

## **AVON AND SOMERSET POLICE AND CRIME PANEL**

**4 FEBRUARY 2021**

### **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 depicted in Section 15, Paragraph 2).
5. Please refer to the summary table in Annex 1.
6. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.
7. 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**

8. 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**

9. HMICFRS have published a Super Complaint submitted by the Liberty and Southall Black Sisters which relates to policing and immigration status. The report can be accessed [here](#). The report makes recommendations to all PCC's and has been highlighted to the CEO and Head of Commissioning and Partnerships for further consideration.

## **EQUALITY IMPLICATIONS**

10. 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**

11. 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: 4<sup>th</sup> February 2021**

No.	Date rcvd / log no.	Summary	Recorded?	Handled by	Outcome	Live or Closed
<b>COMPLAINTS and CONDUCT MATTERS AGAINST AVON AND SOMERSET POLICE AND CRIME COMMISSIONER</b>						
49.	06/09/2020	Sent to CEO and Panel Members: 1. <b>The Police and Crime Commissioner Sue Mountstevens liked tweet referring to the DPCC as the PCC and failed to correct the error.</b>	Yes	CEO	PCP considered and concluded the response by the CEO was reasonable and proportionate. No further action.	Closed
53.	05/11/2020	Sent to CEO: <b>COMPLAINT STILL UNDER ASSESSMENT AND ALLEGATIONS TO BE AGREED WITH THE COMPLAINANT.</b>  Initial Summary <ul style="list-style-type: none"> <li>• <b>Complaint against PCC handling of a review.</b></li> <li>• <b>PCC is racist and has failed to assist the complainant by providing overview of complaints with PSD.</b></li> <li>• <b>PCC has no independence and is acting jointly with Avon and Somerset Police.</b></li> <li>• <b>The way the complainant's case has been handled evidences institutional racism.</b></li> </ul>	Yes	PCP	OPCC Summary Statement and supporting documents submitted 30/11/2020 and sent to the PCP handling.	Open
54.	20/11/2020	Sent to CEO by ASP Professional Standards:  1. <b>The PCC started the whole pension review debacle in an effort to save monies from her budget she informed the police board Chair former police Inspector Richard Brown that all IOD pension reviews had been stopped. I believe this is evidence of possible malfeasance in public office as clearly as my pension review is still on going.</b>	Yes	CEO	Enquiries confirmed the PCC had no involvement and directed to ASP as appropriate authority.	Closed

55.	26/11/2020	Direct to Police and Crime Panel: <ul style="list-style-type: none"> <li>Misconduct in a public office</li> </ul>	Yes	PCP via IOPC	Awaiting IOPC handling instructions	Open
56.	04/11/2020	Direct to Police and Crime Panel: <ul style="list-style-type: none"> <li>Misconduct in a public office</li> </ul>	Yes	PCP post IOPC referral and return for local handling	No further action under Section 15 (paragraph 2) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations and directed to previous disapplication 26 <sup>th</sup> October 2020.	Closed

**COMPLAINTS and CONDUCT MATTERS AGAINST AVON AND SOMERSET DEPUTY POLICE AND CRIME COMMISSIONER**