



## **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,
- Mischief,
- 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/](http://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 (OSPCC) 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>