

AVON AND SOMERSET POLICE AND CRIME PANEL

8 DECEMBER 2020

REPORT OF THE CHIEF EXECUTIVE

COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER & DEPUTY POLICE AND CRIME COMMISSIONER

PURPOSE OF THE REPORT

1. To provide members of Avon and Somerset Police and Crime Panel with oversight of all complaints made against Avon and Somerset Police and Crime Commissioner and Deputy, for scrutiny of the initial handling by the Chief Executive of Avon and Somerset Police and Crime Commissioner's Office.

BACKGROUND

2. Avon and Somerset Police and Crime Panel (the Panel) is the Appropriate Authority to handle complaints against the conduct of 'Relevant Office Holders', being Avon and Somerset Police and Crime Commissioner (PCC) and Deputy PCC according to statutory regulations of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and as referred to in the Police Reform and Social Responsibilities Act 2011, section 31 and schedule 7.
3. However, the initial handling, which includes categorisation, recording decision-making, referral of criminal allegations to the Independent Police Complaints Commission (IPCC), disapplication decision-making, and responding to the complainant in the first instance, has been delegated by the Panel to the Chief Executive in the Office of Avon and Somerset Police and Crime Commissioner, with scrutiny and oversight of all complaints and any escalation for informal resolution, remaining with the Panel.

SUMMARY OF COMPLAINTS RECEIVED

4. There have been 3 new complaints since the last Police and Crime Panel with one resulting in a disapplication decision under The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 as repetitious (as depicted in Section 15, Paragraph 4).
5. There is 1 complaint outstanding against the Police and Crime Commissioner and against the Deputy Police and Crime Commissioner carried over from the last period which has been reopened as escalated to the Panel.
6. Please refer to the summary table in Annex 1.
7. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.

8. All electronic complaint files are available at the PCC's office for viewing by the Panel, if requested. The document retention period is in accordance with the published Record Retention Policy and this is currently eight years.

PCC COMPLAINTS IN RESPONSE TO REVIEWS

9. A process has been discussed for management of these complaints in relation to Reviews and submitted to the Complaints sub-committee for their approval.

SUPER COMPLAINTS

10. Avon and Somerset Police and the OPCC has been notified of a super complaint that has been assessed by HMICFRS, the IOPC and the College of Policing as eligible for investigation. The complaint looks at "Police Response to Black, Asian, Minority and Ethnic Victims of Sexual Abuse". ASC/OPCC representatives will be attending the National Independent Reference Group on the 10th December 2020. The report has not been released at this stage and further updates will follow.

EQUALITY IMPLICATIONS

11. There are no equality implications arising from the handling of complaints against Avon and Somerset PCC. The protected characteristics of complainants are not necessarily known, and all complaints are logged and published in an open and transparent manner.

RECOMMENDATIONS

12. Members are asked to review and comment on this complaints report and to advise of any recommendations or requests for informal resolution through the statutory process of escalating complaints against the PCC to the Panel.

MARK SIMMONDS – INTERIM CHIEF EXECUTIVE

COMPLAINTS and CONDUCT MATTERS AGAINST AVON AND SOMERSET POLICE AND CRIME COMMISSIONER AND DEPUTY PCC**REPORT TO: AVON AND SOMERSET POLICE AND CRIME PANEL****Date: 8th DECEMBER 2020**

No.	Date rcvd / log no.	Summary	Recorded?	Handled by	Outcome	Live or Closed
COMPLAINTS and CONDUCT MATTERS AGAINST AVON AND SOMERSET POLICE AND CRIME COMMISSIONER						
49.	06/09/2020	Sent to CEO and Panel Members: 1. Factual error on social media.	Yes	CEO	CEO responded by means of explanation 10 th September 2020 and copied to PCP. Escalated to the Panel by the complainant.	Open
51.	29/09/2020	Sent to CEO: 1. The PCC personally allowed you to be bullied by the Constabulary. 2. It was the report submitted by the PCC that led to your arrest. 3. The PCC told you that she 'could not be bothered' to save your life and that you 'should be happy that the police have verbally confirmed that you are not a paedophile'.	Yes	CEO	Responded by means of explanation. Complaint not upheld however escalation to the Panel requested and OPCC Summary Statement provided to Panel 5 th November 2020.	Closed
52.	21/10/2020	Sent to CEO: 1. Corruption, perverting the course of justice with tampering with evidence and covering up bullying and harassment by members of the government and the police. 2. Hacking a computer and deleting evidence "on you, police and the government." "PCC sent the police to harass me" and the officer was aggressive towards me the police and PCC covered it up and said it was my fault.	No	CEO	Iteration of previous complaint and therefore disappled under The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 as repetitious (as depicted in Section 15, Paragraph 4). Panel notified.	Closed

53.	05/11/2020	<p>Sent to CEO: COMPLAINT STILL UNDER ASSESSMENT AND ALLEGATIONS TO BE AGREED WITH THE COMPLAINANT.</p> <p>Initial Summary</p> <ul style="list-style-type: none"> • Complaint against PCC handling of a review. • PCC is racist and has failed to assist the complainant by providing overview of complaints with PSD. • PCC has no independence and is acting jointly with Avon and Somerset Police. • The way the complainant's case has been handled evidences institutional racism. 	Yes	Due to allegations will be passed to PCP.	OPCC Summary Statement and supporting documents being drafted for submission to PCP for handling.	Open
COMPLAINTS and CONDUCT MATTERS AGAINST AVON AND SOMERSET DEPUTY POLICE AND CRIME COMMISSIONER						
1.	06/09/2020	<p>Sent to CEO and Panel Members:</p> <ol style="list-style-type: none"> 1. Deputy Police and Crime Commissioner (DPCC) John Smith engaged with an incorrect social media comment 	Yes	CEO	CEO responded by means of explanation 10 th September 2020 and copied to PCP. Escalated to the Panel by the complainant.	Open