

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

**22 September 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 2 new complaints since the last Police and Crime Panel with 1 relating to the former PCC Sue Mountstevens.
5. There has been 1 new complaint against PCC Mark Shelford received via the IOPC that was handled by the panel. Further dissatisfaction regarding a resolved complaint was also received by the panel, recorded and resolved by means of explanation.
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 six 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. Hestia put forward as super complaint based on a report entitled Underground Lives. Further information on the complaint and the report can be found [here](#). It raises various concerns about the police response to modern slavery, including how police identify, deal with and support victims of modern slavery, and how modern slavery crimes are investigated.

It makes a number of recommendations however recommendation 4 in the report is directly aimed at Chief Constables and PCC's to:

*Work together to understand the support needs of victims of modern slavery crimes. They should provide appropriate support within their respective remits to augment the national provision so that victims feel safe and empowered to remain involved in any investigations. This should focus on what support should be available before and after National Referral Mechanism (NRM) referral as well as alternative provision available for those declining NRM referral.*

This recommendation will be taken on and worked through between the OPCC and ASC.

10. There have been two other super complaints in addition to those that have already been notified to the Panel.
11. Police use of protective measures in cases of violence against women and girls  
This was published in April 2019 and assessed as eligible for investigation in July 2019.  
It was submitted by the Centre for Women's Justice and they believe the police are not properly using powers available to them that would otherwise protect women:
  - Failure to impose bail conditions
  - Failure to arrest for breach of non-molestation orders
  - Failure to use of Domestic Violence Protection Notices and Orders
  - Failure to apply for Restraining Orders
12. Force response to police perpetrated domestic abuse. This was published in Sept 2020 and has been assessed as eligible for investigation.  
It was also submitted by the Centre for Women's Justice and it states where DA is perpetrated by police officers "*there is such a risk of policing systems being abused, that this should be reflected in special arrangements for such cases*".

## EQUALITY IMPLICATIONS

13. 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**

14. 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.

**SALLY FOX – INTERIM CHIEF EXECUTIVE**