

INDEPENDENT ETHICS PANEL

12 FEBRUARY 2019

PRESENT: A Lockley (Chair)
Imam M Ismail, Member
M Lewis, Member
Prof A Macaskill, Member
ACC Hartley, SYP
Supt S Helmsley, SYP
E Redfearn, OPCC
S Parkin, OPCC
A Fletcher, SYP
Sgt G Sitch, SYP
D Clarke, SYP
K D'Souza, HMICFRS (Observer)

APOLOGIES: DCC Roberts, SYP

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting, including K D'Souza from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS).

K D'Souza informed the Panel that she was here to observe the meeting to see how the Force interacts with the meeting and how the meeting feeds into the ethical decisions made by the Force.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF MEETING HELD ON 13 NOVEMBER 2018

The minutes of the meeting were agreed as an accurate record, subject to the following amendment on page 4, Hate Crime Update:

It was agreed:

- M Ismail would become a single point of contact (SPOC) for Hate Crime.

4 MATTERS ARISING/ACTIONS (10.10AM)

128	DCC Roberts to liaise with the Neighbourhood Inspector regarding the perceived rise in robbery occurring in Darnall, Sheffield and provide feedback to M Ismail. 13/11 – DCC Roberts reported that there was no significant increase in robberies in Darnall and suggested that M Ismail meet
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	<p>with Insp D Struggles. 13/11 – M Ismail’s contact details had been provided to Insp Struggles. 13/02 – M Ismail confirmed he had received substantial data from Insp Struggles and was due to meet with him. DISCHARGE</p>
137	<p>M Lewis identified as SPOC on behalf of the Panel for Stop & Search. 04/02 – Noted. DISCHARGE</p>
138	<p>To retain an annual update on Stop and Search, but with any exceptions brought forward. 04/02 – Noted and on work programme. DISCHARGE</p>
139	<p>M Lewis to meet with C/I Chris Foster and Supt Una Jennings regarding Op Fortify. 04/02 – M Lewis met with C Foster on 10/12/18 and U Jennings on 09/01/19. Notes on today’s agenda. DISCHARGE</p>
140	<p>S Poolman to forward the SYP Hate Crime training package to M Ismail and share the feedback. 03/01 – S Poolman forward latest version of the training package to M Ismail. DISCHARGE</p>
141	<p>The twice yearly SYP Hate Crime report to be regarded as part of the embedded audit regime. DISCHARGE</p>
142	<p>The writing of a joint letter to the Home Office about the dearth of a national long-term view on Hate Crime 12/02 – ongoing. A Lockley confirmed he was meeting with the Independent Chairs from GMP and the Metropolitan Police on 14/02. D Hartley suggested the panel link in with S Poolman around where the gaps are prior to writing to the Home Office.</p>
143	<p>The Panel to review academic literature and ethical issues around Evidence Based Investigation Tool (EBIT) and feedback. 12/02 – A Lockley enquired if we could have an outside researcher to assist the Panel. S Helmsley confirmed that she was undertaking research into automated facial recognition (AFR) but this had been put on hold until the outcomes of the judicial reviews taking place in South Wales and the Metropolitan Police were received. She was happy to share her work with the Panel. A Lockley confirmed that the Panel’s interests were wider than AFR, and extend to technology-assisted policing more generally, including the use of algorithms in making decisions. The Panel agreed that its interest in this should be around the ethical principles and the fundamental ethical issues facing the Force in this area. S Helmsley agreed that she could provide information on the ethical dilemmas facing the Force around this before the next meeting. A Lockley agreed to report back on the work taking place by the Metropolitan Police’s Ethics Panel. E Redfearn highlighted that there are two areas in relation to technology in policing; investigative tools and decision making tools. S Helmsley confirmed that EBIT was a tool to</p>

	assist the police in making decisions. M Lewis raised the storage and retention of data. D Hartley confirmed that the Force complied with GDPR.
144	The Panel to work up a paper in relation to ethical principles on the use of artificial intelligence and other new technology in policing in the future. 12/02 – See 143.

IT WAS AGREED THAT:

- **S Helmsley would share her research around facial recognition with the Panel once the outcomes of the ongoing judicial reviews are known**
- **S Helmsley to provide the Panel with ethical dilemmas for the Force before the next meeting**
- **A Lockley to report back on the work taking place by the Metropolitan Police's Ethics Panel.**

5 WORK PROGRAMME

E Redfearn reminded the Panel that an assurance review is taking place which could impact on the work programme in the future.

M Lewis suggested that to enable the Panel to track the progress of Operation Fortify this should be added to the work programme. The Panel agreed to discuss this as part of the Stop and Search / Knife Crime update.

6 CHAIR'S REPORT

The Chair reported that he would be meeting with the Independent Ethics Panel Chairs of GMP and the Metropolitan Police on the 14 February 2019.

7 SYP USE OF DRONES

Sgt Gordon Sitch presented a report on the Small Unmanned Aircraft (SUA) (Drone) project. The aim of the report was to raise awareness of the Force's SUA project; give an overview of the policing capability of the air assets and give an understanding of data capture and governance.

G Sitch informed the Panel that the data protection assessment had been revisited and any mitigations have been incorporated into the training package which is due to be delivered in March.

The Chair expressed surprise that there was no national policy from the NPCC on the use of SUA. G Sitch confirmed that Data Protection regulations had been followed. He highlighted that this was the same for Body Worn Video.

A Macaskill was pleased to note the Force's positive action around media and marketing to reduce the potential negative effect on public confidence.

A discussion took place around the number of air support deployments and how these were prioritised. SYP requested the use of the National Police Air Support (NPAS) assets on 1753 occasions. This resulted in only 757 deployments and 996 non-deployments. Vulnerable people are a priority.

D Hartley confirmed that the use of SUA is good value for money. As well as the technology being reasonably priced there are also savings in relation to human resources. A search for a missing person can involve 20/30 officers where the use of a SUA might only require one officer.

D Hartley highlighted that the message to the public was around providing significant improvements in policing. A drone can be deployed to a range of incidents where a helicopter would not be deployed, eg speeding vehicles, off-road bikes and ASB.

The project will be formally launched on 1 April 2019 and visits will be made to each of the four districts.

A discussion took place around the Force's preparation for SUA disruption at airports. D Hartley confirmed that the Force was prepared to support the function of Robin Hood Airport and direct mitigation was being developed to prevent any disruption at the airport.

The Panel thanked G Sitch for the report and suggested that an update report be provided in twelve months' time.

IT WAS AGREED THAT:

- **An update report be provided to the Panel on the use of SUA in twelve months' time.**

8 CODE OF ETHICS UPDATE BY EXCEPTION

S Helmsley provided a verbal update.

The Force's Internal Ethics Panel last met on 9 January 2019. The Panel discussed four topics:

- Harm reduction in brothels / massage parlours
- Wearing of paraphernalia when in uniform at Gay Pride events
- Obtaining information to assist with locating missing or lost people
- Location of officers when off duty

The Panel agreed these were interesting dilemmas which affect individual officers.

S Helmsley informed the Panel that J Wright (Force Solicitor) and herself would be attending the Durham and Cleveland Ethics Panel on 23 February. They are interested in seeing how the Panel works. Internal issues are raised with the external panel who ratify decisions made. Feedback will be provided at the next meeting.

S Helmsley is also attending the new North East Forces Regional Ethics Panel. The Chair enquired if there were plans to include Independent Panels. S Helmsley agreed to raise this.

A discussion took place around the attendance at the Force's Internal Ethics Panel and whether the Panel was representative of the workforce. Both attendance and representation is good.

M Lewis enquired about outcomes. S Helmsley confirmed that the Panel was not a decision making body but made recommendations to inform policy and practice.

The Panel commended S Helmsley on the report and on the work of the Internal Ethics Panel.

IT WAS AGREED THAT:

- **S Helmsley to feedback on the Durham and Cleveland external Ethics Panel at the next meeting**
- **S Helmsley to raise the inclusion of Independent Ethics Panels within the North East Regional Ethics Panel**

9 USE OF FORCE

A report on Use of Force within South Yorkshire Police was presented to the Panel. The purpose of the report was to update the Panel on the current position regarding HMICFRS annual data return and the Force's present use of force.

D Clarke informed that Panel that variation in recording levels across police forces means that no comparisons can be made between police forces at the current time. M Lewis enquired if based on the information provided the Force had any concerns. D Hartley confirmed that he did not have any concerns.

The Panel noted the high incidence of use of force in the age group 18-34 years. D Hartley suggested that this reflected the number of people in this age group taking and using alcohol and drugs.

D Hartley highlighted that British forces, which are unarmed, are the envy of other countries and reflected on the amount of risk which forces absorb to keep the public safe. He also highlighted the importance of officer safety.

D Clarke confirmed that the Force has a Use of Force Panel which examines data/trends and how officers are using force.

The Panel requested the following information be included in the report next time:

- Breakdown of the types of use of force by year
- Use of Taser – comparison with most similar forces
- Breakdown for under 11's and 11-17 years – including type of force used
- Vulnerability – comparison by year

E Redfearn highlighted that the Panel's role in this area, is to provide assurance to the PCC that the Force uses force appropriately. She suggested that a more rounded picture was required and suggested that work was undertaken outside of the meeting to cover off what was required in the next report.

D Hartley presented a short report on an Acute Behaviour Disturbance (ABD) incident which had taken place in Shepcote Custody.

On Thursday 13th December 2018 at 0820, a 25-year-old male was arrested at a Sainsbury's Store in Sheffield.

Upon arrival at Shepcote Lane Custody Centre, the suspect was shouting and struggling with officers and carried in a prone position straight to a cell, as the Custody Sergeant formed the opinion that he was too violent for the booking-in process to be progressed at that time.

The Custody Sergeant recognised this as Acute Behavioural Disturbance (ABD) and engaged the NHS nurse who confirmed that it was an ABD incident. An ambulance was called. The nurse was of the opinion that there was a potential risk of heart failure/haemorrhage.

An ambulance attended and full hand over was completed by the Custody Officer and NHS nurse.

D Hartley confirmed that if the Custody Sergeant had not recognised this as an ABD incident there would have been a real risk of someone dying.

SYP has raised awareness of ABD via Officer Safety Training. The Force has also hosted a National Conference on ABD. The Panel commended the Force on the lead which it is taking in this developing area.

IT WAS AGREED THAT:

- **A discussion take place outside of the meeting to discuss the content of the next use of force report**

10 CULTURE PROJECT UPDATE AND NEXT STEPS

The Chair reported that discussions are ongoing with the OPCC.

11 UPDATE FROM STOP & SEARCH /KNIFE CRIME SPOC

M Lewis presented his notes from his meeting with Chief Inspector Chris Foster on 10 December 2018 and Detective Superintendent Una Jennings on 9 January 2019.

Stop and Search

M Lewis referred to his designation as SPOC for Stop and Search and confirmed he had met with Chief Inspector Foster, the Force lead for Stop and Search. Chief Inspector Foster had offered M Lewis a number of opportunities to observe activity

around Stop and Search to verify what he had been told, including observing a Stop and Search input to Streets Skills training.

Knife Crime

Linked to Stop and Search M Lewis had met with Detective Superintendent Jennings to receive a briefing on current aspects of knife crime.

M Lewis had provided a detailed summary including information on Operation Fortify, SYP's response to knife crime. He recommended that the Panel monitor regularly the overall impact and effectiveness of the Knife Crime Strategy for South Yorkshire and Operation Fortify.

E Redfearn highlighted that the Knife Crime Strategy was included in the renewal of the Police and Crime Plan and a decision was still to be made as to who was going to be involved in monitoring this.

The Panel agreed Operation Fortify should be put on the agenda for September / November's meeting.

Arising from his discussions and observations, M Lewis expressed concern about whether the diversity of communities is reflected in the make-up of the neighbourhood policing teams. S Helmsley agreed to look at this when filling vacancies in the future. M Lewis also highlighted the statistical analysis around ethnicity and suggested it would be useful to look at the changing shape of demographics in respect of age groups.

M Ismail agreed that these are areas of concern and needed addressing.

IT WAS AGREED THAT:

- **An update on Operation Fortify be put on the agenda for the September/November meeting**

12 ASSURANCE REVIEW

E Redfearn confirmed that she had, with the exception of M Ismail, spoken to Panel members in relation to the Assurance Review. She would be in touch with M Ismail in the next few days to discuss this with him.

A risk based approach to assurance was currently being considered and further discussions with this Panel and others would be required.

The PCC and Chief Constable would be meeting quarterly with Panel Chairs.

The Chair reminded the Panel that they would no longer be reporting to the Public Accountability Board after each meeting. He expressed the hope that public accountability of the Panel would not be lost.

E Redfearn confirmed that this was work in progress and no proposals had been made around how Panels should report to the public.

E Redfearn thanked Panel members, with the exception of L Christon, for agreeing to have their term of office extended.

She thanked L Christon for the support she had given to the PCC and Chief Constable. The PCC had written to her, and the Chair confirmed that he had done the same, to thank her for her very considerable contribution to the work of the Panel.

13 PANEL MEMBER RECRUITMENT UPDATE

E Redfearn informed the Panel that the applications window for a replacement member of the Independent Ethics Panel had closed on the 11 February 2019.

Eleven applications had been received, although this may not be the final number. Interviews are taking place on 21 February 2019.

14 ANY OTHER BUSINESS

14.1. M Ismail enquired if the Force expected to see a rise in hate crime as a result of Brexit.

D Hartley reassured the Panel that SYP has appointed a chief officer lead, himself, supported by Force's contingency planning lead. Chief Superintendent S Green has been appointed Gold Commander.

There is a Brexit Strategic Co-ordinating Group in South Yorkshire, responsible for planning and managing risks. The Group will continue to monitor developments.

The key issues currently appear to be around the free flow of medication and food.

E Redfearn referred to a report which had gone to the last Public Accountability Board and suggested this was circulated to the Panel.

14.2 The Chair invited K D'Souza to give any observations. K D'Souza informed the Panel that she had made a note of the lack of national data in relation to Hate Crime and Stop and Search.

IT WAS AGREED THAT:

- **The Brexit Report from the last Public Accountability Board be circulated to the Panel**

15 DATE AND TIME OF NEXT MEETING

CHAIR