



## Policing of Public Sex Activity

Policy owners	Norfolk and Suffolk Constabularies' ACCs
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### Approved by

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**Note:** By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables

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**Note:** Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail

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## Legal Basis

### *Legislation/Law specific to the subject of this policy document*

<b>Section</b>	<b>Act (title and year)</b>
Section 5	Public Order Act 1986
Section 71	Sexual Offences Act 2003
	Police Reform Act 2002

### *Other legislation/law which you must check this document against (required by law)*

<b>Act (title and year)</b>
<a href="#">Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)</a>
<a href="#">Equality Act 2010</a>
<a href="#">Crime and Disorder Act 1998</a>
<a href="#">Health and Safety at Work etc. Act 1974 and associated Regulations</a>
<a href="#">General Data Protection Regulation (GDPR) and Data Protection Act 2018</a>
<a href="#">Freedom Of Information Act 2000</a>
<a href="#">The Civil Contingencies Act 2004</a>

## Other Related Documents

- Sex Work and Sexual Exploitation Policy (Individual to each Force)
- Hate Incidents Policy (Norfolk)
- Hate Crime Policy (Suffolk)
- Anti-Social Behaviour Policy (Suffolk)

## 1. Policy Scope

- 1.1 This policy provides the guidelines for which Norfolk and Suffolk Constabularies will deal with people who engage in sexual activity in places to which the public have open access to.
- 1.2 These guidelines are non-sexuality/gender specific and are intended to outline the police's response to all incidents within this subject and to help officers and staff understand the issues involved in dealing with public sexual activity as well as the need for sensitivity when dealing with it.
- 1.3 The policy does not cover commercial sexual activity such as prostitution, for which, each Constabulary's Sex Work and Sexual Exploitation policy should be referred to.

## 2. Definitions

- 2.1 For the purpose of this policy, a Public Sex Environment (PSE) is any public space that is used for the purpose of engaging in consensual sexual activity, e.g. car parks, country parks, lay-bys, public toilets, pubs/clubs.
- 2.2 It is important that appropriate language and terminology are used when dealing with PSE situations:

Gay: A person sexually attracted to persons of the same sex.

Lesbian/Gay Women: A woman who is sexually attracted to other women.

Gay Man: A man who is sexually attracted to other men.

Heterosexual: A person sexually attracted to persons of the opposite sex.

Bisexual: A person sexually attracted to members of both sexes.

- 2.3 Depending on the nature of the sexual activity that occurs, PSEs can be known by various colloquial names:

Cruising: To actively look for a sex partner in areas where others are likely to be found engaging in the same pursuit.

Cruising Grounds: Places where men go to 'cruise'. Cruising is not restricted to gay men; men who have sex with other men use cruising grounds, and includes gay, heterosexual and bi-sexual men.

Cottaging: Males identified as in cruising who engage in sexual activity in public toilets.

Dogging: The practice of watching or engaging in exhibitionist sexual activity in a public place, usually by heterosexuals. There are usually known 'dogging sites' used.

### 3. Introduction

- 3.1 Sexual activity in a public place can cause offence to those who unwillingly witness it, and can result in people feeling intimidated when using public places and facilities.
- 3.2 It is important that a fair and reasonable police response to such activity is carried out in the general public interest.
- 3.3 People who use PSEs can be of any sexuality or gender identity and incidents involving individuals of the same or opposite sex will be dealt with on an equal basis.

### 4. Offences

- 4.1 Outdoor sexual activity is not in itself an offence. However, section 5 of the [Public Order Act 1986](#) makes an offence of being threatening or abusive in a way which is likely to cause harassment, alarm or distress, which could include people engaging in public sexual activity.
- 4.2 Section 71 of the [Sexual Offences Act 2003](#), makes it illegal to engage in a sexual act in a public toilet. The law applies equally to men and women and will be regarded as a 'nuisance' offence rather than a serious sex crime.

### 5. Key Principles when dealing with Public Sexual Activity

- 5.1 Responses to complaints must be fair and proportionate, legal, accountable and necessary, and based on best information.
- 5.2 Responses should be set within the duty to reduce crime and disorder and provide a safe community for all.
- 5.3 Within the context of the National Intelligence Model (NIM), the Scan Analyse Respond Assess (SARA) problem-solving approach should be used to address complaints.
- 5.4 Due to the sensitivity required in responding to public sex activity issues, it is essential that all stages of the process be subject to a strategic overview and review.
- 5.5 All stages of the process should be monitored and evaluated, and carefully documented.
- 5.6 When a police officer witnesses public sexual activity in a public place, or receives a complaint from a member of the public that such an activity is taking place or has just taken place, the officer should assess the circumstances and determine if immediate action is required. Such a decision should be guided by the above principles and the THRIVE principles.

5.7 If immediate action is **not** required, the following four staged approach must be followed.

## 6. Stage 1 – Receipt of a Complaint of Public Sexual Activity

6.1 Responsibility and accountability for initial processing of a complaint regarding public sexual activity from a member of the public will rest with the relevant Safer Neighbourhood Team (SNT).

6.2 An officer not below the rank of Sergeant will carry out an initial assessment of the complaint, reviewing its validity, and based on their assessment will decide whether it should be proceeded with and which, if any, other agencies need to be involved. They will also decide how the issue should be resolved and who will have responsibility for it.

## 7. Stage 2 – Scanning and Analysis

7.1 If it is decided to proceed, enquiries should be made to establish the following:

- Is it an isolated incident or one of several, i.e. a community problem?
- What other information is available?
- What is the nature of the complaint? E.g. is it about observed behaviour, hearsay, or about unhygienic litter, etc.

7.2 The investigating officer(s) should review the available information and decide if there should be a more focused approach to information scanning by interrogating own and other agency databases and community intelligence systems, with a view to verifying the nature and extent of problem. It is important to realise that valuable information may have been captured on existing CCTV systems. This could help in informing the true nature of the problem, however if offences have occurred, then this footage could potentially become evidence.

7.3 Consideration should be given to whether commercial sex is involved. If so the problem should be dealt with accordingly with reference to the respective Constabulary's Sex Work and Sexual Exploitation policy.

7.4 If it comes to police attention that a child or young person is involved, the matter must be referred to the relevant Safeguarding Unit immediately.

7.5 If the SNT decides that a community problem exists then a stepped response may be implemented. Not every complaint will result in a response since the scanning and response stage may show it to be an isolated incident and not a symptom of a problem. If this is the case, the reasons should be explained to the complainant. It may also be decided, that whilst there is a problem, on strategic grounds it would be inappropriate to implement a stepped response at that stage. The decisions, and grounds, should be recorded.

7.6 At this stage police and partners should decide what they want to achieve and how they will know when they have achieved it.

## 8. Stage 3 – Stepped Response

8.1 The following action may be taken if the Chief Inspector/Superintendent of the responding team considers it appropriate:

### Step One – Inform, Dissuade

8.2 The intention of this stage is to inform people who are engaging in public sexual activity that the Constabulary's have received complaints of the activity in order to try and deter people from using the site for this purpose.

8.3 Examples of ways to inform and dissuade are:

- Use of health outreach workers.
- Posters.
- Media.
- Via the LGBT+ Network / LGBT Liaison Officers.

8.4 If the above does not improve the situation in the public space, the SNT should consider progressing to the second step, which is Preventative Measures.

### Step Two – Situational Crime and Disorder Prevention Measures

8.5 The aim here is to reduce the occurrences, and likely occurrences, of public sex activity by designing out problems, reducing the impact to communities and protecting all users of public areas from crime and anti-social behaviour. Possible measures to be taken could be:

- Access control, e.g. restricting hours of opening of facilities.
- Capable guardians, e.g. toilet attendants, park patrols. It is important that such personnel are provided with proper training and work within intervention protocols.
- Increased signage.
- Environmental design – landscaping and cutting back of shrubbery.
- Increased lighting.
- Overt surveillance, e.g. CCTV.
- Staff vigilance and guidance, e.g. gardeners.
- Increased litter bins.
- Target removal, e.g. closure of facilities.
- Patrols/intervention by accredited County Council wardens.

- 8.6 Once a suitable period of time has elapsed after any of the above measures have been implemented, analysis and scoping of the area should be conducted to assess the impact they have had.
- 8.7 The SNT should, then undertake a review of the findings, and if the situation has not been improved, the third step of Preventative Patrolling should be progressed.

### Step Three – Preventative Patrolling

- 8.8 The emphasis of the patrolling will be one of information passing regarding the stepped process and the subsequent enforcement action that may be taken. All enforcement tactics must be justified and proportionate and be risk assessed prior to being deployed.
- 8.9 High visibility local uniformed officers should carry out patrols. Patrols should be effectively supervised and should in no way impede upon lawful gatherings in the public space or use of public facilities.
- 8.10 Patrolling officers should be briefed on the purpose of the patrol and given clear guidelines on the powers and options open to them as well as how to use discretionary options.
- 8.11 Officers should be given clear instructions that the purpose of the patrol is prevention, but that offences coming to light should be dealt with in an appropriate manner.
- 8.12 It may be appropriate, depending on the location and the responsibility for venue, that the patrols are undertaken by local authority accredited wardens either jointly or with police. In these cases it will be essential that similar guidelines are agreed, understood and signed up to by these agencies.

**Important:** This model does not include a separate detection or enforcement stage. 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.

## **9. Stage 4 – Assess**

- 9.1 It is essential that the whole process is monitored and evaluated, both by the police and any other partner agencies also involved.

## **10. Community Impact Assessments**

- 10.1 It is advisable to complete a Community Impact Assessment (CIA) when notified of a PSE.

## **11. Media**

- 11.1 It must always be remembered that when dealing with issues surrounding public sexual activity, media coverage may be generated. The media is

not to be used proactively, as it may attract others to the location and exacerbate the problem or encourage criminals to prey upon the users.

11.2 Care must be taken to ensure that any media coverage has a positive effect and does not damage relationships with any section of the community because of injudicious or derogatory reporting of the behaviour of an unrepresentative few.

## 12. Further Advice

12.1 Further advice and guidance can be sought from the following:

- The Independent Advisory Group (IAG). This is a consultative forum which acts as a critical friend). Contact can be made via the respective Constabulary Office of the Police and Crime Commissioner (OPCC) or the Diversity Unit (Norfolk).
- Each Constabulary has a LGBT+ Police Network who can offer advice and guidance on PSE issues. Contact can be made via their email addresses: [Suffolk](#) and [Norfolk](#).
- Identified [LGBT Liaison Officers](#) (Suffolk). These can offer advice on promoting good relationships between the police and PSE communities. Building and maintaining good a relationship can help to encourage reporting of activities, especially if users of PSEs become victims of crime but never report it because of the nature of the anonymity involved in the activity and the potential repercussions.
- The Diversity Team (Norfolk) can also offer strategic support, advice and guidance on diversity matters. They are contactable via [email](#).