

Public Document Pack

Sussex Police and Crime Panel

Members are hereby requested to attend a virtual meeting of the Sussex Police and Crime Panel to be held at **10.30 am** on **Friday, 12 March 2021**.

Note: In accordance with regulations in response to the current public health emergency, this meeting will be held virtually with members in remote attendance. Public access is via webcasting.

The meeting will be available to watch live via the Internet at this address:

<http://www.eastsussex.public-i.tv/core/>

Tony Kershaw

Clerk to the Police and Crime Panel

4 March 2021

Agenda

- | | | |
|----------|-----|--|
| 10.30 am | 1. | Declarations of Interest (Pages 5 - 6) |
| | | Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt contact Democratic Services, West Sussex County Council, before the meeting. |
| 10.35 am | 2. | Minutes of the Previous Meeting (Pages 7 - 16) |
| | | To approve the minutes of the previous meeting on 29 January 2021 (cream paper). |
| 10.40 am | 3. | Urgent Matters |
| | | Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency. |
| 10.40 am | 4. | Correspondence between the Panel Chairman and Sussex Police & Crime Commissioner |
| | | Members are asked to note the correspondence between the Panel Chairman and Commissioner, in respect of the Panel's agreed recommendations regarding the Police & Crime Plan 2021/24 and Proposed Precept 2021/22, and ask any supplementary questions following the previous meeting on 29 January 2021. |
| | (a) | Report to the Commissioner (Police & Crime Plan 2021-24) (Pages 17 - 18) |

- (b) **Letter to the Chairman (Police & Crime Plan 2021-24)**
(Pages 19 - 20)
- (c) **Report to the Commissioner (Precept 2021-22)** (Pages 21 - 22)
- (d) **Letter to the Chairman (Precept 2021-22)** (Pages 23 - 24)
- 10.50 am 5. **Public and Panel Questions to the Commissioner** (Pages 25 - 32)
- Written questions may be submitted by members of the public up to two weeks in advance of a meeting. The Chairman of the Panel or the Commissioner will be invited to provide a response by noon of the day before the meeting. Questions, together with as many responses as possible, will be published on the Panel's website (www.sussexpcp.gov.uk).
- Questions have been received from two correspondents. The Panel is invited to note the responses.
- The Panel is asked to raise any issues or queries concerning crime and policing in Sussex with the Commissioner.
- There will be one question per member only and one supplementary question; further supplementary questions allowable only where time permits. The Chairman will seek to group together questions on the same topic.
- 11.15 am 6. **Police Complaints Reform - Update on Reviews** (Pages 33 - 42)
- Report by the Sussex Police & Crime Commissioner.
- The report provides an update about the police complaint reforms and the revised process for reviewing police complaints.
- The Panel is asked to consider the Commissioner's decision to adopt Model 1, one year after its implementation.
- 12.15 pm 7. **Quarterly Report of Complaints** (Pages 43 - 44)
- Report by the Clerk to the Police and Crime Panel.
- The report provides details of the correspondence received and the action taken.
- The Panel is asked to consider the report and raise any issues or concerns.
- 12.35 pm 8. **Date of Next Meeting and Future Meeting Dates**
- The next meeting of the Panel will take place on 25 June 2021

at 10.30 a.m. at County Hall, Lewes (subject to Government guidance) or via Microsoft Teams.

Future meeting dates below:

24 September 2021

28 January 2022

14 February 2022 (if required).

To all members of the Sussex Police and Crime Panel

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Sussex Police and Crime Panel – 12 March 2021

The Panel is asked to agree the table of personal interests below.

Any interests not listed which members of the Panel feel are appropriate for declaration must be declared under agenda Item 1, Declaration of Interests, or at any stage such an interest becomes apparent during the meeting.

Table of standing personal interests

| Panel Member | Personal Interest |
|-------------------|---|
| Bill Bentley | Lead Member for Communities and Safety Chairman of East Sussex Safer Communities Board Chairman of East Sussex Civil Military Partnership Board Chair of Heathfield Community Safety Action Group (CSAG) |
| Roy Briscoe | Member of Joint Arun and Chichester Community Safety Partnership |
| Johnny Denis | Co-Chair of Lewes and Eastbourne Community Safety Partnership Lead Member for Community Safety at Lewes District Council Member of Lewes District Council – Community Safety Partnership – Joint Action Group |
| Susan Scholefield | A serving Magistrate Chair of the Competition Appeal Tribunal and Competition Service Senior Independent Director of Surrey and Borders Partnership NHS Foundation Trust |
| Dave Simmons | Chairman of Adur and Worthing Safer Communities Partnership Sussex Partnership NHS Foundation Trust Council |
| Dee Simson | Member of Brighton and Hove Community Safety Partnership Member of Woodingdean Neighbourhood Watch |
| Brenda Smith | Cabinet Member for Public Protection at Crawley Borough Council Chair of Safer Crawley Partnership |

| | |
|-----------------|---|
| Val Turner | Member of Safer Communities Partnership, Adur and Worthing |
| Norman Webster | Member of Mid Sussex Community Safety Partnership |
| Rebecca Whippy | Co-Chair of Lewes and Eastbourne Community Safety Partnership Lead for Community Safety at Eastbourne Borough Council Member of Eastbourne Borough Council Joint Action Group Member of Eastbourne Neighbourhood Watch CEO of Embrace East Sussex Independent SEND Litigator |
| Gill Yeates | Chairman of Safer Arun Partnership Member of Joint Arun and Chichester Community Safety Partnership |
| Tricia Youtan | Member of Horsham Community Safety Partnership Cabinet Member for Community Safety at Horsham District Council |
| Carolyn Lambert | Vice-Chair of East Sussex Fire Authority Member of Fire Commission |
| Philip Lunn | Member of Safer Wealden Partnership |
| Jackie O'Quinn | Lead Member of Brighton & Hove Community Safety Partnership |
| Brian Drayson | Co-Chair Safer Rother Partnership |
| Paul Barnett | Co-Chair Safer Hastings Partnership |

Sussex Police and Crime Panel

29 January 2021 – A virtual meeting of the Panel held at 10.30am.

Present:

| | | | |
|---|--------------------------------|---|------------------------------------|
| Cllr Bill Bentley (Chairman) | East Sussex County Council | Cllr Christian Mitchell (Vice-Chairman) | West Sussex County Council |
| Cllr Paul Mansfield (Substitute) | Adur District Council | Cllr Gill Yeates | Arun District Council |
| Cllr Roy Briscoe (joined at 10.37am) | Chichester District Council | Cllr Carolyn Lambert | East Sussex County Council |
| Cllr Johnny Denis | Lewes District Council | Cllr Norman Webster | Mid Sussex District Council |
| Cllr Philip Lunn | Wealden District Council | Mrs Susan Scholefield | Independent member |
| Mr Peter Nightingale | Independent member | Cllr Dee Simson | Brighton & Hove City Council |
| Cllr Val Turner | Worthing Borough Council | Cllr Jackie O'Quinn | Brighton & Hove City Council |
| Cllr Paul Barnett | Hastings Borough Council | Cllr Brian Drayson | Rother District Council |
| Cllr Michael Jones (Substitute) | Crawley Borough Council | Cllr Rebecca Whippy | Eastbourne Borough Council |
| Cllr Tricia Youtan | Horsham District Council | | |

Apologies were received from Cllr Dave Simmons (Adur District Council) and Cllr Brenda Smith (Crawley Borough Council).

Present from the Office of the Police and Crime Commissioner (OSPPC):
Commissioner Katy Bourne (PCC), Mark Streater (Chief Executive & Monitoring Officer), Iain McCulloch (Chief Finance Officer) and Mervin Dadd (Chief Communications and Insight Officer).

Part I

51. Declarations of Interest

- 51.1 In accordance with the Code of Conduct, members of the Panel declared the personal interests contained in the table below.

| Panel Member | Personal Interest |
|---------------------|---|
| Bill Bentley | Lead Member for Communities and Safety Chairman of East Sussex Safer Communities Board Chairman of East Sussex Civil Military Partnership Board Chair of Heathfield Community Safety Action Group (CSAG) |
| Roy Briscoe | Member of Joint Arun and Chichester Community Safety Partnership |
| Johnny Denis | Co-Chair of Lewes and Eastbourne Community Safety Partnership Lead Member for Community Safety at Lewes District Council Member of Lewes District Council – Community Safety Partnership – Joint Action Group |
| Susan Scholefield | A serving Magistrate Chair of Competition Appeal Tribunal and Competition Service Senior Independent Director of Surrey and Borders Partnership NHS Foundation Trust |
| Dave Simmons | Chairman of Adur and Worthing Safer Communities Partnership Sussex Partnership NHS Foundation Trust Council |
| Dee Simson | Member of Brighton & Hove Community Safety Partnership Member of Woodingdean Neighbourhood Watch |
| Brenda Smith | Cabinet Member for Public Protection at Crawley Borough Council Chairman of Safer Crawley Partnership |
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| | |
|-----------------|---|
| Norman Webster | Member of Mid Sussex Community Safety Partnership |
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| Jackie O'Quinn | Lead Member of Brighton & Hove Community Safety Partnership |
| Brian Drayson | Co-Chair Safety Rother Partnership |
| Paul Barnett | Co-Chair Safety Hastings Partnership |

52. Minutes

52.1 Resolved – that the minutes of the previous meeting held on 25 September 2020 be approved as a correct record and confirmed electronically by the Chairman following the meeting.

53. Public and Panel questions to the Commissioner

53.1 The Panel noted a published version of written public and Panel questions with answers from the Commissioner (copy appended to the signed minutes). The Panel had one supplementary question in respect of the public questions:

1. Q: In reference to Question 4, concerns were echoed in terms of how representative the precept consultation is of all demographics across the county and not just those with an active interest. Will the Commissioner consider introducing citizen panels or a similar democratically representative forum in the future?

A: The Commissioner reaffirmed her confidence that the year-long consultation was extremely representative and gave her assurance that details of the process will be presented by Mervin Dadd, Chief Communications and Insight Officer, in Item 7.

53.2 The Chairman invited questions from the Panel to the Commissioner. A summary of the main questions and responses were as follows:

1. Q: A member shared their view that all blue light emergency services staff, including frontline police officers, should be prioritised for vaccination against COVID-19. Does the Commissioner agree and will she write to the Secretary of State for Health and Social Care urging him for this to be arranged in Sussex? Also, how would the Commissioner characterise staff morale within the Force at present?

A: The Commissioner was in full agreement and confirmed she has personally spoken to the Home Secretary and Minister for Crime and Policing and been vocal in arguing this case along with PCC colleagues. From these conversations, she reassured the Panel that there is a high likelihood that frontline police officers will be vaccinated as part of the second priority group identified by Government. The Commissioner also gave reassurance that the Chief Constable of Sussex Police, Jo Shiner, is very alive to the matter of staff mental health and confirmed it is discussed at her monthly Performance and Accountability Meetings (PAMs). The Force recently held an internal session on mental health and wellbeing and it was well-attended by hundreds of staff and frontline officers. Commissioner Bourne added that the Chief Constable has also introduced access to police wellbeing dogs for staff and officers experiencing high levels of stress.

2. Q: Will the Commissioner look to introduce PCSOs to enforce social distancing at popular beauty spots around the County which draw residents to exercise outdoors?

A: Commissioner Bourne noted the suggestion but clarified that this is an operational matter for the Chief Constable's consideration.

3. Q: A member raised a resident's views following their complaint of alleged poor treatment by Sussex Police officers and their inability to obtain the officers' names or shoulder numbers when looking to report the issue. Therefore, will the

Commissioner consider reviewing the Force's privacy policy in terms of disclosing all officer names and shoulder numbers unless there is a valid safeguarding reason for non-disclosure?

A: The Commissioner is aware of the complaint received by the Professional Standards Department but is unable to comment on an ongoing case. The resident's question was noted.

4. Q: In reference to the 'Make Your Mark' survey carried out by East Sussex Youth Cabinet and its subsequent priority around the issue of domestic violence and the effects on children - will the Commissioner's Office and Sussex Police be interested in engaging with young people on the matter?

A: Commissioner Bourne welcomed engagement with Youth Cabinets across the County and commented that she's familiar with proposed changes to the Domestic Abuse Bill which include young people being named as victims in their own right.

54. Final Report of the Precept and Plan Working Group

54.1 The Panel considered a report by the Chairman of the Precept and Plan Working Group, Mrs Susan Scholefield.

54.2 The Chairman of the Working Group advised the wider Panel of the following key points:

- The Group met remotely twice, once in November 2020 and once in January 2021.
- This year the Group had a wider remit to scrutinise the draft Police & Crime Plan, in addition to the proposed policing precept.
- The Group was pleased to see provision had been made in the Force's reserves for over and above what had initially been identified to mitigate against any unforeseen impacts of COVID-19.
- This year the Group were required to be mindful of the pandemic when considering the impact on Sussex residents if they chose not to endorse the maximum £15 precept increase.
- Some of the Plan's activities were subjective and not measurable. Going forward it should account for unprecedented circumstances such as the pandemic in managing public expectation of its objectives.

54.3 The Panel Chairman invited all members to ask any general questions or offer a commentary under this item. A summary of the main questions and responses were as follows:

1. Q: What impact will the pandemic have on both the Force's recruitment policy and deployment of officers?

A: The Commissioner reminded the Panel that the Force received an

intake of 129 officers as a result of the Government's national Operation Uplift campaign and its own recruitment continues at a fast rate, compared to other police forces, made possible by previous precept uplifts. She went on to credit Surrey and Sussex Police's Head of Human Resources, Adrian Rutherford, in leading on and adapting the Force's recruitment campaign to be more online-based where possible. The Commissioner stated she is delighted with the Force's recruitment campaign which is ahead of target and confirmed that the Force will receive an intake of an additional 127 officers through Operation Uplift in 2021/22.

54.4 Resolved – that the Panel notes the recommendations of the Precept and Plan Working Group.

55. Draft Sussex Police & Crime Plan 2021/24

55.1 The Chairman thanked the Commissioner for developing the Plan and acknowledged the challenge given that the 2020 Police & Crime Commissioner Elections were deferred until 6 May 2021 due to the pandemic.

55.2 The Panel considered a report by the Sussex Police & Crime Commissioner. The report was introduced by Mark Streater, OSPCC Chief Executive & Monitoring Officer, who thanked the Working Group for their invaluable contribution in steering and shaping the draft Plan. Mr Streater re-capped the purpose of the Plan and invited questions from the Panel.

55.3 Members of the Precept and Plan Working Group, in particular, expressed appreciation in acknowledgement that their feedback has been taken on board, acted upon and incorporated into the draft Plan.

A summary of the Panel's comments and suggestions are as follows:

- It was strongly recommended that quantifiable measures of success be added throughout the Plan for activities under each Public Priority, and that these be linked to the relevant actions set out in the Chief Constable's Operational Delivery Plan.
- It was recommended that greater reference is given within the Plan to the Sussex Police's ongoing work around 'Equalities, Diversity and Inclusion'. This should include an update on the performance of its recruitment campaign in aiming to reduce the male/female gender imbalance and increase officer representation of those from BAME backgrounds, such that the Force better reflects the make-up of the Sussex population. Also, that the Commissioner requests that Sussex Police publish the latest data on its website.

- It was suggested that specific reference is given to 'romance fraud' in recognition of it becoming an emerging form of cyber fraud and that the Force considers running a mid/long-term campaign to improve public awareness.
- It was suggested that specific recognition is given to the growing rate of reported hate crime offences targeting minority groups, such as the transgender community, and offer reassurance by re-affirming the Force's strategy to mitigate the issue and prosecute offenders.

55.4 In summary of the discussion, the Vice Chairman thanked the Commissioner on behalf of the Panel for producing the draft report and the Working Group for their involvement in advance of the draft Plan being considered by the wider Panel.

55.5 Resolved – the Panel agreed to note the draft Plan, taking into account the recommendations set out on page 31 of the agenda.

56. Proposed Precept 2021/22

56.1 The Panel considered a report by the Sussex Police & Crime Commissioner. The Commissioner outlined key points regarding the proposed precept and the Panel heard the following points in addition to those detailed in the report:

- This year's policing grant settlement has given PCCs additional ringfenced investment to recruit a further 121 police officers plus six officers for the regional organised crime units.
- 250 police officers have been recruited by the Force as a result of the previous precept requirements of building back-office staffing numbers into frontline services.
- The new intake of PCSOs and specialist staff are having a positive impact by strengthening local policing divisions and there has been a marked increase in public contact.
- The introduction of the new Rural Crime Team unit has been well-received and praised in correspondence received from the public about their work.
- The Force has set up an additional three new Tactical Enforcement Units and recently launched its new Specialist Enforcement Unit.
- Total crime demand was up by 15% in January 2020 from January 2019 following year-on-year rises. Three successive lockdowns have suppressed this slightly, however since the pandemic there has been a notable national increase in online exploitation and digitally-enabled crimes targeting vulnerable people.

56.2 The meeting was adjourned due to technical issues at 12.10pm.

56.3 The Chairman re-convened the meeting at 12.40pm.

56.4 The Panel received a presentation from Mervin Dadd, OSPCC Chief Communications and Insight Officer, on the policing precept consultation's process and its findings. The followings points, activities and outcomes were highlighted:

- 64 public consultations were carried out with town and parish councils across Sussex.
- A representative sample of urban, rural and coastal towns and villages which had not been previously consulted were targeted.
- 22 out of 32 councils would support a £15 increase but the public need to see success.
- More than 4,000 people have interacted with the live Safety sentiment feature on the OSPCC's website and shared how they feel.
- Policing Challenge Game designed to appeal to a younger audience.

56.5 The Chairman invited the Panel to ask any questions under this item. A summary of the main questions and responses were as follows:

1. Q: Why was Newhaven and Seaford not consulted as part of this process?

A: Mr Dadd re-iterated that the Commissioner's Office were instead targeting those areas it had not surveyed previously.

2. Q: Can the Commissioner justify why the MTFs has proposed to treble the initial £5 assumption prior to the pandemic, at a time when there is heightened pressure on household income?

A: Iain McCulloch, OSPCC Chief Finance Officer, explained that the Force is operating in a very different economic climate compared to when the budget was set for 2020/21. He highlighted the following factors which contributed to the decision:

- The Force still has to honour contractual costs for its staff despite the public sector pay freeze.
- The additional costs to the Force as a direct result of the pandemic.
- £450,000 (approximately) in lost income due to a reduced tax base.
- Deficits faced after some local authorities were unable to collect council tax.
- The Force was unable to meet some savings targets.
- Unavoidable service growth.
- Additional cost pressures within the system and external IT services.

56.6 Councillor Briscoe proposed a motion to support the proposed precept and this was seconded by Councillor Whippy.

56.7 Resolved - The Panel supported, by a majority of votes, that the proposed precept of £214.91 (on a Band D property), an increase of £15 (equivalent to 7.5%).

57. Quarterly Report of Complaints

57.1 The Panel considered a report from the Clerk to the Panel, providing an update on complaints received in the last quarter.

57.2 Resolved – the Panel noted the report.

58. Date of Next Meeting

58.1 The Panel heard that the meeting on 15 February would not be required and therefore the next meeting of the Panel would take place on 12 March 2021 at 10.30am via Microsoft Teams.

The meeting ended at 2.01pm.

Chairman

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Bill Bentley

Chairman
Sussex Police and Crime Panel

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2 February 2021

Re: Draft Sussex Police & Crime Plan 2021/24

Dear Commissioner Bourne,

Thank you for your engagement with the Panel during the Police & Crime Plan preparation process, culminating in formal consideration at its meeting on 29 January 2021. Members of the Precept and Plan Working Group in particular expressed appreciation that their feedback has been addressed in the draft Plan.

A summary of the comments and suggestions arising at the Panel's formal meeting (at which the findings and recommendations of the Precept and Plan Working Group were agreed) follows:

- It was strongly recommended that quantifiable measures of success be added throughout the Plan for activities under each Public Priority, and that these be linked to the relevant actions set out in the Chief Constable's Operational Delivery Plan.
- It was recommended that greater reference is given within the Plan to the Sussex Police's ongoing work around 'Equalities, Diversity and Inclusion'. This should include an update on the performance of its recruitment campaign in aiming to reduce the male/female gender imbalance and increase officer representation of those from BAME backgrounds, such that the Force better reflects the make-up of the Sussex population. Also, that the Commissioner requests that Sussex Police publish the latest data on its website.
- It was suggested that specific reference is given to 'romance fraud' in recognition of it becoming an emerging form of cyber fraud and that the Force considers running a mid/long-term campaign to improve public awareness.
- It was suggested that specific recognition is given to the growing rate of reported hate crime offences targeting minority groups, such as the

Agenda Item 4a

transgender community, and offer reassurance by re-affirming the Force's strategy to mitigate the issue and prosecute offenders.

The Panel would be grateful to receive your response in due course.

With best wishes,

Councillor Bill Bentley

Chairman, Sussex Police and Crime Panel

Katy Bourne OBE
Sussex Police & Crime Commissioner

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**Sussex
Police & Crime
Commissioner**

Councillor Bill Bentley
Chairman
Sussex Police & Crime Panel
County Hall
West Street
Chichester
West Sussex
PO19 1RQ

15 February 2021

Dear Councillor Bentley

Draft Police & Crime Plan 2021/24

Thank you for your letter dated 2 February 2021.

I would like to take this opportunity to thank the Sussex Police & Crime Panel for their positive feedback about my draft Police & Crime Plan 2021/24 at its meeting on Friday, 29 January 2021. I would like to recognise the contribution of the Precept and Plan Working Group in the development of the Plan, in particular.

Further to the discussions at the meeting, I can confirm the following in respect of the four areas you have highlighted:

- I have amended the text included within the 'Measuring the Progress Against the Public's Police & Crime Priorities' (page 13) to better set out the means by which the performance of the Chief Constable will be measured.
- I will ensure that equality, diversity and inclusivity is referenced within the final version of the Plan. This will include specific reference within my Foreword and the addition of further bullet points under *Public Priority 1 – Strengthen local policing, tackle crime & prevent harm* on page 9 'to improve workforce diversity to better reflect the demographics of Sussex' and 'to ensure Sussex Police meets its equality, diversity and inclusivity obligations and promotes a culture that fully embraces this'.

On a similar note, I can also confirm that a revised version of the Sussex Police Diversity Dashboard (as at 31 December 2020) has replaced the (2019) version on the Force website. This will be updated at the beginning of each calendar year moving forward.

- I am satisfied that the inclusion of a dedicated section about 'Fraud and Cyber Crime' within *Public Priority 2 – Relentless disruption of serious and organised crime* on page 10 addresses the identification, understanding and tackling of all emerging fraud crime types, including romance fraud.

Owing to the substantial number of different types of fraud, both established and emerging threats, I have now included fraud within the definitions provided in the *Glossary* on page 27 of the Plan, together with a link to where further information about each type of fraud can be viewed on the Action Fraud website.

Agenda Item 4b

Katy Bourne OBE
Sussex Police & Crime Commissioner

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**Sussex
Police & Crime
Commissioner**

- 'Hate Crime' also has a dedicated section within *Public Priority 1 – Strengthen local policing, tackle crime & prevent harm* on page 8 of the Plan. Transgender identity is only one of five personal characteristics – alongside disability, race, religion and sexual orientation – which can be the motivation for hostility or prejudice in terms of incidents and crimes committed. Similar to the approach taken for fraud, I have now included definitions regarding both hate incidents and hate crimes within the *Glossary* at the back of the Plan.

I look forward to sharing a copy of the finalised Police & Crime Plan 2021/24 with you and the Panel members in due course.

Yours sincerely

Katy Bourne OBE
Sussex Police & Crime Commissioner



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Bill Bentley

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2 February 2021

Re: Proposed Precept 2021/22

Dear Commissioner,

The proposed policing precept was considered at the meeting of Sussex Police and Crime Panel on 29 January 2021.

I am writing to confirm that the Panel supported, by a majority of votes, the proposed precept of £214.91 (on a Band D property), an increase of £15 (equivalent to 7.5%).

We look forward to considering your annual report in the summer.

With best wishes,

Councillor Bill Bentley

Chairman, Sussex Police and Crime Panel

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Katy Bourne OBE
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**Sussex
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15 February 2021

Dear Councillor Bentley

Proposed Precept 2021/22

Thank you for your letter dated 2 February 2021.

I am grateful that the Sussex Police & Crime Panel supported, by a majority of votes, the proposed increase in the precept to £214.91 on a Band D property.

I have worked closely with Chief Constable Shiner and her senior team to understand in detail the operational needs of Sussex Police for 2021/22. This additional funding will be used to meet the demands on local policing, investigations and the need for even more tougher enforcement to reduce criminality through investment in the following areas:

- ✓ Continued increase to the policing presence in our towns and villages
- ✓ Further investment into the Rural Crime Team and the Roads Policing Unit
- ✓ More detectives and investigators
- ✓ A Public Confidence Team to resolve issues swiftly
- ✓ Better use of data and intelligence to identify and catch criminals
- ✓ Joint operations with other police force areas (including the Metropolitan Police Service) to tackle drugs and shut down county lines activity
- ✓ More officers to manage the highest harm perpetrators
- ✓ Expand local investigation and resolution centres to work closely with victims
- ✓ A Digital Investigation Programme to improve the capture of online evidence

It remains vital to ensure the Force is supported and that residents continue to receive the best possible policing service in Sussex. Following the support of the Panel, further investments can now be made to provide increased enforcement, more investigation and the introduction of efficient technological advances that will save operational policing time.

Yours sincerely

Katy Bourne OBE
Sussex Police & Crime Commissioner

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Sussex Police and Crime Panel - Public and Panel Questions to the Commissioner

12 March 2021

Report by the Clerk to the Police and Crime Panel

Below is a schedule of the questions received prior to this meeting and where possible responses have been included. Responses will be tabled at the meeting that were not available at the time of despatch. Written questions must be received 2 weeks before a meeting of the Panel and the Commissioner or Panel Chairman is invited to provide a response by noon of the day before the meeting.

Any questions relating to operational matters of Sussex Police will be passed to a relevant officer at Sussex Police for a response and a brief summary of the question will be provided below. For the current meeting, two questions have been received for a response by the Commissioner.

1. Written question from a resident of East Sussex - name and address withheld at the correspondent's request.

Question:

Dear Sussex Police & Crime Commissioner,

According to figures supplied by Sussex Police, between the years 2017-2019, the county force paid out just under £190,000 in compensation, in response to claims made against the force for the specific offences of:

- Unlawful Arrest,
- False Imprisonment,
- Breach of Human Rights,
- Assault/Battery,
- Misfeasance,
- Embarrassment/Humiliation,
- Anxiety/Distress,
- Data Protection Failures.

(I can provide the breakdown of cases and compensation amounts if needed).

£190,000 is not the total amount paid out in compensation by the force over these years, just the settlements exclusively related to the types of offences

outlined. There are still 10 outstanding cases from this period of a similar nature, which remain to be settled. For the year 2020, only one case related to this list of offences has so far been settled (for £3,600) and a further five cases remain outstanding.

I am advised by the Home office and the Association of Police and Crime Commissioners (APCCS) that Police forces are operationally independent and the management of force budgets is a matter for chief constables and that the PPCs hold the local force to account. The Head of Performance with the OSPCC informed me that the Commissioner's Office does not keep records of the types of crimes allegedly committed by members of the public that the county force was investigating, which led to the Police misdemeanours that required compensation. Surely this is information that the Commissioner should be asking for? By doing so this would give the OSPCC an inbuilt warning system if Sussex Police are forming patterns of behaviour and investigation that are cause for concern, meaning that they can be quickly identified and corrected. The publication of the information related to such a safe guarding measure would also be good for public confidence in Sussex Police and would help to nip any bad behaviour in the bud.

Two individual settlements from the period outlined were £25,000 and £55,000 respectively, representing an excessive and avoidable waste of public money? Would Commissioner Bourne agree, that at a time when she has requested an increase of 7.5% in the Police Precept, that such transparency as outlined in the paragraph above would encourage ethical behaviour by Sussex Police, thereby saving significant amounts of public money. The total amount paid out annually in compensation could also be publicly listed. Would she also agree that while such a policy of transparency is being considered, that Freedom of Information requests related to this matter should be properly complied with, in line with the statutory requirements of the Freedom of Information Act 2000, so that a retrospective check of police behaviour over the 2017-20 period can be carried out in the public interest? Particularly as the proposed raising of the Precept is in part based on a commitment to an "Increase in capacity to deal with Freedom of Information requests to assist with responses to public enquiries."

Answer:

Thank you for your question in respect of the requests for information that you have previously made to my office and Sussex Police.

As you are already aware, the information you requested previously in respect of the types of crimes investigated within the summary of the legal claims registered by Sussex Police is not held by my office. This resulted in a wider internal review being commissioned within Sussex Police to try and provide you with the information requested.

I understand that you were not content with the outcome of the internal review and applied directly to the Information Commissioner's Office (ICO) for a decision. This was the most appropriate recourse available to you at the time. I also note that, following a determination from the ICO, a further review and response has now been requested from Sussex Police in respect of the information requested. I will ensure that this action is completed at the earliest possible opportunity by the Force.

As highlighted by my office previously, please can I ask that any further requests for information or follow-up questions made in respect of this subject are directed to the Head of Information Management within Sussex Police who is acting as the single point of contact for your request.

I can confirm that the Civil Claims Unit (CCU) within Sussex Police do not record information which links a compensation request to Niche – the crime recording database used by the Force.

As part of the investigation of any claim received, the individuals within the CCU may look at the information held about the criminal investigation on Niche. Part of this process may include recording the Niche reference on a summary document that is produced for each claim investigation. However, a manual check of each document would be required in order to confirm this, together with a cross reference against Niche to ascertain the offence type. As I am sure you can imagine, this would be an incredibly expensive, time consuming and disproportionate task for a small team to complete. The Force is also not required to link claims to the criminal investigation, under Civil Procedure Rules.

I note that the information you were provided with previously details the type of claims received and any payments that were made for the periods requested. The CCU is unable to separate this information any further to produce a report with the level of detail you have requested. The disclosure of individual circumstances could also inadvertently result in the identification of a claimant.

I would also like to provide you with some reassurance that I have continued to hold the Chief Constable to account for the ability of Sussex Police to process requests for information made under the terms of the Freedom of Information Act 2000 and Data Protection Act 2018 at my webcast monthly Performance & Accountability Meetings (PAMs).

Information Access Requests was raised most recently at my PAM on 20 November 2020, with this subject area also covered at the PAMs on 15 March 2019 and 16 November 2018, respectively. Each of these PAM sessions are archived and, together with summary notes, can be viewed on my website through the following link: www.sussex-pcc.gov.uk/get-involved/webcasting/

2. Written question from Kahina Bouhassane of Brighton & Hove.

Question:

In the past year it has come to light that black people are 10 times more likely to be stopped and searched by Sussex Police and still, there is little mention of addressing this racial discrimination in the draft plan. Is the PCC content with the steps (if any) being taken to address this kind of institutional discrimination and why has it been allowed to get to this appalling point?

Answer:

Thank you for your question and for sharing your concerns about the use of stop and search powers in Sussex.

As Sussex Police & Crime Commissioner, I remain absolutely committed to ensuring that all forms of prejudice, discrimination and hate are challenged in order to support and promote diversity throughout Sussex.

The proportionate use of stop and search powers by Sussex Police is an area that I have continued to scrutinise with the Chief Constable through my webcast monthly Performance & Accountability Meetings (PAMs). Most recently, I used the PAM on Friday, 19 June 2020 to examine closely the Force's use of these powers, including the policing response to the Black Lives Matter demonstrations, public confidence and recorded hate crimes.

Stop and search is one of several tactics used by police officers to prevent and detect crime effectively and to keep people safe in Sussex. Police officers have the power to stop and search any individual if they have 'reasonable grounds' to suspect that they are carrying illegal drugs, a weapon, stolen property or something that could be used to commit a crime. The significance of using these powers responsibly – to build and maintain public trust and confidence in the police – is recognised by Sussex Police, including an ongoing commitment to review the Force's approach to this.

In the rolling year period (26 February 2020 to 25 February 2021), there were 8,645 stop and searches in Sussex – an increase of 468 more searches (and +6%) in comparison to last year – and are attributed to police officers having greater confidence in the use of this power.

I would like to reassure you that there is a comprehensive quality assurance system in place within Sussex Police to ensure that every stop and search carried out in the county is appropriate, proportionate and justified. The Force works towards the national 'Best Use of Stop and Search Scheme' to ensure greater transparency, accountability and community involvement, through an intelligence-led approach. All stop and search records in Sussex are assessed, with additional 'dip checks' in place to ensure they are justified and likely to have a positive outcome in reducing crime.

The overall governance in this area is provided through a quarterly 'Legitimacy and Ethics Board', chaired by Assistant Chief Constable Dave Miller and attended by officers, staff and independent advisors. The Board provides an internal audit of the stop and search encounters looking at the proportionality of the searches conducted, compliance against the legislation and the supervisory measures in place around its use.

Sussex Police also has an external Stop and Search Scrutiny Panel which aims to improve the trust and confidence of communities by providing members of the public with the opportunity to quality assure the use of these powers in Sussex. The Panel looks at all stop and search records in order to consider whether any disproportionality exists in terms of the individuals stopped and searched, assessments of the lawfulness of the grounds, geographic locations and frequencies of the searches and the use of Body Worn Video (BWV) during the searches. The Office of the Sussex Police & Crime Commissioner (OSPPCC) is represented at these Panel meetings too. The Terms of Reference for the Stop and Search Scrutiny Panel can be viewed through the following link:

<https://www.sussex.police.uk/SysSiteAssets/media/downloads/sussex/about-us/stop--search/stop-search-scrutiny-panel-terms-of-reference.pdf>

The outcomes of the stop and search encounters, any complaints received by the Force and training needs identified are also considered by the Panel, with feedback provided to individual officers and supervisors, retrospectively, as required. Sussex Police also has a separate 'Rewind' campaign – aimed at younger people – to inform members of the public about their rights when stopped by police. Further information about Rewind, the Stop and Search Independent Scrutiny Panel and some of the different ways to become involved can all be viewed through the following link:

<https://www.sussex.police.uk/police-forces/sussex-police/areas/au/about-us/stop-and-search/>

In addition, the use of stop and search is considered at the Divisional Accountability Meetings on each of the three policing divisions and at monthly supervisor meetings to look at the quality of the grounds for each search, whether a 'receipt' is provided for any search carried out, the conduct of the searching officer and the use of BWV.

I am confident that Sussex Police understand the significance that any negative perceptions around the disproportionate use of stop and search can have on members of the public, something that is recognised to be an issue for policing locally and nationally. The Force is determined to ensure that each stop and search interaction with a member of the public is conducted fairly, lawfully and ethically. Sussex Police remains resolute in its commitment to build on the established engagement it has with local Black, Asian, and Minority Ethnic (BAME) communities and is examining its stop and search processes, alongside the use of other policing powers, to better understand the outcomes.

Sussex Police is continuously looking to improve their approach to stop and search. The use of these powers is reviewed regularly to ensure that they remain proportionate and fit-for-purpose. It is recognised that whilst more work still needs to be done in this area, the Force is well positioned to build on all of the positive scrutiny and accountability arrangements that are in place locally around the use of stop and search powers in Sussex.

The Sussex Police policy for stop and search sets out an expectation that each interaction should be routinely recorded whenever police officers or PCSOs are equipped with BWV technology. As part of the quality assurance processes, supervisors are required to review, sample and sign off BWV footage of stop and search encounters and to ensure that each of these interactions has been recorded accurately. Sussex Police also adheres to the Authorised Professional Practice (APP) developed by the College of Policing around the use of stop and search powers. The stop and search policy for the Force and the APP can be viewed through the following links:

<https://www.sussex.police.uk/advice/advice-and-information/st-s/stop-and-search/stop-and-search-process/>
<https://www.app.college.police.uk/app-content/stop-and-search/?s=>

It was highlighted that a range of different training is provided to police officers in the powers of stop and search. For existing officers, refreshed training has been provided to them in the legitimate and fair use of stop and search powers as well as a practical input on its application through a specific input at the annual staff safety training. New officers are taught all about the power through a combination of classroom and online-based training, including a series of role play examples. These recruits are also required to carry out successfully several stop and searches before their Independent Patrol (IP) status is awarded.

Further equality and diversity training in respect of recognising better 'unconscious bias' and 'reflective practice' is provided to officers and staff through a combination of classroom and online e-learning courses delivered through the National Centre for Applied Learning Technologies (NCALT). Any new and additional updates and learning is routinely shared with the workforce through the internal intranet. In addition, the Organisational Learning Board is used by Sussex Police to capture any trends or themes that are identified across the Force, including stop and search encounters. This learning is then shared with the other police force areas in England and Wales.

Sussex Police has continued to monitor community tensions since the outbreak of the pandemic through regular assessments on each of the three policing divisions to highlight any areas of concern. The thoughts and feelings from the communities in Sussex are captured by police officers and PCSOs as part of their patrols, through discussions at Independent Advisory Groups (IAGs) and through social media and correspondence received by the Force. It was emphasised that this work is led on by Chief Inspectors locally and is coordinated and managed centrally.

Sussex Police is continuing to support and prioritise the investigations of hate crime during this period because of the detrimental impact it can have on a victim. This includes carrying out timely hate crime risk assessments to ensure that individuals remain safe at their homes or places of work and making referrals to relevant support services, as required. It is recognised that hate crime remains under-reported and the Force is continuing to raise awareness of what hate crime is, how to report it and the support that is available from Sussex Police and partners.

In recent years, stop and search powers have also been raised as a theme at the following PAMs: 13 September 2019; 18 May 2018 and 19 May 2017. Each of these PAM sessions is archived and can be viewed on my website through the following link: <https://www.sussex-pcc.gov.uk/get-involved/watch-live/>

I can also confirm that my new Police & Crime Plan 2021/24 contains reference to equality, diversity and inclusivity. This includes specific reference within my Foreword and 'Public Priority 1 – Strengthen local policing, tackle crime & prevent harm' to: "improve workforce diversity to better reflect the demographics of Sussex" and "to ensure Sussex Police meets its equality, diversity and inclusivity obligations and promotes a culture that fully embraces this".

In addition, I hold quarterly Governance & Integrity meetings with Sussex Police to review and scrutinise the complaints received by the Force. These meetings provide me with assurances that the systems and processes in place to manage the integrity of Sussex Police are robust and effective. Part of this process includes a 'dip check' of complaints – undertaken by staff within my Office – looking at those complaints relating to stop and search; discrimination; use of force and abuse of position. Further information can be viewed on my website through the following link:

<https://www.sussex-pcc.gov.uk/about/transparency/what-we-spend-how-we-spend-it/accountabilityexpenditure/>

My Joint Audit Committee (JAC) provides a further strand of scrutiny and challenge in this area. The JAC receive two summary reports from the Equality & Diversity Manager of Sussex Police each calendar year which set out the activity undertaken by the Force to meet its equality and diversity responsibilities and updates around any key risks or opportunities, including workforce representation and the proportionate use of stop and search powers. Most recently, the JAC was provided with a summary report at their meeting on 22 September 2020 which outlined the Sussex Police response and action taken to maintain public confidence following the death of George Floyd. This report generated further discussion and scrutiny around the use of stop and search powers and the role of the Stop & Search Scrutiny Panel. The reports for each of the JAC sessions can be viewed on my website through the following link:

<https://www.sussex-pcc.gov.uk/about/transparency/joint-audit-committee/>

I can also confirm that Sussex Police has produced a Stop and Search Annual Report which provides a transparent view of the use of these powers in Sussex during 2019/20. The report also explains what Sussex Police is doing to improve the service it provides and ensure that police powers are used effectively, legally and proportionately. Further information can be viewed on the Sussex Police website through the following link:

<https://www.sussex.police.uk/SysSiteAssets/media/downloads/sussex/about-us/stop--search/stop-and-search-annual-report-2020.pdf>

Sussex Police publish diversity data on their website, including the diversity breakdown of police officers, staff and Police Community Support Officers (PCSOs) and, whilst the diversity of the Force has improved in recent years, the Chief Constable is committed to increasing this further and particularly in recruiting more BAME officers. Further information can be viewed on the Sussex Police website through the following link:

<https://www.sussex.police.uk/police-forces/sussex-police/areas/au/about-us/governance-and-processes/equality-and-diversity/>

You may also be interested to read the 'Sussex Police – Diversity, Equality and Inclusion Strategy 2020 – 2023'. This can be viewed through the following link:

<https://www.sussex.police.uk/SysSiteAssets/media/downloads/sussex/about-us/governance-and-processes/equality-and-diversity/sussex-police-diversity-equality-and-inclusion-strategy.pdf>

Finally, I have continued to hold Sussex Police and the Chief Constable to account for police effectiveness, efficiency and legitimacy (PEEL) to improve the service provided to people in Sussex. In 2018/19, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) judged Sussex Police to be 'good' in respect of the legitimacy with which the Force treats the public and its workforce, including the use of stop and search and the reasonable grounds for the use of these powers.

HMICFRS published a further report into the 'Disproportionate use of police powers' in England and Wales on 26 February 2021. The inspection report made 8 recommendations to the police and other bodies, of which six recommendations were specifically relevant to Chief Constables. I will be discussing the plans in place to progress and address these recommendations with the Chief Constable at my monthly webcast PAM on 16 April 2021. This meeting will be available to view through the following link:

<https://sussex-pcc.public-i.tv/core/portal/home>



Sussex Police and Crime Panel

12 March 2021

Police Complaints Reform – Update on Reviews

Report by The Clerk to Sussex Police and Crime Panel

Focus for scrutiny:

Whether the chosen Model was correct – whether the adoption of Model 1 in Sussex has addressed the shortcomings identified with the previous arrangements (see 1.1 & 1.2 below).

1. Background

- 1.1 The Policing and Crime Act 2017 introduced reforms to the police complaints process, to make it simpler and to give PCCs an enhanced role, including an explicit responsibility for ensuring the effectiveness of the local police complaints procedure. According to the Home Office, in 2013/14, 72% of people were dissatisfied with how their police complaint was handled. It took an average of 110 working days to finalise complaint cases in 2014/15, nearly two weeks longer than the average time in 2013/14 (101 working days). Police officers who are the subject of complaints lacked faith in the system and were reluctant to engage in what they viewed as an adversarial process. Evidence suggested that police whistleblowers lacked confidence in the ability of their police force's system to protect their identity, discouraging them from reporting.
- 1.2 The intention of the reforms was that complaints made against the police would be responded to in a way that restored trust, built public confidence, and allowed lessons to be learned, without always seeking to blame the officer. Also, to increase the confidence of genuine whistleblowers to report their concerns by ensuring that protections are in place for those individuals. Previously, commissioners had no role in policing complaints.

2. Discussion

- 2.1 The Police and Crime Panel received a report in October 2018 on how the Sussex Police and Crime Commissioner (PCC) proposed to implement the legislation (see pages 33-36: <https://bit.ly/3komTMc>). The Commissioner chose to adopt Model 1, of the three options permissible, which are set out below:

2.1.1 Model 1 (Mandatory minimum) – Oversight and complaint reviews

PCCs continue to hold Chief Constables to account for the exercise of their functions under the Police and Reform Act 2002 in relation to the handling of complaints. Under Model 1 PCCs become the relevant review body for reviews (formerly known as 'appeals') where the IOPC is not the relevant review body, for example complaints which have been locally resolved by the relevant Force. PCCs become responsible for undertaking reviews of complaint outcomes for some complaints which are formally recorded and the right of appeal was previously to the relevant Chief Constable – the equivalent of local resolution outcomes. PCCs also have the power to recommend how a complaint they have reviewed should be resolved and Chief Constables will be expected to co-operate in order to achieve a satisfactory outcome for the complainant.

2.1.2 Model 2 Customer Service Resolution and Recording

In addition to the mandatory functions listed in Model 1, PCCs receive all expressions of dissatisfaction and are responsible for the initial contact with the complainant. They take on responsibility for resolving low-level customer service issues informally and recording those complaints which cannot be resolved in this way, or where the complainant requests that it is formally recorded.

2.1.3 Model 3 Contact

In addition to the function of Models 1 and 2, PCCs become the single point of contact for complainants and are responsible for maintaining contact with the complainant at all stages throughout the complaints process, including communicating complaint outcomes along with information about their right of appeal to have the outcome reviewed.

- 2.2 It should be noted that in every Model the resolution of a complaint remains the responsibility of Sussex Police. Forces continue to determine whether complaints meet the criteria for referring to the IOPC.

3. Risk Management Implications

- 3.1 The Commissioner's role in overseeing the complaints system is an important statutory responsibility that plays a key part in building public confidence and maintaining trust and transparency.

Tony Kershaw

Clerk to Sussex Police and Crime Panel

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Appendices: Appendix A – 'Police Complaints Reform – Update on Reviews'
(Report by the Sussex Police & Crime Commissioner)

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|------------------------|--|
| To: | The Sussex Police & Crime Panel |
| From: | The Sussex Police & Crime Commissioner |
| Subject: | Police Complaint Reforms – Update on Reviews |
| Date: | 12 March 2021 |
| Recommendation: | That the Police & Crime Panel note the report. |

1.0 Introduction

- 1.1 The Policing and Crime Act 2017 introduced a significant change to the police complaints system, building on the previous reforms to both the complaint and conduct systems.
- 1.2 The legislation also expanded the role of Police & Crime Commissioners (PCCs) in this process by enabling them to determine how complaints would be managed in their police force area.
- 1.3 The Sussex Police & Crime Panel received an introductory report about the planned reforms to police complaints at its meeting on 5 October 2018. The report confirmed that the PCC had adopted Model One (oversight and appeal body) as the preferred option in Sussex. A copy of the decision notice regarding the complaints model can be viewed through the following link:
<https://www.sussex-pcc.gov.uk/about/transparency/pcc-decisions/decisions/0182017-preferred-complaints-model/>
- 1.4 A total of 39 of the 43 police force areas in England and Wales have adopted complaints Model One (91%). A further three PCCs have adopted Model Two (7%) and only one PCC has adopted Model Three (2%). Complaints Model Two and Model Three allow for further functions of the Professional Standards Department (PSD) to be extended to the PCC/Deputy Mayor for that police force area.
- 1.5 The legislation was implemented on 1 February 2020, following multiple delays from spring 2019. The new regulations applied to all complaint cases received by PSD within Sussex Police from that date onwards.
- 1.6 This report provides the Panel with an update about the police complaint reforms and the revised process for reviewing police complaints, including the categorisation of complaints, role of the Office of the Sussex Police & Crime Commissioner (OSPCC) and the oversight and monitoring arrangements in place.

2.0 Categorisation of Complaints

- 2.1 Under the terms of the Police Reform Act 2002, Sussex Police assesses each new complaint received and categorises it as one of three complaints:
 - **Non-Schedule 3.** These are low-level dissatisfaction complaints with the actions taken by the police (or otherwise) and are forwarded to local supervision to address by way of service recovery. There is no right of review at the conclusion of the process.

- **Schedule 3 – Otherwise by Investigation.** These complaints are assessed as 'low-level', in that the police officer or member of staff would not be subject to criminal or misconduct proceedings if proven. However, there is a need to determine whether the service provided by Sussex Police was acceptable or not and, as such, a formal response is required. This category also applies to Non-Schedule 3 complaints where the complainant is not satisfied with the outcome provided following service recovery and/or makes a request for their complaint to be formally recorded under Schedule 3. At the conclusion of the complaint, there is a right to review the outcome via the PCC.
 - **Schedule 3 – Subject to Special Procedures.** These complaints are more serious matters where it is alleged that a police officer or member of staff may have committed a criminal offence or misconduct so serious that, if proven, would justify formal misconduct proceedings. These matters are subject to formal investigation by PSD or the Independent Office for Police Conduct (IOPC), where applicable. The right of review for these matters is via the IOPC.
- 2.2 The police complaint reforms only provide the PCC with a responsibility to review complaint outcomes relating to 'Schedule 3 – Otherwise by Investigation'.
- 3.0 Review Process Undertaken by the OSPCC**
- 3.1 Further to the submission of a complaint to Sussex Police, the subsequent investigation and receipt of an outcome letter in respect of the complaint, a complainant has 28 days from the date of the letter to submit a request for a review to the PCC. The review process is undertaken on behalf of the PCC by two members of the Performance Team, based within the OSPCC.
- 3.2 Reviews are submitted to the OSPCC through a combination of webforms, emails and letters. Reasonable adjustments are also made to assist individuals in this process, including the availability of a large font version of the form and/or transcribing details of the review over the telephone.
- 3.3 Once received, a validity test is undertaken to ensure that the PCC is the relevant review body, that the review has been submitted within the 28-day time frame and that the complainant is eligible to submit a review.
- 3.4 Following the completion of this check, an acknowledgement is sent to the complainant setting out the next steps. Individuals are advised that a review outcome will be provided to them within 28 working days or that a further update will be provided on the progress made to date, in the instances where this is not achievable. The Statutory Guidance issued by the IOPC does not prescribe a timescale for the complaint reviews to be completed within – this remains a local decision for each PCC to determine.
- 3.5 At this stage PSD are notified that a review has been submitted to ensure that the case remains open on the police complaints system, Centurion. This approach also enables the OSPCC to access all the available documentation and materials directly through shared access to the system.
- 3.6 The complaint reviews are undertaken by the OSPCC in accordance with the IOPC Statutory Guidance and consider whether the outcome of the handling

of the initial complaint by Sussex Police was reasonable and proportionate. This includes determining whether sufficient enquiries were conducted by the Force to resolve the complaint and whether the outcome provided was fair. It is important to highlight that the complaint review is not a reinvestigation of the original case or the complaint.

3.7 As part of the review of the complaint the investigating officers within the OSPCC will consider all available evidence, including:

- Review request submitted by the complainant.
- Initial complaint submitted to Sussex Police.
- Initial assessment form completed by PSD.
- Final outcome letter.
- Computer-Aided Dispatch (CAD) records relating to the incident.
- Review of the records management system, Niche, including occurrence logs, crime reports and custody records.
- Body Worn Video (BWV) footage available.
- Written statements from police officers, staff and/or Police Community Support Officers (PCSOs).
- Any other correspondence between the complainant and Sussex Police.
- Previous complaints submitted.
- Relevant Sussex Police policies and procedures.

3.8 At the conclusion of the process a detailed outcome letter is sent to the complainant setting out the findings. A copy of this letter is also sent to the PSD. The review outcome is final and there is no further right of review. The only remaining recourse available to the complainant is a judicial review.

3.9 If the outcome is not found to have been reasonable and/or proportionate, the reviewer is able to make a recommendation(s) to Sussex Police to remedy the dissatisfaction of the complainant. Upon receipt of this recommendation(s) the Head of PSD must consider and respond in writing within 28 days stating whether the recommendation(s) is accepted and the actions that will be taken to comply. If Sussex Police do not accept the recommendation(s) made, the Force must confirm the reasons why and provide an explanation.

3.10 As the oversight body the complaint review process also provides the PCC with an opportunity to identify any organisational learning and to feed this back to Sussex Police. This learning is captured by the reviewer on Centurion – through the 'learning the lessons' area of the system – and is allocated to the organisational lead within Sussex Police for consideration and action as appropriate. Any action that is undertaken by Sussex Police to address the learning identified is reported through the Force Organisational Learning Board. Any learning identified for the Force is also communicated to the complainant in the outcome letter.

4.0 Summary Statistics

- 4.1 Between 1 February 2020 and 31 January 2021, the OSPCC received 155 reviews, with 146 of these reviews assessed as valid (94.2%).

| Total Reviews Received | Valid Reviews | Invalid Reviews | Reviews Not Upheld | Reviews Upheld | Reviews yet to be completed |
|-------------------------------|----------------------|------------------------|---------------------------|-----------------------|------------------------------------|
| 155 | 146 | 9 | 126 | 14 | 6 |

- 4.2 The number of reviews received by the OSPCC increased as the first year progressed with a significant number of reviews received during the months of August (24 reviews) and December (28 reviews) 2020, respectively.
- 4.3 Each of the reviews received by the OSPCC has been acknowledged and progressed with 140 reviews already completed and the remaining 6 reviews underway. Of the reviews completed, 126 were not upheld by the OSPCC (90.0%) and 14 reviews were upheld (10.0%).
- 4.4 Whilst it is not possible to make an exact comparison with the previous year due to this being a different complaints procedure under new legislation there are some comparisons that can be made with the local resolution appeal process that was undertaken by PSD previously. Between 1 April 2019 and 31 March 2020, Sussex Police considered 123 local resolution appeals with 110 of these appeals not being upheld (89.4%) and 13 appeals upheld (10.6%) by the Head of PSD (89.4%)

5.0 Upheld Reviews - Recommendations and Outcomes

- 5.1 The legislation permits the PCC to make recommendations to Sussex Police to remedy any dissatisfaction experienced. This can include one or more of the below examples:

- ✓ A written or oral apology.
- ✓ An explanation of the circumstances and/or operational policing decisions taken/not taken.
- ✓ Returning of seized and/or confiscated property.
- ✓ Reviewing and removing information held on police records/databases.
- ✓ Providing mediation to the complainant.
- ✓ Sharing evidence of learning and/or service improvement.
- ✓ Holding service improvement meetings between the Force, complainant and any other interested parties.
- ✓ Reviewing Force policies and procedures to ensure that they remain up to date and fit for purpose.

- 5.2 The PCC has upheld 14 reviews to date. The following action has been taken in respect of those reviews upheld:

- Four review outcomes were dealt with by the OSPCC – providing the complainant with the information required to 'remedy' the complaint in the review outcome letter.
- Three complaints were returned to Sussex Police because they had not been addressed in their entirety.
- Two complaints were returned to PSD for reconsideration and/or reinvestigation.
- Two apologies were offered to complainants on behalf of Sussex Police.

- Two officers – both the subject of separate complaints – were subject to the Reflective Practice Review Process to explore the issue of the complaint further with them and to ensure that the desired learning and improvement was achieved.
- One individual undertook a Victims' Right to Review – a scheme which provides victims with the right to ask for a review of a police decision not to prosecute a suspect.

5.3 Each of the recommendations made by the PCC to Sussex Police to date has been accepted by PSD and implemented by the Force.

6.0 Oversight, Monitoring and Organisational Learning

6.1 As set out in 3.10, the OSPCC can identify organisational learning through the complaint review process which is captured and reported to PSD on a regular basis. The following themes have been identified to date:

6.1.1 General Administration

- More information to be provided to complainants within the outcome letters including 'quality of service' decisions throughout.
- Accurate information about the police appeal and review processes to be provided to complainants.
- Consideration to be made regarding the recording of police officer, staff and PCSO details when supervisory advice and guidance is sought.

6.1.2 Investigating Officers

- Investigating Officers to contact complainants at start of the process to ensure that they are clear about the allegations being made.
- Investigating Officers to provide details of any learning identified through the investigation of the complaint to the complainant directly, within the outcome letter.
- Investigating Officers to provide a thorough review of the accounts received from all officers, staff and PCSOs and to ensure that any ambiguity is addressed before the outcome letter is finalised.

6.1.3 Operational Policing

- Police officers to deploy BWV whilst executing all search warrants.
- Sussex Police to consider developing a document or standardised form for Section 59 warnings – issued to individuals for using their vehicle in a manner which causes 'alarm, distress or annoyance'.
- Force to consider briefing police officers about proactively withdrawing from police operations that are already well-resourced when arriving at a scene.

6.2 The themes and trends from the complaint reviews are considered at the quarterly Governance and Integrity meetings attended by the PCC, Chief Executive & Monitoring Officer, Head of PSD, and a representative from People Services. The OSPCC also holds regular liaison and oversight meetings with representatives from both PSD and the IOPC where themes and trends are considered and monitoring undertaken.

6.3 An internal audit into the complaints and review system used in Sussex is currently underway for both the OSPCC and Sussex Police. The scope of the

audit is to consider whether the handling of complaints received directly by the OSPCC and the reviews of the outcomes of Sussex Police complaints, where requested are dealt with in line with the statutory guidance issued by the IOPC. The audit is being undertaken by the Southern Internal Audit Partnership and will provide a timely check and balance of the processes in place within both organisations.

7.0 Policing and Crime Act 2017

7.1 The Policing and Crime Act 2017 was introduced to build capability, improve efficiency, increase public confidence and further enhance local accountability.

7.2 The scrutiny of the police complaints system has been significantly enhanced through the provision of an independent review of police complaints, outcomes and processes undertaken, together with the identification of organisational learning, which is fed back to police forces.

7.3 The Act also set out further reforms relating to police complaints and misconduct which included:

- The College of Policing (CoP) was given the power to maintain and publish a Police Barred List. This is a list of all police officers, staff and special constables who have been dismissed from policing through the Police Conduct and Performance Regulations, as well as the equivalents for police staff. Police forces are required to report the dismissal of any members of the police force for either misconduct or gross misconduct to the CoP who update and publish the list. Each police force area has a duty to consult that list when undertaking any recruitment or vetting processes.
- The police disciplinary system was also extended to include former police officers. This means that if gross misconduct is proven retrospectively the officer will still be added to the Police Barred List and prevented from serving within another police force area again.
- The Home Secretary was given the power to change how Police Appeals Tribunals are appointed and administered including their composition, membership and management.

7.4 Additional information about the changes made to the legislation in this area through the Act can be viewed through the following link:

<https://www.gov.uk/government/collections/policing-and-crime-bill>

Recommended – That the Police & Crime Panel note the report.

Mark Streater

Chief Executive & Monitoring Officer

Office of the Sussex Police & Crime Commissioner



Sussex Police and Crime Panel

12 March 2021

Complaints about the Police and Crime Commissioner

Report by The Clerk to Sussex Police and Crime Panel

Focus for Scrutiny

That the Panel considers the complaints against the Commissioner, and any action that the Panel might take in respect of these.

1. Background

- 1.1 In accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011, Sussex Police & Crime Panel (PCP) is responsible for the initial handling of complaints against Sussex Police and Crime Commissioner (PCC).
- 1.2 At its meeting of 26 November 2012 the Panel decided to delegate its initial handling duties to the Clerk to Sussex Police and Crime Panel, and to consider a report of the complaints received, quarterly.
- 1.3 Serious complaints (those alleging criminal conduct) are referred automatically to the Independent Office for Police Conduct (IOPC). Regarding non-serious complaints, a sub-committee can meet to consider any of these which in the Panel's view require informal resolution.

2. Correspondence Received from 9 January 2021 to 25 February 2021.

- 2.1 The Panel takes the view that all correspondence raising issues with policing in Sussex should be recorded, whether or not the issues fall within the Panel's statutory remit.
- 2.2 During the subject period, one person contacted the Panel to raise new matters (either directly, referred via the IOPC, or referred by the Office of the Sussex Police and Crime Commissioner (OSPCC)).

Complaints

- 2.3 During the subject period no one raised issues which constituted a serious complaint, as defined by the Regulations (see 1.3).

Correspondence Recorded, but not Considered by the Clerk to be a Complaint within the Panel's Remit:

- 2.3.1 One person contacted the Panel to complain about an operational policing issue. The complainant was signposted to Sussex Police's provision for reporting complaints about operational policing matters.

Correspondence Recorded, and Considered by the Clerk to be a Non-Serious Complaint within the Panel's Remit:

- 2.3.2 Nothing received.

Serious Complaints (allegations of criminal conduct)

- 2.3.3 None received

3. Resource Implications and Value for Money

- 3.1 The cost of handling complaints is met from the funds provided by the Home Office for the operation and administration of Sussex Police and Crime Panel.

4. Risk Management Implications

- 4.1 It is important that residents can have confidence in the integrity of the system for handling complaints against the Sussex Police and Crime Commissioner and their Deputy (where one has been appointed).

5. Other Considerations – Equality – Crime Reduction – Human Rights

- 5.1 Not applicable

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