

RESPONSE TO POLICE & CRIME PANEL QUESTIONS
APRIL /MAY 2020

Questions from Cllr Sansome

1. **We understand the Coronavirus Act 2020 gives the Police the ability to arrest someone with COVID-19, who refuses to self-isolate. Can you confirm the Constabulary have developed a Standard Operating Procedure for such circumstances including the provision of appropriate PPE?**

The Force has issued clear guidance to staff on both the use of PPE, general safety measures for dealing with the public and legal guidance in terms of the use of the specific powers. Of note the Force's Legal Department have led on much of the national guidance for the NPCC. PPE is comprehensively detailed in a force policy which is compliant with PHE and HSE guidance. No SOP needed for consideration of arrest – this would be made under usual necessity test and NDM.

2. **What checks and balances are in place to ensure a proportionate Police response to maintaining public safety throughout the period of COVID-19?**

Briefings/guidance, legislation guides, monitoring of media/social media and complaints. OPCC attend Gold and get all relevant updates. The IEP are looking at some additional work around this. To date, the Force's measured and proportionate response seems to have been well received.

There is a comprehensive command structure in place including:

- Twice daily silver meetings;
- Gold/Silver assurance meetings 3 x per week;
- Force Gold every Tuesday;
- 7 days Strategic Coordinating Group;
- Daily COVID intel document;
- COVID dashboard and COVID report; and
- All engagement, feedback, tensions, COVID incident, enforcement and internal and external engagement is reviewed and contributes to extensive checks and balances.

3. **Can you explain to Members of the panel the approach the Force are taking in implementing the strategy of 'Engage, Explain, Encourage, Enforce'?**

The Force adopted this approach from the first instance of COVID control, placing enforcement as the very last resort. Every day there are a significant number of green space tasking's, highway tasking's and pulse visibility tasking's (supermarkets, shopping centres etc) leading to thousands of face to face encounters. Only 143 tickets have been issued in the entirety of COVID.

Internal communications via Silver and District Commanders and Bronzes have detailed the Force approach.

4. Can you confirm the effective use of body worn video (BWV) to monitor public and police behaviour in order to develop effective policing throughout this period?

BWV is standard issue equipment for officers used in specific circumstances which can be applied to COVID related incidents. Activated in line with Force policy – there is no specific change in policy for COVID, nor is there a need to.

5. Has the rate of reported domestic abuse risen since the implementation of the Coronavirus Act 2020?

No.

6. A large number, although not all victims of Domestic Abuse are known to the authorities. What pro-active measures and interventions are taking place to support victims of domestic abuse?

Victims with ongoing investigations continue to have their safeguarding managed by the Officer in the Case (OIC).

There is a weekly intelligence update which highlights repeat victims / offenders who assess and carry wraparound care if needed.

The IDVA service still in place.

7. What measures are in place to engage and control with known perpetrators of domestic abuse?

Offenders currently on the perpetrator program continue to work on this, new referrals are still being received. The Domestic Violence Protection Order (DVPO) team are still active and the numbers are increasing (25 last week), DVPOs are managed by offender teams.

8. What level of absence from duty due to self isolation or COVID-19 is currently being experienced the by South Yorkshire Police?

The Force are not quoting specific figures or percentages as a matter of policy. However, currently the Force has one of the lowest abstraction rates in the country and the public can be reassured that we are maintaining our full range of services.

9. What is the overall level of sickness in the Force?

The Force is not quoting specific figures or percentages as a matter of policy. The Force is currently in a good position but will not provide a running commentary as if the position were to significantly deteriorate quoting significant abstractions could undermine public confidence. The important point is the Force is maintaining its full range of capabilities.

10. What contingencies have been put in place to ensure that resilience in policing is maintained? Has the Force developed an effective business continuity plan? Has it been tested? If so can you report the results?

The Force has robust business resilience plans and works in conjunction with Local Resilience Forum (LRF). These are working well and the Force has retained robust staffing levels.

Comprehensive business continuity is in place. In December 2019 the Force's annual exercise for business continuity was Flu pandemic and this was fully tested. The Force Business Continuity Manager, Eric Mirfin, is the national police lead for Business Continuity planning.

The Force has developed 10%, 30% and 50% abstraction rate planning across all functions and service.

11. What checks and balances are in place to prevent over zealous Police behaviour?

All enforcement notices are review by the Silver Commander before being progressed to test consistency and proportionality. Twice daily Silver meetings review all media, tensions and enforcement. To date there have been 14 expressions of dissatisfaction from the public of which 10 wanted the police to be more zealous in enforcing the regulations/ social distancing.

12. What steps have been put in place for the public to report and log what they feel to be disproportionate acts by the Police?

The existing complaint's procedure meets this need.

13. What measures have been implemented to ensure any disproportionate Police activity is recorded and investigated?

This is business as usual for the Professional Standards Department. It should be born in mind that this is unique legislation and with anything of this nature there will be teething troubles but these have been minor and quickly resolved.

14. Given the historic tradition in the UK of policing by consent can you confirm there is a strategy to ensure community confidence in the police whilst they have these extraordinary powers at their disposal?

As above and ongoing Corporate Communications Policy working to dedicated Gold structures and governance detailed above, including formal engagement and tension monitoring. No issues or exceptions so far.

15. Has the rate of child abuse risen since the implementation of the Coronavirus Act 2020?

No.

16. A large number, although not all victims of Child Abuse are known to the authorities. What pro-active measures and interventions are taking place to support victims of child abuse?

Ongoing cases continue to be supported through OIC / Social Workers as appropriate.

Vulnerable children continue to be supported in the community, for example through school provision still being available for them.

Staff are reminded to look for signs and submit referrals where abuse is suspected.

17. What measures are in place to engage and control known perpetrators of child abuse?

Offender management plans continue and new allegations are investigated.

18. The National Crime Agency published a Threat Assessment for Coronavirus related crime.

<https://nationalcrimeagency.gov.uk/news/national-crime-agency-warn-that-organised-crime-groups-may-try-to-exploit-the-coronavirus-outbreak-to-target-the-uk>

Can you tell me what steps are in place to counter these threats?

Crime prevention advice regarding emerging issues is shared.

Reported crimes are subject to monitoring (business as usual) to identify patterns / trends.

19. Given the significant increase in Police activity, overtime and recall of officers, can you confirm you are compensate the Force who were in a very tight fiscal situation prior to the outbreak of Coronavirus?

Yes.

20. Has the overall level of complaints against the Police increased since the implementation of the Coronavirus Act 2020?

No.

21. What additional measures have been introduced to support vulnerable members of the community?

Strategic Co-ordinating Group has a bespoke vulnerability and Humanitarian cell led by Phil Hollingsworth (BMBC). Within policing Supt Delphine Waring thematically owns vulnerability, and this is tasked and prioritised in the Silver Tactical plan – delivered by district bronzes (Commanders).

Bespoke plans are in place for domestic abuse and child abuse.

Broader vulnerability community risk is managed by the broader services as part of the LRF.

22. What additional measures have been put in place to support the health and wellbeing of frontline officers and staff?

Back up Buddy is a highly developed Android/Apple App bespoke to SYP staff - this has a detailed and comprehensive section on COVID, and has daily updates posted.

This is supported by the SYP News App (COVID specific) on all work mobile phones, and both draw consistent updates from the Force intranet (bespoke COVID).

Staff associations are part of the Gold group and report no concerns.

The 220+ well together champions have been provided with additional skills and guidance to make the COVID Well Together champions, and all COVID related incidents and challenge are coordinated via silver control.

A dedicated Disaster Victim Identification (DVI) team has been established to respond (with all necessary PPE) to all community related COVID deaths (more than doubled normal seasonal expected deaths). This provides Force specialists rather than district response officers having to manage.

Comprehensive monitoring, testing and reporting of COVID illness is part of the Silver function and is shown on the daily dashboard. Visibility of Force health and wellbeing is excellent.

23. What is the impact on Custody, Charging & Prosecution with the court system being partially on hold and some prisoners being released early?

<https://www.gov.uk/government/news/priority-courts-to-make-sure-justice-is-served>

Custody

- To date, the impact on Police Custody has been that business continues, albeit with some adjustments:
 - o Police have installed WiFi into Police custody areas
 - o Police are gearing up to be able to conduct Video Remand Hearings - starting at Shepcote from 28 April, for Sheffield & Rotherham detainees (limited to 3 per day to begin with – any detainees beyond that number will continue with usual arrangement of being transported to court, and will increase as become confident in the use of technology, etc)
 - o Govt advice regarding social distancing is being observed, wherever possible, and where not possible, alternative arrangements being made (including remote contact/ interviewing for Duty Solicitors, for example)
 - o Police have designated Barnsley Custody Suite as the place where any suspected COVID sufferers will be detained – with PPE and enhanced cleaning regime in place
 - o Personal Protective Equipment (PPE) available in custody suites and anyone in custody suite will have access. If police personnel are using PPE to deal with a detainee, the same PPE is available for others working in the suite.

- Additional cleaning products available to interviewing officers for use in interview rooms.
 - Much work has been done to create guidance and policy that accommodates all needs (including PACE). This sets out alternatives to traditional close proximity interviewing in custody interview rooms. A joint protocol that deals with the issues around interviews has been agreed.
 - Barnsley and Shepcote Lane Custody Suites can have telephone calls piped directly in to a detainee's cell for telephone consultation. A supply of mobile phones has been ordered for use at Doncaster to replicate this concept to allow solicitors to communicate direct with detainees in their cell.
- Support services based in custody are continuing to operate, albeit differently, so for example, receiving referrals rather than seeing detainees in person, to enable those services to engage remotely and observe Government advice
 - Custody Visitor Scheme (ICV) - To keep ICVs, detainees and staff safe, the PCC took the decision to suspend the ICV Scheme on 16 March 2020.

However, the Home Office have under the circumstances, agreed to loosen requirements on the Code of Practice to ensure that some monitoring can take place. This means that schemes are able to innovate on how they conduct their monitoring, with a greater focus on remote monitoring, during the period where the pandemic restricts physical visiting.

To address this the office has developed a checklist to enable officers from the OPCC to dip sample custody records. These are then logged and monitored. Five custody records per suite are currently being dip sampled each week.

OPCC officers are also monitoring the Force custody dashboard. This enables them to track performance information including, the number of detainees, ethnicity, number of young people and the average length of time detainees are in custody.

The Office is also in regular contact with officers from the Force and is receiving ad hoc CCTV footage from each of the custody suites to give an idea of the condition of the suites.

Charging & Prosecution

- Charging continues, albeit some changes
- The COVID-19 Interim Charging Protocol sets out how cases should be managed by the police and the CPS by identifying three categories of case:
 - A. Immediate - custody and all COVID-19 related cases
 - B. High priority cases – non-custody bail cases
 - C. Other cases – released under investigation or no arrest required
- The new Protocol that was introduced nationally wef 1 April
- The Police are now making some materials available to CPS digitally rather than physical movement of some 'evidence' to CPS
- CPS are operating remotely wherever possible to do so

Courts

- Courts are still operating, but as directed nationally in terms of the court business being conducted at individual court sites
- Listing is a judicial function and therefore composition of court lists are being directed by the judiciary
- Message from Lord Chief Justice issued 23 March – courts have put in place arrangements to use telephone, video and other technology to continue as many hearings as possible remotely, making best possible use of the equipment currently available
- Her Majesty's Courts & Tribunals Service (HMCTS) have provided a daily and now weekly update as to what is happening and the areas of business being conducted in court, or not
- Changes made to court 'status' with effect from 30 March¹, and at time of writing:
 - o Open for urgent / priority business: Sheffield Crown; Doncaster Magistrates Courts
 - o Staffed only : Sheffield Magistrates Court; Barnsley magistrates court
 - o (Priority work for Sheffield magistrates' court has been heard at Sheffield Combined Court Centre)
- Magistrates' courts - dealing with priority 1 work, however, looking to start dealing with some trials from week commencing 27 April, which are predominantly priority custody trials. Extensive preparatory work undertaken to determine which trials should be listed/ proceed.
- Crown Court
 - o No new jury trials since 23 March until satisfied that adequate safety arrangements are in place
 - o Dealing with a range of work, much of which is being done remotely (including sentencing hearings and all urgent applications including applications for bail and applications to extend custody time limits; Pre-trial preparation hearings and further case management hearings)
- Use of Cloud Video Platform (CVP) – a national application
 - o CVP tested at Sheffield last week (w/c 20 April) including live case testing.
 - o Commence use of CVP in a single court at Sheffield with effect from w/c 27 April
 - o Consideration being given to extend use of CPV to magistrates' courts in due course

COVID-19 End of Custody Temporary Release (ECTR) Scheme

- ECTR introduced nationally to enable risk-assessed prisoners, who are within two months of their release date, to be released from custody on temporary licence, as part of the national approach to managing public services
- Those released subject to licence conditions, including a requirement to stay at home, and wear an electronic tag, where appropriate, and can be recalled to prison for breaching conditions or committing further offences.

- Supervision remains the primary responsibility of Her Majesty's Prisons and Probation Service (HMPPS), supported by policing in line with the well-established principles of Integrated Offender Management
- Prison Offender Management Units are preparing and making decisions regarding early releases (e.g. have to have accommodation in place – no one will be released No Fixed Abode; all tagged; a weekly call from the local CRC to check in on them)
- Separately, some prisoners may meet the criteria for potential compassionate temporary release, for example, because they are pregnant or extremely medically vulnerable to COVID-19.
- These prisoners may be considered for Release on Temporary Licence (ROTL) based on a case-by-case assessment of whether it would be safe to do so.
- Where they are ineligible or unsuitable for release, the wider package of measures, including ECTR, will help shield them in custody
- A victim can find out if the offender in their case has been released
- Contact HMPPS Victim Helpline on 0300 060 6699 (Monday – Friday 9.00am – 4.00pm) or by emailing victim.helpline@justice.gov.uk
- Victims support services may ring the Helpline on behalf of individual victims. Helpline staff will make enquiries and then notify the victim as to whether the prisoner is due to be released or has been released.
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24. What services have had to be curtailed and has this been given over to additional service implementation?

A number of services are being delivered differently to correspond with government advice and restrictions on movement.

Things are being done differently, and services are adapting to deliver services in new and imaginative ways that comply with government guidelines. Some criminal justice services may have been suspended (such as Unpaid work) until there is a change in government guidelines and relaxation of current lock down, but as far as I understand, I am not aware of any services having been curtailed.

25. Testing – Is it available at an appropriate level to safeguard officers, staff and volunteers?

Yes, and prioritisation is governed through the Gold Group.

Questions from Cllr Garbutt

1. Following the video doing the rounds on social media of a Lancashire police officer seemingly stepping way over the mark with a young man of colour, can the Commissioner assure us that the Chief Constable has made it clear to all officers that a) such behaviour by just one or two officers can reflect very badly on the whole force, and that b) any behaviour by officers that can be interpreted as having a racist motivation are to be met with a strict disciplinary procedure?

- a) SYP officers understand very well how the behaviour of any one of them can reflect on the force as a whole. This is true in any circumstances and in 'normal' times. COVID-19 has presented new issues because of the emergency legislation. This has had to be applied and the police have had to feel their way. Where they have made a mistake – when, for example, an officer queried why a Rotherham man was

in his own front garden – they apologise and learnt from it. And this is the right things to do.

b) My Police and Crime Plan requires the police to treat people fairly – one of the three priorities – and this includes people from ethnic minority groups.

2. Can the Commissioner confirm the new guidance has been received, and can he reassure us that the Chief Constable has ensured all officers are aware of it?

I am not sure what ‘the new guidance’ refers to but if this is about the approach the force should adopt towards the public in the present crisis, I can assure you that officers are asked to engage with people and speak to them, using common sense and good humour, and to seek enforcement only as a final resort. This is reflected in the very small number of fines that have been issued in SY.

3. Can the Commissioner give figures on the use of Stop and Search and Dispersal powers from prior to the COVID19 lockdown compared with those post lockdown?

I can’t give any exact figures at this time, and the scene is moving very rapidly day to day. I think Stop and Search could be distinguished from dispersing people.

Stop and Search was increased considerably last years as a result of knife crime and the use of so-called Surge funding from central government. You will recall that the Independent Ethics Panel is charged with keeping an eye on S and S to ensure that it is used fairly and proportionately, and one important test is that the proportion of positive results does not fall as the number of searches increases – and is the position. I would expect the number of Stop and Searches to fall during this crisis as so few people are now out in the streets.

The new emergency powers allow the police to prevent people gathering in order to stop the spread of the virus, to protect the NHS and reduce victims of the disease. There have in fact been very few occasions when the police have had to do this. Examples have been: ethnic minority groups in Page Hall (where the police have used a Roam student from the university to help explain the rules around gatherings and social distancing); Rother Valley Park (where SY and Derbyshire police dispersed groups of youths at the weekend). There is no real comparison with before the lockdown since these gatherings were dispersed because of the lock-down.

4. There have been some frightening reports of instances of people using empty roads as race tracks. Does the Commissioner have any figures on such incidents, and can he reassure us the Chief Constable is dealing with it?

I am not aware of ‘frightening reports’ in any numbers of the sort described but there have been instances of people driving at quite excessive speeds on the motorways – and they have been dealt with.

5. We’re also very concerned at how the police might be dealing with the small number of homeless people refusing to be sheltered. Can the Commissioner let us know what the police’s actions are on this?

This is a matter for the local authority and other agencies as much as SYP. In Sheffield, my understanding is that adequate hotel accommodation exists for homeless people and those who have come back into the city centre have been told to go back to this accommodation.

6. Finally, the reports of increases in domestic violence on a national scale – including deaths at twice the previous average – are very worrying. How has the Commissioner been monitoring the actions of South Yorkshire Police in this regard?

There are conflicting reports on domestic abuse at a national level. The national helpline run by Refuge was reporting an increase of over 400%, but other helplines quoted by the policing minister do not show this. It is, in any case, hard to interpret these figures: are there more reports because the issues are being given such prominence in the media? Are they new cases or known cases of people wanting reassurances, and so on. In SY there does not seem to be any big increase in referrals – though that in itself could be misleading. Does it mean people are finding it difficult to report when the offender is spending all day in the home. SYP are very aware of this and the possibility of an increase in abuse – not just involving partners, but involving children as well. SYP have introduced today (20 April) a new dedicated on-line reporting tool for victims to use and this has been communicated via SYP alerts – so you should have details of that as a councillor. These calls will be monitored day and night by staff. Victims can still dial 999 and use the ‘silent solution’ by pressing 55 so that operators can hear what is happening and take appropriate action. I would urge you to read the alert where Superintendent Shelley Helmsley, the force lead, sets out SYP’s response to DA. My office has offered funding to the various charities that assist DA victims, should they need it.

QUESTIONS TO THE PUBLIC ACCOUNTABILITY BOARD ON 7TH APRIL 2020

Question from Professor Adrian James, independent member of the Police and Crime Panel

“I know this issue has been raised and that SYP have taken some steps to highlight and respond to the issue of domestic violence during the current situation, but there are reports in this morning's paper of a three-fold increase in contacts between victims of DV and third sector support services.

This prompted me to wonder whether perhaps any more could be done by the OPCC to monitor the situation as it develops, such as having contact with those services for which it provides some support, rather than depending solely on stats recorded by the police, which we won't see until, arguably, it's too late.”

Question from Cllr Julie Grocutt, Member of the Police and Crime Panel

“In light of the recent news that calls to support lines by victims of domestic abuse has significantly increased during recent weeks, what steps are SYP taking to protect victim of domestic abuse? Are officers making any contact with known victims to check on their welfare and offer support? Are officers who work in domestic abuse units still operating or have they been moved to other duties?”

M Roberts reassured the Commissioner and the public that officers will continue to work in domestic abuse units.

He acknowledged that officers and staff are not immune to Coronavirus but a range of contingencies are in place. So far, the Force has maintained very good levels of

attendance and despite challenges are offering the full range of policing services. Even in extreme circumstances domestic abuse incidents will still be prioritised with the resources available.

The Force is taking significant steps to take positive action to protect vulnerable people. Superintendent Shelley Hemsley is the Force and regional lead for protecting vulnerable people. She is linked into the College of Policing to ensure that everything the Force does is in line with best practice. She is also working with partner agencies and forces in the north east region to ensure vulnerable people are being protected during the Coronavirus.

M Roberts highlighted the Force's use of domestic abuse protection notices and orders. The Force has a Domestic Violence Protection Order team that went live on 30 March 2020. This team will apply for notices and orders as well as deal with any breaches. The Force has not seen a reduction in the number of applications to the courts and courts are still being supportive of the work the Force is doing in this area. The Force has shared its guidance on domestic abuse protection notices and orders nationally so that other forces can minimise the risk to domestic abuse victims whilst being cognisant of the virus.

The Force has multi-agency risk assessment conferencing and is continuing to assess and support Claire's Law.

The Force performance dashboard tracks trends around domestic abuse.

The Force Intelligence Bureau is producing a weekly briefing for all crime including domestic abuse. This ensures the Force is giving support to victims and monitoring offenders appropriately.

M Roberts confirmed that the media is being used to engage with potential victims to make them aware that the Force is still here to support them. There are radio adverts going out. If a victim presses 55 while they are on to the operator but do not feel that they are able to speak the Force will despatch an officer.

The Commissioner thanked M Roberts for a thorough and reassuring answer.

M Buttery highlighted the work undertaken by the Commissioner's office in relation to his commissioned services. Two weeks prior to the Coronavirus measures being put in place the Partnerships and Commissioning Manager wrote to all services providers requesting business continuity plans. These are currently being reviewed.

R Staniforth from the Violence Reduction Unit is also focusing on domestic abuse. There are concerns around under reporting and she is working with Superintendent Hemsley to see what more can be done in this area.

Work is also taking place with local authorities to establish if the provision of refuges is sufficient. There are no concerns at the moment but this needs to be kept under review. directed to SCC.