



Mr Gareth Kitchen

sar_sscsp@protonmail.com

Your reference:

Our reference: CO/00291/22

Please ask for: J Harris

T/Detective Chief Inspector
Professional Standards Dept.

Direct Dialling: 01452 754305

Date: 31 March 2022

Dear Mr Kitchen

OUTCOME OF YOUR COMPLAINT

I am writing to you about the complaint you made which we received on the 31 January 2022. I am sorry that it has been necessary for you to make a complaint. Your complaint has been formally recorded and a summary of it is provided below. I understand the concerns you are raising.

I have looked into your complaint and any learning for officers, staff or the Constabulary I have identified will be taken forward.

I am aware that you have already been contacted by Supt Pegler to seek your views on how the complaint should be handled. I have carefully read this complaint and have determined that it is **not** reasonable and proportionate to investigate this complaint. I have conducted a scoping exercise and considered whether the circumstances and the evidence readily available, show or reasonably imply that a person serving with the police may have committed a criminal offence or behaved in a manner that would justify disciplinary proceedings, or that there may have been the infringement of a person's rights under Articles 2 or 3. My decision has taken account of the facts being asserted by the complainant, alongside any readily available evidence. I have not focused solely on what the complainant says those facts amount to.

I have carried out the following actions in order to address the complaint:-

You raised these concerns with the Police Lead of the Stop and Search Panel. As a result, Supt Pegler has worked with you to try and retain your presence on the Community Stop and Search group. Despite significant work, you made the decision to leave. You have made no new allegations and provided no new information.

Supt Pegler provided the following response to these allegations.

“Dear Gareth,

Please find my response to your points below;

- Reducing openness and transparency
 - by reducing SSCSP meetings from twelve to four a year. There were four meetings per year prior to moving to monthly during Covid. Quarterly meetings are national best practice so we are delivering as per ‘BUSS’.
 - Police resources and our Chair struggled to sustain monthly meetings. Other members also raised concerns in the demands of monthly meetings. We are, in fact, more transparent than ever with regard to the information that we make publically available.
- Creating barriers to SSCSP participation
 - by mandating confidentiality agreements for attendance
 - by mandating vetting for participation. To be clear, there is no vetting requirement. Confidentiality agreements are required to protect public data. This is a Constabulary approach for all Community Panel Groups. You were the only individual to oppose the confidentiality agreement or raise this as a barrier. Excluding yourself, we have had a fantastic and positive response. This is a legal requirement for the Constabulary.
- Failing to honor the Community Complaints Trigger Mechanism. Please explain and provide an example. I don’t know of any such community trigger complaint made in respect of stop and search.
- Failing to adapt processes within Professional Standards Department to permit:
 - notification of complaints to the panels
 - sending details of complaints to the panels
 - an immediate understanding of issues surrounding complaints. Personal data and specific detail cannot be discussed due to data protection. We will continue to track and discuss thematic learning, patterns and trends in respect of the very small number of complaints that we receive each year.
- Editing the panel's original Terms of Reference (TOR) without proper disclosure. There is a reality that Constabulary governance will overrule any TOR. Any change will be agreed by Police Lead and Chair. The Constabulary have responsibility for the panel and the TOR.
- Avoiding public disclosure of its departures from BUSSS. Your comment is too vague for me to formulate a reply.
- Disproportionality must be explained. We have not hidden the fact that you are 7 times more likely to be stop and searched in Gloucestershire if you are black. Our explanation is published in the 2019 report and as you know factors are numerous and complex, census data is old and inaccurate. There is nothing more that I can add at this time, further analysis has been tasked as per the report recommendations.

- Suppression of complaints. There is no suppression of complaints. I have explained our limitations regarding discussion due to data protection above.
- A report of dubious origin. The report was delayed due to a need for further work and explanation of initial findings; this has been previously explained to you by both myself and Chief Inspector Gosden. There was no attempt to delay or deceive and it was published in good faith. The report does not indicate any institutionalized racism and the panel has not identified any specific racist behavior when reviewing individual search records.
- Reduction in scrutiny. Yes there is a reduction in meetings and scrutiny of late, but we revert to quarterly meetings and continue to comply with BUSS as was normal practice.”

Further to this, I am satisfied that all complaints received in Force are referred to our Public Feedback Team and, where appropriate, the Professional Standards Department. The complaints process is open, transparent and scrutinised by the Office of the Police and Crime Commissioner and the Independent Office of Police Conduct. You are correct that some complaints cannot be processed until the completion of any criminal justice process, however this is a decision which is scrutinised and is only made where there is a risk of prejudicing the criminal case. Where the complaint assessment carried out indicates any errors in the police action this may well result in the criminal case being closed and the complaint being addressed.

Having reviewed your complaint and considered all the circumstances, I have decided that the service provided by the police was acceptable. I believe that having considered all the circumstances of your complaint, reasonable and proportionate action has been taken to address it. (Reasonable – doing what is appropriate given all the circumstances of your complaint. Proportionate – balancing the seriousness of your complaint and the response to it). Therefore, I do not propose that any further action should be taken to address your complaint.

I would like to take this opportunity to thank you for making your complaint. As a result of complaints made by members of our public, we can influence development of individuals and the working practices of the Gloucestershire Constabulary. On behalf of the Constabulary may I take this opportunity to apologise that on this occasion the service you received made it necessary for you to make a complaint. I hope that any future contact you have with the Constabulary restores your confidence in our service.

If you don't consider the outcome of your complaint to be reasonable and proportionate, you have the right to request a review of the outcome of your complaint. Any review will be handled by the Independent Review Officer (“IRO”). The IRO has been selected by the Police and Crime Commissioner (PCC) for Gloucestershire. He has no previous knowledge of your complaint and has not been involved in dealing with it. He is therefore impartial and independent of the Professional Standards Department. Should you wish to lodge a review, you can log onto the PCCs Website - <https://www.gloucestershire-pcc.gov.uk/complaints/> to access the on-line review form. If you do not have access to the Internet, you can contact the PCCs Office by telephone on 01452 754348 to obtain a review form.

You have 28 days within which to lodge your review to the IRO. You are advised to lodge your review in good time to ensure it reaches the IRO before the end of the 28th day. The 28th day is 28.04.2022. **Requests for reviews received after 28 days may not be allowed unless there are exceptional circumstances.** If you are posting your review form, you might want to consider using guaranteed next-day delivery post service **to ensure that it is received within time.**

Yours sincerely



J Harris
T/Detective Chief Inspector

Summary of Complaint:

COMPLAINT CATEGORY	COMPLAINT SUMMARY
Stops, and stop and search	The complainant is making a complaint on behalf of a grass roots community group called SAR (Stroud Against Racism) stating that Gloucestershire Constabulary are not complying with the Home Office Best Use of Stop & Search (BUSS) Scheme by failing to honour the 'community complaints trigger mechanism' contained within Section 2.6.3(1), 2.6.3(3) and 2.6.8 of the Stop & Search Policy.
Decisions	The complainant is dissatisfied that the number of Stop & Search Community Scrutiny Panel meetings has been reduced from 12 to 4 meaning that complaints cannot be assessed and community feedback sought in a timely fashion.
Information	The complainant is dissatisfied that the Constabulary has mandated a confidentiality agreement for those who participate in the Stop & Search Community Scrutiny Panel meetings which happened without any community consultation and which now prohibits representatives reporting back to their respective community groups.

Other	The complainant states that recent changes to the way in which the Stop & Search Community Scrutiny Panel (SSCSP) is structured and administered by the Constabulary amounts to discrimination.
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