

## INDEPENDENT ETHICS PANEL

27 JUNE 2019

PRESENT: A Lockley (Chair)  
Iman M Ismail (Member)  
M Lewis (Member)  
Prof A Macaskill (Member)  
Very Revd P Bradley (Member)  
E Redfearn (OPCC)  
ACC D Hartley (SYP)  
S Parkin (OPCC)  
Insp S Mellors (SYP)  
Supt S Poolman (SYP)  
Det Supt D Barraclough (SYP)  
A Fletcher (SYP)

APOLOGIES: J Wheatley (Member)  
DCC M Roberts (SYP)

1 WELCOME

The Chair welcomed everyone to the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interests.

3 MINUTES OF LAST MEETING HELD ON 5 APRIL 2019

The minutes of the meeting were agreed as an accurate record.

4 MATTERS ARISING

142	<p>The writing of a joint letter to the Home Office about the dearth of a national picture on Hate Crime</p> <p><b>27/06 – S Poolman confirmed this was still an issue. The Force receive weekly national reports from the Community Tensions Team, but no monthly, 3 monthly or 6 monthly updates to enable them to identify trends.</b></p> <p><b>A discussion took place around what, if anything, could be done further to assist the Force with this. Members agreed that M Ismail would progress this with S Poolman outside of the meeting.</b></p> <p><b>S Poolman confirmed she would contact the national lead to obtain an appropriate contact.</b></p> <p><b>M Ismail enquired where Tell MAMA obtained their figures. S Poolman confirmed that Tell MAMA produced their own</b></p>
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	<b>data and SYP feeds its data in, although this is not replicated.</b>
143	The Panel to review academic literature and ethical issues around digital policing and feedback. <b>27/06 – On today’s agenda. DISCHARGED</b>
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. [05/04 – linked to 143] <b>27/06 – On today’s agenda. DISCHARGED</b>
147	S Hemsley to raise the inclusion of Independent Ethics Panels within the North East Regional Ethics meetings. 05/04 – E Redfearn confirmed that S Hemsley had raised this and it had been suggested that a member of OPCC staff should attend in the first instance. E Redfearn would attend and feed back to the Panel. <b>27/06 – D Barraclough confirmed he was the new Ethics lead assisted by DCI Deborah Mahmood.</b> <b>The Panel thanked S Helmsley for her enthusiasm and commitment in contributing to the work of the Panel and setting up the Internal Ethics Panel.</b> <b>E Redfearn confirmed the OPCC was picking up this action. S Parkin or E Redfearn would be attending the meetings and an email had been sent to the other North East PCC’s offices enquiring if they would be interested in attending. The OPCC was awaiting responses. Ongoing</b>
148	A discussion to take place outside of the meeting to discuss the content of the next Use of Force report. <b>27/06 – E Redfearn highlighted that the IEP’s work would have a risk approach and a new programme is currently being developed. A member of the OPCC is currently attending training sessions on the use of force and a report will be provided in due course.</b>
150	The IEP Annual Report be added to the work programme <b>17/06 – Complete. DISCHARGED</b>
151	Issues connected with Cyber Crime could be kept under review. <b>27/06 – ongoing</b>
152	OPCC to contact GMP to establish how the work of the GMIEC on cyber crime is progressing. <b>17/06 – S Parkin confirmed she had made contact and a discussion is scheduled to take place. Ongoing.</b>
153	A Lockley to send LPEP’s interim report on Live Facial recognition to the two preferred candidates. <b>27/06 – Complete. DISCHARGED</b>
154	Consideration should be given to whether an officer or member should attend the Police Ethics Network conference on Digital Policing. <b>27/06 – OPCC to establish the date of the event</b>
155	ACC Hartley’s attention to be drawn to the Panel’s concern that neighbourhood policing teams should take account of the local demographics, and that he be invited to respond.

	<p><b>27/06 – D Hartley confirmed he had provided a written update but wanted to provide verbal reassurance. He described the approach the Force takes to establish the demographics of an area including the use of mosaic data. He highlighted Community Alerts which is a key engagement tool which translates into different languages. M Ismail highlighted the importance of having one member of the team who is representative of the local community. D Hartley confirmed that the diversity of the Force continues to improve but the Force is not in a position to commit resources who are representative of the local community, in every neighbourhood team. The Force is training all officers to deal with different types of communities and community issues.</b></p> <p><b>M Lewis enquired how many sub communities there are. D Hartley was unable to provide a definitive answer but highlighted that four streets may have many different characteristics. S Mellors highlighted that a single individual could have many different characteristics. Members found the work being undertaken to identify different communities reassuring. DISCHARGED</b></p>
156	<p>M Lewis to explore outside of the meeting who to contact in schools to give talks on stop and search</p> <p><b>27/06 – To be discussed later on the agenda. Ongoing</b></p>

**IT WAS AGREED THAT:**

- **M Ismail would progress the writing of a letter in relation to a lack of a national picture on Hate Crime with S Poolman outside of the meeting**
- **An OPCC report on the use of force would be presented to a future meeting**
- **OPCC to establish the date of the Police Ethics Network conference on Digital Policing**

**5      WORK PROGRAMME**

E Redfearn confirmed the work programme is a work in progress and would be circulated to members before the end of July.

**6      CHAIR'S REPORT**

The Chair highlighted that the West Midlands PCC has established an independent Ethics Committee, and he was in touch with one of its members.

**7      HATE CRIME UPDATE**

Superintendent S Poolman, the Force Hate Crime lead provided the Panel with an update on:

- National context

- Hate crime and hate incident data for SYP, with breakdown per strand and MSG comparators for racially / religiously aggravated offences
- Hate crime offending
- Satisfaction and outcomes
- Update on SYP Hate Crime Strategy
- Update on progress against HMICFRS recommendations

For national data, the Force relies on the Home Office statistical bulletin on Hate Crime in England and Wales over the financial year 2017/18, which was published in October 2018. The bulletin highlights an increase of 17% compared with the previous year. South Yorkshire has seen an even bigger increase. S Poolman confirmed that this was regarded as a positive and not a negative because SYP had been renowned for under reporting.

The Crime Survey for England and Wales (CSEW) estimates that there are 40% fewer incidents of hate crime a year, compared with estimates made 10 years ago. S Poolman queried the figures.

Around half (51%) of victims of hate crime were very or fairly satisfied with how the police handled the incidents.

For the financial year 2018/19, South Yorkshire saw a 6% increase in reported hate crime and hate incidents when compared to the financial year 2017/18, with a 14% increase in reported crime and a 29% reduction in non-crime hate incidents. This is as a result of all forces being better at recording hate crime.

The statistics showed that between April 2018 and March 2019, there was a higher level of reported hate crime compared with the previous period (April 2017 – March 2018). This may be attributed to Brexit negotiations and possibly the terrorist attacks in Christchurch, New Zealand, although there was no significant rise in religious hate crime.

M Lewis queried why the terrorist attacks in Christchurch would impact on South Yorkshire. S Poolman replied that one of the alleged gunman's magazines referred to historic CSE claims in Rotherham. This made the national news and might have given licence for people to make comment.

P Bradley enquired how the Force distinguishes between religious and racial hate crime. S Poolman confirmed that most were multi-faceted and SYP systems enabled them to flag both elements.

Racial crimes continue to account for the majority of hate crimes across the Force (70%), an increase of 9%.

SYP is within the lower band of racially/religiously aggravated offences when compared with its MSG peers. This is middle ground and S Poolman confirmed she was not unduly concerned.

The proportion of public order offences as a crime type in hate crime continues to decline gradually, and is now at 44.2%, compared with 51.4% in the previous period. This will be due in part to the change in national crime recording standards introduced in April 2018 which requires harassment to be 'crimed' in addition to

other offences if these are indicative of a course of conduct. Members enquired if online activity is included in the figures. S Poolman confirmed that it is.

Stalking and harassment are the more numerous crime types against those with the protected characteristics of disability, sexual orientation and gender identity/transgender. This is concerning as it tends to indicate that people with those characteristics are repeatedly targeted.

The satisfaction of victims of hate crimes has declined although the number of surveys are low. This is being reviewed and addressed and a consistent victim care approach is being adopted. Victims receive a pack specific to their characteristics. Repeat victims are now 'owned' by the neighbourhood team and will receive a bespoke service.

A Macaskill enquired when the surveys go out. This is usually 6 to 8 weeks after the incident.

S Poolman confirmed outcomes had been a key focus. There has been a 3% increase in those charged/summonsed compared to the previous financial year and a 1.4% increase in the use of restorative or community justice disposal. SYP continues to record a large number of cases where the 'victim does not support' - 26.4% in the current period.

M Ismail highlighted that following the terrorist attack on Christchurch he had met a number of Imams at a conference. There was concern that there had been no intelligence on the attacker.

M Ismail confirmed he had been in touch with local community groups ahead of the meeting and had received no concerning reports from them.

P Bradley highlighted that there was no category for mental health related hate crime. S Poolman confirmed this was not one of the characteristics forces have to record, but such cases would get picked up in the disability category.

S Poolman then asked for views about the accessibility of the draft refreshed Hate Crime Strategy which was largely for use as an internal document. M Lewis enquired about the how the Force will raise awareness to promote community cohesion and who the multi-agency hate crime scrutiny panels are and what they do. S Poolman acknowledged the points and confirmed more information would be included in the delivery plan which sits behind the Strategy; otherwise the document would be too large. It was suggested that the delivery plan should be referenced in the Strategy.

P Bradley asked how confident S Poolman was about the quality of the training provided within SYP. S Poolman confirmed there are no national training so training is delivered locally (and had been used by other forces). M Lewis highlighted that in some of the interviews he had undertaken with Sergeants he had been surprised and pleased that the principles are understood.

M Ismail enquired if there was list of organisations to which victims of hate crime could be signposted. S Poolman confirmed there was information on support agencies on the Force's website.

Members to provide any additional comments on the draft Strategy to S Poolman by 15 July 2019.

The Chair thanked S Poolman for the report and the work that had been undertaken.

## 8 COMPLAINTS - CURRENT PERFORMANCE

Detective Superintendent D Barraclough presented the latest complaints and discipline performance statistics.

Between April 2018 and March 2019 the Force had recorded 599 complaints – an increase of around 1/3 on the 2017/18 figures. He confirmed that the Force had been out of sync with other Forces last year. D Barraclough highlighted a spike between July and September; this was down to a number of external factors.

During that period, allegations against female employees had increased by 50%. The majority of allegations are against frontline officers and Atlas Court staff. The increase in female recruits is believed to be a factor. 64 allegations had been made against 38 ethnic minority employees. The percentage of complaint cases recorded within 10 working days has improved and the Force is now in line with the MSF.

D Barraclough acknowledged the average number of days taken to locally resolve allegations and highlighted the unrealistic timescales on staff at districts who have to try and resolve them.

The average number of days to finalise allegations by local investigation is very inconsistent. There are a number of reasons for this, including the number of complex investigations the Force are currently dealing with and the number of criminal cases which are with CPS. These have been reviewed by the IOPC who have provided assurance that they are happy with how these are being investigated.

There were 133 conduct allegations recorded between 1 April 2018 and 31 March 2019 in comparison with 141 in the previous 12 month period. Conduct allegations had remained consistent. D Barraclough confirmed this was positive and showed employees have trust in the process. He highlighted that the Force had seen an increase in officers of all ranks making allegations of inappropriate behaviour, and mentioned a recent HMICFRS inspection around anti-corruption which had gone well.

The Force has also commissioned a number of cartoons around expected standards, these have been well received and everyone remembers them. There has been a national launch around sexual harassment in the work place which included a video. The Force was not happy with the video and has commissioned a further cartoon from the cartoonist which is very good.

D Barraclough confirmed all staff receive training on standards and professional behaviour. The Force also delivers bespoke training to all districts and departments.

M Lewis enquired if BME officers and staff are more likely to attract complaints. D Barraclough confirmed that he did think BME staff and officers were more susceptible. This could be because a BME officer or members of staff can be more easily identified or remembered if there is a group of people involved. This can also be the same for female officers or staff.

The Chair enquired whether the IOPC were concerned around the MSF comparisons for the time taken to resolve and locally investigate complaints. D Barraclough confirmed that the IOPC acknowledge that this will be inconsistent.

The Chair thanked D Barraclough for the presentation and suggested the next presentation should focus on the main issues for the Force. The Panel also requested information on conduct outcomes, for example how many officers have been warned / dismissed.

D Barraclough highlighted that the details of misconduct hearing and findings are available on the South Yorkshire Police website.

**IT WAS AGREED THAT:**

- **D Barraclough agreed to show the cartoons on the expected standards of behaviour at the next meeting**
- **S Parkin to send members of the Panel a link to details of the Force's misconduct hearings and findings on SYP's website**

9 CHANGES IN COMPLAINTS HANDLING

D Barraclough and E Redfearn gave a presentation on the changes in statutory responsibilities to handling of police complaints

D Barraclough provided information on PSD's current responsibilities in relation to police complaints handling and E Redfearn provided information on the PCC's current responsibilities.

The Policing and Crime Act 2017 undertook a major overhaul and reform of the police complaints system. The changes are designed to simplify the process and improve public confidence in the police.

The changes have been rolled out in three phases. Phase 1 and 2 have been implemented, Phase 3 has been delayed as a result of Brexit. Once Phase 3 is enacted Forces and OPCC's will have 6 months to prepare for the changes.

PCC's have three governance models options:

- **Model A (mandatory) – Complaints Reviews**
  - Oversight (holding Chief Constable to account)
  - Becoming the relevant review body for complaints reviews (currently known as 'appeals') where the IOPC is not the relevant review body i.e. complaints resolved locally by Force
- **Model B – Customer Service Resolution and Recording**
  - Model A functions

- Initial complaint handling including contacting complainant, recording complaint and handling certain complaints outside of the formal system
- **Model C – Contact**
  - Model A and B functions
  - Maintaining contact with the complainant at all stages of the complaints process

E Redfearn highlighted the next steps; the OPCC is working with the Force to develop the pros and cons for each model to assist the PCC in deciding which model to take forward. E Redfearn confirmed this would be brought back to the Panel and a separate meeting may be required.

The Panel queried whether the options would be costed. Where possible an indication of costs would be provided but it is unclear how the changes will impact on workload.

The Force needs a senior leadership level implementation plan putting in place. D Barraclough confirmed the changes will impact on Force colleagues rather than PSD.

E Redfearn suggested that a Panel link member for complaints should work with the OPCC and SYP.

The Chair thanked D Barraclough and E Redfearn for the information and agreed to meet with E Redfearn outside of the meeting to discuss how the Panel could assist.

D Barraclough suggested members of the Panel may be interested in attending a training session on the new arrangements.

**IT WAS AGREED THAT:**

- **The pros and cons for each model be brought back to a meeting of the Panel**
- **The link member for complaints work with the OPCC and PSD to progress the work around preparing for the changes to complaint handling**
- **The Chair meet with E Redfearn outside of the meeting to discuss how the Panel can be of most benefit**
- **D Barraclough to provide members of the Panel with details of any training being provided**

10 ORGANISATIONAL DEVELOPMENT - UPDATE

S Parkin provided an organisational development update.

J Jackson SYP's Head of HR, had given a presentation on Organisational Development to the Public Accountability Board on 10 June 2019. This had incorporated the work of the Culture Project which is now part of the ongoing work being undertaken by HR.

The Panel agreed the link member for organisational development would continue to keep abreast of the work being undertaken.

**IT WAS AGREED THAT:**

- **The link member for organisational development would continue to keep abreast of the work being undertaken**

11 STOP & SEARCH - LINK MEMBER UPDATE

M Lewis, as link member for stop and search, provided an update.

M Lewis confirmed he had met with C/Inspector Chris Foster, the Force lead for stop and search in April, and an aide memoire for schools had been produced.

M Lewis expressed concern around the fragmentation of the school system and confirm that it was difficult to identify contacts in schools and would try and progress this.

M Lewis noted the equality objectives on page 56 of the agenda pack which has '*monitor stop and search activity for effectiveness and proportionality by ethnicity*' as an objective for 2019-2021. E Redfearn confirmed K Wright had done some work on this and would contact M Lewis outside of the meeting.

S Parkin highlighted that the YOYO project was currently being refreshed and there may be some scope to incorporate stop and search into this. E Redfearn also mentioned the funding bid the PCC was preparing for the Violence Reduction Unit and suggested M Lewis speak to F Topliss about these.

**IT WAS AGREED THAT:**

- **K Wright contact M Lewis in relation to the analysis of stop and search**
- **M Lewis speak to F Topliss about the possibility of incorporating stop and search into the new YOYO project and the funding bid for the Violence Reduction Unit.**

12 PROTECTED CHARACTERISTICS - EQUALITY & DIVERSITY

This item was deferred to the next meeting.

**IT WAS AGREED THAT:**

- **Equality and Diversity be first on the agenda at the September meeting**
- **The recruitment report be updated for that meeting.**

13 DIGITAL POLICING - PROJECT SCOPE

The Panel received a report on draft terms of reference for its project: Ethical Considerations in Digital Policing.

A Macaskill, as the Panel's link member for this topic, proposed that the overall aim of the project should refer to ethical questions which may be raised when

*considering the introduction* of new digital technology to support Digital Policing and .. This was agreed.

It was acknowledged that this was a fast developing area and was difficult to define. The key focus should be on investigative and development tools.

A Macaskill highlighted that the relevant literature and documents will be reviewed because issues around digital policing are very technical and there are complex legal issues which need to be considered. As a result of this she did not think there would be many people the project team will need to speak to, but they would like input from the Internal Ethics Panel., This will help the Force to own the process and enable the project team to obtain practitioners' views.

Non-ethical issues will not be considered.

A Macaskill confirmed she had contacted to Mr Jamie Grace and Marion Osborne about the project. J Grace would be happy to talk to the panel.

A workshop is taking place on 17 July 2019 where Chief Superintendent Chris Todd of WMP is speaking.

The Chair acknowledged the fast moving landscape and confirmed the production of a checklist was exactly the right approach.

E Redfearn highlighted that the terms of reference needed to be clear around the product and who the intended audience would be eg would this be available to the public?

E Redfearn suggested that the list of points which were Out of Scope should be clarified to ensure that the intended checklist needs to be taken into account when developing policy and informing policy. This will be helpful to SYP when going out to tender or when producing implementation guidance.

M Lewis enquired if there was scope to look at other work places outside of the policing arena where things like this are being considered. A Macaskill was not aware of anyone else looking at this.

An update would be provided at the September meeting.

**IT WAS AGREED THAT:**

- **The overall aim of the project should refer to ethical questions which may be raised when *considering the introduction* of new digital technology to support Digital Policing**
- **Panel Members to consider whether they would like Mr Jamie Grace to speak to them about the ethical Issues arising from digital policing**
- **The Terms of Reference for the project needed to be clear around the product and its intended audience**
- **The list of points which were Out of Scope should be clarified to ensure that the intended checklist needs to be taken into account when developing policy and informing policy.**
- **An update would be provided to the September meeting**

P Bradley enquired if the Panel had a working definition of ethics. The Panel acknowledged that it did not have a working definition but used the Police Code of Ethics as a guide.

The Panel agreed this would add value.

P Bradley agreed to reflect on this and report back to the Panel.

**IT WAS AGREED THAT:**

- **P Bradley would give consideration to a working definition of ethics**

15 DATE AND TIME OF NEXT MEETING

3 September 2019 at 9am, at the Office of the Police and Crime Commissioner, 5 Carbrook Hall Road, Carbrook, Sheffield, S9 2EH.

CHAIR