

**South Yorkshire Police and Crime  
Commissioner's**

**Independent Ethics Panel**

**Third Annual Report  
April 2017 - March 2018**

Dear Commissioner

We began our work in January 2015. I am pleased to present to you our third annual report. It covers the period April 2017 to March 2018.

Last year, we commented on the Force's willingness to be open to our independent scrutiny. I am pleased to report that this has continued during the year.

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

## Introduction

The Independent Ethics Panel (IEP) advises the Police & Crime Commissioner (PCC) and South Yorkshire Police (SYP) on ethical issues.

These include 'big picture' issues arising from the use of police powers, such as the use of force, and the exercise of stop and search. It is not our role to consider individual complaints against the police, but we do keep an eye on trends and lessons learnt.

Most of our work derives from commissions by the PCC, or requests for views from the Force.

## Use of Force

As we commented last year, 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 now receives a report on the use of force twice a year. Last year, it focussed on the use of taser guns. This year, scrutiny has been extended to SYP's use of force more generally.

In addition, we were asked to give our views on the use of Spit Guards in the Force's custody suites. Our view was that staff in the custody suites should be protected from spitting detainees, but we advanced a number of safeguards. Spit guards were introduced in the early part of 2018, and we will review their use later this year.

So far as the more general use of force is concerned, the Panel was provided with detailed statistics for 2017, broken down by district, and by the gender, ethnicity and vulnerability of subjects. The Panel particularly noted the figures for the use of force on people identified by officers as having mental health and mental disability issues. Members of the Panel were encouraged to see that officers were recognising and recording that people may have such issues, although expressed concern that the numbers of vulnerable people on whom force was used, seemed high as a proportion of the total number of instances. This will be looked at again once the Home Office has provided comparison data with other forces.

The Panel was satisfied that the instances of the use of force in SYP in 2017, appeared stable, compared with the previous year. There were no statistics provided to the Panel relating to the level of force used, and the Panel understands that will be remedied.

## 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. However, against the background of a rise in knife crime, particularly in London, the view is gaining ground that stop and search powers can offer valuable public protection. For example, during this year the Commissioner found at a public meeting in Burngreave, Sheffield, that mothers of young adults expressed that view. In South Yorkshire, there was a 15% increase in knife crime in 2017/18 compared with the previous period.

Following a period in which officers may have become more hesitant to exercise powers of stop and search, not least because of negative comment from HM Inspectors, SYP took the initiative and issued fresh written guidance to its officers, backed up by a video message from the Chief Constable. The guidance advises 'See, Know, Suspect'. This was supported by the IEP.

Another initiative taken by the Force has been to authorise the use of enhanced stop and search powers available under s60 Criminal Justice and Public Order Act 1994. These are specific to time and place, and were used twice in 2017/18 - both times in Sheffield, after serious assaults had taken place. The Force has invited the Panel to scrutinise the exercise of those powers and the Panel was greatly reassured to learn that the public readily cooperated when they were used, for example when a 'knife arch' metallic search device was set up in Carver Street in central Sheffield.

Last year, we commented on the substantial reduction in the number of stops and searches carried out by SYP - from over 22,000 in 2013, to 2,580 in 2016. This lower rate has continued in 2017/18, with just 1,005 stops and searches in the six months to February 2018. The proportion of searches resulting in further action (arrest, summons or penalty notice) stood at around 23%.

However, statistics show that a significantly higher proportion of searches continue to be of people from ethnic minorities. In the six months between September 2017 and February 2018 in South Yorkshire, black, Asian and other visible ethnic minority citizens were 2.9 times more likely to be stopped and searched, (a reduction from 3.6 in 2016).

In its discussion, the Panel acknowledged that BAME citizens are disproportionately represented among victims of violent crime, so the higher stop and search rate of BAME suspects may indicate that SYP is acting protectively towards those groups. However, as we commented last year, further research is necessary. Meanwhile SYP continues to hold scrutiny panels, in which a sample of stops and searches is examined in detail with the help of people external to the Force. Our members have also attended and been impressed by the scrutiny process.

## Hate Crime

SYP has seen increased reporting of hate crime in line with the national picture. The last three years have seen particularly large increases year on year, with an increase of 29% in 2015/16, 62% in 2016/17 and a 36% increase in 2017/18 to 2,168 incidents. Hate crime reporting did slow down from October 2017 through to February 2018 (returning to 2016/17 levels) but a further increase was seen in March 2018.

While there appears to be no doubt that the Brexit vote in 2016, and its aftermath, together with very high profile terrorist incidents in 2017, have fuelled racial and religious hate crime, some of the increase is thought to be due to greater confidence by victims to report incidents, and improved recording by police.

While racial crimes continued to account for the majority of hate crime across the force (75%), disability-related hate crimes increased by 67% in the year under review. Those relating to sexual orientation were up by 56% and those relating to gender identity by 97%. Although these together made up only 22% of all reports, SYP recorded more Transgender/Gender Identity and Disability-Related hate crime than similar forces. This may reflect the engagement work undertaken by SYP, to raise awareness and build confidence, but the significant increase in the number of reports is concerning.

The vast majority of hate crime was verbal abuse by strangers, with the most frequent crimes recorded being public order offences. Racial and religious hate crime made up a significantly higher percentage of public order offences, whereas transgender had the highest proportion of stalking / harassment (sexual orientation, disability and religion also had higher proportions of stalking/harassment). Disability-related hate crime had the highest proportion of criminal damage and arson. This is an area of particular concern, bearing in mind the vulnerability of many victims in this category.

The Panel also looked at outcomes for the year 2017/18:

- No suspect had been identified in 41% of offences.
- In 2017/18, 7% were prosecuted, 1% were cautioned and 3% received a restorative or community justice disposal. This compared to previous year figures of 13%, 1% and 4% respectively. This pattern was consistent with outcome rates across all crime in South Yorkshire.
- 34% of victims did not wish for further action by the police, as compared with 21% in the previous period. This increase may be accounted for, in part, by the fact that more minor incidents were now being reported as crimes. The Panel's view was that this did not of itself indicate that victims did not have confidence in the police, particularly taken together with the recent survey on Trust and Confidence in SYP, but clearly this needs to be monitored.

## **Complaints and Professional Standards**

The IEP has a particular responsibility for monitoring the Professional Standards Department's (PSD) handling of complaints and conduct allegations.

We review this every six months, and during the lifetime of the Panel, have suggested a number of improvements to the Force complaints report. The Panel welcomed a significant drop in complaints received in 2017 in comparison with the previous three years. A number of possible reasons were given for this, including a falling-off in the number of new complaints regarding the Hillsborough disaster and Child Sexual Exploitation and the impact of a relatively new Early Service Recovery Intervention process. Under this process, there is the opportunity to resolve some minor complaints quickly to the complainant's satisfaction, without a full investigation being necessary.

The Panel was encouraged to note that SYP was, on the majority of measures, scoring better in the handling of complaints than its most similar forces, but said that it would welcome further information on the role of employees who were the subject of complaints/conduct allegations, for example whether staff are public-facing.

A number of 'lessons learnt' as a result of complaints were discussed. The Panel welcomed the proactive work of PSD around the inappropriate use of social media by officers.

## **Positive Culture Project**

The PCC has asked the Panel to undertake a major project on the culture of the Force.

He is keen to know whether there is evidence of a 'lesson-learning' culture. Entitled 'Supporting a Positive Culture', the project is expected to be completed before the end of 2018. A starting point for the Panel is the action plan which the Force has devised to respond to the five lowest satisfaction ratings in a survey undertaken by Durham University.

Already however, the Panel is aware of significant initiatives which are indicative of a positive culture, such as:

- The establishment of an Internal Ethics Committee to consider ethical dilemmas
- The Stop & Search Scrutiny Panel
- Well-being initiatives.

Prior to the PCC commissioning work on this project, members of the Panel had undertaken interviews with officers and staff at different levels within the Force to discern attitudes and in particular, to establish the extent to which ethical standards are integrated into day-to-day practice. These interviews are continuing as part of the Positive Culture project.

## **Equality & Diversity**

The PCC has a statutory responsibility for equality and diversity within the Force, on which he asks the Panel to assist.

Having expressed concern last year about the low percentage of BAME candidates for recruitment, relative to the ethnic diversity of South Yorkshire, members supported the development of Positive Action activity to encourage greater representation of BAME and female candidates in applications for promotion, and to reduce representation among leavers.

In particular, the Panel received an equality evaluation of the promotion boards from Constables to Sergeant during 2017 and intends to compare this with 2018 data when available.

Returning to recruitment, 2017 saw a reduction (by comparison with 2016) in the number of female applicants but an increase in BAME and VME applicants throughout the process. However, the proportions of female officers in SYP is ahead of the national benchmark, while the proportion of BAME officers still falls short. The Panel understands that the Positive Action Coordinator is conducting workshops for groups under-represented in the recruitment process.

## **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 led wherever possible 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.

**Andrew Lockley**  
**Chair Independent Policing Ethics Panel for South Yorkshire**  
**26 July 2018**

## APPENDIX A

### Andrew Lockley, Chair

Andrew Lockley has lived in South Yorkshire for over 20 years, and has been a solicitor for over 35 years, latterly as national Head of Public Law at the Sheffield-based law firm, Irwin Mitchell. He retired from Irwin Mitchell in 2013.

He now chairs both the Independent Ethics Panel and the Independent Advisory Panel on Policing Protests, and sits on the Board of the Legal Aid Agency, the government body which administers legal aid throughout England and Wales, where he is also a member of its Audit and Risk Committee. The Agency is responsible for £1.6bn of public money each year.

Among his other roles, Andrew has been a part-time tribunal judge for over 20 years, where his main focus has been on adjudicating disputes between families and local authorities about children with special educational needs and disabilities.

Professional ethics have been a particular area of interest for many years. As well as having been involved in drafting codes of ethics for professions, he has been on the panel of legal assessors and/or chairs for the Medical Practitioners Tribunal Service, and for teachers' regulators.

In the 1980s Andrew was the lead Law Society official on major changes affecting the police, including the content of the Police and Criminal Evidence Act, and its codes, the setting up of the Crown Prosecution Service and the move towards independent investigation of complaints against the police. He was also one of the architects of the national duty solicitor scheme for police stations. More recently, as Irwin Mitchell's lead partner on civil liberties cases, he oversaw cases in which members of the public brought claims against the police.

### Linda Christon

Linda has worked in the public sector for over 30 years. She has extensive experience in housing and social care services, and was formerly the Regional Director for the Commission for Social Inspection (now the Care Quality Commission). She has also worked as a management and organisational development consultant.

She has a law degree and post graduate qualifications in housing administration and property management and a Masters degree in business administration. Linda lives in Barnsley and has spent most of her working life in the Yorkshire and Humber region. She is currently a board member for Yorkshire Housing Association and a member of the Independent Advisory Panel on Policing Protests.

## **Ann Macaskill**

Ann is Head of Research Ethics and Professor of Health Psychology at Sheffield Hallam University.

She is a Registered Practitioner Health Psychologist with the Health Professions Council, UK, a qualified psychotherapist, and a principal fellow of the UK Higher Education Academy.

Her research interests are in health and well-being, positive psychology and research methodology. She has published extensively having peer reviewed journal articles, book chapters, a widely used textbook on individual differences now in its fourth edition, and a book on forgiveness. She has worked in the area of ethics and integrity for a considerable time and contributed to government initiatives in these areas.

## **Mohammad Ismail**

(Imam) Sh. Mohammad Ismail is a prominent Imam and scholar from Sheffield. At present he works as the Muslim chaplain in The University of Sheffield and he is community advisor in safeguarding.

He works as an independent education consultant. He served the community as a lead Imam, teacher, lecturer, school inspector and community worker for more than 30 years. He helped in integration of different communities.

After studying theology, Arabic and Eastern languages, he joined Sheffield Polytechnic (Hallam) and Sheffield University to study and conduct research in education.

He has been working tirelessly in the interfaith dialogue internationally, nationally and locally for more than 30 years to promote community cohesion.

## **Michael Lewis**

Originally from Belfast, Michael trained as a secondary school teacher at the University of York after completing a degree in Modern Languages at Oxford.

He taught for 35 years in comprehensive schools in Derbyshire, Leicestershire and Oxfordshire and finally in Sheffield, where, between 1988 and 2008, he was the head teacher of King Edward VII School, a large, diverse 11-18 school, drawing its students from across the city of Sheffield. In 2008 Michael was awarded the honorary degree of Doctor of Letters by the University of Sheffield. He has lived in Sheffield since 1988.

Since retiring from teaching, he has been involved in mainly voluntary activities, including becoming Chair of Governors (2010-2013) of an inner-city primary school, a trustee of a small-scale medical research charity, a member of the Community Justice Panel and working as an Independent Custody Visitor. He serves as a member of the Professional Conduct Panel of the Teaching Regulation Agency, is a

member of the Independent Advisory Panel on Policing Protests and is also a Lay Member for the Employment Tribunal service.

Michael is married with two adult sons. His personal interests include music, travel and sport.