce themselves and they would normally show attending officers documentation from the court that gives them their powers.</i></p> <p><i>A High Court enforcement notice would normally allow the HCEOs to use reasonable force. Attending officers would be present while their presence remained necessary to prevent a Breach of the Peace, but may not remain present throughout an enforcement action. If officers witnessed force being used that was excessive and unnecessary, then it would be expected they would intervene. This could result in an investigation of criminal assault. Similarly, if the person subject of force made an allegation of assault, this would be recorded and investigated, as happened in this case.</i></p> <p><i>Checking the STORM log, officers were in attendance between 0847 and 1141 on the day of the eviction. They would use BWV to record any evidential material, such as their initial interaction with the complainant when she had a knife and Taser was drawn, but they would not normally continue to record footage if they did not believe there was a necessity to do so. ASC provides guidance that encourages officers</i></p>

Panel Member Feedback	PSD Response
<p><i>The BWV was inappropriately not available for crucial collaboration of events where C alleges assault. Why is there no continuous BWV of the events on 19/10/23, bearing in mind C is a vulnerable person?</i></p> <p><i>What was the requirement for dogs to be in attendance at the time of the eviction?</i></p>	<p><i>not to continuously record BWV footage for many reasons including privacy.</i></p> <p><i>From reading the STORM log, it appears that the reference to a dog was referring to the HCEO rather than a Police dog. I am unable to provide a reason why the HCEO felt a dog was necessary.</i></p>
<p><u>KS-4/BK-4 – Complaint Summary</u> The complainant alleges that the officer investigating the assault has delayed in taking a statement from Ms X and has not updated her on the investigation.</p> <p><u>Panel Members Feedback</u> <i>We have concerns about the impact of poorly written letters. Does the investigating officer sign off the letter written by the case handler to whom they allocate the case? Are there any steps PSD can take to reduce this?</i></p> <p><i>Operational: Can a reasonable explanation be provided with regards to the relevance of using the term ‘black females’ in this case?</i></p> <p><i>Is describing a member of the public as ‘black’ whilst not referring to any other individual(s) by their skin colour and/or protected characteristic(s) a common occurrence at ASP?</i></p> <p><i>Given current sensitivities in black heritage communities, is there anything that could be implemented in order to flag/discontinue use of such terminology, unless relevant from a policing perspective?</i></p>	<p><i>The initial complaint letter was attached to an email in the file. This has been separated out now. This complaint was allocated to a local manager to be dealt with OTBI - Other than by investigation. The complaint was allocated to the local Chief Inspector on 8th December 2022 and returned complete on 10th May 2023. Although this was within our target of 120 working days, this case could have been dealt with sooner and the reinstated monitoring and chasing process would have identified this case and monthly reminders would be sent.</i></p> <p><i>As a local manager undertook the investigation, they would be expected to access and retain any relevant material they refer to in their dealing with the complaint. This would include records of conversations they would have had and details of body worn video viewed during the course of their dealings.</i></p> <p><i>Thank you for the feedback identified in this case relating to descriptions of people. It is something we will take away to feedback to the officer concerned. In respect of the feedback about the standard of the final letter to the complainant, please see cell G5 for an explanation of the PSD quality assurance check in relation to cases investigated by local managers.</i></p>

Panel Member Feedback

PSD Response

AD-1 - Complaint Summary

Anonymous complaint received into PSD about the poor treatment at the home address of two police dogs owned by a serving police officer.

Panel Member Feedback

In the response dated 23/2/23, a comment is made about the original complaint which I find odd, it stated “..given the anonymous nature of the information, it would not be appropriate to consider it as reliable intel..” is this how ASP treat all anonymous intel, or just that involving serving officers? As a member of the public who might well call-in information of a crime anonymously, knowing it would be discounted so easily because I wished to keep my details off record, especially if reporting against a member of the police, would certainly make me think twice about reporting a crime in the future.

The email referred to was written by the Inspector lead for A&S police dogs, to the dog section Sergeants. While the words used are unfortunate, the email does continue to provide direction to the Sergeants to carry out action in response to the information provided. The direction was;

- 1) Officer X's first line supervisor to be made aware (apologies but I can't work out who that is)*
- 2) A home visit to be conducted in order to check the facilities that his dog is kennelled in. This is per the Avon & Somerset Dog Standard Operating Procedure. I don't feel it would be proportionate to conduct an unannounced visit so you can link in with Officer X in order to establish when this can be done (some time next week would be ideal).*
- 3) A note to be made on Officer X's dog file so that this information is recorded and the actions taken.*
- 4) I know that Officer X is currently receiving further training and is being monitored around his performance and I am satisfied that he has the required support in place.*

It would have been preferable if the Inspector had identified the anonymous nature of the report prevented further contact with the informant which would have allowed further investigation. This feedback will be forwarded to the inspector concerned. However, the action taken in response to the information provided was reasonable and proportionate.

RE-REVIEW OF COMPLAINT CASE REQUESTED BY THE PANEL



September 2023 ISPCP

LC-1 – Complaint Summary

Complaint is regarding 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.

Panel Member Feedback

There is no information on how the complainant died before the complaint could be concluded, but in light of the disclosed information in the document 'Niche investigation xxxxxx.pdf' which details a very vulnerable individual whose situation was spiralling and had threatened to end her life, should this case be escalated IOPC for review and not closed as their death was during complaint handling.

ISPCP request re-review of this case at the September meeting. 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 December ISPCP meeting.

Initial PSD response - 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.

December PSD Review – the death of Ms X was in fact referred to IOPC (reference IX/188/23) due to Ms X's recent contact with the police - however this was not linked with her original complaint so not obvious when this case was first reviewed. The outcome of the IOPC review was:

"We have received your report into Ms X. I have decided that the report does not indicate that a person serving with the police or contractor may have committed a criminal offence, or behaved in a manner which would justify the bringing of disciplinary proceedings."

There was some learning identified during the investigation for an officer concerning their powers of entry.

Comments from Superintendent Mark Edgington, Head Of Professional Standards Department:

As we look ahead to 2024 we are excited to continue on our work to ensure our communities have confidence in an accessible, transparent and legitimate complaints process. The Independent Scrutiny of Police Complaints Panel are key to supporting us achieving this and I am really grateful for the volunteers who have put themselves forward to assist with our review of Severity Assessments to ensure PSD decision makers are held accountable. I am also pleased that we will be moving forward with more preventative work and building on the great work Inspector Frazer Davey has started. This will ensure that learning can be cascaded widely to ensure we are providing the best service to our communities and getting things right first time.

Our Incident Assessors are continuing to make a positive impact in their resolution of complaints and I am really pleased that our percentage of complaints which are resolved outside of Schedule 3 (early intervention), is nearing 60%. This means that more members of the public are receiving answers to their concerns quickly and where necessary apologies are offered to repair the harm caused. I hope that we will continue to see improvements within our complaint handling performance and that as a department we can continue to build confidence with communities through our engagement and prevention work.

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

The Independent Scrutiny of Police Complaints Panel have raised valid points of discussion throughout their feedback. Thank you to the panel for highlighting one of the very important Standards of Professional Behaviour expected of officers in Avon and Somerset; to behave in a manner which does not discredit the police service or undermine public confidence in it. I am grateful as always to the panel for their time and views, all of which are given on a voluntary basis.

Thank you also to Professional Standards, including new staff members who have attended the meeting, for their valuable input, support and professional engagement in working with the panel. Only by listening and acting on feedback can we ensure that the highest level of service for our communities.

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.independent-scrutiny.gov.uk/panels/avonandsomerset-pcc)

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