

Independent Scrutiny of Police Complaints Panel

March 2024

Contents

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

Page 3 | **Structure of the Session**

Page 4 | **Presentation – Avon and Somerset Constabulary: Body Worn Video**

Page 5 | **Professional Standards Department update**

Page 6 | **Actions**

Page 7 | **Statistical Analysis**

Page 7 | **Examples of positive feedback**

Page 8 - 14 | **Highlights of Concerns, Questions or Issues raised by the Panel**

Page 15 | **Comments from Professional Standards Department**

Page 14-15 | **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](#).



STRUCTURE OF THE SESSION

8 panel members attended the Independent Scrutiny of Police Complaints Panel (ISPCP) for the quarter, 6 in person and 2 remotely.

New panel members continued to buddy up with a more experienced panel member, reviewing the same complaint cases in their pairs. 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. Once again this concept worked well.

The Panel opted to focus their meeting on the theme of Abuse of Position. Abuse of position is any attempt or intention by a person serving with the police, whether on or off duty, to inappropriately or illegitimately take advantage of:

- their position as a person serving with the police
- the authority their position as a person serving with the police affords them
- any powers conferred on them by virtue of their position as a person serving with the police.

A total number of 22 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 & Inspector Louise Pressly from Avon and Somerset Constabulary’s (ASC) PSD. The panel welcomed a presentation from Chief Inspector James Turner, regarding the use of Body Warn Video

MEETING ATTENDANCE:

Attendees: AD, BK, JS-G, JB, KS, PR, SB, LC

Apologies: EK, JF-T, DW

Presentation – Body Worn Video, Avon and Somerset Constabulary

Chief Inspector James Turner delivered a very informative presentation regarding the police use of Body Worn Video (BWV).

Body Worn Video has been in operation since 2015 and used in policing on a daily basis, worn by officers to capture both video and audio evidence when they attend all types of incidents. The current provider of BWV is Reveal, the market leader in body-worn camera solutions and digital evidence management software. Avon and Somerset police currently use the Reveal D-Series (D5) Body Cameras, however, are looking to upgrade these devices in 2025 in order to improve the capabilities for officers.



D5 – D-Series Body Camera, Reveal

A&S utilise BWV very well and the Response Directorate produce the most BWV footage each year, in total 560,721 clips were recorded in 2023 with 1.5 million clips a month uploaded nationally.

Q - ‘Has the use of BWV reduced the complaints made against the police?’

A - ‘I wouldn't say it has reduced, we have seen a year-on-year increase with complaints, but it absolutely helps with the investigation of complaints and gives the public more confidence’.

Q - ‘Can you clarify when you activate the BWV you must at the first opportunity announce to the person that it is activated? And if facial recognition technology were introduced, which is much more technological, what consultations might occur?’

A - ‘Yes, an officer should announce at the first opportunity that an individual is being recorded. Exploring the use of facial recognition technology sits within the Constabulary's intelligence capability, whilst I can't give too much insight, the capability to utilise it is there. Two forces have trialled it successfully but there remain questions regarding civil liberties’.

Q – ‘We are aware that there is inconsistent use of BWV - do you monitor usage in terms of users?’

A – ‘The Constabulary can utilise Qlik to monitor its usage and it can certainly be studied from a standards point of view. PSD are doing more comparative data to scrutinise its use’.

Q – ‘Is there an optimal usage rate?’

A – there is no mandated policy.

Q – ‘In terms of officer concerns over the misuse of BWV (against them), how many complaint cases have been overturned because the BWV showed in favour of the officer, which without might have changed the outcome?’

A – ‘I don't know data but there would be plenty’.



PROFESSIONAL STANDARDS DEPARTMENT (PSD) UPDATE

Detective Superintendent Mark Edgington

CHANNEL 4 DOCUMENTARY 'TO CATCH A COPPER'

Four years ago Avon and Somerset Constabulary made the decision to take part in the Channel 4 documentary 'To Catch a Copper' focussing on the work of the Professional Standards Department, including the counter-corruption team. The documentary was broadcast on the 29th January 2024 over three consecutive weeks.



Police and the three episodes themed around mental health, race and sexual misconduct. The purpose of allowing the filming to take place was to demonstrate openness and transparency into how the police handle allegations of misconduct.

The panel had an active discussion regarding the documentary. Supt Edgington reinforced that PSD must continue to challenge poor behaviour and culture, and the pressing need to support the Constabulary to identify and report matters so that they can be dealt with seriously.

One episode focused on the use of Reflective Practice, which wasn't reflected in a meaningful or effective light. Supt Edgington commented that this was heard and recognised by PSD. Prior to the documentary being aired, PSD had already identified issues with the consistency of Reflective Practice and Inspector Pressly has been leading on the prevention and engagement work with staff across the Constabulary and has run a number of sessions on this to assist staff in understanding it and enabling them to deliver it more effectively.

Supt Edgington stated that since the documentary has been aired they have seen an increase in reporting to PSD including historical incidents.

To view the Channel 4 Documentary 'To Catch a Copper' please click on the link below:

[Watch To Catch a Copper | Stream free on Channel 4](#)

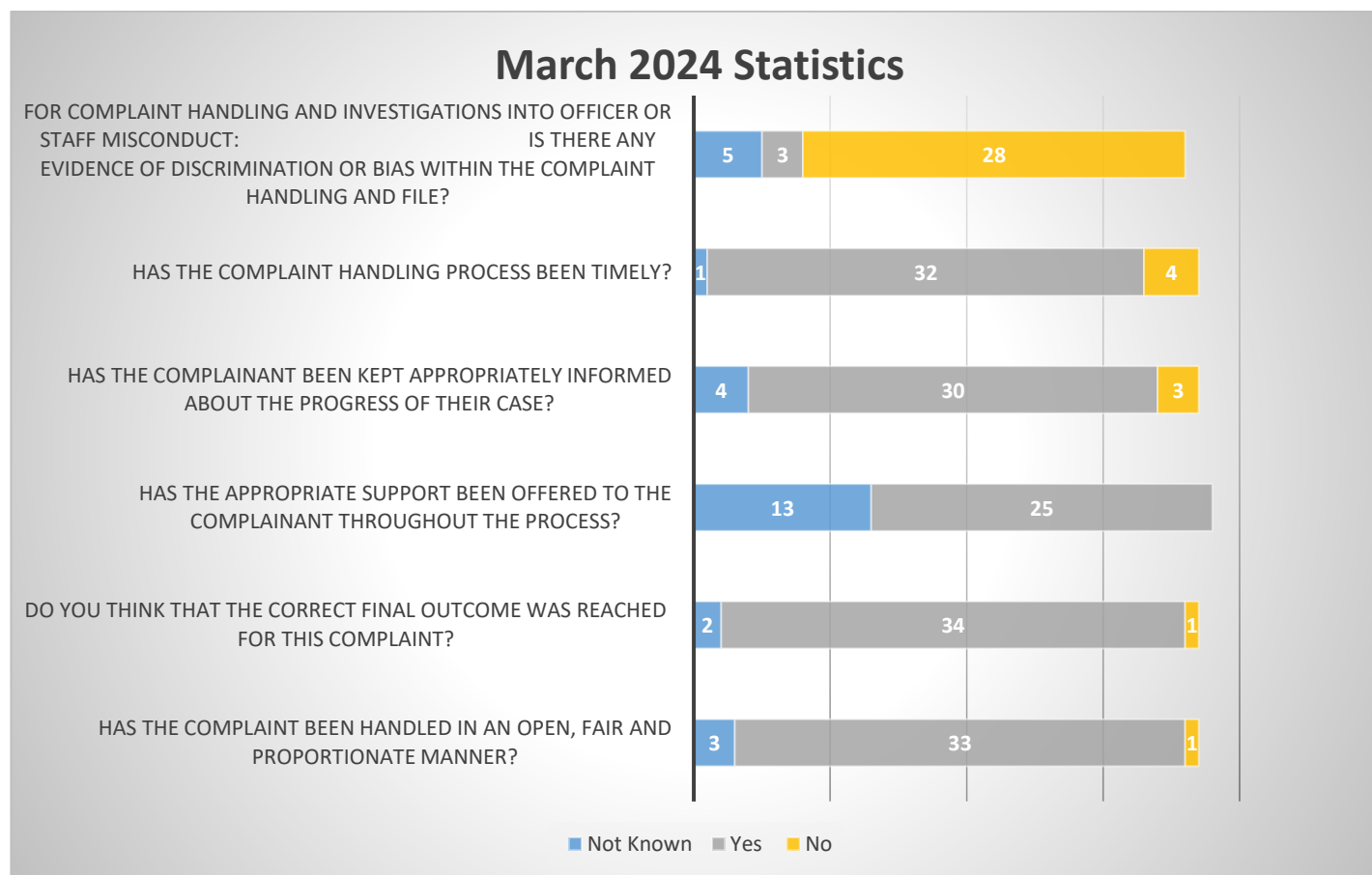


ACTIONS

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 'outcome will remain the same'. 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	Mar 24	Identifying Disproportionality in the Criminal Justice system. (Panel)	Recommendation 9 – examination of all Stop & Search Complaints to be examined.	KIV

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

"Noted that final letter was not received as sent to complainant's home, but he was now in prison. When this became apparent, PSD officer checked that it was ok to send to the prison, given that it would be read by prison officers - good awareness of possible confidentiality issue."

"It seems there is a long history of multiple complaints by the complainant stretching back many years and it seems that much effort, diligence, patience, and respect has been shown throughout by the police as they have sought to answer all of the issues raised by the complainant."

"The collation and amalgamation of all of the complainant's concerns into an accessible timeline is a good practice so that the complainant and investigators have a better understanding of the whole situation."

"The complainant waited 13 months to submit complaint as he mistakenly thought criminal proceedings had to be completed first. Good practice from PSD that this was not "timed out" after 12 months and rejected. BWV of whole incident available, statements and custody record reviewed. OTBI well written, clear account of how and why decisions were made."

HIGHLIGHTS OF CONCERNS, QUESTIONS OR ISSUES RAISED BY THE PANEL

Panel Member Feedback	PSD Response
<p><u>KS BK/3 - Complaint Summary</u></p> <p>Complainant alleges unlawful arrest and states the officers failed to document what date and time the complainant was arrested, and also failed to notify the court that the complainant had been arrested at all. Complainant alleges they should have been given a copy of the warrant of arrest. Complainant alleges the officers were ‘vicious’ and didn’t allow her the dignity to get changed out of her pyjamas, despite a female officer being present who could facilitate this. Complainant felt the female officer <i>“was more interested in texting her friends and chatting on her mobile phone than ensuring all procedures were conducted correctly”</i>.</p> <p>Complainant alleges <i>“at the police station there was another very aggressive and vicious officer, who shouted at me and swore at me telling me not to piss them off”</i>.</p> <p><u>Panel Member Feedback</u></p> <p>1. Would you expect there to be a statement from officer at station, and an attempt to ascertain whether there were any other witnesses?</p>	<p><i>Qu.1 - Enquires are required to be reasonable and proportionate. IO did not have enough detail to identify staff member or time scale to make enquiries. Subject was in custody for 26 hours, covering numerous members of staff and different teams. He could have tried to contact subject to see if she could provide specifics, but still wouldn't have had CCTV for corroboration. The complaint was of rudeness, the IO would not have taken statements from witnesses as it would not have been proportionate to do so.</i></p> <p><i>Statutory guidance - 2020 Independent Office for Police Conduct (IOPC) (Chapter 3)</i></p> <p><i>Our statutory guidance states that reasonable and proportionate means doing what is appropriate in the circumstances, taking into account the facts of the matter and the context</i></p>

Panel Member Feedback	PSD Response
<p>2. Allegation 5: CCTV footage at custody expired after 28 days. Is this a standard/sufficient length of time?</p>	<p><i>in which it has been raised, within the framework of legislation and guidance.</i></p> <p><i>What needs to be considered is the seriousness of the complaint and its potential for learning, against using policing resources efficiently.</i></p> <p><i>Qu. 2 - custody CCTV is kept for 28 days, this is standard. The CCTV is 24/7 in 3 custody units covering approximately 100 cameras in total. There is a storage capacity issue which means it is on a rolling system and once it reaches a certain capacity it will record over every 26 to 30 days. If any incidents are reported then the CCTV footage will be secured so as not lose it, operating in very similar way to BWV. Council CCTV runs on same principle and keeps footage for 28 days unless specifically required to download and secure.</i></p>
<p>3. Final letter returned by the prison as C had been moved. Would you expect attempts to be made to determine her whereabouts? - appreciate this is a workload issue too.</p>	<p><i>Qu.3 - return of final letter, Admin informed the IO, he doesn't recall being notified by Admin, and probably missed it as the final letter is not usually IO's responsibility. This is something we will need to refer to admin to ensure it doesn't happen again. Yes, we should have tried to ascertain another address, this has fallen through the cracks.</i></p>
<p>4. PC X involved in complaint has left A&S - Did PC X leave A&S in relation to this complaint?</p> <p>When did PC X leave A&S? i.e. was it between arrest (October 2022) and complaint (26 January 2023) or after complaint was received?</p>	<p><i>Qu.4 - Email to HR to confirm PC X resigned 30/12/22. The reason is confidential personal data. We cannot impel ex-members of staff to participate in a complaint investigation, there is no legislation to enforce this. If they are subject of a misconduct or gross misconduct investigation then proceedings can continue in their absence, but otherwise as witnesses there are no obligations, as would be the case with any other employer or member of the public.</i></p>
<p>Are there any mechanisms in place to require officers to participate in ongoing investigations directly involving them after they leave A&S and if not, should there be?</p>	
<p>5. NICHE. Why was it not logged in NICHE that two officers were at the scene at the time of arrest?</p>	<p><i>Qu.5 - All attending officers not necessarily listed in niche logs, but there is a tab for adding attending officers to the niche which would be best practice. An officer's statement is required to cover the evidence of a case and points to prove and would include attending colleagues if</i></p>

Panel Member Feedback	PSD Response
	<p><i>relevant to the case. In this case the officers' details are not required for evidential purposes but would have been helpful. The Storm Log raised for the arrest did list all officers in attendance, so there was a record of attendees.</i></p>
<p><u>TW JB/1 - Complaint Summary</u> Complainant alleges that officers abused their powers and fabricated untruths to build a destructive narrative against her.</p> <p><u>Feedback Panel Member 1</u> <i>The final letter is overly formal and long winded. It sets out in detail all her allegations and all her submissions in full. It concludes that for each specific allegation, the service level was acceptable. Given the level of anger and anxiety, I doubt that the complainant was satisfied with this outcome.</i></p>	<p><i>The final letter was 8 pages long. The regulations say that each allegation should be addressed in full. Given the complexities of this complaint, it was deemed necessary to provide fuller detail to help understanding.</i></p>
<p><u>AD JSG/1 - Complaint Summary</u> The complainant alleges that following the arrest of her son she had no contact from any police officer to say what was going on. The complainant alleges that police officers used excess force against her son. The complainant alleges that police officers lied in their statements. The complainant alleges that the officers kicked her door, entered without a warrant and arrested her 13 year old son. They did not read him his rights and later added charges when he was alone with them.</p> <p><u>Feedback Panel Member 1:</u> <i>1. In the email "complaint Ref Y Intro officers.." from Chief Inspector X, I am unhappy with his closing statement: "...and there is no need for you to worry.". This is a little presumptive and could be taken as an indicator that bias will apply even before an investigation takes place.</i></p> <p><i>2. In addition, internal email from C/I X detailing the completion of his report, I find the statement "I think you were very controlled and professional in dealing with an</i></p>	<p><i>Thank you, we value your comments. It is agreed that this could be taken as indicator of bias and allegation 4 has been missed off the final letter despite the matter being recorded and addressed in the final OBTI report.</i></p> <p><i>We are unable to provide feedback to the two officers dealing with this case as both have now retired.</i></p> <p><i>PSD recorded the complaint on 26.7.23. The report was concluded on 19.9.23. It took approximately two months to review and</i></p>

Panel Member Feedback

PSD Response

unpleasant individual.” A little disheartening. Any document which is likely to become part of an FOI request is no place for personal opinions to be aired, and that comment is now public record and does nothing to improve any future relationship with that family going forward.

3. In the Final Letter to the Complainant, there is no mention of the 4th allegation? This is mentioned in the OTBI Report, is this the same document mentioned in the Final Letter as “the officers report”?

Feedback Panel Member 2:

1. Use of language: Email from C/I X notifying officers involved of the outcome of the investigation: “I think you were very controlled and professional in dealing with an unpleasant individual.” This language strikes me as biased and ultimately is not necessary in terms of communicating the outcome.

2. Length of investigation into the complaint

3. Communication with complainant: The complainant had to request the report themselves, unclear why this wasn’t sent to them in line with process.

4. What training is available to Investigating Officers in relation to unconscious bias and use of language in professional communications?

5. When a response to a complaint falls outside of timescales what process is there for communicating the delay to the complainant?

conclude this matter. Given the volume of complaints we deal with, this time frame is not unusual however we continue to work towards resolving matters as soon as we are able.

Once an OTBI report is concluded, it is the responsibility of the PSD admin team to send the report out to the complainant.

In this specific case having audited the steps in which this matter was finalised, the evidence indicates that the final report was sent to the complainant but as it was sent via a secure correspondence method called Box, the trail has been automatically erased (after 28 days following the review period) so unfortunately, we cannot be 100% sure this was sent.

Investigating officers must show that they are competent in several topics before they are appointed in this role. One of which, is professional writing skills. Each report requires sign off by a supervisor therefore is quality checked. Experience and feedback develop writing skills. Staff also are required to attend investigator courses which include reference to biases.

A ‘NO IO’ letter is sometimes requested to be sent out to the complainant by supervisors when a complaint is sat with a team to be allocated. However, this is not a regular occurrence.

Between a matter being received, recorded and assessed there is no process to communicate the delay to the complainant. Thank you for raising this, we will work together with PSD admin office and compliance managers to bridge this gap.

Regarding the New Recording process, the admin team have been working towards improving the timeliness of recording, we have a minimum of 1 member of staff on new recordings every day with a view to reduce the REDs and work within 5 days.

Panel Member Feedback

PSD Response

SB PR/1 – Complaint Summary

Complainant alleges that the Professional Standards Department of Avon and Somerset Constabulary are preventing their crime reports from being properly investigated and therefore deliberately delaying an independent review by the IOPC.

Complainant alleges that there is a "patent wilful obstruction involved in an attempt to cover up what is evidently utter incompetence" in which the complainant considers "corruption is most likely involved".

Feedback Panel Member 2:

What other agencies could the complainant have approached in requesting a review- would these be internal or external to the police?

The OPCC was the relevant review body for this complaint and it was reviewed by the OPCC and the PCC responded to the complainant. The only other review body for complaints is the IOPC, but this would not have fallen under their scope so they would not have reviewed.

The review bodies are prescribed in the Police Regulations, to have anyone else review would be to operate outside of the regulations. Therefore, there are no other external or internal review bodies. As stated in the PCC's letter if the complainant remains unsatisfied with the OPCC's findings then the other option is redress through the civil courts.

LC JFT/3 – Summary of Complaint

Complainant alleges that two Officers are corrupt, "police officers are corrupt" ... "these officers are corrupt" ... "deliberately picked on [the complainant] in the past, but [the complainant] have been NFA'd on all occasions."

Feedback Panel Member 1

Confusing final letter – narrative keeps flipping for "you" to "the complainant" which does not sit right when the letter is a final conclusion to a complaint and should talk directly to the person.

I acknowledge that it does not read well when combining direct and 3rd party speech. Having completed the district OTBI final letter many times myself I found it was an easy mistake to make due to the lay out of the template. I will feed this back to PSD's Office Manager who is reviewing the final letter format.

Panel Member Feedback

PSD Response

KS BK/4 - Summary of Complaint

Complainant alleges that A&S have failed to investigate his report of criminal damage. The complainant struggled to complete the online form due to language barriers. Complainant alleges that; *'We are fortunate that we have people in our community to help us but there are people who do not have anyone or understand the system and because of the daft information your communication team are giving out, this we feel is an indication of institutional racism. Furthermore, we feel that because we have a foreign name, your communications department can say and do what they want. They don't even put a name on their contact so that they can't be identified'*.

Feedback from Panel Members:

1. Initial Assessment shows that complaint was received on PSD 9/5/23, with decision 27/6/23 (as a result of chase email from complainant 24/6/23). Had the complainant not flagged the fact he had had no contact "within 28 days" how and when would the complaint have been picked up?

2. Statement from PS X was well written in clear language. Are such statements captured

Qu.1 – recording of complaints is completed by PSD admin. I have sent the comments to the Admin Manager and he has provided the below response: "Unfortunately, I'm not able to comment whether the missed form was investigated as it was before I joined the team. We have recently had a similar occurrence where a form was missed but picked up internally, since this happening we have put additional measures in place to mitigate the risk of this happening again. The Electronic Complaint Forms are manually downloaded from a portal on a daily basis, this process is manual, and relies on the individual tasked with that process moving the form once downloaded to a completed folder. We have identified a way of viewing previous forms and there is an indicator to show if the form has been downloaded or not, this is checked once a week by the team and the team manager to ensure nothing is missed.

At the time, if the complainant hadn't flagged his complaint form was missed, it is unlikely the error would have been picked up, however with the new process mentioned above, this won't happen again".

Qu.2 – The statement was written by the IO X who has now retired. This is not a template but

Panel Member Feedback	PSD Response
<p><i>and templated for future use and if not, should this be considered?</i></p> <p>3. Final Letter <i>'The assessment of this complaint is that, even if proven, it would not result in any formal disciplinary action against the person(s) subject to this complaint.'</i></p> <p><i>Are we happy with this wording or should this perhaps be phrased in another way/omitted?</i></p>	<p><i>could be considered. I have sent the wording to PSD's Office Manager as he is collating good and poor examples of template letters as part of his review.</i></p> <p><i>Qu. 3 – There are slightly different versions of the final letter template. It has highlighted an issue of inconsistency with the final letters, and this is under review by PSD's Office Manager. He has responded with below, and I will be sending him your example.</i></p> <p><i>'The templates we use are high on my list of priorities to look into and were possible amend. It would be good, if possible, to get some examples of the issues the panel raised to take into consideration when I'm carrying out my reviews.'</i></p>
<p><u>LC JFT/1 - Summary of Complaint</u> Complainant is a persistent caller with mental health diagnosis – makes complaints when he disagrees with any points in a conversation with the officer. Officer keeps in contact regularly with the complainant due to the number of complaints.</p> <p><u>Feedback Panel Member 1:</u> <i>Accepting that all complaints need to be reviewed for their own merit, is there any other way to handle to avalanche of correspondence and complaints from this individual?. The amount of time/resource taken must be enormous! I don't have any suggestions, but is this the best/only way of handling situations like this which appear to be 100% due to the complainant's mental health issues?</i></p>	<p><i>PSD have a strategy log for persistent complainants. There is no one single strategy for complainants as the issues vary. Each individual on the list will have their own strategy for staff to refer to. The complainant is on the list and has a strategy which means any complaints he makes are logged and checked by an assessor and then filed without further action if he is not raising anything new or out of the normal. They are recorded under one specific reference.</i></p> <p><i>Strategies can involve only allowing complainants to make a complaint via the electronic form on-line. We would never block anyone completely from making a complaint, and would always assess a complaint prior to filing, but can block them from individual mailboxes to prevent bombardment.</i></p> <p><i>There are currently 17 individuals managed on the strategy log.</i></p> <p><i>The complainant was placed on the list in May, which is just after this complaint was recorded and handled.</i></p>

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

Once again thank you to all the ISPCP members for all your valuable feedback. We really do take all the points raised seriously to ensure we continue to evolve and ensure that we are providing the best service to the public and in doing so demonstrate transparency in the process.

This last quarter has highlighted to me the importance of making sure that we are managing repeat complainants appropriately and fairly to ensure important issues are not overlooked, but also the significant challenges we face as a department with an increase in not just complaints generally (which is a national trend), but also the increase in matters being complained about. Over the last 2 years we have seen this increase in allegations rise by 40%. This means that we must ensure that we continue to strive for quality but also do so in a reasonable and proportionate way in order to conclude matters in a timely way.

I am pleased to say that over the last 6 months we have invested heavily in training our line managers across the policing areas to upskill them in how to handle OTBI (other than by Investigation) complaints and also Reflective Practice. Of the 300 line managers who have attended, we have received some commendable feedback that this has been of significant value. The work we are leading on with Reflective Practice has attracted much attention of the IOPC who have also attended sessions and keen to update their guidance to forces. I therefore hope that over the next 6 months we will continue to see an improvement in quality of those complaints handled outside of PSD and that we continue to embed learning in a way which improves public confidence.

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.opcc.gov.uk/independent-scrutiny-of-police-complaints-panel)

Get in touch

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