

# Independent Scrutiny of Police Complaints Panel

June 2022

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# Purpose of the Independent Scrutiny of Police Complaints Panel

The Independent Scrutiny of Police Complaints Panel (ISPCP) consists of 8 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

7 of the 8 Panel members attended the virtual Independent Scrutiny of Police Complaints Panel meeting for the quarter.

The panel were joined by Deputy Police & Crime Commissioner, Claire Hiscott. The PCC Mark Shelford, appointed Claire as his deputy in March 2022. The purpose of the role is to provide support to the PCC and increase the OPCCs engagement with local residents and the policing family and to ensure continuity in unforeseen circumstances.

Claire introduced herself to the panel and advised that she was leading on the recommendations that had been made in the Identifying Disproportionality in the Avon and Somerset Criminal Justice System report.

The theme of the dip sampling session was police complaints which fell under the category 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.

The Panel welcomed an update on training delivered to officers regarding the expected standards of behaviour by Superintendent Jane Wigmore.

A total number of 21 completed complaint case files were reviewed in detail by panel members prior to the meeting and discussed in depth verbally with the Head of the Constabulary’s Professional Standards Department (PSD) answering questions.

### ATTENDANCE:

Attendees: KS, LC, DW, CH, AD, SB, TW

Apologies: PK

## ACTIONS

No.	Action	Status
Mar 21	Inclusion & Diversity training for all panel members (BM)	<b>C/fwd - BM reissued mandatory Equality Act eLearning. BM has consulted with ASC's Head of Organisational Development regarding further training. IRP to be borne in mind once training has been rolled out to senior leaders &amp; staff in 2022.</b>
Mar 22	PSD request to consult with panel regarding ToR for review into former police staff member (JW)	<b>C/fwd – it is hoped the ToR can be shared with the panel by PSD in Sept.</b>

## Discreditable Conduct – what training is offered to frontline officers?

Presentation delivered by Superintendent Jane Wigmore

### **Discreditable Conduct**

*'Getting into situations off-duty that bring the service into disrepute particularly if you bring yourself to attention of the police through arrest or involvement in domestic abuse, drunken behaviour, harassment type activity etc' (Avon & Somerset Pocketbook)*

Avon and Somerset Constabulary's Professional Standards Department practitioners are responsible for delivering a training input to student officers, PCSOs and new starters. The training is delivered either face to face or using Teams and it takes the form of a 1.5 hour PowerPoint led discussion. The objective of the training is to protect public confidence in and the reputation of the police service.

As part of this training PSD cover what are complaints, conduct matters and death or serious injury following police contact and the role of the IOPC.

The training highlights the Code of Ethics and Standards of Professional Behaviour, providing examples of good and poor behaviour discussed with scenarios based on historic cases. Staff are advised how they can challenge and report improper behaviour.

Off duty conduct/behaviour is discussed contrasting the right to a private life alongside the responsibility that comes with working for the police service. Staff are informed about the disciplinary regime and what constitutes misconduct/gross misconduct and the possible outcomes, both punitive and learning through Individual Performance Review (IRP) and the Reflect Practice Review Process (RPRP).

The training encourages active discussion regarding staff personal responsibilities and accountability and the identified risk areas:

- I. Sexual Misconduct and Abuse of Position
- II. Confidentiality
- III. Gifts and Hospitality

- IV. Notifiable Associations
- V. Business Interest
- VI. Financial Vulnerability and Vetting
- VII. Social Networking

You can read more about the [Code of Ethics](#) on the College of Policing website. It provides a day-to-day guide for ethical behaviour and decision making for all employees from the constabulary.



### Positive Commentary from the Panel:

- “Having read the screenshot of the officer’s social media post, I have no quarrel at all with the finding that the service level was unacceptable. The post does not reflect well on the officer, on her attitude to the community she serves, or on the police service generally. She should not have used the police logo. Overall, I believe that the matter was dealt with appropriately.”
- “Handled quickly and appropriately. PC appears to genuinely regret getting drawn into this Facebook spat and will hopefully be more cautious in future.”
- “Very clear analysis and summary by PSD. Final message to complainant very clear, and quoting the IOPC statutory guidance on which his decision was based.”
- “The matter was quickly resolved to the complainant’s satisfaction, the officer was brought up short by a senior, for his outburst and overbearing manner while dealing with a member of the public. The complainant received a satisfactory apology. The matter was concluded using up a minimum amount of police time and resources.”
- “The IO’s report, was comprehensive and clear. The investigation appears to have thorough, even extending to the police officer neighbour’s car being examined by a qualified vehicle examiner. The IO made a useful suggestion that the complainant might like to contact a sergeant new to the neighbourhood policing team who could be regarded as a “clean pair of hands”. A difficult situation generally handled well, with the service provided being found acceptable on three out of four heads of the complaint.”

# HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
<p><i>Complaint – complainant did not consent to being issued with an Acceptable Behaviour Contract (ABC), no evidence</i></p> <ul style="list-style-type: none"> <li>- Office was rude to him</li> <li>- Believed treated unfairly due to his race</li> </ul> <p><i>Observations:</i></p> <p><i>Long timescale to resolve case (4 months).</i></p> <p><i>It was mentioned in one document, ‘Request for Help’, that it might be appropriate to include SARI as part of the resources for the complainant, but no evidence this happened.</i></p> <p><i>Was some evidence of keeping complainant informed, but was very limited – “Case is still on-going”</i></p> <p><i>Can you explain to me/us what an Acceptable Behaviour Contract is?, as I have not heard the term before. What happens when the recipient does not agree with it, what course of action do they have to refute the basis it was issued on?</i></p>	<p><b>Acceptable Behaviour Contracts (ABC’s) have proved a positive way of getting people to take responsibility for their behaviour, when they have been involved in anti-social behaviour.</b></p> <p><b><u>What is an ABC?</u></b></p> <p><b>It is a written agreement between the person, the Department and Police not to engage in or carry out any behaviour that causes alarm or distress, to other tenants or residents in the area.</b></p> <p><b><u>Why an ABC?</u></b></p> <p><b>It gives the person the opportunity to find out the impact their behaviour is having on other people’s lives. It also makes them aware of the repercussions for themselves, their family, including the possible loss of their home, if their anti-social behaviour continues.</b></p> <p><b>In this case it appears that the use of ABC was appropriate, however the Inspector has eluded within his email dated 16/12/21, that other options were open for consideration (however with a similar focus of an ABC), such as 3rd party mediation, multi-agency discussions with all parties, during which SARI could have been used to help to facilitate communication and manage expectations due to possible mistrust of the police.</b></p> <p><b><u>BOX Account</u></b></p> <p><b>Box is a secure way of sending documents via email. Complainants are sent a password and link (separately) if the password is entered incorrectly then access cannot be gained. It is a very simple/secure way of sending documents.</b></p> <p><b>It appears until the final report was sent on 10th November that the complainant was able to access BOX, when concerns were raised on 11th November by the complainant that they were unable to access BOX, the final report and letter was sent via email on 11th November, to assist with the access.</b></p>

### **TIMESCALES**

The investigating officer was working with PSD to support with high workload, although a police officer so had an investigative background he was being mentored in the role of a PSD Investigator.

The officer submitted the report initially however had failed to include relevant information regarding the IOPC handling of discrimination complaints. These types of cases require the investigator to consider the language used within the incident, comparator evidence and the complaint history of the officers involved. Having not previously dealt with a discrimination complaint the IO needed extra support and guidance. That added to the time it took to complete.

I will also stress that the IO joined PSD on attachment as he was temporarily unable to fulfil the duties of an operational officer. There were personal reasons why he could not conduct investigations that were as timely as we would like. For these reasons he did take longer to complete work. This is something PSD were aware of however due to significant workloads and other higher priority jobs within the team this could not be passed to anyone else. He did have a mentor, of course doing so remotely added additional challenges.

*Supplementary panel member question raised during meeting – Is an ABC legally binding if a person is not willing to accept it?*

An ABC is not legally binding, but, if breached, can be used as evidence if enforcement action needs to be taken through the courts.

*When an off duty officer uses force or is otherwise acting as a police officer what should he formally report and how should that be done?*

Once the officer involved declares he is a Police Officer to the shoplifter he puts himself on duty. From that point onwards he should complete all formal reports and notifications he would have done if on a rostered shift. This may include – Use of Force Form, PNB entry, contact comms and raise a log and or Niche. Inform his supervisor would be advisable.

There is a Niche which I believe was raised by the officer but after the Indication Test which stated there was no record of the incident. I can't see a use of force form.

*Complaint that a PCSO had been posting online extremely negative views of the town in which she lived and served.*

The recording of this case was a small administrative error. This was an anonymous report of a conduct matter by a member of the public to our CCU, therefore no complainant to update, however

*PSD suggests that this can be dealt with by line management and recorded on their IPR.*

*The PSD Assessment form text states that the complaint was recorded as a formal schedule 3 public complaint and allocated. The boxes at the top are contradictory, as the complaint was marked as both schedule 3 and non schedule 3. There is no other correspondence on file. There is no evidence that the complaint was allocated or acted upon.*

*Whilst an officer is entitled to a private life, they are still expected to uphold, and obey the law. The fact this officer was driving around illegally, and potentially taking out finance and defaulting whilst knowingly using a false address (in respect of it no longer being their main residence) suggests a troubling pattern of behaviour unbecoming of a police officer.*

*This case was re-reviewed by PSD following the meeting.*

*Anonymous complaint that officer had been seen driving their private car at dangerous speeds, was part of an online car racing group, and had said they intended to set fire to their car for insurance.*

*PSD intelligence social media/internet check – no evidence found.*

**information provided allowed proportionate checks to be done which established the person involved had breached standards of professional behaviour.**

**The case was assessed as suitable for Reflective practice - this was done and recorded in the individual's IPR. Several months later this PCSO was involved in similar matter and this time misconduct proven and final written warning issued.**

**I reviewed the case documents, the initial complaint was in relation to debt collectors arriving at Officer Y's previous address, this was managed by CCU and Officer Y was spoken to regarding debt which related back to her ex-husband and appropriate payment plans were in place and NFA taken.**

**In relation to the issue of driving offences, the complainant states that Officer Y attended her address requesting the log book as she 'couldn't be bothered' to change it. It is not clear if Officer Y informed the complainant that she couldn't be bothered or if the complainant felt that she couldn't be bothered. Officer Y has confirmed that all details are correct, and her driving license did have the correct details – the error was in the log book.**

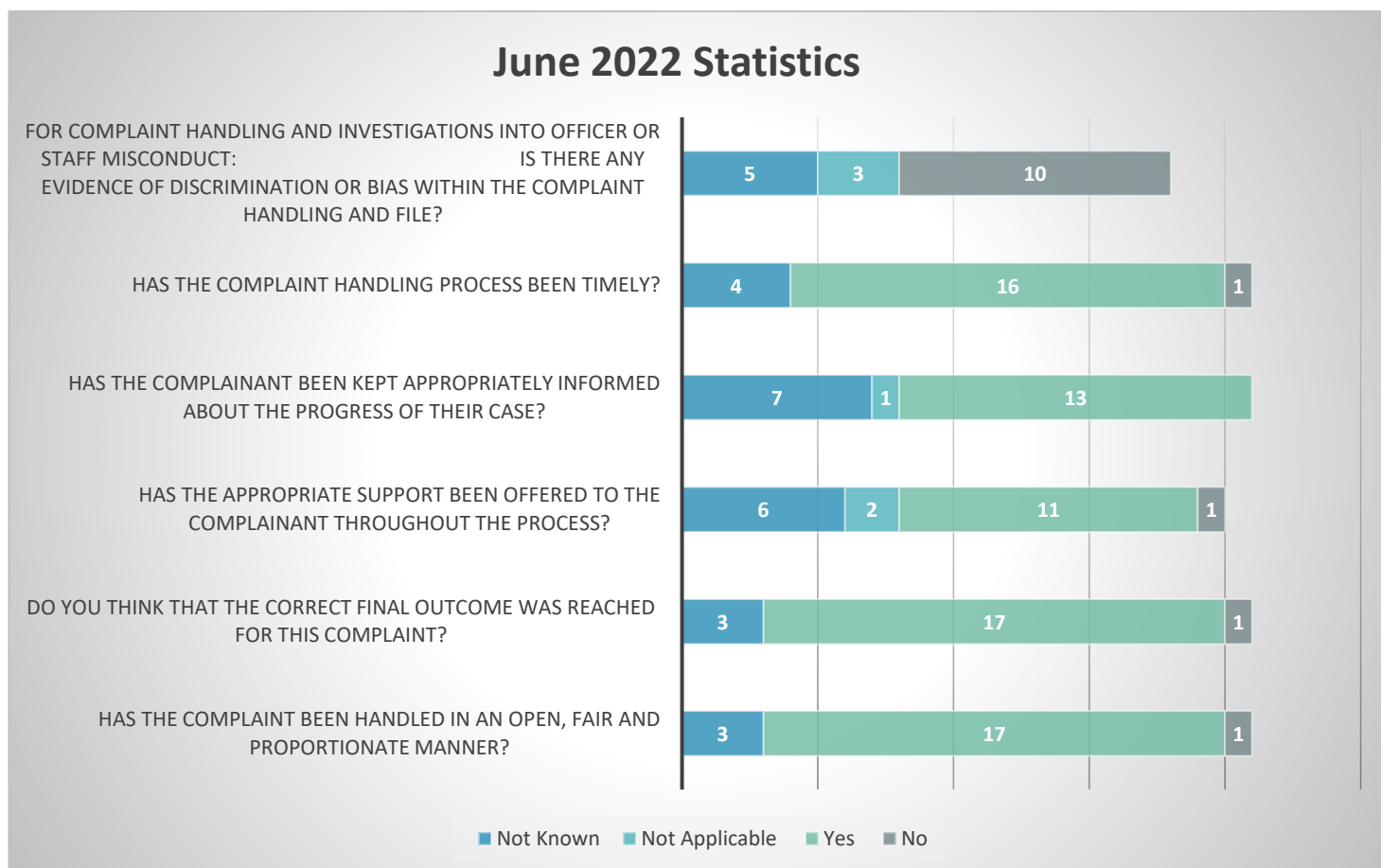
**In respect of the questions raised by panel I do not believe that Officer Y has been treated differently due to her role within policing. The issue is more the potential traffic offence was not identified by the Investigating Officer and this is learning point for the department rather than linked to the officer's role within ASC, the learning will be feedback to the team through briefings.**

**However, I would suggest individuals would be given a grace period / words of advice regarding registering the vehicle at the appropriate address in the circumstances i.e. divorced, managing restraining order etc. whether they are / not within the organisation as we need to recognise the impact on wellbeing when a marriage breaks down from a human perspective.**

**Health checks were conducted and no concerns raised as a result the matter was filed.**



# STATISTICAL ANALYSIS



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

**Comments from Deputy Head of Professional Standards Chief Inspector Sharon Baker;** The IOPC have published last year's (Apr21-Mar22) PSD performance compared with our most similar group and nationally. We are one of the best performing forces for timescales on recording complaints, contacting complainants, dealing with complaints satisfactorily at the initial stage and effectively investigating complaints to identify the right outcome. The number of reviews upheld by the IOPC is so low it demonstrates to our staff and our communities they can have confidence in how we handle complaints. This has been in context of increased demand and resourcing challenges. We have had an uplift in staff in the department and our focus going forward will be improved quality as well as timeliness.

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

*Thank you to the Panel once again for another insightful choice of thematic – Discreditable Conduct. As always excellent attention to detail shown by the Panel. An example of which is shown this quarter; a case scrutinised by one panel member which prompted PSD to re-review the handling of it. Useful learning was generated as a result of this demonstrating the merits of the ISPCP in ensuring all police complaints are handled correctly, proportionately and fairly. Thank you also to Superintendent Jane Wigmore for her overview of the training offered to officers in relation to this complaint area. Well done to the wider PSD team for their excellent performance as recorded in the IOPC annual performance report, a real achievement.*