

## **PERFORMANCE & ACCOUNTABILITY MEETING**

**DATE:** 23 February 2018

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

**PRESENT:** Police & Crime Commissioner – Katy Bourne (KB)  
Chief Executive Officer – Mark Streater (MS)  
Chief Constable – Giles York (GY)  
Temporary Assistant Chief Constable – Nick May (NM)  
Digital Content Officer – Natalie McFall  
Head of Performance – Graham Kane (minutes)

### **POLICE DISCLOSURES TO THE CROWN PROSECUTION SERVICE**

**Last month, it was announced that the Crown Prosecution Service (CPS) will review all current rape and serious sexual assault cases in England and Wales "as a matter of urgency" to ensure all of the evidence has been disclosed. This was initiated after the recent collapse of several rape trials because evidence had not been shared with defence lawyers.**

**A. How many cases are currently being reviewed in Sussex?**

**B. It was reported that charges against 916 individuals were dropped in 2016/17 due to a failure to disclose evidence. How many of these were Sussex based?**

**C. CPS, National Police Chiefs' Council (NPCC) and the College of Policing have launched a 'Joint National Disclosure Improvement Plan' to tackle the issue. What impact will this Plan have on Sussex Police?**

*GY confirmed that all live rape and serious sexual offence cases currently in the court process had been reviewed by Sussex Police. This equated to c.200 cases in Sussex and each of these cases was reviewed by a Detective Inspector to the satisfaction of the CPS. It was highlighted that the Chief Constable of Surrey Police, Nick Ephgrave, is the lead officer for disclosure for both Surrey and Sussex Police and is also the NPCC Lead for Criminal Justice.*

*It was explained that the charges against 916 individuals that were dropped in 2016/17 due to a failure to disclose evidence equated to 0.2% of all cases nationally and represented an incredibly small proportion. A total of 25 of these cases were Sussex based. It was also emphasised that there is currently no plan to go through all historic cases.*

*The Joint National Disclosure Improvement Plan "sets out the further work required to address the recommendations as well as to identify and prepare for future challenges". This Plan is presented across five themes: capacity, capability, leadership, governance and partnership.*

*It was explained that the CPS for the South East covers the police force areas of Sussex, Surrey and Kent. A partnership approach exists to ensure that the strongest possible case is put together for the court to try and secure a safe prosecution. A full training plan around the Joint National Disclosure Improvement Plan is also being developed by Sussex and Surrey Police to ensure that officers and staff understand the importance of disclosure.*

*GY stated that disclosure is a core policing skill and remains the collective responsibility of all investigators and should not be regarded as a back-office function. Sussex Police has accountability and responsibility measures in place at a local level to ensure that the quality of files submitted to the CPS meet the National File Standard.*

*NM explained that the Force also has two Detective Inspectors embedded within the CPS to monitor file quality and compliance, although it is anticipated that the reliance on these two individuals will reduce as Sussex Police gets better at disclosure and it becomes business as usual.*

*GY confirmed that disclosures to the CPS have increased the demand placed on the police service but reiterated that this is not just a policing responsibility. It is recognised that whilst the police are responsible for part of the disclosure process, this responsibility is also shared with the CPS, victims and defendants going through the process. It was highlighted that the police service needs to get better at guiding these individuals through the process and emphasising the importance of ensuring that a full disclosure is made. The judiciary also needs to understand better what the police and partners are dealing with in respect of the disclosure of evidence to ensure that a fair and just process exists.*

## **HER MAJESTY'S CROWN PROSECUTION SERVICE INSPECTORATE – CPS SOUTH EAST**

Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI) recently published a report following its Area Assurance Inspection of the performance of CPS South East. HMCPPI identified 13 issues to address, of which two specifically related to police forces.

- ***The Area should liaise with its police partners to ensure that appropriate guidance is given to police officers to ensure personal details of victims and witnesses are only endorsed on the correct part of the witness statement form; and***
- ***The Area must work with its police forces to ensure that the quality of files submitted meet the National File Standard.***

**A. HMCPPI raised concerns that there are still instances where personal details are erroneously included by the police in witness statements, resulting in data breaches. What is the Force doing to ensure that personal details of victims and witnesses are only endorsed on the correct part of the witness statement form?**  
**B. The report highlighted that Sussex Police had demonstrated an improvement in file quality. What measures are in place to monitor the quality of the files prepared for the CPS to ensure that they meet the National File Standard?**

*NM acknowledged that any data breach has the potential to undermine the trust and confidence of victims in the criminal justice system. In particular, it was recognised that on a very small number of occasions there has been a small risk of unauthorised disclosures of personal details.*

*The Force has already put in place a number of different short-term measures to manage this risk, including reminders for police officers and staff in the file preparation guidance and the introduction of a file-checking mechanism. In addition, there will be a long-term technical solution by way of an upgrade to the police crime recording system, Niche, in July 2018 to introduce an automated system that will mean it will be impossible to make any unauthorised disclosures. It was also emphasised that this remains a responsibility for CPS lawyers too.*

*A 'Joint CPS-Police File Quality Group' has been established to analyse file quality issues, develop a joint improvement plan, and monitor progress against National File Standards. The report also highlighted that Sussex Police had been able to demonstrate some "noted improvement in file quality".*

*There are a number of local, regional and national 'Prosecution Team Performance Management' meetings where the data from the CPS and Her Majesty's Courts and Tribunals Service (HMCTS) is regularly reviewed. In addition, the Chief Constable meets twice a year with the Chief Crown Prosecutor and file quality remains a standing agenda item at these meetings.*

## **FORENSIC SERVICES**

**It was recently reported that Key Forensics Services Limited, a provider of forensic services to a number of police forces in England and Wales, had gone into administration. It is understood that the company currently has around 2,000 cases they are working on for around 30 forces across the country, including Sussex Police.**

**A. How many of these pending cases relate to Sussex and for what range of crimes?**

**B. What are the implications for Sussex Police and what impact could this have on the evidence presented by the Force in any live and ongoing cases?**

**C. Last year, all police forces were informed of some potential issues relating to forensic toxicology submissions made to Randox Testing Services. What actions have you undertaken to review all of the cases in Sussex to determine whether compromised data has played a key part in any prosecutions or inquests being dropped or convictions overturned as a result?**

**D. How are Sussex Police and other police forces responding to further risks of outsourcing the provision of forensic services?**

*NM confirmed that there are 82 pending cases relating to Sussex. There are no major crimes or serious sexual offences included within these cases and the majority of these relate to drug toxicology reports from Road Policing Unit investigations to prove whether or not there was alcohol or drug use.*

*It was emphasised that there is no risk of these cases being discontinued as a result of Key Forensics Services Limited going into administration. This is because they have maintained their accreditation for a maximum of 8 weeks. An arrangement has also been drawn up by the appointed administrators to provide operational continuity for the coming weeks to ensure that each of the outstanding 2,000 cases, including the 82 for Sussex, are completed by the end of March 2018. A Gold Group, chaired by Dorset Police, continues to monitor this position. Sussex Police is represented on this Group by Louise Whiteoak, Head of Forensic Services.*

*All police force areas were informed about some potential issues relating to forensic toxicology submissions made to Randox Testing Services in February 2017. The Force has used this provider extensively for a number of years now. A total of 304 cases had been submitted to Randox Testing by the joint Surrey and Sussex Police Forensic Investigations Unit, of which 207 cases related to Sussex and 97 related to Surrey. Both forces have carried out reviews of all the cases, in order to determine if compromised data has played a key part in any prosecutions or inquests. The Force has also been working closely with the CPS to determine if further action needs to be taken.*

*In most cases reviewed, toxicology evidence was not required, either because prosecution had not been begun or had been discontinued, for unrelated reasons, or because toxicology did not form part of the prosecution case. There have been five cases in Sussex and two cases in Surrey where re-tests have been conducted in advance of court proceedings. These have all been conducted promptly ahead of court hearings and none have led to proceedings failing or being adversely impacted. There are a small number of other cases (25) which are awaiting court and are under active review. A separate Gold Group has been established in Sussex and Surrey to monitor progress made in respect of the review process.*

*NM concluded by confirming that none of the cases reviewed so far have been dropped or convictions overturned as a result. Of cases heard at court, some were discontinued at trial due to evidence unrelated to toxicology; others resulted in convictions or not guilty verdicts, again for reasons unrelated to toxicology.*

## **KNIFE CRIME – OPERATION SCEPTRE**

Last month, the Office for National Statistics (ONS) published crime figures for England and Wales for the year ending September 2017. Knife crime increased by 21% nationally, the highest it has been since 2011.

**A. What is the position in Sussex?**

**B. What are the key challenges for Sussex Police in respect of knife crime?**

**C. What is the Force doing to proactively reduce the number of weapons available in Sussex and to educate individuals about the possible consequences of carrying weapons?**

**D. Earlier this month, Sussex Police supported Operation Sceptre, a national week-long operation to tackle knife crime and highlight the risks of carrying a knife. What did this support and targeted police activity look like?**

**E. Last year, Home Secretary Amber Rudd announced proposals for tighter knife regulations, including restricting young people’s access to knives. Is the Force supportive of these ambitions?**

*GY provided some assurances that knife crime in Sussex is low and the actual prevalence of the use of knives does not yet appear to be systematic in its approach, across any type of criminality in Sussex, including organised crime groups. In particular, fewer than 10% of all assaults in Sussex are associated with either knives or broken bottles.*

*The Annual Data Requirement (ADR) defines knife crime as any recorded offences involving the use of a knife or sharp instrument, including broken bottles and glass. This also includes threats and attempts, in addition to stabbing.*

*It was highlighted that there is no obvious pattern for knife crime in Sussex and the following number of knife crime offences were recorded in recent years:*

<i>Performance Plan Year</i>	<i>Knife &amp; Broken Bottle Offences</i>	<i>Total Offences</i>	<i>Percentage Knife Crime Offences</i>
<i>2014/15 – April to March</i>	<i>327</i>	<i>12,687</i>	<i>2.6%</i>
<i>2015/16 – April to March</i>	<i>279</i>	<i>14,524</i>	<i>1.9%</i>
<i>2016/17 – April to March</i>	<i>290</i>	<i>16,006</i>	<i>1.8%</i>
<i>2017/18 – April to September</i>	<i>137</i>	<i>9,288</i>	<i>1.5%</i>

*GY recognised the importance of using targeted stop and search powers to tackle this particular crime type where there is reasonable suspicion that individuals are carrying knives. It was highlighted that between the rolling year period 1 February 2017 and 31 January 2018, a total of 363 stop and searches were carried out looking for offensive weapons, resulting in an arrest rate of 26%. In comparison, a total of 343 stop and searches were carried out across the same period in 2016/17, with an arrest rate of 16%. This performance demonstrates that the Force is getting better at targeting the right individuals with these powers.*

*The Force is working hard to reduce the number of weapons available in Sussex and to educate individuals about the possible consequences of carrying weapons. Proactive patrols, comprising both uniformed and plain clothes officers, are targeting areas and locations where there is a propensity for individuals and groups to use and carry knives. This targeted activity is based on intelligence received by the Force.*

*Operation Sceptre was launched by the Metropolitan Police in July 2015 with the aim of reducing knife crime and the number families affected by knife crime across the whole of London. The launch was designed to coincide with new legislation which means that those convicted of carrying a knife for the second time will face a mandatory custodial sentence. Operation Sceptre also seeks to target not only those who carry and use knives, but also the supply, access and importation of weapons.*

*Sussex Police was one of thirty-two police force areas in England and Wales that supported the week-long campaign, led by the Metropolitan Police, which took place between 12 – 18 February 2018. The Force supported Operation Sceptre by carrying out weapon sweeps of areas where knives were suspected of being carried, test purchases of knives from retailers, and educational prevention activities with young people in schools. It was also highlighted that 32 weapons were handed into the amnesty surrender bins located at all public facing police stations throughout Sussex.*

*GY confirmed that the Force is supportive of the Home Secretary's proposals for tighter knife regulations but recognised that it remains a difficult balancing act between tightening the regulations and incentivising young people through engagement and keeping them out of the criminal justice system. It was, however, highlighted that there is still an expectation of enforcement for first-time youth offenders using knives where aggravating circumstances exist that could be perceived to have caused fear, harm or distress.*

*Prevention Youth Officers and police officers have sought to engage with young people about the issue of knives by visiting schools and colleges to deliver presentations about the dangers of carrying knives. It was also emphasised that schools and colleges have a statutory responsibility to safeguard and promote the welfare of children and young people under the age of 18, and remain incredibly supportive of the Force's approach in this area.*

## **WILDLIFE, HERITAGE AND ENVIRONMENTAL CRIME**

The geographic make-up of Sussex means that it is essential that a proportionate focus is placed on tackling rural crimes, including wildlife, heritage and environmental crime.

**A. For the benefit of the viewers, what does wildlife, heritage and environmental crime include?**

**B. What are the main challenges for Sussex Police in respect of wildlife, heritage and environmental crime and what is the Force doing to raise awareness of these crimes?**

**C. How is Sussex Police proactively working with partners to prevent wildlife, heritage and environmental crime?**

**D. What is the Force doing to tackle offences relating to the poaching of fish or theft of fish during the close season?**

**E. British Association for Shooting and Conservation (BASC) recently trained frontline police officers, including representatives from Sussex Police, to raise awareness and improve their understanding of shooting sports and issues affecting people who live and work in the countryside. How will this knowledge be used to develop a better understanding of legitimate shooting activities to improve contact between the police and those who shoot?**

*NM explained that Sussex Police currently has c.50 Wildlife, Heritage and Environmental Crime Officers (WCOs) working across Sussex, all of whom perform the role alongside their day-to-day policing duties. These officers are provided with training to improve their understanding, knowledge and ability to identify and prevent these types of crime.*

*Wildlife crime includes the persecution of protected native species of flora and fauna, the illegal snaring, trapping or killing of protected mammals, illegal hunting, damage to the geophysical features of protected land, and the international trade in endangered species, damage to habitats, offences against European Protected Species, illegal release of non-native species and illegal fishing in watercourses, lakes and the marine environment. Heritage Crime relates to any offence which harms the value of England's heritage assets and their settings to this and future generations'. This includes damage or theft of heritage buildings like theft of lead from churches, damage or theft from scheduled monuments, damage or theft from military remains and offences against protected marine wrecks. Environmental Crime includes illegal waste dumping, fly tipping, polluting water courses and pollution of the land.*

*An area can be defined as rural if it is outside a settlement with more than a 10,000 resident population. It is acknowledged that **rural crime** remains under-reported but when these are reported the Force is able to disaggregate and break these down into sub-categories within. The Investigations Framework is used to prioritise and focus on the crimes which cause the greatest threat, risk and harm regardless of whether it relates to a rural or urban location.*

*It was highlighted that Police Sergeant (PS) Tom Carter is the Sussex Police lead officer for wildlife crime. PS Carter is currently formulating a Wildlife, Heritage and Environmental Crime Strategy to ensure that a consistent response exists across Sussex. It is anticipated that this Strategy will be completed by 31 March 2018. KB requested a copy of the Strategy once it is published. The Force is also planning to bring all of the smaller rural watches under one banner of 'Country Watch' later on this year.*

*Sussex Police routinely work with partners to prevent wildlife, heritage and environmental crime. However, it was also recognised that the Force is not always the lead agency in the investigation of these crimes, and the Force will work with local authorities, Environment Agency, Trading Standards and other partner agencies to support them to utilise and enforce the civil powers available to them.*

*NM confirmed that Sussex Police is working with the Angling Trust to tackle offences relating to the poaching of fish or theft of fish during the close season. Operation Traverse is a multi-agency approach to tackling illegal fishing and fish theft. This includes joint patrols carried out with the police, Environment Agency and the Angling Trust Voluntary Bailiff Service, which has resulted in a number of individuals being reported and charged for angling related offences. The Force will continue to work with and support these agencies where linked criminality exists.*

*The importance of police officers and staff having an increased awareness and understanding of legitimate hobbies and pastimes, and those who live and work in the countryside was recognised. Sussex Police were supportive of the BASC training to improve contact between the police and those who shoot.*

**ACTION: KB requested a copy of the Sussex Police Wildlife, Heritage and Environmental Crime Strategy once it is published.**

## **PRESCRIPTION-ONLY MEDICINES AND ORGANISED CRIME**

**Last month, the Medicines and Healthcare Regulatory Agency (MHRA) announced a crackdown on the diversion of Prescription-Only Medicines (POMs) onto the criminal market.**

**A. What are the key challenges for the Force in respect of the misuse of POMs in Sussex?**

**B. What are the responsibilities of the Force Chemist Inspection Officer and how does this role support the regulation and inspection of pharmacies throughout Sussex?**

**C. It was reported that a number of incidents involving the misuse of Xanax and other prescription drugs were recorded in Sussex over the Christmas and New Year period. What was the scale of these incidents and what action was taken by Sussex Police?**

**D. How is Sussex Police proactively working with partners to warn individuals about the dangers of taking POMs and the implications of appropriating these drugs for illegal supply?**

**E. What role do the Prevention Youth Officers have in terms of deterring young adults from POMs and other drug use?**

*GY explained that he is very familiar with the MHRA in his capacity as the national lead for intellectual property crime. The MHRA work closely with the National Health Service and are the regulatory, investigations and enforcement body for prescription medicines. The police service does not have the lead responsibility for investigating criminality relating to POMs – this is the role of MHRA. Sussex Police and other police force areas will respond to the consequences which occur when these medicines become available on the criminal market.*

*The Force Chemist Inspection Officer (CIO) examines the records and stocks of controlled drugs in retail pharmacies and other health care premises to ensure controlled drugs are being prescribed and then sold or supplied in accordance with the Misuse of Drugs regulations. It was emphasised that nearly all of the CIO reports go into the health system as opposed to the criminal justice system, in line with the primacy for prosecutions in this area.*

*Sussex Police work proactively with the MHRA and other partners to warn individuals about the dangers of taking POMs and the implications of appropriating these drugs for illegal supply. It was also emphasised that the Force will react incredibly positively if anything is brought to their attention as a consequence of POMs. Sussex Police will, however, support the MHRA in the execution of warrants if a particular threat is identified.*

*GY acknowledged that a number of incidents involving the misuse of Xanax and other prescription drugs were recorded throughout Sussex over the Christmas and New Year period, primarily in Hastings and Rother. Prompt and positive action was taken by the local District Commander to identify the individual responsible and a 17-year-old boy was arrested on 12 January 2018 on suspicion of possessing class A, B and C drugs with intent to supply, including Xanax. The Force also worked with local schools and youth groups to educate young people about the addictive nature and dangerous side-effects of Xanax, and the impact it can have on individual behaviour.*

*A 'crime library' system, setting out best practice, exists as a useful tool for police officers and staff to make reference to in Sussex as part of their investigations. Prevention Youth Officers will use this previous learning to tackle any similar incidents that occur across Sussex.*