



Sussex Police and Crime Panel - Public Questions to the Commissioner

25 June 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.

Two questions relating to operational matters of Sussex Police were received and passed to a relevant officer at Sussex Police for a response and the questions and answers are provided below. For the current meeting, one question has been received for a response by the Panel.

1. Written question from Cathy O'Neill of Eastbourne.

Question:

We are informed that part of the role of the PCC is:

Making the Police answerable to the communities they serve.
Improving local relationships through building confidence and restoring trust.

and under the Nolan Principles:

To Act Solely in terms of the public interest
To be accountable to the Public for their decisions and actions and to submit themselves to the scrutiny necessary to ensure this

and that

Information should not be withheld from the Public unless there are clear and lawful reasons for doing so.

However, under the current rules, each member of the Public participating in these meetings, is restricted to asking only two questions.

This approach only allows for surface questions and prevents the deeper, searching questions, which are normally part of any process, where there has been valid reason for concern and which is genuinely geared towards a satisfactory conclusion.

Therefore, if the role of the PCC as described, is to be properly fulfilled , such restrictions should be lifted and Public concerns dealt with in a fair, direct, open and thorough manner.

The current strict limitations and barriers, can only serve to further diminish Public trust and confidence in the Police.

Consequently, we wish to pursue matters of concern directly, without any such constraint(s) in the future and without any intervening persons or conditions. Only in this way can the Public truly be fully and fairly involved in the process.

Any prohibitive approach is in itself is a legitimate matter of concern. Please therefore ensure, that any impediment to direct and unrestricted questioning by the Public, is removed for future meetings.

Answer:

You refer to the Sussex Police and Crime Panel's standing provision on meeting agendas for members of the public to pose questions to the Sussex Police and Crime Commissioner (PCC) on issues within the PCC's remit, or pose questions to the Police and Crime Panel.

It is important to firstly note that there is no legal requirement for the Panel to have this agenda item. The provision has been in place since the introduction of the new accountability structures for policing in 2012, with the consent and cooperation of the Commissioner. Many panels/commissioners offer no such facility, but in Sussex it is felt that this provision helps both parties meet their general duties towards transparency.

In short, there is no restriction on the number of written questions a member of the public may pose in advance of a formal meeting, so long as these are received in writing no less than two weeks before the meeting. Although there is no provision for public questioners to pose supplementary questions (in respect of their written question(s)) at the meeting, Panel members can, and we always provide questioners with the contact details of their local representatives on the Panel in case a more detailed discussion with them about the concerns raised in the written question(s) would be useful.

The public can also contact the Commissioner directly, without having to wait for the next meeting of the PCP. Further information about the ways you can get involved and have a say in local policing and crime in Sussex can be viewed on the PCC's website through the following link:

<https://www.sussex-pcc.gov.uk/get-involved/>

Two **operational** questions were also received and answered by Sussex Police:

1. Question:

I am aware of a number of raids in Sussex and elsewhere involving large

numbers of policemen (8 or more) forcing entry into homes with battering rams and arresting people on the basis of false information.

Under what circumstances are such teams deployed and what level of authorisation do they require?

Answer:

There are a number of different powers that the police may use to enter premises, with the circumstance surrounding police attendance likely to dictate exactly which legislation is used. The most commonly used police powers in this respect include:

Section 18: Police and Criminal Evidence Act 1984 – Entry and search after arrest

On authority by an officer of at least the rank of an inspector, a police constable may enter and search any premises occupied or controlled by a person who is under arrest for an indictable offence if they have reasonable grounds to suspect there is evidence in that address which is related to the offence, or similar offence of which the detained person was arrested.

Further information about this particular section can be viewed through the following link: <https://www.legislation.gov.uk/ukpga/1984/60/section/18>

Section 17: Police and Criminal Evidence Act 1984 – Entry for purpose of arrest

Police constables have the power to enter an address to arrest a person for an indictable offence or other specified offence, for executing a warrant, recapturing a person who is unlawfully at large or to enter to save life or limb of any person within that premises. The key difference within the powers in this legislation is that the constable needs reasonable grounds to 'believe' the individual is within, other than to save life or limb where the level of knowledge is reasonable grounds to 'suspect'.

Further information about this particular section can be viewed through the following link: <https://www.legislation.gov.uk/ukpga/1984/60/section/17>

Section 8: Police and Criminal Evidence Act 1984 – Power of justice of the peace to authorise entry and search of premises

A justice of the peace (JP) can authorise a warrant for a constable to enter and search a premises if they are satisfied that there are reasonable grounds for believing that an indictable offence has been committed and there is material on that premises likely to be of substantial value to the investigation and that material is likely to be relevant evidence.

Further information about this particular section can be viewed through the following link: <https://www.legislation.gov.uk/ukpga/1984/60/section/8>

Section 23: Misuse of Drugs Act 1971 – Powers to search and obtain evidence

A JP can authorise a warrant for a constable to enter and search a premises in relation to drug offences or if there are reasonable grounds for suspecting that any controlled drugs are in the possession of a person on any premises, or any connected documentation is in the possession of a person on any premises. This authorises officers to enter the premises named on the warrant by force, if necessary. It is an offence to obstruct officers in the execution of the powers under this section, conceal any controlled drugs or documentation relating or without reasonable excuse fails to provide and documentation where their production is demanded.

Further information about this particular section can be viewed through the following link: <https://www.legislation.gov.uk/ukpga/1971/38/section/23>

Section 117: Police and Criminal Evidence Act 1984 – Power of constable to use reasonable force

Conveys a power for a constable to use reasonable force, if necessary, in the exercise of any power within the Police and Criminal Evidence Act 1984.

Further information about this particular section can be viewed through the following link: <https://www.legislation.gov.uk/ukpga/1984/60/section/117>

Any application to a JP for a warrant under the above offences will require the requesting officer to provide sufficient intelligence to support the application.

The number of officers deployed, whether persons other than police officers are required and the tactics utilised will depend on the nature of the offence, the available intelligence and information on any occupants of an address and the risk assessment completed for members of the public, officers deployed and occupants of the addresses.

The method used to enter a premises will also be dependent on the information, intelligence and risk. Police officers will use a range of options to gain entry to a premises – from keys to the address through to forcing entry to the property. Rapid entry can be used to prevent the potential for the disposal of evidence whilst officers secure entry too.

The exercising of these powers always needs to be lawful and proportionate.

2.

Question:

If a policeman conducts an interview and then writes a transcript which is a false representation of the interview this may result in sanctions being taken against someone who is innocent. How confident are you that all transcripts are an accurate representation of interviews and what measures are in place to prevent such abuse of police powers?

Answer:

Interview processes for all police force areas in England and Wales are governed by the Codes of Practice set out within the Police and Criminal Evidence Act 1984 (PACE). Almost all PACE interviews in Sussex are digitally recorded – either by audio or a combination of audio and video depending on the type of investigation – and follow the Authorised Professional Practice determined by the College of Policing. Further information can be viewed through the following link: <https://www.app.college.police.uk/app-content/investigations/investigative-interviewing/>

An interview(s) forms part of the evidence in any case and cannot be changed or edited from the master recording once completed. Interviews are not routinely transcribed at this point because it is a lengthy process. Instead, summaries of interviews are supplied to police decision makers or the Crown Prosecution Service (CPS) to assist them in disposal decisions by the officer in the case (OIC) or the individual conducting the interview. If a person is not charged or in cases where a defendant is charged and pleads guilty, a transcript will never be produced.

In a not guilty plea case at court, a transcript will be created by either a typist or another police officer or staff member – depending on the crime type and the mode of hearing. This task will be completed by independently listening to the master recording, using fully auditable software, before it is sent to the OIC to check, acknowledge its accuracy and accept it as an exhibit in the court process. It is, therefore, easy for supervisors or the Professional Standards Department (PSD) to check any transcripts against the original recordings should any conflict arise.

The quality assurance and monitoring of the transcripts produced is carried out by the OICs (and senior investigating officers, if applicable) through the standard chain of command. For a trial to proceed to court, a police report form must be submitted with certification from an officer and supervisor regarding the veracity of the material, recognition that nothing has been held back that may assist the defence in the early preparation of the case, and confirmation that the file build has been prepared to the required national standard.

Should any discrepancies or material inaccuracies in the interview or transcribing process be identified by any person in the course of the criminal justice proceedings, the appropriate route for investigating this would be through the established chain of command, and could include PSD if necessary.

Any activity, such as the scenario described in your question above, would be subject to the same expectations, safeguarding measures and consequences that govern all police-related activity in terms of professionalism and integrity. It is also worth emphasising that there are several criminal or disciplinary offences available to the police service for any individual(s) who proffers information in a criminal investigation or court proceeding, knowing or believing it to be false.

Ends