

PERFORMANCE & ACCOUNTABILITY MEETING

DATE: 17 April 2015

LOCATION: Office of the Sussex Police & Crime Commissioner, Sackville House, Lewes

PRESENT: Police & Crime Commissioner Katy Bourne (KB)
Chief Executive Mark Streater (MS)
Deputy Chief Constable Olivia Pinkney (OP)
Assistant Chief Constable Robin Smith (RS)
Detective Inspector Jon Gross
Communications Manager Clarissa Hawthorne
Correspondence & Administration Clerk Kirsty Blight

VICTIM FOCUS

RAPE AND SERIOUS SEXUAL OFFENCES CAMPAIGN

Earlier this month, Sussex Police launched a campaign to prevent rape and serious sexual offences in and around bars and clubs. However, the campaign has received some criticism by women's rights groups for the production of a poster which "promotes a culture of victim blaming" and suggests that those other than the perpetrator are responsible for safeguarding others from becoming victims.

Q. For the benefit of the viewers, can you explain what the focus of the campaign is?

Q. How is Sussex Police managing the concerns raised by women's rights groups?

Q. What training will Sussex Police provide to security staff, taxi drivers and other partners involved in the night-time economy, as part of this campaign, to assist them in the identification of vulnerable victims?

OP explained that the focus of the Sussex Police rape and serious sexual offences campaign is to prevent rape and serious sexual assaults from taking place and to keep people safe. This will be done by focussing on consent, tackling perpetrator behaviour, identifying vulnerability, tackling stereotypes and raising awareness as to how partners involved in the night-time economy can safeguard others from becoming victims. It was highlighted that a quarter of all offences happen in licensed premises.

It was emphasised that the poster was part of a much wider campaign but acknowledged that it had attracted regional, national and international interest and divided public opinion. However, Sussex Police do not apologise for the message contained in the poster but the way in which the message was received.

OP emphasised that it was never meant to be about victim blaming and confirmed that Sussex Police take each allegation of rape or sexual assault seriously, regardless of whether or not these are recent or historic.

It was also highlighted that the poster had been withdrawn after listening to feedback from partners. These partners remain supportive of the Force's plans for the rest of the campaign to stop individuals from coming to harm, which will focus on boys, girls, men and women. This will include the launch of another poster in May 2015. KB was reassured to note that Sussex Police will continue to listen to and involve partners at every stage of this important area of work.

OP concluded by stating that, as part of this campaign, training will also begin in May (funded by the Police & Crime Commissioner) to assist security staff, bar and licensing staff, taxi drivers, street pastors and other partners involved in the night-time economy in the identification of vulnerable victims.

CRIME & COMMUNITY SAFETY

HMIC – STOP AND SEARCH POWERS REPORT – OVERVIEW

HMIC recently published their report, “Stop and Search Powers 2: are the police using them effectively and fairly”. The biggest area of concern in the report is that progress to improve the way the police service uses stop and search has not been good enough.

Q. What is your overall reaction to the findings of the report?

RS stated that stop and search is a precious policing power which, when used effectively, keeps people safe and can be used as a preventative crime fighting tactic. It was also acknowledged that whilst communities expect stop and search to be used, it could become a toxic power if it is used in the wrong way.

It was emphasised that the HMIC report is a high-level publication that does not identify individual police forces and, as such, it is difficult to establish exactly where Sussex Police are in comparison to the other 43 police force areas across England and Wales.

RS explained that the report has given Sussex Police a chance to reflect on the progress made to improve the way the Force uses stop and search. It was emphasised that the Force has been proactive in terms of making improvements through the production and implementation of a Stop and Search Risk Register and Action Plan, completion of a detailed self-assessment and adoption of the Home Secretary’s “Best Use of Stop and Search Scheme”, in December 2014.

PROGRESS AGAINST THE 2013 RECOMMENDATIONS

The report includes a national assessment of the progress made by all police forces against the 10 recommendations made in the 2013 report. It was highlighted that “good progress” had been made in relation to only one recommendation. “Insufficient progress” (five recommendations) and “some progress” (four recommendations) was found in relation to the other nine recommendations.

Q. What progress has been made by Sussex Police against the recommendations?

RS explained that some good progress has been made by Sussex Police against the 10 recommendations set out in the 2013 report, including the adoption of the “Best Use of Stop and Search Scheme” and improved governance through the Stop and Search Scrutiny Board. This Board is chaired by RS.

Assurances were provided that each of the stop and searches carried out in Sussex are recorded on a database and reviewed by a supervisor to ensure that these are lawful, proportionate and follow the appropriate procedures. Body worn video is also reviewed where this has been used, including looking at how people are treated and how the powers and grounds are explained to the individuals at the time. It was also emphasised that the District Commanders have direct ownership for stop and searches in their local areas and are held to account for these searches through the Board.

In addition, the stop and search training that officers receive has been reviewed to ensure appropriateness and a lay observation "ride-along" scheme has been introduced, including involvement from members of the Sussex Youth Commission. Sussex Police would also like to better utilise the mobile technology available to officers, in terms of recording searches, to improve accuracy, remove bureaucracy and enable "receipts" to be printed off at source and given to individuals following the searches.

It was emphasised that the number of stop and searches carried out in Sussex reduced by 13% (and c.2000) from c.15,000 in 2013 to c.13,000 in 2014. This reduction is reflected nationally. RS also confirmed that, for the last six months, Sussex Police has achieved an arrest rate of 14.7%, following stop and search encounters, against the national average of c.10%.

However, it was highlighted that success in this area should not only focus on the number of arrests made or out-of-court disposal sanctions issued. RS concluded by stating that one in every three stop and searches carried out in Sussex results in either an arrest or sanction issued.

KB was reassured to note the progress that has been made in Sussex in this area.

RECOMMENDATIONS 2 AND 3 – FAIRNESS

The report highlighted that "some progress" had been made in relation to "monitoring the way officers stop and search people so supervisors can be satisfied their officers are acting in accordance with the law" (recommendations 2 and 3).

Q. What assurances can you provide me that officers are considering fairness in the way they use stop and search powers in Sussex?

RS explained that fairness is now defined within the Sussex Police Stop and Search policy as follows:

Fair searches are to be carried out in accordance to the code of ethics as method of eliminating suspicion and avoiding an unnecessary arrest. In the fair application of stop and search there will be no unlawful discrimination, harassment or victimisation. Practitioners should be considering their own use of powers are representative of the public will and are not be defined by personal preference.

KB was also reassured to note that police officers are considering fairness in the way they use stop and search powers in Sussex. In particular, guidance has been provided to supervisors which highlight considerations that they should make in the process of reviewing each of their teams stop and search records.

OP also emphasised that additional scrutiny has been brought in to ensure that the powers are being used fairly. Sussex Police has implemented a trigger which automatically initiates a case review if any individual is stopped and searched three times in a six-month period. Any trigger activations are discussed at the Stop and Search Scrutiny Board to ascertain whether or not these were fair and appropriate. It was highlighted that 160 individuals have been reviewed as part of this trigger process to date.

RS confirmed that not all officers in Sussex Police have use of body worn video and acknowledged that, of those that do, some of the cameras (and the batteries required to power them) are now becoming old, damaged or broken. It was also explained that Sussex, like a number of other police forces, has been waiting for a national decision to be made regarding investment in body worn video and the data storage infrastructure behind this. However, any decision around this has not yet been made.

KB challenged OP regarding the relatively low numbers of body worn video cameras being used by response officers in Sussex and shared some of the consternations expressed to her by officers that this technology is not working.

KB requested that this particular area is reviewed immediately and asked that an update is prepared and presented to her. It was also emphasised that Hampshire Constabulary has led on some work relating to the purchase of cameras from other areas of the world. KB asked that this learning is included in the review too.

ACTION: OP to review this area and provide KB with an update ahead of May's Performance & Accountability Meeting.

RECOMMENDATION 5 – IMPACT OF STOP AND SEARCH ON COMMUNITIES

The report found that “insufficient progress” had been made in relation to “improving officers’ understanding of the impact that stop and search encounters can have on community confidence and trust in the police” (recommendation 5).

Q. Does Sussex Police proactively gather information about how communities react to the use of stop and search?

Q. Are all complaints routinely scanned to understand whether or not they arose from stop and search encounters?

Q. How do Sussex Police proactively engage with community groups in this area?

RS explained that Sussex Police gather information about how communities react to the use of stop and search through the redesigned stop and search receipt. These receipts now signpost individuals to where they can provide feedback or make a formal complaint about their experience. A Stop and Search Risk Register has also been adopted which considers ALL operational activity and whether or not this has the potential to impact on public confidence.

KB quoted the HMIC report which stated, “police forces relied on low levels of public complaints to indicate public acceptance”. RS acknowledged that the absence of complaints does not necessarily mean that there are no complaints but explained that Sussex Police, like many other police forces, receive very few complaints in relation to the use of stop and search. In particular, it was highlighted that Sussex has received 7 complaints in the past 12 month rolling year period.

RS concluded by stating that the stop and search data for all of the 43 police forces in England and Wales is available through the www.police.uk website.

RECOMMENDATION 8 – FORMAL DISSATISFACTION COMPLAINT ROUTE

The report also demonstrated that “insufficient progress” had been made in relation to “providing a route for people who are dissatisfied with the way they are treated during stop and search encounters to report this to the force and make a formal complaint quickly and easily” (recommendation 8).

Q. How do Sussex Police take account of the information gathered regarding dissatisfaction and use it as part of a structured process to inform future learning and improvement?

RS was satisfied that Sussex Police provide a quick and easy route for people who are dissatisfied with the way they are treated during stop and search encounters to report this and make a formal complaint. All of this information, including the details of the police officer who carried out the search, is contained in the receipt which is provided to anyone who is subject to a stop and search encounter. It was also clarified that this information is available in a number of different languages.

KB was reassured to note that each recorded stop and search encounter is reviewed at the Stop and Search Scrutiny Board and any formal complaints are captured on the Stop and Search Risk Register.

RS acknowledged that a gap exists in terms of capturing information about stop and searches conducted involving the removal of more than outer clothing (including strip searches) and explained that this remains work in progress for Sussex Police.

ACTION: RS to provide KB with the date that stop and searches conducted involving the removal of more than outer clothing (including strip searches) will be captured by Sussex Police.

RECOMMENDATION 10 – BETTER USE OF TECHNOLOGY

The report highlighted that “good progress” had been made in relation to “making better use of technology to record relevant information about stop and search encounters which complies with the law and reveals how effectively and fairly the power is being used” (recommendation 10).

Q. What progress has been made by Sussex Police in this area?

Q. Can officers use mobile technology to record stop and search encounters? If not, when will this be possible from?

RS was satisfied that Sussex Police has made good progress in relation to making better use of technology to record information about stop and search encounters. The roll-out of handsets means that police officers are now able to record these searches on the Street Intervention Database (which all stop and search encounters are currently recorded onto) using mobile technology. This has enabled police officers to record the exact location of their searches more accurately is then submitted to the www.police.uk website for publication.

It was also highlighted that Niche is anticipated to become the primary recording system for stop and searches moving forward. However, it was emphasised that these changes to Niche are dependent on the Minerva group and are expected to be implemented by the end of 2015.

OTHER POWERS TO STOP AND SEARCH – ROAD TRAFFIC ACT 1988

HMIC also reviewed other powers the police can use to stop people, including section 163 of the Road Traffic Act 1988, and established that black and minority ethnic motorists were disproportionately affected by vehicle stops. It was also highlighted that none of the 43 police forces had conducted any audits to determine whether or not they were using their powers fairly in these instances.

**Q. Does Sussex Police have a policy on the use of these powers?
(Only 3 forces had this in 2013)**

**Q. Does Sussex Police have a designated senior officer to oversee its use?
(Only 2 forces had this in 2013)**

Q. What plans are in place for Sussex Police to start recording and auditing the stops they carry out on motorists?

OP confirmed that police officers have the power to stop motor vehicles under section 163 of the Road Traffic Act 1988. In particular, it was highlighted that Sussex Police stop c.10,000 motorists a month, of which many are allowed to continue on their journeys with minimal disruption.

OP explained that the element of the HMIC report which suggested that "black and minority ethnic drivers were more likely to be stopped, more likely not to be provided with a reason for the stop and were more likely to have their vehicle searched", was a surprise to Sussex Police. However, RS provided KB with assurances that no evidence exists that black and minority ethnic motorists have been disproportionately affected by vehicle stops in Sussex.

RS highlighted the importance of understanding how compliance with the legislation could be achieved without making additional bureaucracy for officers and risking the public support for these static checks. The development of any subsequent plans to record and audit the stops carried out on motorists will need the support of the College of Policing.

In the meantime, it was confirmed that Sussex Police will continue to record the ethnicity of all drivers stopped under section 163. RS confirmed that the oversight for the use of this legislation will be through the Stop and Search Scrutiny Board.

HMIC REPORT – PLANS IN PLACE TO MEET THE 2015 RECOMMENDATIONS

HMIC identified a further 11 recommendations in the latest report into the use of stop and search powers.

Q. What assurances can you provide me that plans are in place to achieve these recommendations and within the prescribed timelines?

Q. How will you continue to monitor the progress made by Sussex Police in this area?

RS explained that he was confident that Sussex Police is well placed to achieve the recommendations set out in the report ahead of the November deadline. It was anticipated that the recommendations relating to the "other powers to stop and search", including section 163 of the Road Traffic Act 1988, will be the most difficult to achieve within the timescales. This is a challenge which will be replicated nationally.

The progress made by Sussex Police in this area will continue to be monitored at the Stop and Search Scrutiny Board. It was highlighted that the 11 HMIC recommendations remain a standing agenda item at each meeting and a Stop and Search Action Plan has been developed to present the specific progress made against each one. OP also emphasised that this area will be further scrutinised as part of the routine monitoring at the internal Performance & Accountability Meetings (iPAM). The iPAM is chaired by OP.

ACTION: RS to provide KB with a copy of the latest version of the Stop and Search Action Plan.

SUSSEX YOUTH COMMISSION

The Sussex Youth Commission highlighted that stop and search is a particular issue for young people in Sussex and a potential barrier to them building a positive relationship with the police. As a result, two members of my Youth Commission are now taking part in lay observation of Sussex Police's use of these powers.

Q. What do you understand the key concerns of young people to be in relation to the use of stop and search powers?

Q. What is Sussex Police doing to address these?

OP explained that through the Force's engagement with young people across Sussex the value and concept of the stop and search power is understood. However, the key concerns of young people relate to how this power is used, the rationale for the encounters and whether or not these searches are being carried out fairly, appropriately and proportionately against them as a group.

Sussex Police is carrying out a number of initiatives to address these concerns including working with the Sussex Youth Commission to develop a lay observation "ride-along" scheme to view stop and search encounters being carried out by police officers.

RS confirmed that changes to the Police & Criminal Evidence Act 1984 have been made in relation to stop and search encounters carried out against children. If a search is made a positive safeguarding action must now be taken by the police officer (for example, taking the young person home).

OP also explained that she leads on the national police response to the All Party Parliamentary Group for Children report, "It's all about trust: Building good relationships between children and the police", which was published last year.

CHIEF CONSTABLE'S REGISTRY

I have received correspondence from local residents outlining their concerns at the inaccuracies and inconsistencies in terms of the responses received from the Chief Constable's Registry.

Q. For the benefit of the viewers, can you clarify how the Chief Constable's Registry works?

Q. How is the quality of the responses sent out by the Registry monitored and scrutinised?

OP clarified that the Chief Constable's Registry (which has been renamed the Public Contact and Feedback Team) receives c.300 pieces of correspondence a month. This includes letters and emails of gratitude, highlighting areas of concern regarding processes, complaints, questions and contact from MPs on behalf of their constituents. The importance of a timely response being provided by Sussex Police was highlighted.

The Public Contact and Feedback Team is located in Brighton and each piece of correspondence received should be acknowledged within 24 hours. This is then disseminated to the most appropriate individual within Sussex Police to formulate a response on behalf of the Chief Constable, within 14 days. There is an expectation that this response will be written by a police officer of Inspector rank or above (or the police staff equivalent). Each of these responses should be copied into the Public Contact and Feedback Team for information.

OP acknowledged that monitoring and quality assurance processes do not currently exist within the Public Contact and Feedback Team and explained that procedures are currently being reviewed. Benchmarking against other police forces and organisations is also forming part of this particular review.

ACTION: OP to provide KB with a copy of the findings from the review once completed.