

## **PERFORMANCE & ACCOUNTABILITY MEETING**

**DATE:** 12 April 2019

**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)  
Deputy Chief Constable – Jo Shiner (JS)  
Executive Director of Commercial and Financial Services – Peter Gillett (PG)  
Digital Content Officer – Sammi Carwardine (webcasting)  
Senior Communications Manager – Mandy Jameson (observing)  
Head of Performance – Graham Kane (minutes)

## **HMICFRS – HARASSMENT AND STALKING INSPECTION**

**Last year, I commissioned Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) to undertake a thematic inspection into the Sussex Police response to stalking and harassment. The inspection report was published earlier this week.**

**A. How have you reflected on the findings of the report?**

**B. HMICFRS highlighted that whilst the Force is “increasingly accurate in the identification and recording of stalking offences” there were still many aspects of the recording process that were inadequate. How is this being addressed?**

**C. HMICFRS were “disappointed” to understand that the Force does not make risk-assessments for stalking and harassment cases if they do not relate to domestic abuse. Are you concerned that the identification of risks and the safeguarding of victims might not be as consistent as they possibly could be?**

**D. The report recognised that Sussex Police treat breaches of restraining orders in isolation and that there is little guidance to help officers to understand that breaches might be a continuation and escalation of the behaviour the order was originally imposed for. What are your thoughts on this?**

**E. The report also found that Sussex Police did not use the ‘power of entry and search’ to gather evidence and build strong cases against perpetrators as often as they could. Are you concerned that previous stalking investigations may not have been as thorough, without the use of these powers?**

**F. HMICFRS found that inconsistent processes for referring victims to the specialist stalking support service existed. Do you agree that opportunities to refer victims are potentially being missed and what is Sussex Police doing to increase the number of referrals made to this specialist service?**

**G. The report identified a number of local and national causes of concern, recommendations and areas for improvement. What plans are in place to ensure that each of these is progressed within the prescribed timescales?**

**H. Today is the last day of National Stalking Awareness Week 2019. What has Sussex Police done to raise awareness, empower and support victims to report these crimes as part of this campaign?**

*GY reflected on the content of the report as “hard reading” in respect of the number of additional responsibilities that are placed on the Force and the changes that are still required by Sussex Police a year after HMICFRS published their previous report into the policing response to harassment and stalking.*

*The Chief Constable reiterated the apologies made to victims of stalking and their families previously who have been let down by the Sussex Police response. The Force has learnt lessons from these past mistakes and is now in a much better position to understand and respond to reports of stalking offences. Sussex Police is actively seeking to recover service where victims are making further contact with the Force.*

*Sussex Police can also take some encouragement from the report in respect of the progress and improvements that have been made by the Force. This also provides an "incredibly useful benchmark" when compared with the performance of other police force areas in England and Wales. Sussex Police has already adopted some of the new material that has been produced by the College of Policing (CoP) in this area. GY will also ask for agenda item at a forthcoming National Police Chief's Council (NPCC) meeting to emphasise the importance of all forces working towards the nationally identified priorities.*

*It was highlighted that whilst a very different approach now exists across the Force, there are still a number of changes required. The Chief Constable and his senior team remain "absolutely committed" to continuing to improving the journey and experience of victims and to holding offenders to account for these behaviours and crimes.*

*The HMICFRS report recognised that stalking and harassment crimes can be complex. This is because whilst there is a definition for harassment, there is no definition that exists for stalking. This makes it difficult to prove an offence has taken place in law and can be confusing for police officers and the Crown Prosecution Service (CPS). The Chief Constable confirmed that the accurate recording of these offences remains "critical" because this sets the baseline for how the Force will respond and the level of service the victim will receive. Further work is required to resolve some of the confusion in place around the Home Office recording rules for these offences.*

*Another challenge for Sussex Police in the recording process is to understand exactly what has happened, particularly when the individuals concerned may have complex relationships, history and emotional connections. The investigating officers need to understand the circumstances around what has happened and seek clarity in the law before any decision can be taken as to whether to record an offence or not. The victims must always be placed at the heart of these recording decisions.*

*The report recognised that whilst Sussex Police has made "several positive changes" to improve the policing response, the Force does not make risk-assessments for stalking and harassment cases if they do not relate to domestic abuse. This was identified as a "gap" by HMICFRS because Sussex Police does not make a judgement as to whether a case is low, medium or high risk, as part of their assessment. In an attempt to close this gap, the Force is proposing changes to an existing screening form and process to identify stalking behaviours, known as an S-DASH. This is being taken to the Vulnerability Board for a decision next week.*

*The Chief Constable confirmed that breaches of restraining orders and/or injunctions are recognised to be a national issue in England and Wales. If the breach of an injunction is in line with the original behaviour, then it should be seen as a continuation of the stalking or harassment behaviour. If the breach of an injunction relates to something completely different, then it should be seen as an offence in isolation. It was also recognised that the Home Office guidance is confusing in this area because this states that the predominant offence is the breach and does not necessarily consider the full previous offending history. Sussex Police is seeking to influence and change this guidance.*

*GY confirmed that whilst there are a number of powers of search available to police forces in England and Wales, the police need justification and grounds in order to carry out these searches, in the first instance, based on the individual circumstances of each case. The Force is currently revisiting the training that is provided to officers regarding these powers.*

*The Chief Constable stated that he did not recognise the inconsistent processes for referring victims to the specialist stalking support service, Veritas Justice, highlighted in the report. It was confirmed that every victim of crime in Sussex is referred to Victim Support, in the first instance, unless they confirm that they do not want this support. It was, however, reported that only one in 10 victims of stalking and harassment currently take up this offer of support. The Force is also introducing a new procedure into the risk assessment process to confirm that they have asked the question to the victim, together with recording the answer given, when someone is identified as being vulnerable.*

*GY confirmed that each of the local recommendations highlighted in the report has been used to enhance the existing stalking and harassment improvement plan. These will be prioritised within the timescales set out by HMICRFS. Sussex Police will also work closely with the CoP and the NPCC to influence the national recommendations.*

*The report recognised that 99% of Prevention officers had received the enhanced stalking training. The Chief Constable was reassured by this because these are the officers that will be responding to and investigating the vast majority of stalking and harassment offences. It was also emphasised that this training was delivered in partnership with other agencies from within the criminal justice system too, including the CPS and Probation, to give them a greater understanding of the complexities involved.*

*Sussex Police supported the National Stalking Awareness Week which ran between 8 and 12 April 2019 through positive engagement on social media. The Force encouraged individuals to report instances of stalking and harassment to the police as part of this campaign because this information and intelligence is required in order to provide an efficient and effective policing response.*

## **CROSS-BORDER COOPERATION**

**Criminals do not respect traditional borders and will often carry out their activities across multiple police force areas.**

**A. How do police forces cooperate in respect of cross-border operations?**

**B. Who retains overall control and accountability of the policing operations – both when Sussex Police is policing in neighbouring counties and, vice-versa, when neighbouring forces are policing in Sussex?**

**C. Are there national guidelines and standards that all police force areas are trained to in order to ensure a consistent approach exists?**

**D. How does interoperability improve the effectiveness of the cooperation between police force areas?**

*JS confirmed that good and effective relationships exist between Sussex Police and the other four areas that border the county: Hampshire, Kent, Surrey and Thames Valley. It was emphasised that this cooperation also extends to police forces beyond the immediate borders of Sussex, throughout England and Wales.*

*Sussex Police cooperate openly and fully with other police force areas through a nationally agreed structure to ensure that these relationships are as effective as possible. The Deputy Chief Constable confirmed that all police forces in England and Wales use the National Intelligence Model (NIM) to ensure that a consistent approach to sharing information exists.*

*The Force also cooperates with other agencies that work across borders, including Neighbourhood Watch, to obtain, gather and share local intelligence.*

*The control and overall accountability of a policing operation is determined on a case-by-case basis, taking considerations into account about who is the best placed force to respond to a particular crime type, who has the appropriate resources available and who has the greatest likelihood of securing a detection or conviction. The best interests of the victim will always remain at the heart of any decision-making in this area.*

*There is clear guidance and practice in place for any cross-border operations that involve the use of armed or offensive weapons. This Authorised Professional Practice (APP) is adhered to by all police forces in England and Wales and sets out who will manage and control an operation and make decisions regarding the tactics that are used.*

*The Chief Constable of a geographic police force area will maintain overall control and ownership of a policing operation. For example, in respect of a road traffic pursuit, well rehearsed plans and procedures are in place to command those resources on the ground. This command and control structure will transfer to the relevant Chief Constable once the pursuit crosses a geographic border.*

*The Joint Emergency Services Interoperability Principles (JESIP) set out the required skills to command and control major incidents, into the business of the emergency services and wider responders. It was emphasised that all police officers are trained to a set of national standards and regularly work together with other officers from different police force areas. Sussex Police also works with other emergency service providers, including the South East Coast Ambulance Service (SECAmb), East Sussex Fire & Rescue Service and West Sussex Fire & Rescue Service. Debriefs take place routinely after collaborative operations to ensure that the response provided is as efficient and effective as it can be. The JESIP seek to improve the effectiveness of the cooperation that exists between these emergency service providers.*

## **POLICE USE OF PRE-CHARGE BAIL**

**In April 2017, changes were made to pre-charge bail as part of the Policing and Crime Act 2017. The main change implemented was that there is now a presumption of release without bail, unless necessity criteria are met.**

- A. What impact have these changes to pre-charge bail had on Sussex Police?**
- B. For the benefit of the viewers, can you explain what it means to be 'released under investigation', what are the processes in place for managing individuals RUI and how are the safeguarding responsibilities satisfied for victims?**
- C. How many individuals were RUI by Sussex Police in 2018 and has this increased the overall time taken pre-charge?**
- D. What impact is the combination of greater disclosure demands, changes to pre-charge bail and those RUI having on partner agencies and the timeliness in which cases are taking to get to court?**

*JS confirmed that Sussex Police made a number of changes to their practices following the legislative changes to pre-charge bail in April 2017. The Force assesses every case on its own merits and ensures that appropriate safeguarding arrangements are in place for victims before any individuals are released from police custody. The decisions about whether to release an individual under investigation, bail or bail with conditions are subject to well rehearsed procedures.*

*The Deputy Chief Constable summarised the processes in place for managing those individuals RUI, whilst simultaneously safeguarding the victims. Following the initial arrest of an individual they are taken to police custody and the standard custody processes are explained to them before a decision is made about whether to release them under investigation or through bail.*

*The specific nature of the offence, availability of any witnesses and the vulnerability of the victim are all safeguarding concerns that will be taken into consideration when making a decision about whether the necessity and proportionality criteria to bail an individual are met. If no concerns exist then an individual will be RUI but, where concerns do exist, bail will be imposed (either with or without conditions) in order to safeguard the victim and/or witnesses.*

*It was highlighted that across 2018/19, 23,122 individuals were RUI – this equated to 34%. This also compared favourably with the 33% of individuals RUI in 2017/18. This is in line with the performance demonstrated by other police force areas in England and Wales in respect of RUI.*

*The changes to pre-charge bail have provided police officers with more opportunities and incentives to carry out enhanced investigations whilst individuals are still in police custody. The Deputy Chief Constable concluded that it is too early to confirm whether the legislative changes have had any impact on the time taken pre-charge. This area remains subject to ongoing work nationally.*

*Sussex Police has maintained a consistent approach in terms of the time it takes to get cases to court in light of the greater disclosure demands, changes to pre-charge bail and those RUI. This is attributed to the enhancements that have been made to file quality, together with maximising the opportunities to improve the investigations, prior to individuals being charged.*

*The Force has also noted improved levels of performance in some of the areas monitored by the CPS, particularly in respect of a greater number of guilty pleas being recorded. In particular, it was highlighted that guilty pleas at the first-hearing at the Magistrates' Court equate to 75% of all cases and 46% for cases heard at the Crown Court. This has resulted in conviction rates increasing to more than 80% on further hearings at the Crown Court.*

**SUSSEX POLICE BUDGET 2018/19**

**I provided a gross budget of £297m for policing in 2018/19. Whilst the majority of that budget was spent on employee costs, some £65m was planned to be invested in buildings and premises, transport, supplies and services and other costs.**

**A. What was the forecast value of savings in 2018/19 and what were the key areas in which these were found?**

**B. Sussex and Surrey Police have been collaborating for a number of years now with closely aligned teams, process and standards. What assurances can you provide that all costs and savings are appropriately shared between the two forces?**

**C. Sussex Police has issued over 2,000 Mobile Data Terminals to officers using some of the best equipment available in the UK. What is the total cost of these MDTs and what financial and other benefits have been realised to date?**

**D. How and where is Sussex Police making efficiencies on its premises and transport costs and what are the financial and other benefits of these?**

**E. What investment has been or is planned to develop and maintain the financial skills of police officers and staff within the Force?**

*PG confirmed that Sussex Police achieved budget savings of £11.9 million across 2018/19. A total of £9.2 million of these savings were realised from changes that were made to the Local Policing Model in 2017/18 and the introduction of the Sussex Police Transformation Strategy 2018/22. The balance of these savings (£2.7 million) was achieved through efficiency savings relating to the Sussex Police estate and through collaborated services with Surrey Police. This has provided the Force with a positive position to build on in future years.*

*Sussex Police and Surrey Police share a number of collaborated services. The costs for these services are generally split between the two force areas as follows: 55% Sussex and 45% Surrey. This approach has been externally validated. The significance of having effective governance arrangements in place to support this collaboration was highlighted. This includes the provision of formal Section 22 Agreements, signed by both Chief Constables and Police & Crime Commissioners, setting out the methodology for sharing these costs and ensuring that an appropriate level of legal cover exists. It was highlighted that the 55%/45% split will not be used where other more appropriate cost drivers exist, such as fleet. In this situation, the number of vehicles for both forces is known so any translatable costs are apportioned on this basis instead.*

*PG explained that his role as Executive Director of Commercial and Financial Services sits across both police force areas and that he works closely with the Chief Finance Officer within the Office of the Sussex Police & Crime Commissioner and his counterpart in Surrey. A statement of the collaborated costs is produced, presented and reviewed on a regular basis at the Financial Planning and Performance Board. These collaborated costs are also formally reviewed and signed-off in the annual Statement of Accounts.*

*It was recognised that the Force has provided more than 2,000 Mobile Data Terminals (MDTs) to all frontline police officers to ensure that they have access to the information they need as and when they need it. The total cost of leasing the MDT handsets is approximately £700,000 a year, together with a cost of £8,000 per month for operating the Pronto system – this is equivalent to £320 per device, per year. The use of MDTs has contributed towards estimated savings of at least 45 minutes per officer, per shift. The number of officers using these MDTs is continuing to increase. This improving trend is attributed to positive changes that have been made in respect of leadership, direction and culture. A commitment to drive forward further efficiency savings in this area was made including plans to look at associated products, such as provisions for taking biometric fingerprints on these devices. PG agreed to share some further information with KB about the use of MDTs in Sussex.*

*Sussex Police and Surrey Police operate a Joint Transport Service across both police force areas. It was highlighted that the Sussex Police vehicle fleet drives more than 13 million miles a year to deliver policing services across the county. Both forces are currently in the process of installing and rolling out a telematics solution in each of their vehicles throughout 2019/20 to enable them to review more effectively where their vehicles are, how they are being used and understand driver behaviour better. The Force expects to make efficiency savings of at least 1p per mile, equating to savings of approximately £100,000 a year.*

*The Joint Transport Service also has 60 electric vehicles, shared equally across both police force areas. The Force will soon be completing an evaluation process to understand the benefits these electric vehicles have demonstrated, both financially and operationally. These vehicles are expected to contribute savings of approximately £120,000 a year. The Force is currently in the process of trialling two hydrogen powered vehicles too.*

*The Executive Director of Commercial and Financial Services confirmed that Sussex Police has embarked on a programme to install Light-Emitting Diode (LED) lighting across all premises and estate, together with the installation of solar panels and closer monitoring of CO2 consumption. This has contributed to reductions in heating bills by more than 8%, electricity bills by more the 12% and overall energy consumption by 10% – this has resulted in combined savings of approximately £200,000 a year.*

*In addition, the Force has looked at further opportunities to increase rental income where partners share buildings within the Sussex Police estate and through the sale of found property and from property confiscated by court orders. The Force is continuing to look at each of these areas to ascertain where further efficiency savings can be made to support further reinvestment in frontline police officers and staff.*

*Sussex Police is continuously seeking to improve and develop the financial management skills of serving police officers and staff. It was emphasised that the Force is currently piloting a NPCC initiative to Achieve Finance Excellence in Policing to ensure that an appropriate level of skill, governance and structure exists across the organisation. A key element of this work involves a third-party Financial Management Capability Review by the Chartered Institute of Public Finance and Accountancy (CIPFA). The Force is also seeking to upskill further the Finance Business Partners through a formal qualification to improve their understanding of the strategic needs of the Force and to develop them as budget holders and future leaders.*

**ACTION: PG agreed to share some further information with KB about the use of Mobile Data Terminals in Sussex.**

## **CODE OF PRACTICE FOR VICTIMS OF CRIME**

**The Code of Practice for Victims of Crime sets out a number of key entitlements that all victims of crime are entitled to.**

- A. How does Sussex Police adhere to the Code of Practice for Victims of Crime?**
- B. For the benefit of the viewers, can you explain what the process looks like for referring victims of crime to appropriate support services?**
- C. How do police officers and staff keep victims of crime informed about police investigations, including whether a suspect has been arrested and charged and whether any bail conditions have been imposed?**
- D. How do you monitor officer and staff compliance with these processes?**
- E. Every victim has a right to make a Victim Personal Statement to explain how the crime has affected them. How do Sussex Police encourage victims to make these statements and how are they then used in the criminal justice process?**

*GY confirmed that Sussex Police has automated systems and processes in place to meet the varied, individual and changing needs of victims of crime. This consistent approach involves the completion of standardised forms that then automatically trigger access to the services required by the victim, as appropriate.*

*It was highlighted that the responsibility for providing support to victims of crime remains with the investigating police officer whilst the case progresses, up until the point that a suspect is formally charged. Every victim of crime in Sussex will also be asked whether they would be happy to be referred to Victim Support, the organisation responsible for supporting victims of crime in Sussex, in the first instance.*

*The Chief Constable provided KB was assurances that each of the investigating officers within Sussex Police is aware of the Code of Practice and the key entitlements for victims of crime contained within it. It is the responsibility of the officer to explain the options available to the victim, to listen to their replies and to support these needs in the most appropriate way.*

*This should include the creation of an individual victim contract, setting out the frequency of the updates required by the victim, the regularity that it will be refreshed and the frequency that it should be reviewed by a supervisor. The contract should set out the process for providing significant updates, including whether a suspect has been arrested and charged and whether any bail conditions have been imposed. It was also emphasised that there should be a maximum of 28 days between the updates provided by the officer to the victim.*

*The Chief Constable is satisfied that routine supervision by first-line managers, together with dip-checking the satisfaction of victims, ensures that these processes are adhered to by all officers and staff.*

*The responsibility for keeping a victim updated transfers to the Witness Care Unit (WCU) once a suspect has been charged. If a guilty plea is anticipated, the WCU will explain to the victim what the process is, what is required from them and the date of the trial. After the case has been to court, further contact with the victim will be made, updating them on the outcome. For not guilty pleas, the process will again be explained to victim, together with providing them with an opportunity to visit the court beforehand (if it is likely they will be called as a witness) and to establish whether any special measures are required.*

*GY is confident that Sussex Police routinely offer victims of crime the opportunity to make a Victim Personal Statement (VPS), particularly once a case reaches court, to explain further how the crime has affected them. This includes the entitlement to read a VPS aloud or have it read aloud on your behalf, if a defendant is found guilty at court.*