

PROCEDURE		
Title:	Public Sex Environments (Policing)	
Practice / Business Area:	Investigation	
Department Responsible:	Corporate Services	
First Published:	17/06/99	
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Version Number:	10 external	Chief Constable
SOUTH WALES POLICE PROCEDURE OBJECTIVE:		
To ensure a consistent response to complaints from members of the public in relation to public sex activity.		
GENERIC RISK ASSERSMENT:		
Generic Risk Assessment - Mobile Patrol In Marked Police Vehicles Generic Risk Assessment - Officers On Patrol		
PROCEDURE:		
<p>These Procedures are based upon current national <u>NPCC Guidance</u>. All officers and members of staff must be familiar with and adhere to this guidance when dealing with any complaint concerning public sexual activity.</p> <p>Any complaint concerning public sexual activity must be dealt with in four key stages.</p> <p><u>Stage 1: Receipt Of Complaint of Public Sex Activity</u> Generally, pro-active action must only be contemplated when a formal complaint has been received from a member of the public or a partner agency.</p> <p>When a police officer or member of police staff witnesses sexual activity in a public place, or receives a report while on patrol from a member of the public that such activity is taking place or has just taken place, they must assess the circumstances and determine whether immediate action is necessary. Such a decision must be guided by this policy.</p> <p>Responsibility and accountability for the initial processing of a report from a member of the public rests with the Local Policing Inspector who must:</p> <ul style="list-style-type: none"> • Assign an Officer in the Case (OIC) to fully document the report from the witness/reporting person and any other witnesses outlining the incident details. . • Direct the OIC to explain to the reporting person and witnesses how the report will be progressed and how they will be updated. • If the report is anonymous, direct the OIC to log the complaint and create a Niche Intelligence Log. 		

- Ensure a log of anonymous reports in relation to PSE activity is maintained by the **Local Intelligence Officer**.
- Conduct an initial assessment and appraise the appropriate member of the **BCU Senior Management Team**.
- Consult with appropriate community groups in formulating an operational response.
- Assess the report in line with the National Decision Model and link in with appropriate agencies and groups to formulate an operational plan based on a problem solving model. This may include:
 - BCU Senior Management Team lead
 - Local Policing Inspector
 - NPT Sergeant and Beat Manager
 - BCU Community Safety Dept representation
 - BCU Crime analyst
 - Local Authority Community Safety Officer
 - Representative/s of relevant stakeholders, such as land or facility owners
 - Representative/s of relevant Community Partners or Support Groups that can provide informed opinion and advice
- Ensure a record is made of all meetings and decisions to ensure the process of managing and investigating reports of sexual activity in public environments is transparent and accountable. Such records must be made on the Niche OEL.
- Ensure that the reporting person and any witnesses are informed of the outcomes.

Stage 2: Scanning and Analysis

If further action is necessary then a full analysis or more detailed plan must be undertaken by the **Local Policing Inspector** in consultation with other relevant parties including:

- BCU Community Cohesion Groups
- Neighbourhood Policing Team
- BCU Hate Crime Officers
- Equality, Diversity and Inclusion team
- Police Community Support Officer
- Relevant support groups
- Other interested parties, such as land owners, facility owners etc
- Council Community Safety Officer (particularly if council-owned/run land/facility)

The analysis must give full consideration to all pertinent issues affecting the situation including:

- When and where the behaviour complained of is occurring
- The reasons why the behaviour is occurring at identified times and locations
- Those at risk from or disadvantaged by the behaviour
- Whether commercial sex involved? (If it is, the problem must be dealt with by the **Local Policing Inspector** using the OSARA model – Objective, Scanning, Analysis, Response, Assessment.)
- Is the PSE already known of and, if so, what is its profile?
- Is this an isolated incident or one of several, i.e. a community problem? What other information is available? What is the nature of the complaint i.e. is it about observed behaviour, hearsay, or about unhygienic litter, etc?
- Is there likely to be a displacement of the problem if action is taken?
- Has the issue been raised at BCU Community Cohesion meetings or community meetings?

Analysis must also involve:

- Crime & Disorder partnership processes where the framework exists to deal with nuisance and quality of life issues.
- Interrogating of own and other agency databases and community intelligence systems, including any CCTV, with view to verifying the nature and extent of problem.

At the conclusion of the scanning and analysis stage the **BCU SMT** must consider:

- Is there a community problem and if so, must the complaint move to Stage 3?
- Has stage 2 shown this to be an isolated incident and not a symptom of a problem? (If this is the case the reasons must be explained to the complainant by the **Local Policing Inspector**.)
- If there is a problem, is it appropriate to implement a stepped response at this stage?

It must then be decided:

- Whether any further police action must be taken
- What the intended outcome of that action must be

NB. Any police action (other than a complaint that requires an immediate response) must follow the stepped response in Stage 3.

Stage 3: Stepped Response

Step One – Inform and Dissuade

Measures intended to inform and dissuade such activities must be considered by the **BCU** and implemented. Examples of such measures include:

- Deployment of health outreach workers
- Posters or signs displayed at location subject of complaint
- Media releases
- Utilisation of community networks

Once measures to inform and dissuade have been undertaken, the **BCU** review outcomes and consider progression to Step Two. Step Two must only be commenced after the agreement of the **BCU**

Step Two – Situational Crime and Disorder Prevention Measures

The aim here is to reduce opportunities for the behaviour complained of. Examples of measures to consider include:

- Target removal, e.g. closure of facilities
- Access control, e.g. restricting hours of opening of facilities
- Deployment of “Capable Guardians”, e.g. toilet attendants, park patrols etc. **NB. It is important that such personnel have been provided with proper training and work within intervention protocols prior to their deployment**
- Signage at locations
- Landscaping and cutting back of shrubbery
- Lighting
- Overt surveillance, e.g. CCTV
- Staff vigilance and guidance (e.g. gardeners)
- Environmental design (long term)

BCUs should utilise the expertise of their Crime Reduction Tactical Adviser for further tactical advice. Once Situational Crime and Disorder Prevention Measures have been undertaken, the **BCU** must review outcomes and consider progression to Step Three. Step Three must only be commenced after the agreement of the **BCU**

Step 3 – Preventative Patrolling

The purpose of this step is to deter users from engaging in public sexual activity at the time or location that has given rise to the complaint. There must be a planned policing response and the following must be considered in its preparation:

- Deployment of local uniformed neighbourhood police officers and PCSOs
- Risk Assessment to be conducted prior to deployment
- First line supervision of operation
- Briefings for all officers
- Use of specialist or suitably experienced liaison officers where appropriate
- The police service commitment to be anti-discriminatory must emphasised and explained
- Participation of community partners
- Problem must be placed in strategic context, i.e. LGBT policy, tackling homophobia, etc.

- Awareness by officers of public sex issues.
- Officers to be provided with clear explanation on why action is required and what is hoped will be the result
- Officers must be given clear instruction that purpose of the patrol is prevention, but that offences coming to light must be dealt with in an appropriate manner
- Clear instruction on powers and options open to officers
- Clear guidelines on how to use discretionary options.
- All such patrols need to be effectively supervised
- Offenders arrested or reported for offences must be dealt with in accordance with force policies and procedures.
- Facilities must be agreed for counselling referrals where appropriate.

NB. Depending on the location and responsibility for the venue, it may be considered appropriate that the patrols are undertaken by the local authority, either alone or jointly with police and or other appropriate partners. In these cases it will be essential that similar guidelines are agreed, understood and signed up to by those authorities or organisations.

Once Preventative Patrolling has been undertaken, the **BCU** must review outcomes and consider progression to Step Four. Step Four must only be commenced after the agreement of the **BCU**.

Step 4 – Enforcement Action

Enforcement Action must only be used as a last resort as it can have a negative impact on trust and confidence between the police and the community and must always be viewed within the context of wider policing objectives. For example, if enforcement action is likely to reduce the number of victims coming forward to the police then these impacts must be considered.

Enforcement must only be considered where:

- Steps 1, 2 and 3 have been reviewed and considered unsuccessful at resolving the problem.
- There is evidence of offences being committed and those committing them are ignoring advice and warnings at Steps 1, 2, and 3.
- Where there continues to be specific and evidenced complaints and the action must target the locations and times relevant to the complaints.

Enforcement action may not be appropriate or proportionate for isolated complaints of public sexual activity.

Where enforcement is considered the only option then the following must apply:-

- Enforcement must be part of a planned policing operation. N.B. There is no evidence that using plain-clothes officers in a detection and enforcement role is an effective means of solving problems of this type and such a tactic often risks accusations of agent provocateur.
- The operation should be under the command of a member of the BCU Senior Management Team.

- All officers participating in the operation must be fully briefed and be aware of force commitments to ensure that police action is necessary, proportionate, legal and accountable.
- Unless the success of any policing operation suggests otherwise, local community or advisory groups must be consulted as part of the operational planning process.
- A Community Impact Assessment must be undertaken to ensure that wider community issues are considered.
- Where it is identified that trust and confidence may be adversely affected by the Enforcement Action then consideration must be given to developing a community engagement plan for use post-operation to account for the action. This must include providing details of the preventative options undertaken in steps one to three.
- Any persons reported or arrested must be processed in accordance with force policy.

Step 5 – Assess (throughout and at conclusion of above structured stages)

It is essential that the whole process is monitored and evaluated. The police, their partners and the community need to know what has been achieved i.e. has the problem originally identified been solved?

The **BCU** will undertake a debrief involving all police and non-police parties involved to identify any learning opportunities. A representative from Learning and Development Services must also be invited to attend.