HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE

Response Date:02/11/2026

2026/1109 - Policy & Procedure

In response to your recent request for information regarding;

Please consider separable non-personal information under the Freedom of Information Act 2000.

Under FOIA, I also request the policies in force on 17 October 2026 governing:

- Patrol-car video and cabin-audio recording.
- Body-worn camera activation and deactivation.
- Recording retention, deletion and preservation following a disputed allegation or complaint.
- Handling complaints where related criminal proceedings may be contemplated.
- Selection of safe stopping locations and management of roadside vehicle stops.

Please see attached redacted policies, as per below exemption.

Some names have been removed from the documents under Section 40 (2) of the Freedom of Information Act as to disclose them would be a breach of the Data Protection Act. Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 21/10/2026

HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE

POLICY

BODY WORN VIDEO POLICY

Governance:	**Senior Leadership Team**		
Document Type:	**Policy**		
Policy Owner:	**Chief Information Officer**		
Department:	**Crime Services**		
Policy Writer:	**Chief Information Officer**		
Policy Number:	**144**	**Version:**	**1.9**
Effective Date:	**30/09/2024**		
Recommended Review Date:	**30/09/2027**		

CHANGE HISTORY				
Version No	**Date**	**Author**	**Changes**	**Ratification**
1.2		**Chief Information Officer** with support from the Force Governance and Policy Team	Transferred to new corporate template and new policy standards applied	
1.3		**Chief Information Officer** with support from the Force Governance and Policy Team	Minor amendment following consultation	
1.4		**Chief Information Officer** / CI	Remove reference to mandated use of BWV in domestic incidents.	
1.5			Amendments to include reference to personal issue and pool issues BWV. Also transferred to new corporate template following review as part of policy threshold introduction	

1.6			Para 5.14 added - Capturing Images of CCTV / Phone Footage on Body Worn Video Cameras	
1.7	17/08/22		Para 5.10 added – Use of BWV in mental health units.	
1.8	TBC		Policy review to incorporate 2022 NPCC Guidance.	
1.9	30/09/24		Policy amended to reflect best practice in use of BWV at domestic abuse incidents.	
1.10	30/09/25		Policy reviewed to incorporate NPCC guidance on pre-record and evidential BWV footage migration into NICE Investigate. HG updated review date to 30/09/2027	
1.11	22/05/2026		Policy reviewed to incorporate use of BWV recording of use of force and transporting detainees.	

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Yellow Highlighted sections are exempt from publication: S31 of the Freedom of Information Act 2000 in relation to Law Enforcement.

1. WHY IS THIS POLICY REQUIRED?

This policy will

1.1 Ensure officers make best use of Body Worn Video (BWV) technology to ensure a safer North Wales by preventing crime and disorder and where appropriate gathering evidence to support bringing offenders to justice. BWV will assist users in achieving this by:-

- Reassuring the public and improve trust and confidence.
- Increasing and improving intelligence gathered.
- Assisting Criminal Justice partner agencies in delivering best evidence.
- Reducing Officer case build time and court appearances.
- Ensuring BWV is used in compliance with relevant legislation.
- Increasing control of digital evidence as a crime exhibit.

1.2 Enable officers to comply with legislation and guidance to capture best evidence for use in court proceedings.

2. WHO SHOULD USE THIS POLICY?

2.1 This policy should be used by all police officers and police staff, including the extended police family and those working voluntarily or under contract to North Wales Police.

2.2 This policy particularly applies to those officers and staff employed within business areas, that are main users of BWV technology and its evidential product.

2.3 This policy includes :-

- Clear direction for those trained in the use of BWV equipment including how to use the device, the retention of footage and how to share footage.
- Clear direction on the management of data obtained via BWV.

3. WHAT SHOULD I CONSIDER WHEN USING THIS POLICY?

3.1 BWV is an overt method by which officers can obtain and secure best evidence at the scene of incidents and crimes.

3.2 BWV significantly enhances evidence gathering opportunities and when available should be used in all appropriate circumstances. To enable this, all users must be aware of their responsibilities in relation to its deployment and retention to safeguard users and the integrity of the digital product.

3.3 When used effectively BWV can promote public reassurance, capture best evidence, modify behaviour, prevent harm and deter people from committing crime and anti-social behaviour. Recordings provide independent evidence that improve the quality of prosecution material and may reduce the reliance on victim evidence, particularly those who may be vulnerable or reluctant to attend court.

3.4 BWV can also impact on the professionalism of the service and assist in the continual development of our staff. Officers, trainers and supervisors can utilise the equipment to review and improve interactions and interventions.

All images recorded are the property of North Wales Police and must be retained in accordance with force procedures and the National Police Chiefs' Council (NPCC) Practice on Police Use of Digital Images. Images

are recorded and retained for policing purposes and must not be shown or given to unauthorised persons.

3.5 The Equipment

The BWV equipment is a body-mounted camera with a built in microphone. The camera stores digital files, which, once recorded, cannot be deleted or amended by the operator. Each digital file carries a unique identifier and is time and date stamped throughout. The dedicated software, Digital Evidence Management System (DEMS) manages the downloading and storage of the digital files. This provides a full audit trail ensuring evidential continuity is maintained.

BWV is deployed in NWP on both a Personal and Pool issue basis.

- **Personal Issue** – BWV devices are marked with the user's collar number, and must only be used by the asset owner. These devices will be docked in clearly labelled docking stations.

  Pool Issue – BWV devices are available for some users and can be "booked-out" each time. These pool issue devices will be docked in clearly labelled docking stations "Pool BWV" and can be booked-out by a user who does not have a personal issue device. After consultation with their Custodian these devices can also be used by Personal Issue Officers who have experienced a fault with their own device and where no spare is available.

3.6 Key Principles for the Overt Use of BWV

The Home Office and the College of Policing (CoP) produced guidance with seven key principles for BWV.

Principle 1	**The use of body-worn video by police is lawful**. Common law authorises BWV use in the lawful execution of their duties to prevent and detect crime.

Principle 2	**Data is processed and managed in line with Home Office Code of Practice on the Management of Police Information (2005), College of Policing (2013) APP on Information Management and the principles of the Data Protection Act (DPA) (2018).** Data retention, review and disposal must be in line with relevant legislation and current guidance. Forces must be able to ensure the integrity of data throughout the process and have due regard for the **Home Office (2013) Surveillance Camera Code of Practice**.
Principle 3	**The normal use of body-worn video will be overt.** Chief Officers must ensure that the capabilities of BWV equipment are clear to the public. This includes capturing audio as well as visual imagery. BWV may be used in covert policing subject to the relevant authorities.
Principle 4	**The operational use of body-worn video must be proportionate, legitimate, and necessary.** Complying with the Human Rights Act 1998, Data Protection Act 2018 and the Surveillance Camera Code of Practice will ensure the use of BWV is always proportionate, legitimate and necessary. Continuous, non-specific recording is ***NOT*** permitted.

Principle 5	**Use of body-worn video will be incident specific. Officers will use common sense and sound judgement when using body-worn video, in support of the principles of best evidence.** **The use of Body Worn Video is mandatory for attendance at all Domestic Abuse/Violence incidents. Any decision not to use BWV should be recorded.** Officers are required to justify their use of BWV. There should be a tendency towards capturing audio/visual evidence when deciding whether to record. Nevertheless there are several limitations.
Principle 6	**Body-worn video supports, but does not replace, conventional forms of evidence gathering (i.e., written statements and Police and Criminal Evidence Act 1984 (PACE) interviews).** Officers will continue to follow current practices for achieving best evidence.
Principle 7	**Forces will consult locally with their communities on the use of body-worn video.** Engagement will be proportionate to the local level of impact, which will be influenced by a force's decision to deploy BWV. Forces should carry out consultation to show due regard for the Public Sector Equality Duty and the Surveillance Camera Code of Practice. Consultation is also required for completing a Data Protection Impact Assessment

	and to comply with fair processing regulations in accordance with the DPA.

3.7 Training

All users must complete the North Wales Police on-line learning package. The training and additional guidance on DEMS and a Frequently Asked Questions document can be accessed through the intranet. The E-Learning package can be completed individually or as a team led by a Supervisor.

All student officers receive an input on the use of BWV as part of their classroom based training. Once the student officers are sent their BWV devices the BWV Supervisor shares the BWG guidance with them via email.

Local (station level) BWV champions are nominated to guide and assist users should they have any questions about the device or its use.

Only officers who have completed the necessary training will be issued the equipment.

3.8 When to Use BWV – (Principle 5)

BWV overt recording can be used across a wide range of policing operations and incidents. Its use is inappropriate in only a few situations. Users must use their professional judgment with regard to recording.

Pre-record - The NPCC BWV portfolio recommends at least 30 seconds pre-record of audio and video for UK home office police forces. It has been highlighted through national publications such as the IOPC National Stop and Search Learning Report, that not having the audio element is a risk, as it is not allowing for the true and accurate version of events to be recorded. Users should take consideration into what they may be looking at or talking about leading up to activating a camera to record, as this may mean that information classed as Official-Sensitive may be captured.

Use of pre-record should be overt and any associated risks should be accessible to the public and are detailed within NWP's DPIA.

The camera should be switched on when footage might support 'professional observation' or would corroborate what would be written in a Police issue pocket notebook.

There should be a tendency towards capturing BWV evidence when deciding whether to record. Nevertheless, there are several limitations.

Users must activate BWV to record events in the following specific circumstances *Unless* there is a legal or operational reason **not** to do so which you must record in your Pocket Note Book (PNB).
• Attending premises in order to affect an arrest.
• The use of Body Worn Video is mandatory for attendance at all Domestic Abuse/Violence incidents.
• Prior to entering any land, premises, vehicle, vessel or aircraft in pursuance of any legal power in order to search those premises and for the duration of the search.
• Stopping a person in a public place in order to ask them to account for their actions in order to establish their possible involvement or otherwise in an offence.
• Deciding to conduct the search of a person, premises, land, vehicle, vessel or aircraft in accordance with code A Codes of Practice for PACE or any other statutory power.
• If you believe an interaction presents or is likely to present a risk to your safety or that of other persons present (i.e. someone threatening self-harm).

• If you are or may be required to exercise the use of force against persons or property.
• Giving a direction to an individual or group under any statutory power.
• Authorised and spontaneous armed operations (Authorised Firearms Officers (AFO's) will wear BWV at 'Overt Firearms Operations'. Such use will be governed by a separate regional Standard Operating Procedure (SOP) in accordance with national guidelines.
• Taser trained Officers when deployed to an incident whereby the potential for Taser deployment may be required.
• Stop and search account.
• Obtaining victim statements.
• Any use of force must be recorded on BWV, unless there are exceptional and justifiable reasons not to. All users at an incident will be expected to activate their cameras to record, regardless of if other colleagues are already present and recording. Anyone choosing not to record will be expected to have a strong justification why they didn't.
• When transporting detainees to custody centres or places of safety, this includes occasions when the vehicle may have a separate camera system in them. All escorting officers should have their BWV activated during this journey as a record of that journey and any incidents that occurred within. Any decision not to record a journey should be strongly justified on their camera prior to deactivating.

3.8.1 When Not to Use BWV

Not recording an incident may require explanation in court. However, in some instances it is not appropriate to make a video recording and in such cases users should record the rationale in their PNB.

Recording must be incident specific, and operators should not indiscriminately record entire duties or patrols. BWV must only be used to capture video or audio at incidents that would normally be subject of PNB entries or used as “professional observation” for use by supervisors.

All recordings can be used as evidence, even if at the time it appears to the user that this is unlikely, e.g. a stop and search with a negative result. All recordings should be treated as evidential until confirmed otherwise. If it becomes obvious that the recording will not be evidential, unless there are other extenuating circumstances, BWV users should stop recording immediately.

BWV users should capture as much evidence as possible including the context of the encounter and should always try to record as much of an incident as possible.

BWV users should begin recording at the start of an incident or at the earliest opportunity thereafter, for example as soon as:

- You are deployed to an incident.
- You become aware that any other encounter is likely to occur in front of you.

Examples where BWV use is *not* appropriate (for guidance only, this is not an exhaustive list)
• Intimate searches – ***Never*** video or make photographic recordings of intimate searches or other circumstances where persons are in a state of undress.
• Formal investigative interviews (e.g. interview for evidence-in-chief purposes, or a significant witness interview for the purpose of preparing a statement), nor for interviewing suspects as it would contravene PACE Code C.

• Rape or Serious Sexual Assault – please see section 5.8 when dealing with such reported cases.
• Legal privilege –be careful to respect legal privilege and never record material that is or is likely to be subject of such protections. Private dwellings – Always consider the right to private and family life (article 8 of the Human Rights Act) and never record beyond what is necessary for the evidential requirements of the case.
• Vulnerable Witness Interview (VWI) - the use of BWV is not a replacement for VWI and vulnerable victims, they must still be dealt with in accordance with the current force policy.
• Exercise care in using BWV where it may cause serious offence (e.g., during religious worship).
• Explosive devices – *Never* use in an area where it is believed that explosive devices may be present, BWV cameras could trigger explosive devices by causing electrostatic interference.

4. ROLES AND RESPONSIBILITIES

4.1 BWV Users	• Familiarise yourself with this policy and comply with it. • Ensure you have completed the necessary training prior to utilising the cameras and software. • Take responsibility for what you have chosen to record or not, which sometimes is dictated by events as they happen. Ensure you record your justification in your PNB as you may have to justify your decision during any subsequent court or other investigative proceedings.

	• Familiarise yourself with the **7 Key principles** for the overt use of body-worn video. • Only utilise North Wales Police purchased Body Worn Videos. ***Never*** use any privately owned BWV device to capture evidence. • Under no circumstances should BWV be used for personal use or gain.
4.2 Local Supervisors / Custodian	• Ensure this policy is being correctly applied. • Ensure users complete the necessary training. • BWV Custodian is responsible for issuing and recovering BWV devices upon moves and changes to staffing. • BWV Custodian is responsible for reporting faults and issuing replacement BWV devices.
4.3 Systems Administrator / Information Asset Owner	• SSF HR Employment Services to set up users and provide them with logon details; completed via Systems Access Rights form. • Report any malfunctions to the relevant department (including LPS and Professional Standards Department). • Manage the DEMS database which contains the master copy of all footage.

5. THE PROCESS

5.1 Requesting and Issuing a Body Worn Video Device

Role	Action Required
5.1.1 Police Officer	• Submit a request to the custodian for a BWV device. **Upon receiving your BWV**

		• Complete any necessary training. • Familiarise yourself with this policy and the useful do's and don'ts/hints and tips available on SharePoint . • Ensure you **DO NOT** reset your BWV device using a Pin/Paperclip as this will damage the device. • Ensure you **DO NOT** move the docks as this will 'slow/stop' the transfer of data • Ensure you **DO NOT** shutdown the Dems Computer as it will stop/delay downloading. • Report any faults to CGI on 4100 and follow their instructions. • If you move to a post which doesn't require a personal issue BWV device, return your BWV device to the custodian/local supervisor.
5.1.2	Custodian / Local Supervisor	• Receive a request from an officer for a new/replacement BWV device. • Complete form C on the BWV SharePoint site and submit to the BWV department. • If an officer moves to a post where a personal issue BWV device is not required; complete form A on the BWV SharePoint site and return it along with the device to the BWV department.
5.1.3	BWV Department	• Determine whether the request is from an officer who should receive a personal issue BWV device or should be given access to a pool BWV device. **Personal Issue BWV Devices** • Receive the completed form C requesting a BWV device. • Allocate a personal issue BWV device in DEMS and record the Officers Collar Number. • Send the BWV device to the custodian and confirm by email that the device is on its way.

	Pool Issue BWV Devices • Receive the completed form C requesting a BWV device. • Allocate a pool issue BWV device in DEMS and record the Officers Collar Number. • Receive all returned BWV devices and de-allocate on DEMS and keep the BWV devices in stock for re-allocation. • Manage the return/replacement of BWV devices with Supplier.

5.2 Recording an Incident

Role	Action Required

5.2.1 BWV User	• Wear BWV when on operational duty.
	• Decide whether to record any incident or not **(Mandatory for all DA/DV incidents).**
	• Switch camera on when footage might support 'professional observation' or would corroborate what would be written in your PNB.
	• Record as much of an incident as possible as it is evidentially important to do. Therefore, begin recording at the earliest opportunity.
	• At the commencement of any recording or if the recording has commenced prior to arrival at the scene where practicable, make a verbal announcement to indicate why the recording has been activated. The announcement should include:
	  • Date, time and location.
	  • Incident type.
	  • Confirmation, where practicable, to those present that the incident is now being recorded using both video and audio.

	• Specific words for this announcement have not been prescribed, but users should use straightforward language that can be easily understood, such as: **"I am wearing and using a body worn video camera which is recording both video and sound…"** • **Taser Equipped Officers** – All Taser equipped Officers must use BWV. In the event of a personal issue BWV not being available (due to a fault) you should contact the duty supervisor to ensure that you have access to a pool device. Priority is given to equipping Specially Trained Units (STU's) i.e. Taser officers.
5.2.2 Duty Supervisor	**If no BWV is available for sign-out** • Receive notification from an officer that no BWV is available for sign-out. • Give priority to equipping Specially Trained Units (STU's) i.e. Taser officers.
5.2.3 Alliance Firearms Officers	**When engaged on routine operational duties** • Wear BWV and adhere to this policy. **When engaged on a firearms operations** • Revert to the separate regional BWV SOP until you are released back to routine operational duties.

5.3 Objections to Recordings

The use of BWV is for a legitimate policing purpose and therefore in principle, you are not required to obtain the expressed consent of the person or persons being filmed.

Recording will not be ceased at the request of a member of the public.

Role	Action Required
5.3.1 BWV User	**If a member of the public objects to being videoed**

	• Inform them that the use of BWV is authorised within North Wales Police and the public should expect officers to use the equipment when dealing with incidents.
	If the subject of an encounter requests that the BWV be switched off
	• Advise the subject that :-
	  • Any non-evidential material is retained for a maximum of 30 days only (in accordance with the Data Protection Act (DPA) and Management of Police Information (MoPI)).
	  • The material is restricted and cannot be disclosed to third parties without the subject's express authority, unless prescribed by law.
	  • Recorded material is police information and can be accessed on request in writing in accordance with the Freedom of Information (FOI) Act (unless an exemption applies) and is also accessible via a subject access request in accordance with the DPA.
	• Consider on a case-by-case basis whether or not to switch the BWV off. There should always be a tendency to record (within the confines of legislation) unless circumstances dictate otherwise.
	
	If you feel the recording is unnecessarily inflaming a situation
	• Use your judgement following the principles of the National Decision Model.
	
	If you deem it necessary to turn off your BWV, but events subsequently develop that require further investigation or proceedings:
	• Resume recording to capture any potential evidence.
	• Make the appropriate verbal announcements as noted in section 5.1.1.

	• Record the circumstances in your PNB.

5.4 Public Requests to Record

Users may encounter members of the public who specifically request that an encounter or interaction is recorded, even if the user does not feel that there is any evidential reason to do so.

- Record such an encounter (unless there are clear reasons not to)
- Remind the person requesting the recording that, unless there is an evidential reason to retain the footage, it will be automatically deleted in line with existing local guidelines (it will not be retained for longer than 30 days.)

5.5 Collateral Intrusion

Role	Action Required
5.5.1 BWV User	• Attempt to minimise collateral intrusion by restricting recording to areas and persons necessary (as far as is practicable) to obtain evidence and intelligence relevant to the incident. **Any persons recorded as part of a Policing incident can and may be deleted from the footage by authorised and trained professionals** • Note this process will be carried out in exceptional circumstances only and not as a matter of course. Decisions surrounding this process will be taken on the sensitivity of the footage captured. • The process of deleting someone from footage should be carried out by the Imaging Unit, Crime Services. • Contact them via their force email address…

5.6 Private Dwellings

Role	Action Required

5.6.1 BWV User	**In any private dwelling, you may find that one subject objects to the recording taking place (e.g. domestic incidents).**
	In such circumstances
	• Continue to record and explain the reasons for recording continuously, include:-
	  • That an incident has occurred requiring police attendance.
	  • That your presence might be required to prevent a Breach of the Peace or injury to any person.
	  • The requirement to secure best evidence of any offences that have occurred, whether this is in writing or on video. The video evidence will be more accurate and of higher quality and therefore in the interests of all parties.
	  • Continuing to record will safeguard both parties with true and accurate recording of any significant statement made by either party.
	  • An incident having previously taken place may reoccur in the immediate future.
	  • Continuing to record will safeguard all parties against any potential allegations.

Filming in domestic circumstances can be an issue with some cultural and religious beliefs. An example may be where a female in her home may not be dressed as she would usually be in public e.g. wearing head or face coverings. Officers should be aware of this fact and be practical and sensitive to the wishes of those involved in these incidents.

5.7 Forced Entry into Premises as part of a Warrant

Role	Action Required

5.7.1 BWV User	• Capture on BWV, as a minimum :-
	  • the initial contact with the occupants to confirm powers of entry/warrant etc.
	  • method of entry.
	  • Any subsequent damage to doors.
	This assists in any subsequent enquiries relating to the circumstances and impact of these incidents.

5.8 Crime Scenes

Role	Action Required
5.8.1 BWV User	• Capture a slow 360 degree of all crime scenes linked to serious offences. • Provide a running commentary, where possible, of factual information to assist later viewers. • Ensure the footage captures all persons present (including members of the public). This provides the Senior Investigating Officer (SIO) with previously lost evidential data and introduces savings during the investigative process. • Highlight each crime scene recorded as evidential data. • Bring it to the attention of the SIO at the earliest opportunity.

Officers must be aware that the following list is not exhaustive, and it is at the discretion of the Officer if they choose to record a full 360-degree capture of any scene.

- Murder
- Serious Assaults
- Unexplained deaths
- Suicides
- Domestic Assaults

- Criminal Damage
- Road Traffic Collisions

5.9.1 Use of BWV in Reports of Rape or Serious Sexual Assault, Child Abuse and Domestic Abuse.

- The use of Body Worn Video is mandatory for attendance at all Domestic Abuse/Violence incidents. Any decision not to use BWV should be recorded.

- Body Worn Video is a good and effective evidence gathering tool that can show in seconds what could take hours to write.
- The presumption should be in favour of recording DASH Risk Assessments with the option not to record if that is what the circumstances require, with the recording of the rationale not to record being captured. Best practice would be to do so on BWV camera where possible.
- The task for policing is to gather all the evidence in an investigation, whether or not it is supportive of the case – we should not choose to 'not' record because a RASSO victim might not present in the way that juries might expect, however, it is important that first responders should limit questioning to establishing only the basic facts and should leave in-depth questioning to specialist trained investigators.
- The evidence from first accounts can be the most valuable and it is these that should be recorded on BWV.
- All of the safeguards that would normally apply to the evidence from children should continue to be applied.

5.9.2 Anonymity

There are times when audio and visual footage assist in reported cases of rape; however, the importance of ***anonymity*** for a victim is of paramount importance.

There are instances, particularly with stranger or acquaintance rape where the offence has taken place away from the victim's home, but the victim

later reports it from their own home. In these cases the use of BWV could record details of part of the outside/inside of the victim's home which could lead to the disclosure of private information to the defence counsel. In such cases :-

- request advice from the North Wales Police Rape Investigation Team (Amethyst), with a view to Scientific Support Unit (SSU) Imaging removing the visual part of the footage, but retaining the audio.

Conversely, if its reported as a domestic rape or where the parties are known to one another and/or the address is a crime scene the use of BWV (both audio and visual) would be beneficial to the investigation.

5.9.3 Explicit and Informed Consent

The explicit and informed consent of victims of rape and serious sexual offences should be obtained ***before*** their initial accounts are recorded on a BWV. Where the emotional or physical condition of a victim to a serious sexual offence is such that there is any doubt about their capacity to give informed consent, BWV should not be used.

5.9 Use of BWV in Mental Health Units

Section 12 of the Mental Health Units (Use of Force) Act 2018 requires all police officers attending a Mental Health Unit while on duty to assist staff that work in that unit to have their Body Worn Camera operating at all times when reasonably practicable. Please refer to Section 12 of the Mental Health Units (Use of Force) Act 2018 for further information.

5.10 Concluding a Recording

Unless the Post Incident Procedure is invoked it is considered advisable that the officer continues to record for a short period after the incident. This will clearly demonstrate to any subsequent viewer that the incident has concluded and the user has resumed other duties or activities.

Recording may also be concluded when the officer attends another area, such as a custody unit, where other recording devices are able to take over

the recording. Officers must be aware that not all areas of these departments are covered by CCTV. It is therefore at their discretion if they are to record any incidents within these areas, such as escorting prisoners to cells not containing CCTV. This may include the decision to continue recording a detained person whose behaviour requires capturing for evidential purposes.

Role	Action Required
5.10.1 BWV User	***Prior to concluding recording*** • make a verbal announcement to indicate the reason for ending the recording this should state, when practicable:- • Date, time and location. • Reason for concluding recording.

5.11 Post Incident Procedure

5.11.1 What is a Post Incident procedure?

Post incident procedures commence in all situations where, following police contact, death or serious injury has occurred.

Investigations may be conducted by the force professional standards department or an Independent Investigatory Authority (IIA), such as the Independent Office for Police Conduct (IOPC). Investigations may also be undertaken by the Health and Safety Executive.

5.11.2 Initial Action

Where it is evident that following contact with police, a person has been critically/seriously injured, the Force Control Room should be contacted immediately.

Role	Action Required
5.12.2.1 BWV User	• Continue recording until you are told otherwise. If the BWV was not turned on at the time injury occurred it must

	be as soon as practicable. The BWV recording will provide corroborating proof of the delivery of the conferring warning at/near the scene (usually by the Force Incident Manager (FIM)) as soon as practicable once the scene is secured, as well as evidence of the scene itself. NOTE; this is your corroborating evidence and is not a mechanism for recording the scene on behalf of the investigating bodies. Recording by Key Police Witnesses (KPW) involved in the incident en-route to the post incident location also provide confirmation that officers are not conferring about the incident in transit. This also applies to any officer not connected to the incident but escorting the KPW(s) to the Post Incident Procedure (PIP) location. **On arrival at the Post Incident Suite** • Continue to record until directed by the Post Incident Manager (PIM). If there are extenuating circumstances, for example you are injured / traumatised and require medical intervention. The PIM should be informed of this fact so early consideration for the need to continue to record can be assessed**.** **<u>In cases of officer welfare and privacy</u>** • You may cease recording but justification must be recorded appropriately.
5.12.2.2 PIM	• Consider the need for BWV users to continue recording once they have arrived at the PIP location, is it justified and that it doesn't does it impinge on their rights to privacy and legal privilege.

	• Consider carefully the requirement to balance the needs of the officers and the need for a transparent and open PIP process. • Consider the need for BWV users who have remained at the scene to continue recording, consult with the necessary investigating bodies to make a decision as to whether recording should continue or not • Once you have directed the recording to cease, record this in the PIM log. • Once recording has ceased, adhere to the process for data retrieval.

5.11.3 Post Incident Accounts

5.12.3.1 Stage One – Situation Report

Once it becomes apparent that due to police contact, a fatal / serious injury has been sustained to a third party, the force control room must be informed immediately. The information provided from the scene should be sufficient to provide a situational report which will enable the Force Incident Manager to manage the ongoing incident and assist them to discharge their responsibilities.

5.12.3.2 Stage Two – PIM Basic Facts

Role	Action Required
5.12.3.2.1 PIM	• Establish the basic facts of what happened. Where possible, this information should come from a source other than a key police witness. This is most likely to take place at the nominated post incident location, where the basic facts will be provided by an individual who is willing to supply them. The basic facts will be provided (subject to legal advice where appropriate) in either verbal or written format. A staff association representative may

	also be present. The basic facts obtained by the PIM should, where possible, be sufficient to: • confirm which officers were at the scene • describe in brief the role(s) of those at the scene • confirm whose direct actions led to the injuries sustained. • Confirm the basic facts recorded or received with the person providing them to certify accuracy, • Time, date and sign the information. • Hand the original record to the independent investigatory authority at the earliest opportunity. • Retain a copy and give a copy to the person providing the basic facts. **Basic facts from the key police witness** Where the only person able to provide the basic facts has been, or may be, identified as a key police witness, • Offer them the opportunity to take legal advice before obtaining the information • Be aware of the need to take only basic information • Record, date and time all information provided.

5.12.3.3 Stage Three – Personal Initial Account

Role	Action Required
5.12.3.3.1 Police Officers / PCSO at the scene	• Subject to legal and medical advice, provide a personal initial account before going off duty. This should consist only of your individual recollection of events and should be written, signed and dated. The purpose of this being to record your role and what you believe to be the essential facts and should, where relevant outline the honestly held belief that resulted in your use of force. •

5.12.3.4 Stage Four – Detailed Account

Detailed accounts should not normally be obtained immediately. They can be left until the officers involved are better able to articulate their experience in a coherent format. This is usually after at least forty-eight hours. The detailed account should include, if relevant, why the witness considered the use of force to be absolutely necessary.

Officers will not be permitted to view their own or other officers BWV footage prior to the recording of their initial account (Stage 3) but will be permitted to view BWV footage prior to recording a detailed account (Stage 4); this is to protect the integrity of the process and the integrity of their evidence.

Viewing of the BWV footage after the stage 3 personal initial account will be under the direction and supervision of the appointed investigative body, for example, the IOPC or CPS and PIM.

The Post Incident Process must be open and transparent and capable of withstanding scrutiny. If any officer has concerns that the integrity of the process is not being maintained, they must immediately bring this to the attention of the PIM.

5.12 Stop & Search

Role	Action Required
5.12.1 BWV User	• Video record all 'stop and search' encounters unless the search is a more thorough search or a search involving the exposure of intimate body parts as defined in code 'A' PACE 1984 code of practice. A video recording does not replace the need for compliance with the stop and search policy and code A of PACE 1984.

5.13 Selective Capture and Book Marking

Selective capture does not involve deleting images, merely making a choice of when to record or not. It also describes the process of temporarily stopping and restarting recording in order to 'bookmark' recorded footage. This breaks the digital file into chunks, making reviewing and sharing with defence and CPS easier. However, officers must be aware that stopping a recording during any Police Incident may require an explanation at court.

It is *never* justifiable for a user to delete images already recorded. Such action may result in legal or disciplinary proceedings. The BWV hardware used by North Wales Police is fully auditable and any deleted recordings or removal of any part of the camera is automatically reported to the systems administrator.

5.13.1 Selective Capture

Selective Capture is a phrase to cater for the choices made by officers about which elements of an incident to video. In general, users should record entire encounters from beginning to end without the recording being interrupted. However, the nature of some incidents may make it necessary for the user to consider the rationale for continuing to record throughout entire incidents.

For example, the recording may be stopped in cases of a sensitive nature or if the incident has concluded prior to the arrival of the user. In all cases the user should exercise their professional judgment in deciding whether or not to record all or part of an incident.

In cases where the user does interrupt or cease recording at an ongoing incident they should record their decision on video and in their PNB including the grounds for making such a decision.

5.13.2 Book Marking

Book marking is a means by which users may separate encounters with each of these types of person or occurrence in order to allow for easier disclosure at a later time. When recording an incident it is likely that BWV

users will encounter victims, offenders and witnesses as well as recording visual evidence of the scene itself.

For example if a police officer has recorded an encounter with a witness including disclosure of their name and address this section should **not** be shown to the suspect or their legal representative.

It is recognised that Book Marking is not always practicable due to the nature of incidents and therefore this should only be attempted if the situation is calm and the operator can do so ~~is~~ easily.
Prior to any temporary suspension for the purpose of Book Marking, the user should make a verbal announcement for the purpose of the recording to clearly state the reason for suspending recording. The user should also announce that they have recommenced recording at the same incident as before.

The book marking process results in short breaks between clips of just a few seconds. When creating an evidential copy disk exhibit for court, the user must include all bookmarked sections for the incident, as one complete evidential copy recording of the incident.

5.14 Capturing Images of CCTV / Phone Footage on Body Worn Video Cameras

It is understood that some forces are routinely capturing images from mobile phones, CCTV screens/monitors with BWV cameras. However, then fail to go on to seize or obtain the original recording in line with CPIA requirements as the 'Master Recording'. This can present legal issues when cases arrive at court.

Taking a video or image of CCTV footage on body-worn video or other mobile device may be seen as a pragmatic way to assist with reasonable lines of enquiry whilst waiting on a formal evidential download to be completed. It does however have the potential to create significant procedural difficulties and should only be considered for immediate

intelligence purposes only (for example, where there is an immediate threat to life or to facilitate recognition of an offender at large). It **must** always be followed up with a valid download of the original image data.

Key points

- The use of BWV to capture video or images from any another device is only seen as a last resort in response to immediate intelligence purposes for recognition only.

- Officers must ensure that if this is done, the original source recording must also be seized and treated as an exhibit in line with current working practices.

5.15 Witness First Accounts

Role	Action Required
5.15.1 BWV Users	If approached by victims or witnesses who are giving their first account of the crime :- • You may record the encounter using BWV but consider the needs of the individual with regards to sensitivity based on the nature of the offence being reported. **Any initial disclosure from victims and witnesses recorded by BWV** • Treat as an evidential recording. • Submit to the investigating officer, this is important to ensure compliance with statutory identification procedures under PACE Code D. • Recordings do not replace the need for formal written statements from victims or witnesses but they can be used as supporting evidence for the statements and can also be considered as hearsay evidence and used in

	accordance with the provisions of the Criminal Justice Act 2003.
	• If a recording relates to the victim's first notes or initial description of suspects :-
	  • Refer to the relevant section of the video when making their written statement.
	  • Take care to ensure that the witness reviews ***only*** their account. They must not be allowed access to other sections of the recording.
	  • Record in the witness statement the extent of any review by the witness to assist with making their statement.

5.16 Recording of Interviews

Never use BWV to record interviews of suspects under caution which occur at a police station.

5.17 Witness Identification

Witnesses to a Policing incident where the offender is present should under no circumstances be shown the video captured on the BWV. Officers should revert to Police and Criminal Evidence Act 1983 Code D).

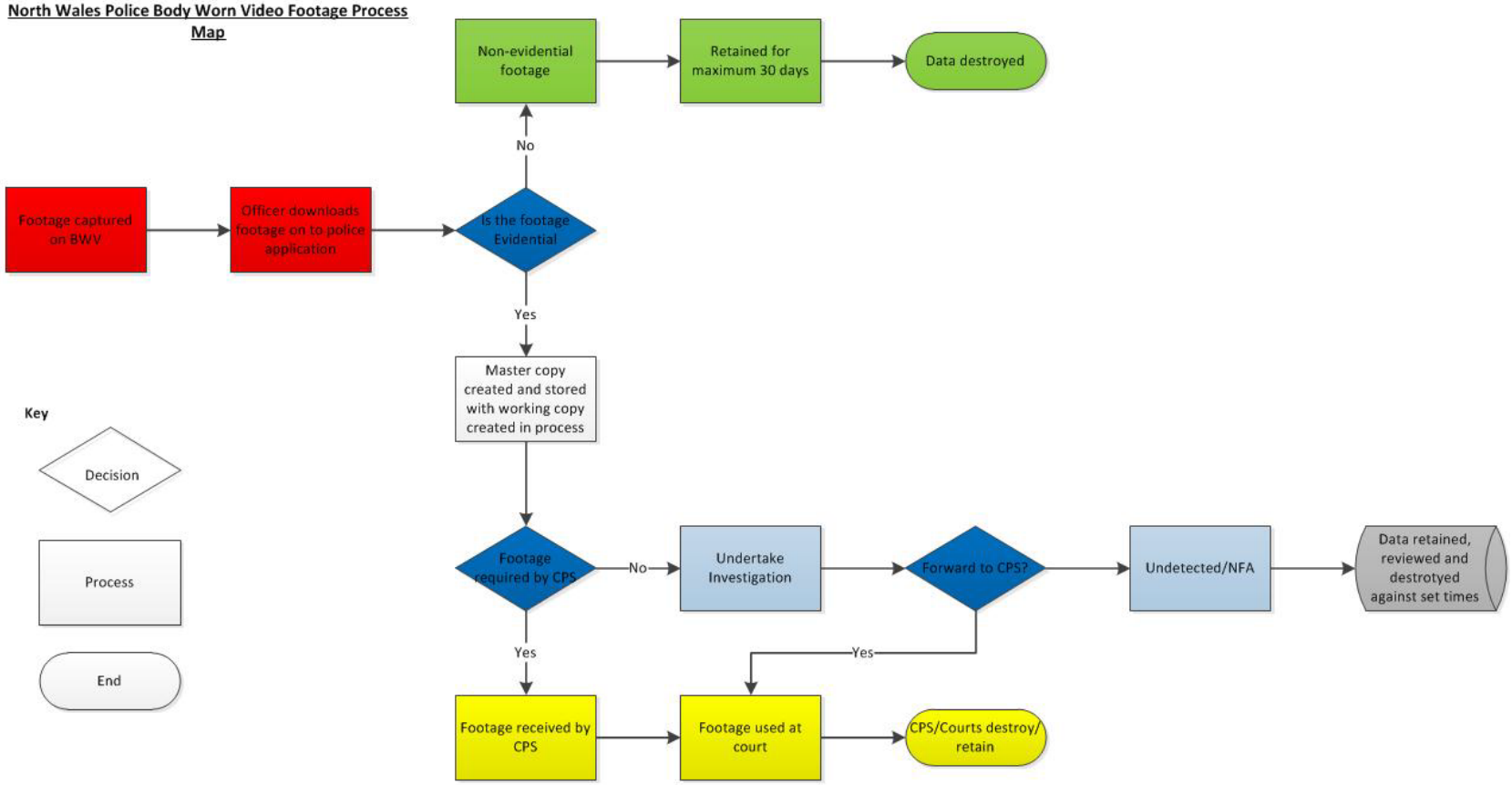
5.18 Uploading, File References and Exhibits

All footage recorded to the BWV device must be downloaded at the end of the officer's tour of duty and the device returned to the docking computers at the officers' home station.

Once downloaded, the camera is clear of all footage and ready to be booked out again.

All recorded footage is automatically downloaded and saved on the secure networked data storage facility.

North Wales Police Body Worn Video Footage Process Map



Version 1.2

5.18.1 Evidential Footage

Evidential footage is considered any data that :-

- provides evidences of an offence.
- Supports evidence for any process - i.e. charge, Fixed Penalty Notice, Penalty Notice for Disorder etc.
- Is required for a relevant and proportionate policing purpose - i.e. footage taken of an overcrowded town centre taxi-rank to highlight the need for an extended facility to Local Authority partners.
- Should be revealed under The Criminal Procedure and Investigations Act 1997.

Never download data to any device other than through the dedicated BWV docking computers provided. Any attempt to do so will result in the automated reporting of such an attempt. Any user found doing so, may be liable for prosecution or disciplinary procedures.

Since March of 2025 evidential BWV footage is moved from DEMS360 into NICE Investigate. This has been done to correctly manage the forces data storage. BWV saved as evidential and marked with an RMS occurrence number automatically transfers into NICE Investigate. It is then permanently deleted from DEMS 360. An audit is retained in DEMS360 for each item. Footage has to be saved correctly before the link can be created for the MG0 in RMS, and evidence shared.

5.18.2 Burning evidential footage to DVD (working copy) for submission to AJD (and then CPS)

The CPS request that whenever possible footage clips are not cropped as the defence may ask for the full version.

Role	Action Required
5.19.2.1 BWV Recording Officer	• Ensure that evidential footage is correctly downloaded and that the Unique Reference Number (URN) for the

	footage is fully recorded on the associated NICHE Record. • Identify any saved evidential footage by entering the NICHE Crime or iCAD log number in the incident ID column and other details such as exhibit number, suspects and other relevant details in the notes column. • Ensure you add the URN and other details to the disc as soon as it is burned off. Failure to do so may result in the disc not being linked to the case file. • Complete the MG5 with details of the officer/s making the recording, timings and summary; the summary should be such that what the evidence captured on the disc is accurately and fully described. **If BWV is supporting evidence** • You are still required to provide written statements, including the audit trail for the capture of the footage and the subsequent production of the master disc/DVD.
5.19.2.2 Officer in Charge (OIC)	• Ensure that any appropriate footage is made available in a format that is suitable to the requirements of where it is to be played (e.g., currently, Courts require DVD versions of footage, so you need to ensure that the footage is burned onto an appropriate disc). **If more than one BWV device is present at the scene of an incident or if the area of the incident is also covered by a CCTV system** • Ensure that all available footage of the incident is secured as exhibits in consideration of any defence arguments that may be presented.

Data downloaded as non-evidential will be stored on the Digital Evidence Management System (DEMS) for 30 days. During that time it is searchable and can be retrieved and marked as evidential. After this period it will be automatically deleted.

5.19 Requests for Editing or Producing CD/DVD's - Imaging Unit - Crime Services

The Imaging Unit (Crime Services) is responsible for managing the DEMS database which contains the master copy of all footage. Furthermore the department is the administrative centre for BWV in respect of the systems management of DEMS. All requests for footage editing or DVD production assistance should be made through SSU Imaging Unit.

5.20 Officers Viewing Footage Prior to Making a Statement

Role	Action Required
5.20.1 Officers making a statement	• You may view any BWV footage prior to completing a written evidential statement. However it is recognised in very rare circumstances BWV may be required and therefore seized as part of an enquiry into the most serious of incidents (e.g. an incident involving the death or serious injury to a member of the public).

5.21 Use by Professional Standards Department (PSD)

North Wales Police PSD do not dip sample or routinely view BWV footage material.

BWV footage is subject to the principles outlined in the Data Protection Act, this prohibits the random dip sampling of retained footage other than for supervision and / or investigation purposes. Open access to any database or server containing BWV footage for reasons other than this will not normally be granted unless exceptional circumstances exist and authority is given by the Head of Professional Standards.

Footage from incidents can be used to identify poor performance and learning opportunities. BWV footage can be used to quickly resolve complaints and avoid lengthy investigations. There is strong evidence to support the fact that BWV contributes to a net reduction in complaints and subsequent disciplinary action, by providing a clear and impartial record of any interaction.

This means that when a complaint arises the video record can be used to quickly establish exactly what happened and provide a speedy resolution as part of the complaints process. This provides greater transparency, and allows officers to show that they followed the correct procedure if their actions are challenged.

Material not directly relating to investigation should not be made available to the investigating officer.

PSD must create master and working copies of any BWV material used in an investigation of a complaint and retain these in secure storage in accordance with force procedures.

All complaints received from the public about the conduct of any officer or member of staff (including those subsequently withdrawn) must be recorded in accordance with existing national and force procedures.

Where a complaint is dealt with by local resolution, the local supervisor should make a record of the viewing.

Role	Action Required
5.21.1 Investigators	• Only access footage for professional standards purposes where there is a clear and justifiable need to do so (e.g., specific investigations, identified patterns of complaints in respect of a particular officer) or where specific intelligence has been received that would indicate that viewing of BWV footage is proportionate and necessary.

	• When reviewing footage make a note of the fact you have done so and a brief reason for reviewing the particular piece of footage. • Record any viewing of footage by complainants. • Consider whether non-connected persons on the material should be obscured when being viewed by complainants/third parties. • Secure, review and retain BWV material that is relevant to the investigation of any complaint at the earliest opportunity, in line with the parameters of the investigation
5.22.2 Supervisors	• Consider reviewing BWV footage relating to your officers as a supervision tool and as a means of improving performance or to identify training needs. This is especially important in areas such as stop & search, where improved performance will increase community confidence. • When reviewing footage make a note of the fact you have done so and a brief reason for reviewing the particular piece of footage.

5.22 Provision of Data to Outside Organisations

Never provide or send system data outside of the Force **without** prior permission from the System Owner/Information Asset Owner and/or the NWP Chief Information Officer.

Data sent outside the Force must be compliant with :-

- the Data Protection Act,
- The Management of Police Information (MOPI) guidance,
- Government Security Classification Scheme (GSCS)
- The Force Information Sharing procedure (within the Force information Standards Policy).

Relevant documentation must be completed therefore prior to sharing, you must seek advice from the Information Standards and Compliance Department to ensure the requirements within relevant legislation are met. In all cases you must mark the information appropriately in accordance with the Government Security Classification Scheme, including a suitable handling rule where necessary.

5.23 Body Worn Video in Public Order Deployments

BWV currently deployed within Local Policing Services, can be used during public order deployments, but must only be used in a response function, namely incident specific when dealing with personal interactions.

- BWV must not be deployed as a pseudo Evidence Gathering Team (EGT) tactic.
- BWV should only be used to capture an officer's personal interaction with another as per the national BWV guidance.
- BWV is used in public order deployments, specific briefings with regards to its use must be given.
- After activating the BWV officers must give their name, rank and force number along with a rationale for switching the BWV on if practicable to do so, for example when delivering a 'five step appeal'. BWV should only be switched off once that interaction has concluded and where practicable the officer should verbalise that the BWV is being switched off.

Role	Action Required
5.23.1 Public Support Unit (PSU) Commanders	• Consider the public perceptions and community impact of BWV in public order deployments: the effect on others within the event, both in relation to collateral and crowd dynamics; the effect on perception before and during peaceful protest; and ultimately its impact on public confidence.

5.24 Mutual Aid

- ***Before*** being deployed on mutual aid, the requesting force must advise whether or not they have compatible downloading provisions for the responding force BWV system.
- Where data from the BWV camera is downloaded within the requesting force area, the Chief Constable of that area will fulfil the duties of data controller ensuring compliance with legal obligations under the Data Protection Act.
- Alternatively, should footage need to be downloaded within the responding force area, the Chief Constable of this force will fulfil the duties of data controller.

5.25 Retention & Disposal

Information in relation to the retention and disposal of information can be found in the Information Management section of APP.

5.25.1 Retention and Legislation

All CCTV and digital media evidence must be retained / disposed of in accordance with the Human Rights and Data Protection Act.

5.25.2 Disposal

All media at the conclusion of its appropriate evidential lifecycle must be considered for recycling /destruction. CD/DVD's must be shredded and disposed of in accordance with existing force policy.

6. DECLARATION & LEGALITIES

6.1 In line with all Force policies, the overarching purpose of this document is to directly support the PCC police and crime plan objectives. Overall the intention of this policy is to provide a safer North Wales.

6.2 In the writing of this policy cognisance has been taken of the college of policing code of ethics (2014).

6.3 North Wales Police policies will be written in accordance with the approved corporate format and published on the Force Intranet, allowing access to

staff and public, where appropriate, on the pages of the public facing Internet site under the Force publication scheme and Freedom of Information Act 2000.

6.4 The following main legal requirements have been identified within this policy:

- Equality Act 2010
- Human Rights Act 1998
- The Welsh Language (Wales) Measure 2011 and the Welsh Language Standards for the Chief Constable
- Data Protection Act 2018
- Freedom of Information Act 2000
- Health and Safety Act 1974
- European Convention on Human Rights
- Protection of Freedoms Act 2012
- Police and Criminal Evidence Act 1984
- Serious Organised Crime & Police Act 2005

6.5 This policy has been written giving due regard to the above legislation and has considered the risk of unfair and/or disproportionate impacts on individuals or groups (actual or perceived) and has done so via an equality impact assessment (EIA).

6.6 New legislative requirements or changes in Force structure may necessitate a review of this policy document.

HEDDLU GOGLEDD CYMRU
NORTH WALES POLICE

POLICY

COMPLAINTS HANDLING POLICY

Governance:	**Strategic Management Board**		
Document Type:	**Policy**		
Policy Owner:	**Head of Professional Standards Department**		
Department:	**Professional Standards Department**		
Policy Writer:	**DI**		
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Version No	**Date**	**Author**	**Changes**	**Ratification**
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1. WHY IS THIS POLICY REQUIRED?

It is imperative that North Wales Police has a fair, transparent and accessible process for managing public complaints.

This policy will

- Embed a culture of individual and organisational learning.
- Ensure complaints are appropriately handled and managed.

2. WHO SHOULD USE THIS POLICY?

This policy should be used by all North Wales Police Officers and Staff dealing with a complaint. Reference should be made to the most appropriate section of this policy at the relevant stage.

3. WHAT SHOULD I CONSIDER WHEN USING THIS POLICY?

The 'Home Office Statutory Guidance on Professional Standards, Performance and Integrity in Policing 2020' provides guidance to practitioners, decision makers and those operating within the Professional Standards environment about processes and procedures relating to the handling of complaints, conduct matters and deaths and serious injuries. This includes how they should be investigated and how subsequent proceedings should be brought.

The IOPC has a statutory duty to secure and maintain public confidence in the police complaints system in England and Wales. The IOPC Statutory Guidance is issued under Section 22 of the Police Reform Act 2002 and provides guidance for police forces to navigate through and effectively handle public complaints in accordance with legislation.

Both the Home Office (HO) and IOPC Statutory Guidance can be used by those subject or party to investigations and proceedings to understand the processes and provisions. All members of staff within PSD and line managers or supervisors with specif**ic responsibilities within this policy should review and understand the guidance.**

This policy should be read in conjunction to the following documents.

- College of Policing Code of Ethics
- College of Policing Guidance on outcomes in police misconduct proceedings.
- Equality Act 2010.
- Home Office Guidance on Conduct, efficiency and effectiveness: statutory guidance on professional standards and integrity in policing (2020).
- IOPC Statutory Guidance on the Police Complaints System (2020).
- IOPC Guidelines on handling allegations of discrimination.
- Police Reform Act 2002
- Police (Conduct) Regulations 2020
- Police (Complaints and Misconduct) Regulations 2020
- Police (Performance) Regulations 2020
- Police Appeals Tribunal Rules 2020
- Police (Former Officer) Regulations 2020
- Police Barred List and Police Advisory List Regulations 2017

4. ACCESS TO THE POLICE COMPLAINTS SYSTEM

A complaint is ***'any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public'.***

The definition reflects that any dissatisfaction expressed by a member of the public may be due to the perceived service delivery of the organisation, as opposed to being caused by an individual serving with the police.

A complaint does not have to be made in writing, nor must it explicitly state that it is a complaint for it to be considered as one.

A complaint against police can be made by any of the following:

- A person to whom the alleged conduct relates.
- A person adversely affected.
- A person witnessing.
- A person acting on behalf of any of the above (with written consent from that person).

It is vital that the complaints system is available to all members of the public, including those that may have specific requirements. For further advice relating to complainants that may have specific needs (by age or other protected characteristic) see IOPC Statutory Guidance (2020).

There are a number of ways in which a complaint can be made

i) Complete the online complaint form via the North Wales Police website.
https://www.north-wales.police.uk/
Submission via the website will result in the earliest contact in order to resolve your complaint

ii) Telephone North Wales Police by phoning 101.
**Please note – During busy periods of operational demand, you may remain on hold for a period of time, before a call-handler is able to respond to your call. Submission via the website will result in the earliest contact in order to resolve your complaint. **

iii) Go to any Police Station and ask someone to log a complaint.
Please note – It may not always be possible to resolve your complaint immediately due to the operational availability of officers. Submission via the website will result in the earliest contact in order to resolve your complaint.

iv) Write to / email the North Wales Police Professional Standards Department.
Glan-Y-Don
Abergele Road
Colwyn Bay
LL29 8AW
ProfessionalStandardsEnquiries@northwales.police.uk

v) Contact via a person acting on your behalf (i.e. solicitor, Member of Parliament, Assembly Member or other body) to make a complaint on your behalf via any of the above methods.
Please note – Written consent is required before a person can act on your behalf

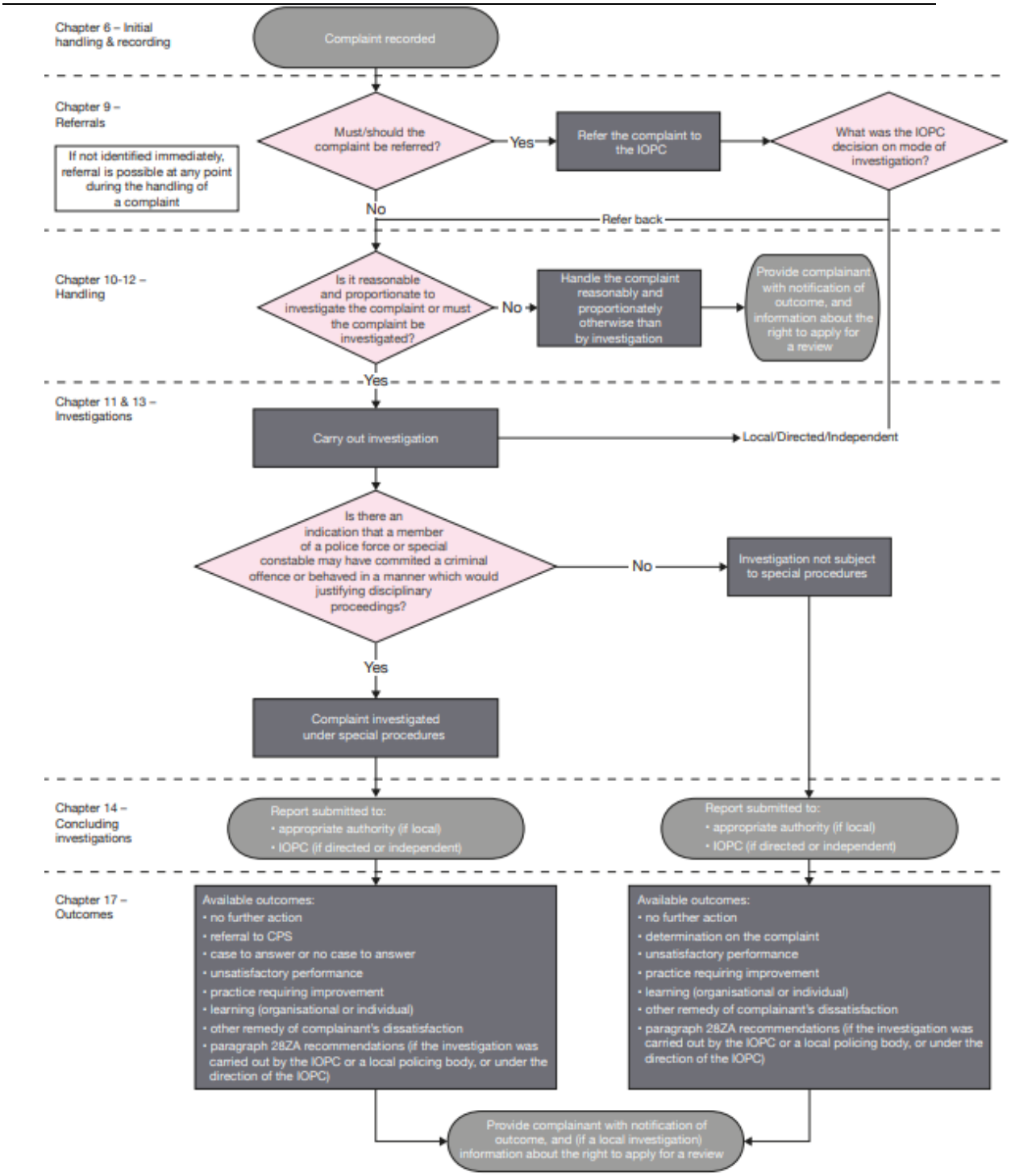
vi) **Complete an online form via the Independent Office for Police Conduct (IOPC) website** https://policeconduct.gov.uk/
** Please note – any submitted complaint will not be reviewed by the IOPC but forwarded directly to North Wales Police Professional Standards to review / progress**

Complaints must be made to the Force, Local Policing Body (LPB) or IOPC – therefore, there must be some intention to bring the concerns to the attention of North Wales Police.

North Wales Police will not actively monitor individual or organisational Social Media accounts to identify public expressions of dissatisfaction. Public complaints should be submitted via methods outlined within paragraph above.

4.1 Complaints against Police – Logging and Initial Complaints Handling

The flowchart below summarises the Logging and Initial Complaints Handling process.



4.1.1 Logging

From the date of receipt by whatever means, the complaint should be logged on the relevant force system at the earliest opportunity.

Where a complaint is considered to be so sensitive completing an I/Cad event may prejudice any subsequent investigation, please refer to the FIM for direction. The complaint could be restricted on I/Cad and forwarded to PSDEnquiries@northwales.police.uk for assessment

Complaints received via the North Wales Police website

- Form received / directed to the designated North Wales Police Force Control Centre email inbox.

- Command and Control (I/Cad) 'Dissatisfaction' event created by inputting information contained within submitted complaint.

- Complaint allocated for Initial Complaint Handling to Incident Management Team via P4 task on I/Cad.

If the matter requires further work that cannot be resolved at first point of telephone contact the task is placed on the P7 tab for the Local Policing Sergeant or P8 tab for the Safer Neighbourhood Team Sergeant (See Section 4 below).

Complaints received via 101 Telephone call

- Command and Control (I/Cad) 'Dissatisfaction' event created by inputting required 'field' details as contained within the event Customer Rules Engine (CRE), commensurate with the National Complaint Form data requirements**.**

- Complaint allocated for Initial Complaint Handling to Incident Management Team via P4 task on I/Cad.

- If the matter requires further work that cannot be resolved at first point of telephone contact the task is placed on the P7 tab for the Local Policing Sergeant or P8 tab for the Safer Neighbourhood Team Sergeant (See Section 4 below).

Complaints received at any Police Station Front Counter

- Command and Control (I/Cad) 'Dissatisfaction' event created inputting required 'field' details as contained within the event Customer Rules Engine (CRE), commensurate with the National Complaint Form data requirements**.**

- The complaint should be allocated in the first instance to a Local Supervisor (if available) for Initial Complaint Handling.

- If a Local Supervisor is unavailable, discussion should take place with the Incident Management Team to ascertain suitability and, whether ownership of the matter can be dealt with by the IMT via a P4 task on I/Cad. (See Section 4 below).

Complaints received within Chief Constables Office / Office of the Police and Crime Commissioner / Area Senior Management Teams / Area Inspectors

- The complaint must be immediately forwarded to PSD PSDEnquiries@northwales.police.uk to ensure the complaint is logged upon relevant force system (Centurion) at the earliest opportunity.

Complaints received directly within the Professional Standards Department

- Received complaint to be immediately logged upon the relevant force system Centurion.

Complaints logged within Professional Standards are allocated for Initial Complaint Handling by the PSD Complaints Manager to the appropriate resource within PSD, Duty Sergeant, Incident Management Team or, where appropriate to the relevant Duty Sergeant to where the complaint relates (See Section 4 below).

4.1.2 Initial Complaint Handling

Following allocation of the complaint, the Initial Complaint Handler should make contact with the complainant at the earliest opportunity but in any case, **within 48 hours.** The initial complaint handler will either be:

i) Incident Management Team Supervisor
ii) Area Supervisor
iii) Other Appointed Initial Complaint Handler.

4.2 Think Customer Service – 'Listen, Say Sorry, Fix it!'

From the point a complaint is received, it is important that the complainant's concerns are acknowledged and prompt and effective steps are taken to begin to address the matter. The way in which a complaint is dealt with at the outset can significantly influence a complainant's confidence in, and participation with, the police complaints system. **Such contact (or attempts) must be recorded on the relevant force system (I/Cad, Email Audit or Centurion) to provide accountability for regulatory compliance.**

The person appointed to initially handle the complaint must provide the complainant with their name and contact details and document that these details have been provided on the relevant force system (I/Cad, Email Audit or Centurion).

Initial complaint handling should explore the nature of the complaint to ensure that it is understood in its entirety. A complainant's dissatisfaction may not always be captured at the time of their initial contact.

Certain complaints cannot be resolved and **MUST** be recorded in accordance with Schedule 3, Police Reform Act 2002. Complaints that MUST be recorded include:

- If at any point, the person making the complaint wants it to be formally recorded in accordance with Schedule 3, Police Reform Act 2002.
- If the matter complained of resulted in death or serious injury.
- If proved, the complaint / allegation (on face value) might constitute a criminal offence by a person serving with the police or justify the bringing of disciplinary proceedings.
- If proved, might have involved the infringement of a person's rights under Articles 2 or 3 of the European Convention on Human Rights.
- If the complaint meets any of the Mandatory Referral Criteria below relating to allegations of:
  - A serious assault
  - A serious sexual offence
  - Serious corruption, including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship
  - A criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other protected characteristic
  - A relevant offence
  - Complaints or conduct matters arising from the same incident as one where conduct falling within the above criteria is alleged; or
  - Any complaint or conduct matter relating to a chief officer which the Appropriate Authority considers could justify the bringing of criminal or disciplinary proceedings.

If the complaint relates to any of the above criteria (paragraph 3.8), the Initial Complaint Handler should obtain as much information as possible concerning the allegations and, take reasonable steps to identify and secure any perishable evidence prior to forwarding the complaint to Professional Standards for consideration of recording the complaint in accordance with Schedule 3, Police Reform Act 2002.

If the Initial Complaint Handler is in any doubt as to whether the complaint can be resolved or MUST be recorded, they should refer to the PSD Sharepint of the intranet. Further advice can be sought by contacting the Professional Standards Department.

4.3 Think 'Service Recovery'

If a person's complaint does not meet the criteria outlined within paragraph 3.8 above, the Initial Complaint Handler should seek to resolve the complaint to the satisfaction of the person making the complaint, without the requirement to formally record in accordance with the Police Reform Act 2002.

Actions to resolve a complaint could include providing information, answering questions the complainant has or offering an apology for any poor service.

It may not be possible to resolve a complaint to a person's satisfaction during the initial contact (for instance, if an update is required to be provided by a Reporting Officer etc). **A complaint should not be finalised without clarification that the complainant is satisfied with the action taken to resolve.**

The Initial Complaint Handler should update the relevant force system (I/Cad, email or Centurion) with what action has been taken to address the complaint, including any individual / organisation learning identified. This should be categorised using one or more of the following headings:

- Individual Learning identified – Recommend Unsatisfactory Performance Procedures (UPP)
- Individual Learning identified – Learning from reflection
- Org Learning issued – organisation-wide
- Org Learning issued – department / division
- Org Learning issued – team
- Service improvement meeting
- Sharing evidence of learning or service improvement
- Policy / procedure review
- Gesture of goodwill
- Apology / acknowledgement something went wrong
- Explanation provided
- Debrief of original incident
- Return of seized property
- Mediation or other remedial action
- Provision of information re impact on officer
- Reviewing information on police records or databases
- Removing police cautions
- No further Action
- Other Action (provide brief description)

The Initial Complaint Handler should update the relevant force system (I/Cad, email or Centurion) to confirm if the complaint is **'resolved'** or, **'not resolved'**.

If the complaint is **'not resolved'** or, the complainant requests for the complaint to be recorded, the Initial Complaint Handler must forward the complaint to PSDEnquiries@northwales.police.uk using the National Complaint Form data requirements.

5. RECORDING DECISION AND INITIAL ASSESSMENT

North Wales Police Professional Standards Department will ensure sufficient governance exists to ensure that expressions of dissatisfaction are 'logged' or 'recorded' on Centurion as applicable.

A complaint that is resolved quickly, to the satisfaction of the complainant, does not need to be formally logging upon Centurion.

However, if it appears that the complainant would like something more to happen than merely having their query answered, it will need to be logged in line with IOPC guidance on data capture so that the information can be extracted. Such complaints will be logged and filed on Centurion with no further action taken.

The Professional Standards Department Complaints Manager or, other delegated Appropriate Authority will make a decision whether to formally log, or record the complaint in accordance with Schedule 3, Police Reform Act 2002.

Where a complaint must be formally recorded in accordance with Schedule 3, Police Reform Act 2002, an initial assessment will be completed by the Professional Standards Department Complaints Manager or, other delegated Appropriate Authority to determine whether or not the allegation (on face value with no knowledge of the circumstances or investigation) if proved, could amount to either criminal or disciplinary proceedings. The purpose of the Initial Assessment is solely to determine the Relevant Review Body (RRB) for any subsequent request to review by the complainant.

If proved (face value)	**Relevant Review Body (RRB)**
Criminal and / or disciplinary	IOPC
Not criminal and / or disciplinary	NWP OPCC

Within the Initial Assessment, the Complaints Manager or other delegated Appropriate Authority will consider whether or not the complaint must be referred to the IOPC, in accordance with Schedule 3, Police Reform Act 2002.

Depending upon the circumstances, the Complaints Manager or other delegated Appropriate Authority will determine whether:

- No further action will be taken, providing sufficient rationale to the complainant (see Section 5 below).
- To adopt a 'Reasonable and Proportionate Approach' to otherwise respond to the concerns raised and seek to resolve them (see Section 6 below).
- The matter is to be investigated (see Section 7 below).

The complainant will be notified as soon as is practical that their complaint has been recorded and they will be provided with a copy of that record (case register). Within the correspondence, the complainant will be notified as to how the complaint will be handled and, by whom, in order that their expectations can be managed from the outset.

6. DECIDING TO TAKE NO FURTHER ACTION

The Complaints Manager or other delegated Appropriate Authority may decide, in a limited number of cases, that it is reasonable and proportionate to take no further action in respect of a complaint recorded in accordance with Schedule 3, Police Reform Act 2002.

Examples of what may be considered reasonable and proportionate include:

- If the complainant has already been responded to and no new evidence or concerns are apparent.

- If the complaint relates to off duty behaviour of a person serving with the police which has no relevance to their role and, even if proved, would not discredit the police service or undermine public confidence in it.
- If the complaint is of a nature that no reasonable person could lend any credence to it.
- If there are compelling reasons why injustice would be caused by allowing the handling of a complaint to proceed.

Where the decision is taken to take no further action, as a minimum, a response should be provided to the complainant providing them with clear rationale for this approach.

7. COMPLAINTS RECORDED (SCH 3, PRA 2002) WHERE NORTH WALES OFFICE FOR THE POLICE AND CRIME COMMISSIONER (NW OPCC) ARE THE RELEVANT REVIEW BODY (RRB) – TAKING A RESONABLE AND PROPORTIONATE APPROACH

Where a complaint has been recorded in accordance with Schedule 3, Police Reform Act (PRA) 2002 and, the Initial Assessment has determined that North Wales Office for the Police and Crime Commissioner (NW OPCC) are the Relevant Review Body (RRB), the Complaints Manager or other delegated Appropriate Authority may deem the complaint as suitable to be handled otherwise than by investigation and can be resolved by taking a 'Reasonable and Proportionate Approach'.

The complaint will be allocated to an Appointed Officer, who should contact the complainant at the earliest opportunity to discuss the overall concerns and firstly, to ascertain what the complainant's expectations are in seeking to resolve the issue. Allowing the complainant to fully explain all their concerns before covering the available options with them will enable a far better chance of success.

Predominantly, Local Policing Services complaints dealt with as a 'Reasonable and Proportionate Approach' will be allocated to Patrol and Operations Inspectors to complete. It is acknowledged that there may be occasions to allocate to another Appointed Officer and, other Business Areas may appoint the most suitable person.

In managing the expectations of the complainant, it is important to highlight that the allegation/s, if proved, would not amount to criminal / disciplinary proceedings against any person serving with the police.

Although the legislation distinguishes between those matters which are 'investigated' and those which are not, in practice a 'Reasonable and Proportionate Approach' may involve certain investigative steps, even when not carrying out an investigation in accordance with the Police Reform Act 2002.

The Appointed Officer should complete the 'Reasonable and Proportionate Approach' Form which will set out the scope of what they plan to do, to address the concerns raised. This can help to ensure that all issues are addressed and help the complainant understand what to expect from the outset.

Whilst the complaint is handled in this way, rather than as an investigation, the Complaint Handler should ensure that in attempting to resolve the complaint that sufficient information is provided to respond to the allegation/s and, as far as is reasonable and proportionate, responses to any questions that the complainant may have.

It is recognised that in some cases, a complainant may not agree with the proposed course of action to handle a complaint other than as an investigation and may decide not to engage with

the 'Reasonable and Proportionate Approach' taken. The complaint handler should ensure that such attempts to engage and responses by the complainant are fully documented.

Where a complainant neither agrees nor engages with the 'Reasonable and Proportionate Approach', the complaint handler should proceed as if the complainant was agreeable and engaging.

Having completed the 'Reasonable and Proportionate Approach', the complaint handler should update the complainant and interested parties, including any officer / staff subject to the complaint.

- If the complainant neither agreed or engaged with the 'Reasonable and Proportionate Approach', the complaint handler should provide a rationale as to why they proceeded (i.e. that the alleged conduct, if substantiated, would not lead to any criminal or disciplinary proceedings and would not amount to a breach of a person's rights under Article 2 (Right to Life) or Article 3 (Prohibition of Torture) ECHR. Therefore, a reasonable and proportionate approach has been taken in an attempt to resolve the complaint.

- Advise that the complaint will be forwarded to the Complaints Manager, North Wales Police Professional Standards Department, who will write to the complainant to finalise the complaint and provide detail with regards to a complainant's Right to Review to the North Wales Office for the Police and Crime Commissioner, should they remain dissatisfied with the outcome.

The completed 'Reasonable and Proportionate Approach' Form, copies of correspondence, updates, officer responses and other documentation reviewed as part of the complaint, should be submitted to the Area Chief Inspector SPOC for Quality Assurance.

The Chief Inspector SPOC should quality assure the 'Reasonable and Proportionate Approach' and endorse the form, ensuring that:

- A reasonable and proportionate approach has been taken to resolve the complaint.
- That sufficient information has been provided to answer the complainant's concerns / allegation(s).
- That an apology has been provided on behalf of North Wales Police for any identified lack of service delivery and / or for the perceptions that the complainant may have resulting from their contact with North Wales Police.
- Any identified individual / organisational learning has been identified and if so, what action will be taken to address the learning.

The Chief Inspector SPOC should submit all documentation within 30 days of the complaint being received to the Complaints Manager or other delegated Appropriate Authority at PSDEnquiries@northwales.police.uk

The Complaints Manager or other delegated Appropriate Authority will provide an outcome determination to the complainant, interested parties and any officer / staff member subject to the complaint, including details of the complainant's Right to Review; which, will be undertaken by the North Wales Office of the Police and Crime Commissioner.

The Flowchart below reflects the procedure to be followed for complaints recorded (Sch 3, PRA 2002) where North Wales Office for the Police and Crime Commissioner (NW OPCC) are the Relevant Review Body (RRB) – 'Taking a Reasonable and Proportionate Approach':

8. COMPLAINTS RECORDED (SCH 3, PRA 2002) WHERE THE INDEPENDENT OFFICE FOR POLICE CONDUCT (IOPC) ARE THE RELEVANT REVIEW BODY (RRB)

Where a complaint has been recorded in accordance with Schedule 3, PRA 2002 and, the initial assessment has determined that the IOPC are the RRB, subject to any referral of the complaint to the IOPC and Mode of Investigation determination (paragraph 4.5 above), the Complaints Manager or other delegated Appropriate Authority may seek some further information to enable their decision making process to determine whether the matter MUST be investigated.

8.1 Fact Finding and Assessment

The Complaints Manager or other delegated Appropriate Authority will allocate the complaint to an Appointed Officer within Professional Standards; who, will undertake initial 'fact finding' enquiries to establish whether there is, or with further investigation, likely to be any evidence to indicate criminal and / or disciplinary behaviour by any person serving with the police.

Such enquiries may involve contact with the complainant to establish what, if any, further evidence can be provided. Prior to submitting a report to the Complaints Manager or other delegated Appropriate Authority, the Appointed Officer may seek to update the complainant with their initial findings and seek to ascertain their ongoing expectations. This may, in some cases, result in a complainant deciding to withdraw their complaint based upon updated information relating to their complaint.

The Appointed Officer will submit a report to the Complaints Manager or other delegated Appropriate Authority outlining:

- The enquiries undertaken and summarising the findings, providing any supporting relevant material.
- What, if any, further enquiries could be undertaken and why it is not reasonable and proportionate to complete such enquiries (i.e. would not establish whether or not there may be any indication of criminal and / or disciplinary behaviour by any person serving with the police).
- Whether any individual and / or organisation learning has been identified arising from the 'fact finding' procedure.
- The complainant's ongoing expectations.

The Complaints Manager or other delegated Appropriate Authority will decide whether a complaint is to be investigated or otherwise handled under Schedule 3, Police Reform Act.

Complaints that **MUST** be investigated include:

- Where the Appropriate Authority determines that an investigation is the reasonable and proportionate way to handle the complaint.
- Any complaint where there is an indication, either from the complaint itself or from handling to date, that:
    - A person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings; or
    - There may have been the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights.
    - Any complaint, DSI matter or recordable conduct that the IOPC has determined must be investigated, following the referral of the matter to the IOPC or the IOPC treating the matter as having been referred.
    - Any complaint that the IOPC has determined must be investigated or re-investigated following its decision in respect of a review.

The Local Policing Body NWP OPCC may also recommend that a complaint is investigated or re-investigated following its decision in respect of a review. The Appropriate Authority must consider the recommendation and provide a response with clear rationale if it chooses not to follow it.

Exceptions to the duty to investigate are outlined within the IOPC Guidance and relate to 'repetitive complaints where there is no new evidence or indication that would justify the bringing of criminal and / or disciplinary proceedings.

The Complaints Manager or other delegated Appropriate Authority may decide that it is not 'reasonable or proportionate' to undertake an investigation, based upon the findings as contained within the received report (paragraph 7.4 above). Any decision will be communicated to the complainant, interested parties and officers and / or staff members subject to any complaint, including details of the complainant's Right to Review; which, would be undertaken by the relevant review body.

If the Complaints Manager or other delegated Appropriate Authority determines that a complaint is to be further investigated, the following procedures should be adopted:

Legislative requirements as to investigations are contained within Schedule 3, Police Reform Act 2002, Police (Complaints and Misconduct) Regulations 2019 and Police (Conduct) Regulations 2020 and the IOPC Statutory Guidance. Full legislative requirements will not be referred to / duplicated within this procedure; however, references to some significant aspects are detailed below:

8.2 Appointment of Investigator

The Appropriate Authority is responsible for appointing an Investigator; which, should be recorded in writing.

At the start of each investigation, **the Appointed Investigator should record in writing whether or not there is anything that could reasonably give rise to a concern about whether they or any member of the investigation team could act impartially**. Any concern should be raised with the Appropriate Authority in order to consider whether the Appointed Investigator should be replaced.

8.3 Terms of Reference

Each Investigation will have a Terms of Reference. Subject to the exceptions at Regulation 34, Police (Complaints and Misconduct) Regulations 2020, **a copy of the Terms of Reference will be provided to the complainant, interested persons and any person serving with the police to whom the complaint relates.**

8.4 Determination as to whether Special Procedures apply

Special Procedures exist to protect the rights of those under investigation for more serious matters. The procedures are used to make the individual aware at the earliest opportunity that their conduct is being examined.

Special Procedures must be followed if:

- The investigation is of a recordable conduct matter; or
- At any time during an investigation of a complaint, it appears to the investigator (or the IOPC in a directed investigation) that there is an indication that a person to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.

The Investigator should make an assessment as to whether or not Special Procedures apply and must record the rationale behind their decision making, having consulted with the Appropriate Authority.

8.5 Investigations not subject to Special Procedures

Investigations that are not subject to Special Procedures means that (unless evidence becomes available), there will not be any criminal / disciplinary proceedings arising.

The preferred method for obtaining an account from officers and / or staff subject of a complaint is face to face. This method assists in providing reassurance to the individual on process and potential outcome of a Local Investigation. It also enables the Investigator to address any adverse criticism and enable the individual to comment prior to completion of the report.

Obtaining an account 'face to face' can be beneficial and assist the Investigator to reduce any anxieties that officers / staff may have. To maintain an audit trail, summarise any account provided in an email and request that they provide confirmation by return. Alternatively, to avoid delays you could email your requests and request any response by return.

8.6 Submission of Investigation Reports not subject to Special Procedures

The template entitled, Local Investigation Report **should be used to complete the report.**

In respect of each allegation, the Investigation Report must state in the opinion of the Investigator, whether on the balance of probabilities the complaint is *'upheld'* or *'not upheld'.*

In assessment of the 'balance of probabilities' and based upon all the evidence gathered, the Investigator should consider whether it is more likely than not that the alleged conduct did in fact take place.

The Investigation Report must state in the opinion of the Investigator whether the performance of each officer or staff subject of each complaint is *'satisfactory'* or *'unsatisfactory'.*

If the Investigator determines that the performance of an officer or staff has been unsatisfactory, the Investigator should provide a recommendation as to whether the Reflective Practice Review Process should be considered (see section 11 below).

No criticism or adverse comment against an individual who is capable of being identified should appear in a report unless that individual has had an opportunity to respond to that criticism or adverse comment.

If we get it wrong apologise. An officer cannot be forced to apologise for actions however we can apologise on behalf of North Wales Police in response to the perceptions of the complainant and / or if it is clear the service provided was not up to acceptable standards.

Include, at the end of the report, any identified organisational learning. Outline what steps have been taken / recommendations to address.

A Local Investigation may often highlight good police work. The Investigator may wish to recommend recognition of an individual's work and / or recommend dissemination of good practice for wider organisational learning. In order to embed a culture of learning and development, any identified learning is more likely to be implemented when a balanced report is provided, representative of the full facts.

Investigation reports should always be prepared in a manner that ensures that they are objective, factual, relevant, professional and avoid using police jargon or making personalised comments. All reports are disclosable to interested parties.

Relevant material referred to within the Investigation Report should be referenced within the Appendices and attached to the report.

The completed report will be submitted to the Delegated Appropriate Authority; who, will write to the complainant, provide the complainant with a copy of the Investigation Report and a Right to Review the decision within 28 days.

The Appropriate Authority will also provide the officer / staff member with a copy of the report.

8.7 Investigations subject to Special Requirements

If the Investigator determines that Special Procedures will apply, the Appointed Investigator should complete a Severity Assessment, providing a rationalised view of the level of seriousness of the alleged conduct (i.e. Gross Misconduct / Misconduct), if proved and if disciplinary proceedings were to follow, the likely form of those proceedings (i.e. Gross Misconduct Hearing / Misconduct Meeting).

Local Investigations that are to be subject of Special Procedures will be undertaken by an Appointed Investigator from the Professional Standards Department.

8.8 Welfare

The welfare of any officer or staff member is paramount. The Appointed Investigator should ensure early and regular communication with any individual subject to a complaint, to ensure that any anxieties or concerns arising are appropriately addressed.

Where an investigation is subject to Special Procedures, and the outcome could result in criminal / disciplinary proceedings an organisational Welfare Officer will be appointed.

Where practicable, prior to the Investigator providing the person subject to Special Procedures with a Notice of Investigation, the Investigator in conjunction with the Appropriate Authority, will consider the potential future welfare implications upon the person concerned.

Unless to do so may prejudice the ongoing investigation, such welfare considerations will include liaison with the relevant Staff Association, Line Management and / or Senior Management of the person concerned. Consideration should be given to the appointment of an organisational Appointed Welfare Officer, to ensure the person concerned receives the appropriate support moving forward too.

Welfare responsibility rests with the officer / member of staff's Area Commander in conjunction with, when appropriate, the Force Special Commander. Consideration should also be given to consultation with the Force Occupational Health Unit.

If an 'Appointed Welfare Officer' is nominated they should maintain a record of contact with the suspended member of staff and, in particular, should note any issues raised and action taken to deal with them. Details of contact and resultant actions should be recorded on the personal file of the suspended member of staff.

Wherever possible, Investigators should give priority to investigations involving cases where a member of staff is being investigated in accordance with Special Requirements. Also, it is expected that full co-operation is given by a suspended member of staff at all times during an associated investigation and throughout the period of suspension.

8.9 Notice of Investigation

If an Appointed Investigator determines that Special Procedures apply, following completion of the Severity Assessment, the Appointed Investigator must give written notice to the person concerned, notifying them that they are under investigation, in accordance with Regulation 17, Police (Complaints and Misconduct) Regulations 2020.

The Appointed Investigator must also provide the person with a copy (or revised copy) of the Terms of Reference at the time the Notice of Investigation is provided or otherwise within 5 working days (beginning with the first working day after the day on which the notice is given).

Unless to do so may prejudice criminal justice / disciplinary proceedings, the presumption should be that the Appointed Investigator will provide full disclosure of information with the Notice of Investigation and Terms of Reference. Any decision by the Appointed Investigator to withhold information should be referred to the Appropriate Authority.

During an investigation that is subject to Special Procedures, the Appointed Investigator must consider any relevant statement or document provided by the person concerned, within ten working days starting with the day after which the notice of investigation, or copy of the terms of reference, is given.

8.10 Suspension or Restricted Duties

It is recognised that the decision to suspend a police officer from the office of Constable or a member of police staff from duty is a most serious one. The Police (Conduct) Regulations 2020 and relevant employment legislation give a legal basis for such decisions.

A decision whether to suspend an officer / member of staff from duty will be made by the Deputy Chief Constable or, in their absence a chief officer / Duty Gold Commander and will only be taken in exceptional circumstances when all other alternative options, including restricted duties, have been explored and discounted.

Restricted duties include duties that remove the opportunity for the member of staff to repeat the alleged misconduct. The interests of the member of staff should also be considered.

Regulation 10, Police (Conduct) Regulations 2020 allow the Appropriate Authority to suspend a police officer or special constable in certain circumstances. The Appropriate Authority may suspend an officer who is subject of investigation only if temporary redeployment to alternative duties or an alternative location is not appropriate, and it appears that either:

- The effective investigation of the case may be prejudiced unless the officer concerned is suspended, or
- Having regard to the nature of the allegation and any other relevant considerations, the public interest requires that the officer should be suspended.

Once a decision to suspend an officer / member of staff from duty has been made, the individual will be provided with a Suspension Notice and a copy of "The Notes for Guidance of Member of Staff suspended from Duty". These notes provide clear guidance not only in respect of welfare but also in respect of other issues of importance to the member of staff when suspended from duty.

Advice and guidance is always available from the Appointed Investigator, other members of PSD staff and Staff Association / Trade Union representatives.
The officer / member of staff subject to suspension will be allowed to make written representation within seven days of the suspension notice being served.

After a decision to suspend has been made, that decision will be reviewed monthly by the Appropriate Authority or sooner should circumstances change.

The Crown Prosecution Service (CPS) will also be notified of pending court cases involving an officer / member of staff.

8.11 Reinstatement following a period of suspension or restricted duties

A member of staff reinstated to full duty following a period of restricted duties or suspension from duty may have been absent from their role for some time.

There may also be a requirement to review the member of staff's deployment upon the outcome of any inquiry.

A management review should take place, facilitated by the Head of PSD, which assesses and determines an Action Plan based on: -

- Any developmental requirements that have arisen as a consequence of the member of staff's absence
- Any developmental requirements identified as a consequence of the enquiry
- Issues surrounding: -
  - Contact with complainants and witnesses
  - Member of staff credibility within a role / responsibility or location
  - Any organisational needs
  - Reducing risk to the member of staff of victimisation by any person
  - Medical / welfare needs of the member of staff

It should also be recognised that a period of absence from a particular role because of suspension or restricted duties may mean that specific or unique roles have been reallocated on a temporary basis. Following management review, consideration should be given to the member of staff returning to their original post or a similar role.

8.12 Interviews

During an investigation that is subject to Special Procedures, if an Investigator proposes to interview the person concerned, they must, if reasonably practicable, agree a date and time for the interview with the person.

A failure to attend an interview may in itself be a breach of the Standards of Professional Behaviour.

In advance of the interview, the Investigator must provide the interviewee with such information the Investigator considers appropriate in the circumstances of the case to enable the interviewee to prepare for the interview

8.13 Submission of Investigation Reports subject to Special Procedures

The final report must indicate the investigator's opinion as to whether, in regards to any person to whose conduct the investigation relates:

- There is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer;
- Their performance was unsatisfactory;
- Disciplinary proceedings should be brought, and, if so, what form those proceedings should take (taking into account, in particular, the seriousness of any breach of the Standards of Professional Behaviour);
- Performance proceedings should be brought, and, if so, what form those proceedings should take;
- The matter should be referred to be dealt with under the Reflective Practice Review Process.

In a directed investigation, it is for the IOPC, on receipt of the investigator's report, to give its opinion on these matters.

Regulation 26, Police (Complaints and Misconduct) Regulations 2020

8.14 Timeliness of Investigations

Regulation 13, Police (Complaints and Misconduct) Regulations 2020 states that:

Where an investigation is not completed within 12 months (starting on the day on which the complaint or matter first came to the attention of the appropriate authority), the appropriate authority must provide the following information, in writing, to the OPCC and the IOPC:

- The date on which the complaint or matter to which the investigation relates first came to the attention of the appropriate authority;
- The date on which any notice of a severity assessment was given;
- The progress of the investigation;
- An estimate of when the report on the investigation will be submitted to the appropriate authority or IOPC as the case may be;
- The reason for the length of time being taken to complete the investigation; and
- A summary of planned steps to progress the investigation and bring it to a conclusion.

The Flowchart reflects the procedure to be followed for complaints recorded (Sch 3, PRA 2002) where the Independent Office for Police Conduct (IOPC) are the Relevant Review Body (RRB)

9. COMMUNICATING WITH THE COMPLAINANT AND OTHER PARTIES

Chapter 11 of the IOPC Statutory Guidance provides direction with regards to communicating with the complainant and other parties.

The complainant and interested persons (including officers and staff subject to a complaint) must be provided with accurate and timely information throughout the handling of a complaint. Where required, any reasonable adjustments should be considered in accordance with the Equality Act 2010.

The first update must be provided promptly and in writing (in addition to any verbal communication), with all subsequent updates provided at least every four weeks.
Updates on progress should include:

- What actions have been completed / remain outstanding.
- Updates on any significant information / evidence gathered.
- Estimated timescales for completion and reasons for any revisions upon previous estimates.

Exceptions to the duty to provide information are outlined within Regulation 34, Police (Complaints and Misconduct) Regulations 2020 and, the justification for non-disclosure, as considered by the Appropriate Authority.

An audit trail of contacts and decisions must be kept and documented on Centurion throughout the investigation; albeit, should the Appointed Investigator's not have access to Centurion, emails and other documentation should be forwarded with the completed documentation.

10. OUTCOMES FOLLOWING AN INVESTIGATION OR OTHER HANDLING

Schedule 3, Police Reform Act 2002 and Chapter 17, IOPC Statutory Guidance provides comprehensive detail in respect of dealing with outcomes following an investigation or other handling.

Upon completion of a complaint handled as a Reasonable and Proportionate Approach, the Appointed Officer will submit the finalised correspondence via the Area Complaints SPOC to the

Complaints Manager or other delegated Appropriate Authority, referencing and attaching all relevant material.

Upon completion of a local investigation, the Appointed Investigator will submit their completed report via the Area Complaints SPOC to the Complaints Manager or other delegated Appropriate Authority to review, referencing and attaching all relevant material as appendices.

It is for the Complaints Manager or other delegated Appropriate Authority and not the Investigator to determine the outcome.

The Complaints Manager or other delegated Appropriate Authority will consider whether there are any opportunities for individual and / or organisational learning, at a local or national level, and act on this.

The Complaints Manager or other delegated Appropriate Authority will communicate the outcome, informing the complainant, interested person/s and officer / staff subject of the complaint in writing, within 5 working days of determining the outcome. This will include an explanation of how the matter has been handled, the actions taken, the findings and outcome. Where appropriate, the explanation will include reasons for not taking certain actions where this was in line with reasonable or proportionate handling.

The Complaints Manager or other delegated Appropriate Authority will also inform the complainant, interested person/s and officer / staff subject of the complaint (within 5 working days of the determination), of:

- Their Right to a Review of the outcome;
- To whom the application for a review should be made
- Where the Relevant Review Body is the IOPC, the reason why;
- The fact that there is no right of review to the IOPC where OPCC is the Relevant Review Body
- The time limit for applying the review; and
- What should be included in any application.

The Right of Review for a complainant and specifically, the timing of, is addressed as follows:

- If following a formal investigation (sch 3 complaint) where it is determined there is no case to answer, the Right to Review will occur before the RPRP process is commenced.
- If before or without an investigation (sch 3 complaint) where it is determined that there is no indication that disciplinary proceedings would be justified, the Right to Review will occur at the end of the RPRP (when any action plan may have been agreed but not necessarily before the actions have commenced or concluded).

Subject to the harm test, the Complaints Manager or other delegated Appropriate Authority will also provide a copy of any investigation report to the complainant, interested person/s and officer / staff subject of the complaint.

11. REVIEWS

Schedule 3, Police Reform Act 2002, Police (Complaints and Misconduct) Regulations 2020 and Chapter 18, IOPC Statutory Guidance provides comprehensive detail in respect of dealing with the Right to Review.

Where the Relevant Review Body (RRB) has been determined to be the North Wales Police Office for the Police and Crime Commissioner, they will receive any applications for a complainant's Right to Review.

The NWP OPCC may delegate its responsibilities for considering reviews, subject to defined exceptions as outlined within Regulation 49, Police (Complaints and Misconduct) Regulations 2020.

Upon receipt of an application, the Relevant Review Body must submit an acknowledgement to the complainant, informing when they can expect to hear about the review and what they can expect to happen next. It should provide the complainant with a point of contact.

The person complained about should also be notified that an application for a Right to Review has been received and, this can be undertaken by the Appropriate Authority.

12. REFLECTIVE PRACTICE REVIEW PROCESS (RPRP)

12.1 Introduction

This section aims to provide guidance to appropriate authority decision makers in making referrals, to line managers / supervisors who will lead the process as reviewers and for officers undertaking the Reflective Practice Review Process.

This process relates to behaviours and actions that have often previously (pre 2020 Regulations) been captured and handled within formal investigations and disciplinary proceedings as allegations of misconduct and often resulted in lower-level actions and outcomes including Management Action. It may also capture low level performance related matters that are judged not to meet the definition of Unsatisfactory Performance for the purposes of the Unsatisfactory Performance Procedures (UPP).

Any matter that is identified as suitable for the Reflective Practice Review Process will not be interpreted as misconduct. The Conduct Regulations specifically state that the Reflective Practice Review Process does not constitute disciplinary or misconduct proceedings therefore no action taken within this process will constitute a disciplinary action or outcome.

The process will provide an open and reflective environment to approach issues that have arisen, with positive engagement from all parties. There should therefore be a greater willingness to discuss the facts in issue and a positive attitude should be held towards taking steps to put things right and improve for the future.

12.2 Reflective Practice

Organisations and professions, whose employees routinely adopt Reflective Practices, demonstrate a strong culture of learning and development as opposed to one of 'blame'.

Individual performance and organisational service delivery will constantly improve when officers / staff are positively encouraged to undertake Reflective Practice as part of their daily routine without fear of criticism.

By thinking back on experiences, we are able to learn from them and continually improve our skills. For example, we can consider elements of a situation that worked well, those that did not work well, what the implications were and, what we may change or repeat as a result of this the next time a similar situation occurs.

Reflection should not only be utilised when things are perceived to have gone wrong or, when complaints are received. Neither should it be regarded as a process for identifying failures but rather as a tool that can assist in identifying both strengths and weaknesses in a measured way

and to learn from experiences. Regular completion of Reflective Practice is encouraged and provides strong evidence of individual professional development.

North Wales Police consider examples of reflective practice positively, as this demonstrates an individual's emotional intelligence and ability to learn from experience.

Reflective Practice involves 'spinning' the Experiential Learning Cycle (ELC). There are various models of reflection, the simplest ELC of which (Borton, 1970), seeks to ask the person undertaking Reflective Practice to think back upon the situation and ask, *'What? So What? Now What'.*

Reflective Practice has been used within the professional arena by nurses, social workers and teachers for some considerable time and one of the most influential models was devised within the nursing profession by Gibbs (1988). This model has been adopted by the College of Policing and, is taught within the context of *'Reflective Practice for Policing Students'* (Copley, 2011).



Line Managers may, through the course of daily duties, identify learning opportunities to support the Continuous Professional Development of their staff. Such matters do not require formal referral as part of the Reflective Practice Review Process.

Reflective Practice is appropriate for one-off instances or, where there have been limited attempts previously to address emerging concerns around performance and, where a Line Manager is satisfied that any identified matter does not constitute a breach of the Professional Standards so serious as to justify at least a written warning (Misconduct).

Unsatisfactory Performance Procedures (UPP) are more likely to be relevant in circumstances where there has been a pattern or series of instances which demonstrate the inability or failure to perform, in particular where previous early interventions and management steps to address the issues of performance have been unsuccessful.

Where a Line Manager determines (in accordance with Regulation 15, Performance Regulations 2020) not to refer an officer to Stage 1 of the Unsatisfactory Performance Procedures, the principles of the Reflective Practice Review should be undertaken, the outcome of which documented on the individual's CPD log.

Such learning outcomes should be revisited with the individual during the subsequent performance review, to ensure that any learning has been embedded into practice and, that there are no residual issues encountered.

The aims and key principles of Reflective Practice Review Process are to:

- Focus upon self-reflection, embedding a culture of learning and development to support individual performance and organisational service delivery.

- Provide a fair, open and proportionate process to deal with such matters via early and supportive intervention.

- Build an inclusive, reflective and participative process for the officer involved, while ensuring engagement and the identification of individual, systemic and organisational learning.

- Ensure that disciplinary proceedings are focused and applied only to serious breaches of the Standards of Professional Behaviour, where it is considered that a formal disciplinary sanction is justified.

12.3 Reflective Practice Review Process

The following outlines the steps to be undertaken as part of the Reflective Practice Review Process:

REFERRAL

- The appropriate authority consults with the line manager of the individual concerned to seek their views as to the suitability for entering the Reflective Practice Review Process.
- The Line Manager should provide context; which, may include outlining any background or relevant issues known to the Line Manager and affect the appropriateness of whether to refer a matter to the Reflective Practice Review Process or, consider alternative options such as Unsatisfactory Performance Procedures.
- If the RPRP is agreed, the Appropriate Authority will supply the Line Manager with the Reflective Practice Review Process Form (see Appendix H) to provide to the Officer and complete with the individual.

NOTIFICATION & FACT FINDING

- The Reviewer (Line Manager) provides details of the matter to the individual and should invite the individual to provide an account within 5 working days. In practice, completion of the discussion stage should negate the requirement to provide a formal response.
- The Reviewer may wish to conduct reasonable and proportionate fact finding to establish details for the discussion stage ; however, in practice, any such enquiries are likely to be limited.

DISCUSSION

- The Reviewer invites the participating officer to attend a reflective practice review discussion as soon as practicable.
- The discussion focuses on the identified matter and related circumstances and identifies key issues of learning for the individual, line management and / or organisation.

REPORT

- The Reviewer completes the Reflective Practice Review report containing a summary of the identified issue, a summary of the discussion, any lessons identified and, outcome including any actions arising. The form should be submitted on the HR Hub and will enable the Line Manager to review as part of the end of year review to ensure that the individual has been supported and any learning has been embedded.
- The form is automatically forwarded to the Appropriate Authority to ensure identified learning is captured to disseminate organisational learning at a local / national level as applicable.

12.4 Referral into the Reflective Practice Review Process

The decision to refer matters into the Reflective Practice Review Process is made by an appropriate authority decision maker within North Wales Police Professional Standards Department after consultation with the line manager of the individual concerned. Entry routes into the RPRP only arise from matters arising from complaints recorded in accordance with Schedule 3, Police Reform Act 2002 or matters referred in accordance with the Police (Conduct) Regulations 2020:

	Type of matter	Referral Point
1	**Public Complaint** **Handled in accordance with Schedule 3, Police Reform Act 2002.**	1. Complaint recorded but it is determined that disciplinary proceedings would not be justified 2. Complaint investigated and concludes that there is no case to answer or that disciplinary proceedings are not justified 3. Following a recommendation or direction by the IOPC 4. Following the withdrawal of disciplinary proceedings 5. At the conclusion of Misconduct proceedings where misconduct or Gross Misconduct is not proven
2	**Conduct Matters** **Handled in accordance with Police (Conduct) Regulations 2020; or, Schedule 3 Police Reform Act 2002.**	1. Following Regulation 13 assessment where it is determined that if proven the conduct would not amount to Misconduct or Gross Misconduct 2. Following a revised Regulation 13 / Regulation 20 assessment where it is determined that if proven the conduct would not amount to Misconduct or Gross Misconduct 3. Regulation 21 – following an investigation under the Conduct Regulations or Schedule 3, PRA which finds No Case to Answer or that disciplinary proceedings are not justified 4. Following the withdrawal of disciplinary proceedings 5. At the conclusion of conduct proceedings where misconduct or Gross Misconduct is not proven.

Section 4, Chapter 13, paragraphs 13.77-13.82 of the Home Office Statutory Guidance on Professional Standards, outlines the process of the Reflective Practice Review Process, specifically the timing of RPRP and the Right to Review of a complainant.

- If before or without an investigation (Reasonable and Proportionate Response) when it is determined that there is no indication that disciplinary proceedings would be justified, the Right to Review will occur at the end of the RPRP (when any action plan may have been agreed but not necessarily before the actions have commenced or concluded).

- If following a formal investigation, where it is determined there is no case to answer, the Right to Review will occur before the RPRP process is commenced.

12.5 Notification and Fact Finding

The reviewer is the individual nominated to conduct the Reflective Practice Review Process; who is either the line manager or supervisor of the individual concerned. Upon receipt of a referral, the reviewer is responsible for handling the matter locally with the individual concerned. The reviewer is responsible for submitting the Reflective Practice Review Process form.

As soon as practicable, the reviewer must ensure that they inform the individual concerned:

- That the matter has been referred to be handled under the Reflective Practice Review Process and invite the individual concerned to provide an account (where it is considered necessary by the reviewer).

- What matters have been identified, the stages in the Reflective Practice Review Process, how it will be handled and what the process intends to achieve (providing the individual with this policy will also assist).

- With details of the College of Policing Resources for reflective practice, with particular reference to the Gibbs Reflective Practice Guidance which may assist the individual to prepare for the discussion stage:
  https://www.college.police.uk/What-we-do/Development/professional-development-programme/Documents/Resources_for_reflective_practice_v1_0.pdf

- By reminding them that the Reflective Practice Review Process does not amount to disciplinary proceedings, cannot result in a disciplinary sanction or outcome and that any account given by the participating officer is not admissible in any subsequent disciplinary proceedings brought against them except to the extent that it consists of an admission relating to a matter that has not been previously been dealt with under the Reflective Practice Review Process.

The reviewer may complete a brief fact-finding exercise. This is not an investigation and should be limited to obtaining existing documents and materials which will assist in conducting the Reflective Practice Review Discussion. If fact finding is taking place following an investigation, then it should be ordinarily limited to the reviewer familiarising themselves with the facts of the outcome report and any account given by the individual concerned as part of that investigation.

12.6 Discussion

The individual concerned is entitled to seek the advice of a police friend. However, the Reflective Practice Review discussion is to be considered as a normal line management and performance related conversation and, **as such there is no entitlement or requirement for formal representation.**

The individual concerned may provide an account within five working days, unless a longer period is agreed with the reviewer. If the individual concerned does not wish to provide an account or is content to proceed immediately, then there is nothing to prevent the reflective Practice Review Discussion taking place immediately, subject to any fact finding that the Reviewer considers necessary.

The Reviewer and individual concerned should engage within a Reflective Practice Review Discussion to ensure a constructive dialogue takes place about the identified matter. The discussion should be seen as a normal part of supervisor and officer interaction and should include:

- A discussion on the matter and related circumstances and reflection by the individual concerned and the reviewer on any learning identified

- Considering of any wider circumstances affecting the individual concerned either within their work or personal life that may benefit from additional support or intervention

- The identification of individual and / or organisational learning, to address the matter and prevent reoccurrence.

It is important for reviewers to consider the fullest circumstances of what has occurred and where applicable, what may have influenced an individual's behaviour or actions that are subject to the Reflective Practice Review Process. This could include surrounding operational circumstances, welfare considerations and wider factors including the participating officer's personal circumstances that affected decisions, particularly during stressful periods of life both inside and outside of policing. The reviewer should consider whether any additional support or welfare referrals may be needed.

The reviewer may wish to seek advice from the Human Resources Department and / or refer to the Health and Wellbeing information at: Health and Wellbeing.

Where appropriate, consideration should be given to whether an apology is fitting. Acknowledging mistakes, expressing insight and being open and honest about when things have gone wrong, as well as considering impact on members of the public, has a significant role in maintaining public confidence. A personal apology or one on behalf of the force and other restorative steps can be particularly helpful in moving forward and resolving an issue to the satisfaction of a member of the public.

It is important that any action taken is constructive, serves a clear purpose and is intended to address the issue by providing a learning opportunity, support, restorative steps or other corrective action. Where, from the discussion, the reviewer and participating officer are satisfied that there has been sufficient learning and that no further steps are needed, it might be that no further action is taken, other than to agree that the matter that led to the referral is not repeated. Any such decision and rationale should be accurately recorded by the reviewer within the Reflective Practice Review Process Form.

At the conclusion of the discussion, the reviewer must produce a Reflective Practice Review Process Report which should include

- A summary of the issue and any relevant background circumstances, including any welfare considerations,
- Summary of the Reflective Practice Review Discussion Any individual learning and actions to be taken to address the matter and prevent a reoccurrence. This may include training / welfare / mediation / mentoring / shadowing / performance review meetings.
- Identification of any organisational learning.
- Identifying whether any person, including a member of the public or complainant, has been adversely affected by the matter and, if so, the nature and extent of the impact on that individual and on the reputation of the force.

The Reflective Practice Review Process report will be recorded within the CPD section of the individual's HR Hub. An automated copy of the submission will be sent to the appropriate authority.

The appropriate authority will ensure that the Reflective Practice Review Process report is filed upon the Centurion system and take appropriate action to ensure that any identified learning is captured to disseminate organisational learning at a local / national level as applicable.

The Line Manager responsible for completing the Performance and Development Year End Review will ensure that any RPRP undertaken within the 12 month review period is discussed and documented to ensure that the individual has been supported and any learning has been embedded.

13. DECLARATION & LEGALITIES

13.1 In line with all Force policies, the overarching purpose of this document is to directly support the PCC police and crime plan objectives. Overall the intention of this policy is to make North Wales the safest place in the UK.

13.2 In the writing of this policy cognisance has been taken of the college of policing code of ethics (2024).

13.3 North Wales Police policies will be written in accordance with the approved corporate format and published on the Force Intranet, allowing access to staff and public, where appropriate, on the pages of the public facing Internet site under the Force publication scheme and Freedom of Information Act 2000.

13.4 The following main legal requirements have been identified within this policy:

- Equality Act 2010
- Human Rights Act 1998
- The Welsh Language (Wales) Measure 2011 and the Welsh Language Standards for the Chief Constable
- Data Protection Act 2018
- Freedom of Information Act 2000
- Health and Safety Act 1974

13.5 This policy has been written giving due regard to the above legislation and has considered the risk of unfair and/or disproportionate impacts on individuals or groups (actual or perceived) and has done so via an equality impact assessment (EIA).

13.6 New legislative requirements or changes in Force structure may necessitate a review of this policy document.

14. APPENDICES

14.1 Appendix A - Expression of Dissatisfaction Form (English / Welsh)



National Complaint Form (English).pdf



National Complaint Form (Welsh).pdf

Revised National Complaint Form to be appended once received