

PERFORMANCE & ACCOUNTABILITY MEETING

DATE: 23 October 2020

LOCATION: Office of the Sussex Police & Crime Commissioner, Sackville House, Lewes

PRESENT: Police & Crime Commissioner – Katy Bourne (KB)
Chief Executive Officer – Mark Streater (MS)
Chief Constable – Jo Shiner (JS)
Deputy Chief Constable – Julia Chapman (JC)
Communications Manager – Natalie McFall (webcasting)
Head of Performance – Graham Kane (minutes)

VEHICLE REGISTRATION OFFENCES (PENALTY POINTS) BILL

This week, local MP Andrew Griffith presented his Vehicle Registration Offences (Penalty Points) Bill in the House of Commons which, if passed, will see drivers and motorcyclists whose number plates are obscured or missing, issued with three penalty points, in addition to the £100 fine they already face.

KB began by placing on record her thanks to Andrew Griffith MP and Chief Constable Jo Shiner for their work to support this bill to date.

Tackling anti-social behaviour on the roads in Sussex continues to remain a priority for the Sussex Police. The introduction of this bill will mean that previously non-endorsable offences, such as removing or covering up number plates to avoid detection, will become endorsable and represents a movement to close a 'loophole' in the law by ensuring that offenders receive penalty points as well as a fine. Further information can be viewed through the following link:

<https://services.parliament.uk/bills/2019-21/vehicleregistrationoffencespenaltypoints.html>

KB confirmed that she will continue to follow the progress of the bill with interest when it has its second reading on 27 November 2020.

REASSURANCE TO SUSSEX COMMUNITIES – CORONAVIRUS

Earlier this month (12 October 2020), the Prime Minister announced a ‘three-tier’ system of restrictions to stop the spread of coronavirus in England. The system comprises three tiers – medium (1); high (2) and very high (3) alert – that require different levels of local restrictions.

A. All of Sussex is currently at ‘medium alert’ where national restrictions apply. What impact has the introduction of the three-tier system had on Sussex Police to date?

B. It has been announced that Sussex Police will receive £644,621 from the £30 million of surge funding made available to police forces across England and Wales for increased COVID-19 enforcement. What plans are in place to spend this allocation in Sussex?

C. How will the Force work in partnership with the local authorities in Sussex – should any of the alert levels change – to ensure that they are consulted in respect of any local lockdown negotiations?

D. Sussex had the 8th highest rate of Fixed Penalty Notices (FPNs) issued per 1,000 population in England and Wales between 27 March and 21 September 2020 – prompting the use of the term “postcode lottery”. How are you continuing to ensure that powers available to the police service are used proportionately and consistently throughout Sussex?

E. Earlier this month, Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) inspected the Sussex Police response to COVID-19? How have you reflected on the recent inspection?

D. Are there any messages that you would like to provide to members of the public in Sussex at this time?

The Chief Constable began by thanking members of the public for their continued compliance with the local restrictions in place. It was highlighted that most individuals are demonstrating good levels of compliance and using a common sense-approach to the safeguarding measures.

JS also thanked frontline police officers, staff and other emergency services colleagues for continuing to adapt quickly to the latest guidelines and restrictions introduced and for their dedicated professionalism, resilience and commitment to serve and protect the members of the public in Sussex.

It was emphasised that the crime levels in Sussex have returned to the levels recorded before the pandemic and, alongside working with other ‘blue light’ services to keep communities safe, the Force is now responding to all of the crime and incidents reported too. The Chief Constable urged members of the public to continue to support the police in this work and adhere to the local restrictions to ensure that Sussex remains within Tier 1 of the national alert system.

KB was reassured to hear that plans are currently being drawn up with partners to use the surge funding to target the areas within Sussex with the greatest levels of non-compliance, both geographically and within sections of the community. This additional funding will enable the Force to provide an immediate and visible enhancement to the police enforcement of the COVID-19 restrictions in Sussex.

Sussex Police has strong and established relationships in place with all statutory and voluntary partners through the Sussex Local Resilience Forum (LRF) to prepare, respond and recover from civil emergencies, including the pandemic. The Force is a key partner within the LRF and through the joint Sussex and Surrey Police response – Operation Apollo – was responsible for leading, coordinating and supporting the national Public Health England response to COVID-19. The LRF continues to be managed through strong governance processes, overseen by Assistant Chief Constable Dave Miller.

The Force also has networks into the National Police Chief's Council (NPCC) and regular contact with the Chief Executive Officers for each of the local authorities across Sussex. Sussex Police will continue to play an active role in any discussions around changes or escalations of the alert level generated by spikes in the infection rates locally.

The Chief Constable recognised the importance of maintaining public confidence in the police and highlighted that 93% of local communities consider the policing response demonstrated in Sussex to be fair and proportionate.

This has been assisted by the continuation of a consistent approach to policing the restrictions in place throughout Sussex through the 'Four E' approach to engagement, explanation, encouragement and enforcement. A fifth 'E' has also been used to educate members of the public by providing them with the information required to understand better the restrictions and the policing response in place.

The final stage of the process – issuing FPNs – will only be used as a last resort if the desired action has not been achieved, if the breach is clear and obvious and to target flagrant and persistent offenders ignoring the guidelines. This includes consideration regarding the enforcement of £10,000 fines for gatherings of more than six individuals, for which the Force has two ongoing investigations.

The 868 FPNs issued in Sussex between 27 March and 21 September 2020 was acknowledged to have been the 8th highest rate issued per 1,000 population in England and Wales (0.55). The higher number of FPNs were attributed to the good weather and the number of coastal areas located throughout the county, with more than half of these fines issued to individuals who reside outside of Sussex. KB was reassured that police officers would continue to use their discretion and take a proportionate and appropriate approach in the use of the additional enforcement powers afforded to them by The Coronavirus Act 2020.

*JS reflected positively on the recent inspection into the Sussex Police response to COVID-19 carried out through online focus groups with police officers and staff. HMICFRS were complementary about the Force's response, with praise apparent for the Operation Apollo branding, innovative approaches used and performance management processes in place. The small number of areas identified for improvement were acknowledged, including the better identification of domestic abuse and vulnerability and adapting practices to improve police visibility. HMICFRS are expected to publish thematic findings in November. Further information can be viewed through the following link:
<https://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/policing-response-to-covid-19/>*

The Chief Constable recognised that this has been a long and frustrating time for everyone and urged members of the public to continue to follow Government guidelines and use common sense to prevent the further spread of coronavirus. Sussex Police will continue to police communities with empathy and pragmatism, with enforcement wherever appropriate.

IMPACT OF COVID-19 ON THE COURTS AND VICTIMS OF CRIME

The COVID-19 pandemic has had a major impact on the criminal justice system in England and Wales, with the number of outstanding trials presenting a significant crisis.

- A. From a policing perspective, what impact has the backlog of trials at the criminal courts in Sussex had on staffing and resources?**
- B. What impact is this backlog having on victims and witnesses? And how is this being managed to minimise any further harm caused by these delays?**
- C. How many crimes are still under investigation beyond three and six months? And how many offences are still awaiting charging decisions from the Crown Prosecution Service (CPS) in Sussex?**
- D. Have file building periods been extended during the pandemic to assist the Force to get files 'trial ready'?**
- E. Have the number of 'warrants without bail' increased? If so, how do these figures compare with the numbers recorded before COVID-19?**
- F. Have you seen an increase in the number of 'cracked' trials in Sussex?**
- G. How many trials have been discontinued – where cases have gone 'out of time' – across the Magistrates' and Crown Courts?**
- H. Has there been an increase in the number of out-of-court disposals used in Sussex as a direct result of these backlogs?**
- I. Has greater use been made of witness suites to enable witnesses to give evidence away from physical locations of courts?**

The Deputy Chief Constable recognised that the pandemic has had a significant impact on the operation of the criminal justice system in England and Wales, with Magistrates' and Crown Courts closed for a period during the national 'lockdown'. The courts have now reopened again for trials, although with reduced levels of service and capacity.

The backlog of trials in the courts is having a far-reaching impact on Sussex Police, including the Criminal Justice Unit (CJU) and Witness Care Unit (WCU), in particular. The CJU conduct a needs assessment for court, signpost individuals to other support services and act as a single point of contact throughout the duration of a case that goes to trial. Many of the staff within the CJU have worked from home throughout the pandemic, adapting quickly to the challenges presented to them and maintaining a high-level of service and victim care throughout. This has been supported by the proactive management of expectations and explanations about the court processes and additional safety measures in place because of the coronavirus. The court closures have also generated higher caseloads and extra demands on staff, working with a greater number of victims and witnesses for extended periods of time. A temporary uplift in resources has been made available to support and manage these increased workloads.

KB was reassured that Sussex Police is working closely with Victim Support, Independent Domestic Violence Advisors (IDVAs) and other non-police service providers to assist and support victims through this delayed process, whilst adapting their own approaches to ensure COVID-19 compliance.

The backlog at the courts is also having an impact on investigators because of increased uncertainties regarding trial dates, court warnings, case management and ongoing 'live' investigations. This includes additional casework around disclosure, when cases are deferred, because any extra information gathered could become relevant to the trial and needs to be shared with all parties, accordingly. Sussex Police has an obligation to review all information and ensure that case files continue to remain accurate.

The reopening of the Crown Courts in September 2020 has resulted in the prioritisation of murder trials in order to prevent the further delay of justice for the families and friends affected. This approach will impact on the availability of Senior Investigating Officers from the Major Crime Teams and Exhibits & Disclosure Officers.

Sussex Police currently has more than 7,000 ongoing investigations beyond three months, with the majority of these between three and six months. The Deputy Chief Constable was not unduly concerned by this number of ongoing investigations which was attributed to crime levels returning to pre-COVID-19 levels and an increase in the number of arrests and subsequent investigations demonstrated by the Force, following investment in proactive policing capabilities. It was emphasised that each of these investigations are different in terms of their complexity and the number of victims, witnesses and suspects involved. The involvement of tangible or digital forensic evidence adds to this complication and increases the timescales involved further still.

JC was unable to confirm exactly how many of these offences are still awaiting charging decisions from the CPS. It was explained that the Force continues to work closely with the CPS to improve the quality of investigations and case files by sharing these with them for early advice around case building and/or charging decisions – maximising the opportunities to bring offenders to justice. There has been an extension in the time when an individual is charged before they are bailed to attend court, although Sussex Police is still building cases and presenting these to the CPS for assessment within the same timescales used previously. It was highlighted that there are approximately 700 trials still outstanding in Sussex, through a combination of Magistrates' and Crown Courts, which are connected to many victims, witnesses and professional witnesses.

The Deputy Chief Constable confirmed that there has been an increase in the number of warrants without bail – individuals arrested and taken to court rather than arrested and granted bail – in Sussex across July and August 2020. These figures represent an average of 100 a month in 2020, following the court closures in April and May 2020, and compare favourably to the monthly average of 110 that were recorded in 2019. The Force is using the Tactical Enforcement Unit (TEU) to locate any individuals who fail to appear at court.

Sussex Police has not seen an increase in the number of 'cracked' trials – as a result of victims and witnesses not turning up or withdrawing their evidence – although this may change in the months ahead now that the courts have reopened and in line with an increase in the number of cases. The Force is continuing working hard with the CPS to ensure that all cases are 'trial ready'. It was emphasised that new cases are being listed for May and June 2021 which could have an impact on the resilience and willingness of victims and witnesses to stay with the court process. In addition, the option for vulnerable or intimidated witnesses to pre-record their evidence and cross examination evidence now exists and represents a positive change to support better victims and witnesses of crime. The Deputy Chief Constable also confirmed that no trials have been discontinued as a result of COVID-19.

It was highlighted that there has been an increase in the number of charges in Sussex but a reduction in the number of out-of-court disposals. The Force continues to look at the most appropriate out-of-court disposals available, relevant to the individual and circumstances of the case, without criminalising children and young people unnecessarily.

There are three remote 'Live Links' suites in Sussex (Brighton & Hove, East Sussex and West Sussex) to provide vulnerable witnesses with the opportunity to give evidence remotely. A significant amount of work has taken place to ensure that each of the suites is COVID-19 compliant, including the deployment of police officers to attend, facilitate and provide support to victims and witnesses in the absence of other specialist services unable to meet in person at this time.

KB stated that Police & Crime Commissioners are working to develop a clear understanding of the challenges faced by the criminal justice system to begin to identify tangible solutions. The Sussex Criminal Justice Board has established a Gold Group, comprising of membership from Her Majesty's Courts & Tribunals Service (HMCTS) and other partner agencies, to look at the backlog of cases at the courts, in response to this.

EFFICIENCY AND PRODUCTIVITY SAVINGS

Police & Crime Commissioners and police forces are still expected to deliver efficiency and productivity savings in 2020/21 through collective procurement and shared services.

A. What efficiency and productivity savings did the Force deliver in 2019/20?

B. Does the COVID-19 pandemic present the Force with any additional challenges in this respect?

C. At my monthly Estates Board, I asked Sussex Police to install Light-Emitting Diode (LED) lighting throughout the police estate to reduce electricity consumption and CO2 emissions. Can you provide me with a progress update about these installations?

The Deputy Chief Constable confirmed that Sussex Police continued to deliver a multi-year change programme and organisational transformation during 2019/20. This resulted in cashable savings of £1.6 million.

The majority of these savings were realised through collaboration with Surrey Police, including Specialist Crime Team; Forensic Investigations; Surveillance; Crime Scene Services; Operations Command (in respect of firearms licensing and the command team); People's Services (focussed on learning and development); Commercial and Financial Services (looking at the strategic restructure of the estate and facilities) and Custody (as part of the Local Policing Programme) following the renegotiation of the Private Finance Initiative (PFI) contract.

The pandemic has presented Sussex Police with additional challenges in respect of the timing of the savings that the Force was hoping to achieve in 2020/21. This has been particularly evident in respect of the police estate and information communications technology (ICT) programmes, with these savings not expected to be realised in full during this current financial year, as previously planned. The progress made in respect of savings and investments continues to be monitored through a monthly Strategic Planning Board, chaired by the Deputy Chief Constable.

The spread of COVID-19 has also created some additional pressures on the Force. This has included the requirement to purchase Personal Protective Equipment (PPE) for police officers and staff, although Sussex Police will be reimbursed for a large proportion of these additional costs incurred from Government. Further support will be provided through the Income Loss Recovery Scheme for any funding that has not been generated as a result of training and events not taking place. However, each of these will have an impact on the amount of savings the Force is able to generate in 2020/21.

Sussex Police has engaged the Chartered Institute of Public Finance and Accountancy (CIPFA) to support the Force in respect of current and future savings programmes too.

JC confirmed that Sussex Police is making "great strides" to replace the incandescent, fluorescent and sodium lighting with more energy efficient LED lighting throughout the police estate to reduce electricity consumption and CO2 emissions. This has already contributed towards annual electricity savings of 20% for the Force.

Sussex Police has also carried out major refurbishments to some of the estate, including the police stations at Brighton, Crawley, Hastings and Haywards Heath; Sussex Police Headquarters (Lewes); Hammonds Drive (Eastbourne) and the Sussex Police Training Centre at Kingstanding (Uckfield). It was recognised that the Force still has further work to do in this area with progress having been disrupted by the pandemic.

Other work has also been undertaken to reduce consumption and carbon emissions through boiler optimisation; solar panel installation; roof upgrades and window glazing replacements. This work supports the Carbon Reduction Plan, created in collaboration with Surrey Police. The Force has also sought to reduce its carbon footprint further through the introduction of a more energy-efficient fleet of 62 electric vehicles, shared across both police force areas.

The Deputy Chief Constable concluded by stating that Sussex Police has undertaken a 'Looking Forward Programme' to assess the benefits and efficiencies realised by individuals working from home and from different locations in response to COVID-19. This programme will also provide the Force with opportunities to review the use of the Sussex Police estate, fleet and energy consumption further still.

HATE CRIME

'Hate Crime Awareness Week 2020' took place last week (10 to 17 October 2020) to promote a greater awareness and understanding of hate crime.

A. Reports of hate crime increased by 21% in Sussex between 1 April 2019 and 31 March 2020, in comparison to the same period in 2018/19 – this equated to an additional 561 hate crimes recorded. What is the Force doing to encourage the reporting of hate crime further still?

B. What is the charge rate for hate crime in Sussex? And, what processes are in place to monitor and improve the outcomes for these victims of crime?

C. Earlier this year, I launched the first Sussex Hate Incident Support Service, run by Victim Support, to provide frontline support to complex, high-risk and vulnerable victims of hate crime. How is the Force supporting this service?

D. What training is provided to police officers and staff to support them to identify and tackle hate crime in Sussex?

E. How do Sussex Police support victims who report a hate crime and what service can an individual making a report expect to receive from their interaction with the Force?

JS confirmed that hate crime continues to remain an important focus for Sussex Police and encouraged anyone who has experienced a hate crime or incident to report this to Sussex Police. This message was reaffirmed through the recent support that was provided to the national 'Hate Crime Awareness Week 2020', earlier this month.

Sussex Police demonstrated an increase in the number of crimes recorded across all hate crime strands during 2019/20, in comparison to the same period a year earlier.

Hate Crime	Recorded Crime 1 April 2018 to 31 March 2019	Recorded Crime 1 April 2019 to 31 March 2020	Difference	% Difference
Disability	273	325	+ 52	+ 19%
Gender identity	80	107	+ 27	+ 34%
Sexual orientation	426	532	+ 106	+ 25%
Race, ethnicity or nationality	1,525	1,794	+ 269	+ 18%
Religion, faith or beliefs	195	270	+ 75	+ 38%
Other hate	199	231	+ 32	+ 16%
Total	2,698	3,259	+ 561	+ 21%

The Chief Constable recognised that, whilst hate crime remains under-reported, a greater proportion of these offences are now being reported to the police. These increases in recorded crime were recognised to be positive and are attributed to an improvement in public confidence generated through public engagement with the diverse communities in Sussex, proactive awareness raising campaigns and quality police investigations (and subsequent convictions).

Sussex Police remains committed to tackling hate crime and will continue to raise awareness of what hate crime is, how to report it and the support that is available from the police and partners.

The Chief Constable confirmed that qualitative outcomes for victims (i.e. how individuals are dealt with) are as important to some as quantitative outcomes (i.e. the number of charges) are to others. The Force compares favourably with other police force areas in England and Wales in respect of their charge rate for hate crime at 11.4%, although it was highlighted that Sussex Police receives a number of reports of hate crime, directly or via a third party, where the victims of crime do not want to support a prosecution through to court.

A recent 'in house' survey of 186 hate crime victims – completed in September 2020 – confirmed that 78% were satisfied with the service they had received from Sussex Police and that 89% were made to feel that they had done the right thing by reporting the crime or incident to the Force. Sussex Police use these survey responses to improve the policing response and service provided to victims of crime.

The Force has seen an increase in community tensions in recent months. This is attributed to a combination of different factors including the pandemic, Brexit and the changing weather which have amplified the pre-dispositions held by some individuals.

The Chief Constable confirmed that the Sussex Hate Incident Support Service provides a "really valuable service" to support complex, high-risk and vulnerable victims of hate crime. This is achieved through the provision of immediate emotional support, advice and coordination with partner agencies. The service has been supported by extensive activity on each of the three policing divisions, led by the Partnership Managers, to raise awareness of and ensure that victims are referred to the service, as required. In addition, the Hate Crime & Anti-Social Behaviour (ASB) Coordinators provide Victim Support with accurate information to ensure that the service can provide the best possible advice, guidance and support to victims of hate crime.

The identification and tackling of hate crime are intrinsic to all the training delivered by Sussex Police. This includes developing an awareness amongst police officers and staff for every element of any recorded crime or incident, including aggravating or mitigating factors. This approach extends to keeping an open mind in respect of vulnerability and exploitation, particularly in respect of any impact on children and young people. The Chief Constable is confident that the training provided to new and existing officers and staff will provide them with the necessary skills to deliver a professional policing service to the public.

This training is supported by the Hate Crime & ASB Coordinators regularly attending briefings to provide updates, results and case scenarios. The CPS has also held online sessions to support hate crime investigations, including the sharing of learning from previous cases and highlighting specific points to prove in order to build stronger cases and achieve better outcomes. The Sussex Police intranet site contains guidance, information and a short film for use in frontline briefings and training around reacting to, investigating and supporting victims of hate crime.

The Chief Constable concluded by reminding individuals that hate crime can manifest itself in a number of different areas, including physical abuse or violence; verbal abuse or threats; sexual abuse; offensive telephone calls, texts or online abuse; written and printed abuse; indirect attacks; harassment, exclusion and isolation and damage to property. JS emphasised that some of this abuse can be subtle, in terms of the methods used, and encouraged members of the public to identify and recognise these behaviours for what they are to enable these to be addressed before they escalate.

It was also highlighted that Sussex Police currently records and investigates 'misogyny' as a crime.

ACTION: KB requested the number of crimes recorded as misogyny in Sussex.

NEXT UP:

The next PAM is on Friday, 20 November 2020 at 13:00. Further information can be viewed on my website through the following link:

www.sussex-pcc.gov.uk/get-involved/watch-live/