



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

24 March 2023

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 two 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.

An operational question regarding roads policing in Storrington was received. This has been passed to Sussex Police for response.

1. Written questions from Nigel Jacklin of Normans Bay, East Sussex.

Question:

I understand that the Commissioner has powers of oversight and as the appeal body for complaints about Sussex Police.

At the January PCP scrutiny meeting, a number of councillors raised concerns about the abuse of police power and the lack of public trust in the police. The PCC replied that sanctions against police employees could include a custodial sentence and forfeiture of their pension rights.

What statistics are available regarding this for Sussex? Specifically, how many cases in total have been raised and how many employees have had complaints made against them? Of these, how many were investigated and how many resulted in sanctions of different levels? Where a complaint was not upheld, how often did complainants refer the issue to a higher level (e.g. the PCC) and what difference did this make? (i.e. what were the outcomes of the appeal). Were any investigations instigated by Sussex Police themselves?

Answer:

Thank you for your questions.

The Independent Office for Police Conduct (IOPC) define a complaint as *"any expression of dissatisfaction with a police force that is expressed by, or on behalf of, a member of the public. A complaint can be made about any matter which has had an adverse effect on the person making the complaint. It does not have to be about a specific person serving with the police, but can be, for example, about force-wide crime initiatives. A complaint can also be about the conduct of any person serving with the police. Conduct includes any acts, omissions, statements and decisions."*

All complaints that are recorded under Schedule 3 of the Police Reform Act 2002 must be handled in a reasonable and proportionate manner. Depending on the circumstances of the complaint, this could include:

- An investigation of the matter,
- Otherwise responding to matters of concern raised and seeking to resolve them [a non-investigation], or
- Notifying a complainant that no further action will be taken.

What statistics are available regarding this for Sussex? Specifically, how many cases in total have been raised and how many employees have had complaints made against them?

The IOPC has recently published data relating to the first six months of 2022/23, covering the period 1 April 2022 – 30 September 2022. As such, the complaints data recorded by Sussex Police during the same reporting period has been provided.

During the above period, 360 police officers, 89 police staff and four special constables were the subject of a complaint in Sussex, with 368 separate cases of complaint recorded, including 771 separate allegations made within those complaints as follows:

Sussex Police – Recorded Complaints

	Q2 2020	Q2 2021	Q2 2022	Average Last 3 Q2s	Difference Last Q2	% Difference Last Q2
Cases of Complaint	696	599	368	554	-231	-39%
Complaint Allegations	984	1269	771	1008	-498	-39%
Complainants	650	578	351	526	-227	-39%
Officers subject to complaint	561	547	360	489	-187	-34%
Police Staff subject to complaint	112	123	89	108	-34	-28%
Special Constables subject to complaint	2	6	4	4	-2	-33%
Ratio - Allegations per Case	1.41	2.12	2.10			

Of these, how many were investigated and how many resulted in sanctions of different levels?

Of all the complaints recorded under the Police Reform Act 2002 and handled as a non-investigation [see above], no allegations were finalised as a having a case to answer between 1 April 2022 – 30 September 2022.

It was found that the service provided for 128 separate allegations was not acceptable – this accounted for 15% of all allegations received. These allegations were linked to 93 cases and resulted in 64 police officers and staff receiving reflective learning.

The actions available once an allegation is finalised depend on how the complaint case has been handled. Complaint cases handled under Schedule 3 of the Police Reform Act 2002 that are investigated and are subject to special procedures, can result in misconduct proceedings.

Across the first six months of 2022/23, the following outcomes were recorded in respect of investigation complaints that were subject to special procedures:

- Misconduct proceedings for 3 x cases.
- Referral to Reflective Practice Review Process for 3 x cases.

During the same reporting period, 10 x gross misconduct hearings were held by Sussex Police with the following outcomes recorded: 2 x dismissals, 5 x resignations [although all officers/staff would have been dismissed had they still been in post], 2 x final written warnings issued, and 1 x allegation not proven.

[N.B. Please note that whilst the gross misconduct hearings took place between 1 April – 30 September 2022, the complaint submission and investigative work all took place prior to the reporting period].

It is also worth emphasising that any police officers, special constables and police staff members who are dismissed from policing after investigations under the Police (Conduct) Regulations 2020 or Police (Performance) Regulations 2020 are added to the barred and advisory lists. This includes those individuals who resign during the gross misconduct process.

The barred and advisory lists were introduced as part of the Government's commitment to raising public confidence in the police service by enhancing police integrity, improving the transparency of the police discipline system and increasing the accountability of those dismissed from policing. Both lists are held and administered by the College of Policing. Further information can be viewed through the following link: <https://www.college.police.uk/ethics/barred-list>

Where a complaint was not upheld, how often did complainants refer the issue to a higher level (e.g. the PCC) and what difference did this make? (i.e. what were the outcomes of the appeal).

Between 1 April 2022 – 30 September 2022, the Office of the Sussex Police & Crime Commissioner (OSPCC) received 109 review requests from complainants. The OSPCC determined that 9 of those complaints reviewed [8%] were not handled in a reasonable and proportionate manner and were, therefore, upheld.

Several recommendations were made to Sussex Police in respect of those cases. This included issuing apologies for the level of service provided, reconsideration/reinvestigation of the complaints, review of the decisions taken, exploration of further lines of enquiry and the provision of more detail/further explanation within the outcome letters.

Were any investigations instigated by Sussex Police themselves?

Sussex Police can initiate investigations against police officers, staff and volunteers via several different methods. This can include reports made directly to supervisors and staff networks, reports submitted to the Professional Standards Department (PSD) and reports submitted anonymously via the Break the Silence reporting system. A total of 16 cases reported to PSD were investigated by the Anti-Corruption Unit between 1 April 2022 – 30 September 2022.

2. Written question from TBC

Question:

At the last scrutiny meeting, the PCC referred to the size of the LGBT+ population in Brighton quoting a percentage figure. This figure was higher than the [recent census](#) (11%).

Can the PCC quote the correct figure (for the record) and confirm where the higher estimate came from?

Answer:

Thank you for your question.

For the record, I can confirm that the figure of 17% I stated for the LGBT+ population in Brighton & Hove at the Sussex Police & Crime Panel meeting on 27 January 2023 was an approximation only.

As you have correctly highlighted, the latest Census data confirmed that almost 11% [10.73 per cent] of all residents in Brighton & Hove identified themselves as lesbian, gay, bisexual or another sexual orientation [excluding heterosexual] on 21 March 2021 – the day the Census was completed. It is also worth emphasising that Brighton & Hove represented the highest proportion of LGBT+ residents in England and Wales.

It is no secret that across the country LGBT+ communities have not always felt supported by their police forces. The richness and diversity of our communities here in Sussex is one of our greatest strengths and the police have done some fantastic work both internally and externally with the public to promote diversity and inclusivity.

I remain committed to working with Sussex Police and partners to support and improve engagement with the LGBT+ community further still. My message is simple: hate crime is absolutely not tolerated in Sussex and I would urge anyone who feels they may have been a victim to report it to Sussex Police, either by calling 999 [in an emergency], 101 [in a non-emergency] or online through the following link: <https://sussex.police.uk/contact-us/report-online/>

3. Written question from TBC

Question:

The scope of the Code of Ethics, however, extends beyond its statutory basis as a code of practice. The expectation of the professional body and the public is that every person working in policing will adopt the Code of Ethics. This includes all those engaged on a permanent, temporary, full-time, part-time, casual, consultancy, contracted, or voluntary basis" before the question?

Why is Operation Crackdown and The Sussex Safer Roads Partnership not subject to the Policing Principles and the Code of Ethics?

Answer:

Thank you for your question.

All police officers, staff and volunteers within Sussex Police, including those who work within Operation Crackdown and the Sussex Safer Roads Partnership, must behave in accordance with the policing principles and standards of professional behaviour set out within the Code of Ethics.

I can confirm that the Code of Ethics sets out the principles that every member of the policing profession in England and Wales is expected to uphold, and the standards of behaviour they are expected to meet.

The Code of Ethics establishes how the police service will work together with the public and partners to keep people and communities safe. It provides a framework to guide the actions taken and decisions made by police officers, staff and volunteers during their work every day. The Code also encourages personal responsibility and supports professional judgement, rather than providing a binary list of 'dos' and 'don'ts'.

The Code of Ethics is fully embedded within Sussex Police and all police officers, staff and volunteers are expected to adhere to these principles and standards in the delivery of the three Force priorities – protect our communities, catch criminals and deliver an outstanding service.

The nine policing principles are: accountability; fairness; honesty; integrity; leadership; objectivity; openness; respect and selflessness. The principles originate from the Seven Principles of Public Life – published by the Committee on Standards in Public Life – with the addition of 'fairness' and 'respect' because of their importance to the public.

The ten standards of professional behaviour are honesty and integrity; authority, respect and courtesy; equality and diversity; use of force; orders and instructions; duties and responsibilities; confidentiality; fitness for work; conduct and challenging and reporting improper conduct. The standards originate from the Police (Conduct) Regulations 2012 and the Police Staff Council Joint Circular 54, with adaptations made to the wording of the standards in the Code so that it applies to the whole police workforce.

The Code of Ethics has recently been revised by the College of Policing and is due to be reissued later this year. This will include the provision of further clarity around the practical application of the content of the Code to everyone who works in policing, including a greater emphasis on police staff and volunteers. The Code also sets out what should happen when behaviour does not meet expectations. Further information about the Code of Ethics, policing principles and standards of professional behaviour can be viewed through the following link:

<https://www.college.police.uk/ethics/code-of-ethics>

The Force has several reporting mechanisms, both internally and externally, where any complaints and/or concerns can be raised if it is considered that any member of the workforce has not complied with the Code of Ethics. All these reports are reviewed and considered by the Professional Standards Department in the first instance. Sussex Police also deliver training to all new police officers, staff and volunteers and to all newly promoted supervisors about the policing principles and standards of professional behaviour expected to ensure that these are fully understood and adhered to.

I am determined to ensure that the policing in Sussex is responsive to the needs of the public and I will continue to hold the Chief Constable to account for the delivery of this operational policing. I regularly meet with the Chief Constable to work towards improving local policing issues and the correspondence received by my office is used to inform these discussions and identify local priorities.

If you are dissatisfied with the level of service you have received from one, or both, of the above areas, I would encourage you to write to the Chief Constable to try and resolve this. This can be submitted in writing to The Chief Constable, Sussex Police Headquarters, Malling House, Church Lane, Lewes, BN7 2DZ or by email to psd@sussex.police.uk. The Professional Standards Department will review and consider your submission before making contact with you directly.

4. Written question from TBC

Question:

In view of recent and earlier deaths occasioned by, or in spite of, so-called wellness of welfare visits, as also trespass, intrusion and harassment from the same, cases of and concern about which can be found easily by googling those key words on the Internet, is the commissioner satisfied that Sussex Police have the training and experience to: (a) distinguish between the several categories of risk; (b) to accept and to fulfil or else to reject such calls out, taking into account both the mentality of the informant and the shock of a sudden police presence on a vulnerable person?

Answer:

Thank you for your questions.

I shared these with Sussex Police because the content specifically related to operational policy and procedure.

Firstly, upon receipt of an emergency call [999], non-emergency call [101] or online report, the Force Contact Command and Control Centre (FCCCD) conduct a Threat, Harm, Risk, Investigation, Vulnerability and Engagement (THRIVE) assessment to gather information and intelligence, make informed decisions regarding the deployment of any police resources and to develop a working strategy in accordance with the National Decision-making Model (NDM).

The NDM provides a framework in which decisions can be examined and challenged, both at the time the decision is made and as the information develops/new information is made available. The aim of the NDM is to assist police officers and staff in making operational decisions based on national and organisational values and professional judgement.

The combined use of the THRIVE assessment and NDM principles forms a key part of the training provided to officers and staff, with specific inputs also delivered around the key areas of vulnerability, including mental health, domestic abuse and modern slavery.

Secondly, the police service has a duty to provide an emergency response to intervene and protect life and property from harm, alongside the prevention and investigation of crime. In addition to the risk assessment and NDM, Sussex Police take different factors into consideration before police resources are deployed.

The police service has a duty and a positive responsibility to uphold the European Convention on Human Rights, incorporated into UK law by the Human Rights Act 1998, to protect the right to life [Article 2] and the right not to be subjected to torture or to inhuman or degrading treatment or punishment [Article 3]. This obligation arises in the circumstances where the police know, or ought to know, about a real and immediate risk to life.

In some situations, Sussex Police is expected to exercise and perform the powers and actions available to other statutory partners outside of its core responsibilities, where such activities may be justified as being linked to the prevention of crime. For example, if a person [who is at risk of harm and/or poses a risk to the public] goes missing and/or attempts to take their own life, the Force is expected to make all reasonable efforts to find them and to take them to a place of safety.

In instances where there is no reason to suspect that a crime has been, or is likely to be, committed, a request for assistance is made to the most appropriate health, social care or other partner agency, including recognition of the potential needs of individuals with mental ill health and/or additional vulnerabilities.

Thirdly, Sussex Police also work closely with the South East Coast Ambulance Service (SECAmb) and mental health professionals to manage demand in this area. This includes well-established processes and procedures in place for managing reports of medical concerns and welfare requests submitted through the FCCCD to ensure that the most appropriately trained agency responds.

The Force has also invested in a Joint Response Unit (JRU) that is staffed by police officers and paramedics who work together to attend jointly incidents which require both services. This approach creates efficiencies for both emergency services and aims to divert those in mental health crisis away from police custody environments.

In November 2018, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published their 'Policing and Mental Health: Picking up the Pieces' report which stated that whilst the police service is doing a good job in difficult circumstances, there are concerns over whether the police should be involved in responding to mental health problems at the current level. The HMICFRS report also highlighted that there needs to be "a radical rethink and urgent action to guarantee a timely response to people with mental health problems" and that a "longer-term solution" is required, with the police service the last resort, and not the first port of call."

The legislative changes introduced by the Policing and Crime Act 2017 direct when the Force will and will not take individuals experiencing a mental health crisis into police custody. It is also widely recognised that it is not in the best interests of an individual suffering from mental ill health to be detained in police custody when, instead, they need access to healthcare professionals and support services.

Finally, I am reassured that Sussex Police and the FCCCD conduct regular quality assurance audits around vulnerability to ensure that all threat, harm and risk is identified and categorised appropriately before decisions are taken to deploy police resources, or otherwise. I also use my monthly webcast Performance & Accountability Meetings to scrutinise further Force performance in this area. Further information can be viewed through the following link:

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