

SUSSEX POLICE AUTHORITY – 15 APRIL 2010

REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE

REPORT BY CHAIRMAN OF THE COMMITTEE

Introduction

- 1.1 This report informs the Police Authority on matters considered by the Professional Standards Committee at its meeting on 17 March 2010. The meeting was attended by Dr L Bush (Acting Chairman), Mr G Daniel, Professor G Bull, Dr R Walker, Mr B Duncan and Mr A Smith.
- 1.2 The full agenda and reports for this Committee are available on the Authority's website, and the webcasting of the meeting can also be accessed via the website.

Inspection of Complaints Register

- 2.1 The Committee has moved towards a thematic approach to inspection of the complaints register. At its meeting on 23 February 2010, the Committee looked at complaints in relation to allegations of discriminatory behaviour. The discussions considered the complaints files, looking in particular at timeliness; evidence to satisfy the Members and those dealing with the complaint; welfare of the complainant and the officer concerned and evidence of proportionality. There were no major issues of concern.
- 2.2 Two complaints related specifically to the length of time taken to reach a Local Resolution. The Guidelines state that Local Resolution should be completed within 28 days. The Force estimates that between 50 and 60 per cent are completed within this time.
- 2.3 Complaints can be made up to one year from the date of the incident; however the Committee found that CCTV evidence within custody centres is destroyed after 28 days and on occasions this had led to a more difficult investigation into an allegation.
- 2.4 The process of inspection of complaints is now more structured, resulting in ongoing development of the meeting and a far more effective use of Members', and the Head of Professional Standards Department's, time. The Head of PSD was thanked for his support in this process.

Delay of Appeals at the Independent Police Complaints Commission

- 3.1 At its meeting on 27 January 2010, Members of the Professional Standards Committee discussed their concerns relating to the delays at the Independent Police Complaints Commission (IPCC) in dealing with Appeals.
- 3.2 The Committee heard that Sussex Police had over 40 Appeals outstanding, one of which dated back to August 2009. The Committee

felt strongly that the backlog experienced in Sussex would have a negative impact on the public perception of the police handling of complaints, and therefore possibly impact on the Force's single confidence targets. The Committee was also particularly concerned about the impact on the individual officers that had been complained about.

- 3.3 As a result of this discussion, it was agreed that the Chairman of the Committee would write to the London and South-East Commissioner of the IPCC. The letter was sent to the IPCC on 17 February 2010, asking for an explanation for the causes of the backlog and inviting a meeting with the Commissioner to discuss the problems to see whether there was any assistance either Sussex Police or the Authority could give in clearing the backlog.
- 3.4 The London and South-East Commissioner, Mr Mike Franklin, responded to the Chairman of the PSC on 8 March 2010.
- 3.5 The Committee remains concerned about these delays and hopes that the dialogue that will take place with the IPCC will help to explain the reasons for the delay in process and will help assist both parties in providing a better route of appeal for complainants, thereby increasing the levels of satisfaction in the process.
- 3.6 It was felt that the letter from the Chairman to Mr Franklin has had a very constructive effect and outstanding appeals have now been reduced to 20.
- 3.7 The Committee will continue to review the level of appeals at the IPCC relating to complaints against Sussex Police and will meet Mr Franklin to discuss the role of the IPCC and the role of the Authority.

Comparison of Data with other Forces in the Most Similar Forces Group

- 4.1 At its last meeting of the Committee, the Committee requested a report to compare the levels of complaint allegations in Sussex against other forces within our Most Similar Forces (MSF) grouping.
- 4.2 Figures were provided for the MSF group, and showed the total number of allegations recorded (per 1000 officers) for financial year 2008/09. The national average is 338 complaints per 1000 officers. For financial year 2008/09, Sussex recorded 280 complaints per 1000 officers. This is significantly below the national average and the average within the MSF group (371 per 1000 officers).
- 4.3 The analysis of complaints recorded within the MSF group has revealed that Sussex currently occupies a positive outlying position within the Group. Whilst this is welcomed, the Committee will wish to monitor this trend over time, particularly as more forces reach compliance against the National Recording Standards.
- 4.4 Ease of access and proper recording of complaints are important. Eighteen months ago, disproportionality was at the top of the list for complaints. New National Recording Standards were adopted, and the Force, with the full support of the Authority, was an early converter to meeting the requirements of the National Recording Standards.

Therefore, it is considered the recording of complaints is fair and there is no suppression or inflation of complaint numbers.

- 4.5 Policing Pledge Number 10 relates to recording and responding to dissatisfaction. This has now been turned around and has been categorised as "Fair".
- 4.6 The Committee has encouraged the accessibility of complaints, and indeed has included on the Authority's own website additional avenues for complaints to be recorded. It is considered relatively easy for the public to complain. However, the Committee felt it appropriate to receive a report into the accessibility of the complaints system at its next meeting, with the ambition that improvements be made where possible.
- 4.7 The Committee stated that it is not seeking a reduction in the volume of complaints as an indicator of improving performance, but would rather focus on the identification of trends in complaints that can be used to improve the service to the public.

Selection Process for Independent CCTV Monitoring Volunteers

- 5.1 The selection process for the recruitment of volunteers took place on 2 March 2010. The Lead Member for CCTV supported by the Scheme Officer carried out the interviews of applicants. The standard of the candidates was excellent and 12 volunteers were appointed. It is important to note that all candidates have already been appropriately vetted.
- 5.2 The initial recruitment campaign targeted experienced Sussex Police Authority Independent Custody Volunteers. It is expected that the mix of volunteers will be improved by getting young people involved in this role. The Committee has expressed from the outset they would want a representative group of Volunteers undertaking this important area of work.
- 5.3 The CCTV Monitoring Scheme is the first of its kind in England so it is important it receives the publicity it deserves to inform the public of its existence. The Chairman of the Authority attended the press launch at Brighton Police Station with one of the newly-appointed visitors on 16 March 2010, and Volunteers will commence visiting in April 2010.
- 5.4 Initial training took place for the CCTV Monitoring visitors on 19 March 2010 with the Force CCTV Manager, Inspector Roger Fox. This included the key terms of the Data Protection and Human Rights legislation as applicable to the operational use of CCTV. It also provided an overview of the Sussex CCTV Partnership and the role of the Force within the partnership.
- 5.5 The appropriate people are now in place to undertake this new role. The CCTV Monitoring Scheme will be reviewed in one year's time.
- 5.6 The Committee will receive twice-yearly reports, and exception reports, on the Independent CCTV Monitoring Scheme.

28-Day Retention Period for CCTV in Custody

- 6.1 The Committee, at the Inspection of Complaints Register meeting on 23 February 2010, discussed the issue of the retention period of CCTV evidence, in relation to where complaints are made some time after the incident.
- 6.2 National guidelines are that 28 days is a reasonable period for the retention of CCTV, as most complaints or enquiries can be expected to come to light within this period, and it is therefore difficult to justify extending the period. Adopting another option would be at great cost to the Force. The risk identified by the Committee should be added to the Force Risk Management System.
- 6.3 The CCTV network was established to give coverage of every area of the new build sites to which police and detainees would have access, and CCTV cameras were installed under separate contract at Crawley and Hastings. Sussex was one of the first forces in the United Kingdom to gain 100 per cent cell coverage with CCTV systems, and most forces still aspire to this standard. The specification was for the images to be recorded in digital format and to be able to be recorded on DVD for evidential purposes when required.
- 6.4 In 2002 the first centre opened at Chichester and at the time the Association of Chief Police Officers' (ACPO) guidance on the use of CCTV systems recommended a minimum time period for retention of 28 days, and a facility for transferring footage to long-term storage where required for evidential reasons.
- 6.5 At this time digital recording of CCTV was still new technology and the 28-day limit was imposed for two main reasons:
 - The technology of the day would have difficulty in recording more than this without being prohibitively expensive; and
 - this was the minimum required in the CCTV guidance of the day.
- 6.6 Additionally, this brought custody CCTV guidance in line with the generic CCTV policy the Force had adopted for the local authority cameras, which records for one calendar month onto tape.
- 6.7 Over time, technology has improved to the extent that the Force external CCTV is now digital and networked.
- 6.8 A new Information Quality Policy is being formulated which will incorporate the use of CCTV. Evidential images from the CCTV systems are converted to DVD in accordance with rules of evidence and Management of Police Information (MOPI).

Conclusion

7. The Committee has taken its scrutiny role to a new level in its inspection of the complaints register, calling for a report on the retention of CCTV evidence, and for improved accessibility to making complaints. It has made a positive contribution to the way Appeals are handled at the IPCC. The Authority's CCTV Monitoring Scheme is leading the way by

providing effective independent oversight of the way public place CCTV is managed by Sussex Police in the county.

Recommended – that

- (1) the Chairman of the Professional Standards Committee meets the IPCC Commissioner for the South-East to explore in more detail the role of the IPCC and the concerns of the Authority in relation to Appeals processing and reports back to the Authority; and
- (2) the Authority expands its selection of Independent CCTV Monitoring Volunteers to include young people, and receives twice-yearly reports on the CCTV Monitoring Scheme.

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Chairman for the meeting

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