

South Yorkshire Police and Crime Commissioner

Independent Ethics Panel

Second Annual Report April 2016 - March 2017

Dear Commissioner

'I need a group of people who are independent of both me and the police who can tackle some of these big ethical concerns and follow them through and give some wise counsel in a timely and appropriate fashion. Overall, however, the panel's objective is to give me assurance that measures are in place so that never again can South Yorkshire Police ('SYP') lose the trust of citizens'.

These were your words when you explained to local authority leaders why you had established the Independent Ethics Panel.

We began our work in January 2015. This is our second annual report to you, and it covers the period April 2016 to March 2017.

We have been encouraged during the year, in all the projects which we have undertaken, by the Force's willingness to be open. We are not aware of any occasion on which information has been kept back from us. We can only do the job which you have set us up to do, if we can engage in frank and open exchanges with decision-makers. That has been achieved throughout the year, despite the turnover in the Force's senior leadership, and of staff at other levels.

As we undertake another year's work, we will continue to act as 'critical friends'. We could not do our work without your encouragement and the support of your Office, for which we are very grateful.

With all good wishes

Andrew Lockley

Chair, Independent Ethics Panel

August 2017.

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INTRODUCTION

The focus of the Independent Ethics Panel (IEP) is on the present and the future, and not on the past. The Force which we are working with today is unrecognisable from the headlines generated by investigations into past failures. Specifically, we do not recognise the description used by one politician during the year, in the heat of the Hillsborough Inquests verdict, of a Force 'rotten to the core'.

A Force which is willing to be self-critical, and to welcome outside scrutiny, is not a Force which is 'rotten to the core'. In our experience, South Yorkshire Police (SYP) is both of those.

This police force is only too aware of the burden it carries of past events such as the Hillsborough tragedy, the failure to deal adequately with child sex exploitation in Rotherham (a failure accepted also to have been the responsibility of the local Council), and the policing of the 1984/5 miners' strike. These tarnished public trust and confidence far beyond the borders of South Yorkshire.

The other part of the burden is that of restoring public trust and confidence. A central plank in that restoration is the process of embedding ethical policing so that it imbues the culture in South Yorkshire. The IEP provides external scrutiny and assurance of that process.

ETHICAL POLICING

Fortunately, there is a reference point for ethical practice - the national Code of Ethics, to which all forces have signed up. The Code of Ethics should be in the DNA of every officer and employee of SYP. That is not to say that the 'right' decision is always obvious; the National Decision-making model requires officers to weigh up the pros and cons of different courses of action, even when none of the options is completely 'right'. In the policing context, the choice between different options may have to be made in a split second, for example where a member of public – or indeed the officer him or herself – is in danger.

How would we know that ethics is in the DNA?

One way of gaining assurance that ethical practice is in the DNA of individuals is to monitor ethical input into training. Two members of the IEP – Linda Christon and Michael Lewis -

have observed training of new recruits during the year. After many hours of observation, they concluded that ethical standards are integrated into all aspects of training, and in particular:

- There is a constant and heavy emphasis on the ethos of serving the public;
- There is repeated attention to attitudes and values;
- The need to prevent significant harm, and to support victims of crime, features prominently;
- There is a stress on personal responsibility for good, reasoned and lawful decision-making.

The panel members expressed concern, however, that civilian trainers without a background in policing would lack credibility with the recruits. They also questioned whether the Force provides sufficient support to trainees – and indeed serving officers – exposed to emotionally demanding and distressing situations. There is a perception that officers have been expected to ‘man-up’. The Chair raised this with senior officers and is satisfied that the need to provide sufficient support is now recognised. This is a subject to which the Panel will no doubt return.

Are new recruits able to put their training into practice?

The observers also carried out a limited series of discussions with ‘rookie’ serving officers to find out what their most positive experiences have been since completing training, and also their greatest challenges.

It would be misleading to imply that the new officers spoke with one voice, but what came over to the observers above all, was a very strong public service ethic. This for many was all the more important because of the burden of SYP’s legacy. The newly trained officers had experienced the intense pressure on police teams from the challenging workload, while being aware from their training that they should ‘do things right’ and not cut corners. Poor and inadequate IT equipment came in for criticism, however. Work is ongoing to test these and other views with a larger group.

POLICING ACTIVITY

Much of the IEP’s work is in fields of policing activity in which policy or practice raises ethical questions. It is to those that we now turn.

Use of tasers

Some police functions require particular scrutiny because they have the potential to arouse public concern. Near the top of anybody’s list would be the use of force by police officers. Is the use of force justified (i.e only used where there is no other way of restoring order, detaining a suspect or protecting others or the officer from a threat of severe violence)? And is the use proportionate (i.e at the lowest level necessary to fulfil its intended

purpose)? Guidance on how to assess the risk is given by the police's National Decision-Making model.

The IEP has begun to monitor the use of force. During the year, it looked at figures on the use of tasers in South Yorkshire. Tasers work by firing barbs attached by wires to batteries, causing the victim to be stunned, or temporarily paralysed. Officers have to be authorised to carry tasers.

We found that the total usage of tasers by SYP was below the national average during 2015 (the last year for which statistics were then available). However, when a comparison with the group of most similar forces (MSFs) was made, a more subtle picture emerged. SYP officers took out their tasers 102 times during the year. This was well below Lancashire, West Yorkshire, Kent and (highest of the MSFs, at over three times the figure for SYP) South Wales. On two thirds of those occasions in South Yorkshire, the taser was not discharged; on 34% of occasions it was fired. At 66%, the non-discharge proportion is the lowest for MSFs; at 34%, the discharge figure is the highest. One interpretation of those figures is that SYP officers tended to bring out tasers only there was a good chance that they would need to be discharged.

If that interpretation is correct, that tends to show sound judgement as to the use of tasers, but one year's statistics are not enough to form a concluded view. During next year, this scrutiny will be extended to SYP's use of force more generally.

Stop and search

The use of stop and search powers by police has long been controversial, to the extent that in 2014, the then Home Secretary, Theresa May, launched an initiative to curb its use across all forces.

During the year, we reviewed progress in South Yorkshire. The number of stops and searches carried out by SYP dropped from over 22000 in 2013, to 2580 in 2016. At the same time, the proportion of searches resulting in further action (arrest, summons or penalty notice) has risen, and in 2016, stood at 36%. The comparable proportions for 2014 were 24% and 33% respectively. The IEP believes that the increase in the proportion of 'further action' cases on a much reduced number of searches should be seen as a success. It suggests that the power to stop and search is being better targeted. If so, this is a more effective use of police time, and also reduces the damage to relations with the public which follows from searches carried out without good reason.

However, statistics show that a significantly higher proportion of searches have been of people from ethnic minorities. In 2016 in South Yorkshire, black, Asian and other visible ethnic minority citizens were 3.4 times more likely to be stopped and searched, (an increase from 2.3 in 2015). The chances of a 'further action' outcome, however, were about the same for all ethnicities.

There is clearly further work to be done to understand what is happening here.

In the meantime, however, SYP has established a system of monthly scrutiny panels, in which a sample of stops and searches is examined in detail. Lay people, including those who have been wrongly stopped, are invited to these. IEP members have also attended and been impressed by the scrutiny process. We commend this excellent example of seeking to improve practice by reflecting on past experience.

Body-worn videos

There are many aspects of modern policing that present ethical dilemmas and choices. Sometimes, the Force asks the IEP to advise on tricky issues before it takes a decision. One such matter during the last year was body-worn videos (BWV). These are video cameras worn on the officer's body – usually the head – which can record his or her activity in relation to members of the public. BWV have been introduced by a number of forces across the UK, but not yet in South Yorkshire. Their use has proved controversial in some areas.

A sub-group of the IEP, led by Professor Ann Macaskill, reviewed the ethical issues which would be raised if SYP introduced BWV. As a result of this review, the following ethical issues were identified:

- Officers need clarity on when recordings can not be made;
- Constant recording would probably amount to an invasion of privacy of members of the public and other officers;
- An officer's discretion to trigger recording must be clearly defined;
- There must be clarity about when informed consent is required for recording. How might this be obtained?
- Even if informed consent is not required, individuals must know when they are being filmed.

BWV could prove particularly useful in sensitive situations such as where force is used, or where the officer attends a 'domestic'. The Force will need to prepare clear guidance on these issues and carry out training before BWV is introduced in South Yorkshire.

COMPLAINTS AND PROFESSIONAL STANDARDS

The IEP has a particular responsibility for monitoring SYP's handling of complaints. We review this every six months, and have suggested a number of improvements to the Force complaints report, eg to analyse complaints by gender, ethnicity and disability. This is now being done, but we have also asked for further work to be done to clarify lessons learnt from complaints trends, which was still awaited at the end of the year under review.

ADVISORY PANEL ON POLICING PROTESTS

During the year, a new advisory panel, formed partly from the Independent Ethics Panel, and with the same Chair, began work. Its establishment was one of a number of recommendations made by two members of the IEP (the Chair and Imam Mohammad Ismail) who were asked by the PCC to report on events which had occurred during a far-right protest and local community counter-protest in Rotherham on 5 September 2015.

The APPP's task is to provide independent support and challenge to SYP in its policing of protests and marches. The advisory panel is believed to be the first of its kind on the British mainland. It does not have the legal powers of the Parades Commission of Northern Ireland (for example, it can not specify a route for marchers to follow). SYP has a difficult balance to strike between protecting the right to protest and limiting the impact of those protests on local communities, and consults the APPP when a protest event is notified.

EQUALITY & DIVERSITY

The PCC has asked the Panel to advise him on the Force's progress towards equality and diversity objectives. The proportion of police recruits from minority ethnic communities in South Yorkshire does not yet match the proportions in the community as a whole. This requires further work.

The Panel advised that one of the Force's equality objectives for the next year should be to develop positive action activity to encourage greater representation of ethnic minority and female candidates among candidates for recruitment, applications for promotion and a reduction in leavers in those groups.

MEETINGS & AGENDAS

The IEP is supported by the Office of the Police and Crime Commissioner (OPCC) and we record our thanks to its staff, particularly Erika Redfearn, Sally Parkin and June Renwick, who have taken on the additional burdens of making the IEP work smoothly when they have much else to do. Senior officers of SYP also attend the Panel to deal with particular issues, and they are always led by either the Chief Constable or his Deputy. We express our appreciation of the openness of SYP in their reports and in discussion.

We have had five full meetings in the report period, but we also work on particular projects in smaller groups. The OPCC publishes the agendas and minutes of the meetings on its website, and reference should be made to those for a full picture of the matters which the Panel has considered.

CONCLUSION

South Yorkshire is one of a very few areas of the country to have an independent policing ethics panel. Given the historical context, that independent scrutiny is crucial for public confidence, and gives not only the PCC, but also the Force itself, assurance of the progress that is being made.

As we move into the third year of the IEP's work, one of our projects will be to do more work on the Force's internal culture. Chief Constable Stephen Watson has distilled the main themes of Force activity and values into what he has called 'The Plan on a Page'. Taking The Plan on a Page as a starting-point, the IEP will monitor the implementation of the Plan through behaviour and attitudes, in its role as a 'critical friend' of the Force.

Appendix 1: The Members of the Panel

The Panel was established by the PCC, with the full support of SYP, to provide independent and effective challenge about the integrity, standards and ethics of decision-making in policing. All members of the Panel reside in South Yorkshire.

The Chair of the Panel is **Andrew Lockley**, a Sheffield-based solicitor with a wide range of experience in professional standards, policing issues and public policy. In the year under review, he has also been a part-time tribunal judge, a panel chair for the Medical Practitioners Tribunal Service of the General Medical Council, and a non-executive board member of the Legal Aid Agency.

The other panel members each contribute their background and expertise.

Linda Christon has had a career in public service with experience in housing and social care in senior roles in local government and in a regulator. She is now also a non-executive director of both St Leger Housing, and Yorkshire Housing.

Imam Mohammad Ismail is a theologian, and the Muslim chaplain at the University of Sheffield, also having expertise in safeguarding in education, and in preventing extremism.

Michael Lewis has been headteacher of a large and culturally diverse comprehensive school in Sheffield. He now serves as a lay member of Employment Tribunals, and as a panel member of the Professional Conduct Panel of the National College of Teaching and Leadership, and is involved in independent custody visiting and restorative justice.

Ann Macaskill is Professor of Health Psychology at Sheffield Hallam University and Chair of its Research Ethics Committee. She has written on forgiveness, grudge holding and revenge, among many other interests.

Appendix 2

The Panel's terms of reference

