

INDEPENDENT ETHICS PANEL

3 SEPTEMBER 2019

PRESENT: A Lockley (Chair)
Imam M Ismail (Member)
M Lewis (Member)
Prof A Macaskill (Member)
Very Revd P Bradley (Member)
J Wheatley (Member)
DCC M Roberts (SYP)
D/Supt D Barraclough (SYP)
Insp S Mellors (SYP)
Supt S Wanless (SYP)
C Calder (SYP)
S Parkin (OPCC)
K Wright (OPCC)
M Buttery (OPCC)
F Topliss (OPCC)

APOLOGIES: E Redfearn (OPCC)
A Fletcher (SYP)

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interests.

3 EQUALITY, DIVERSITY AND INCLUSION

Inspector S Mellors, SYP's Equality, Diversity & Inclusion Lead, presented a Diversity, Equality & Inclusion Update.

In the last 12 months, the whole workforce has shrunk by 61 people with police officer numbers reducing by 49. However, the Force has already made plans to have a period of accelerated recruitment over the next two years which should see a reversal of this trend.

The attraction campaign is already underway, with information events in the final week of August and first week of September, then candidate registration is due to open on 9th September.

M Roberts confirmed that the Force is already recruiting additional police officers as a result of the precept increase and highlighted the extra funding from central government for additional police officers. He acknowledged that whilst the funding

was welcome this was not without challenges including the need for additional trainers, buildings and equipment.

M Buttery highlighted the opportunity for the service to rebalance the proportionate representation of local communities.

S Mellors highlighted that despite falling numbers, the diversity of the workforce as a whole has remained largely unchanged. There is a +0.1% increase in BME representation and a small (+0.3%) increase in the ratio of people who have disclosed LGBT+ sexual orientation.

Among police officers, diversity has increased more significantly. 2018-19 has seen establishment increases in proportions of female (+0.3% to 32.9%), BME (+0.3% to 4.9%) and VME (+0.3% to 3.7%) officers in the last year. A possible explanation is the investment in positive action to attract more candidates of diverse backgrounds and remove barriers to application.

Recruitment Update

In the last three years, SYP has commenced three recruitment campaigns for the role of police constable. These have been launched in January 2017, September 2018 and January 2019.

In each case, the campaign has been accompanied by communications promotion using a variety of media platforms, positive action activity, outreach work with under-represented groups and information events for potential candidates.

The recruitment process has numerous steps, starting with registration, a list of essential criteria that candidates must be able to meet, followed by on-line tests, the SEARCH national assessment event, in-force interviews and then follow-up steps such as medical, fitness test, biometric tests and vetting procedures, all of which must be passed before a candidate can be offered a position.

The January 2017 campaign has the most comprehensive data available. Of those who registered in January 2017, the final 17 successful candidates expected to be appointed as police officer recruits between April and July 2019. From 2540 registrations, this campaign is presently projected to appoint 194 officers. That is a success rate of 7.6% or approximately one in thirteen.

S Mellors highlighted that SYP has an enviable attraction rate for female applicants, who perform very consistently throughout the process.

The number of BME candidates dip at the assessment stage from 7.9% of registrations received to 6.5% but this increases to 9% at the interview stage.

Following discussions at a previous IEP meeting the Force contacted the company which provides the assessment. They advised that SYP had set the pass rate

above the recommended range. This has now been adjusted, but there remains a slightly lower success rate for BME applicants.

M Ismail expressed surprise at the success rates for BME recruits.

P Bradley enquired if the PCC's monitoring duties around Equality, Diversity and Inclusion extended to all aspects that may impact on career prospects such as pregnancy, age, mental health. He suggested that more information was required to obtain a clear picture. S Mellors confirmed he held a large amount of data and suggested he meet with P Bradley outside of the meeting to explain what information is available.

M Buttery highlighted that the PCC's duty did extend to all aspects and any areas of concern would be picked up as part of the OPCC's assurance mapping work. The Chief Constable chairs the Force's Diversity, Confidence and Equality Board and any exceptions should be the focus.

P Bradley would provide a verbal update at the next meeting.

A Macaskill reminded members of the Panel that when the IEP had raised concerns previously about the assessment aspect of the recruitment process the company would not allow the Force access to the data. She queried whether, with the eligibility criteria increasing, there was a need for all the assessments on the half day.

M Roberts confirmed that the Force does review the current processes and highlighted that he would welcome any suggestions from A Macaskill.

S Mellors highlighted that the Positive Action Team had been nominated for a national award.

J Wheatley enquired about the reduction in volunteers. S Mellors explained that this was partly due to the Force stopping one of the main volunteer roles, puppy walking.

The Panel noted the Force's new equality objectives, which had been agreed in June.

IT WAS AGREED THAT:

- **S Mellors would meet with P Bradley outside of the meeting to explain what information is available.**
- **P Bradley would provide a verbal update at the next meeting.**
- **A Macaskill offered to meet with relevant Force HR representative to look at the package of assessment that is carried out for recruits.**

M Roberts presented a report on the provisions for the independent oversight of surveillance and covert policing within South Yorkshire Police.

The Investigatory Powers Commissioner's Office (IPCO) provides independent oversight of the use of covert investigatory powers by intelligence agencies, police forces and other public authorities.

The more intrusive powers such as interception, equipment interference and the use of surveillance in sensitive environments are subject to the prior approval of a Judicial Commissioner. Use of these and other surveillance powers, including the acquisition of communications data and the use of covert human intelligence sources, is also overseen by a programme of retrospective inspection and audit by Judicial Commissioners and the IPCO's inspectors, who visit each force annually.

IPCO's aim is to provide effective and efficient oversight so that the conduct of covert activities by public authorities is human rights compliant in accordance with the following legislation, from which their authority is derived:

- Part III of the Police Act 1997 (as amended by the Regulation of Investigatory Powers Act 2000 (RIPA))
- Parts II and III of RIPA
- The Regulation of Investigatory Powers (Scotland) Act 2000 (RIP(S)A)
- Investigatory Powers Act 2016
- Equipment Interference Act 2016

SYP had a positive IPCO inspection 2017.

P Bradley enquired whether surveillance work is particularly stressful and whether officers are debriefed. M Roberts confirmed surveillance work can be stressful but not necessarily any more stressful than response. Officers do take psychological tests.

The Panel enquired if the Force can be sure that there are no historical concerns around surveillance. M Roberts confirmed that this area is subject to a high level of scrutiny and highlighted the Undercover Policing Inquiry taking place.

M Roberts confirmed that the Force do get complaints in relation to covert policing.

A Macaskill highlighted the good work in the report and suggested this should be disseminated around the Force.

M Roberts confirmed that the people involved were aware but did not think it would be appropriate to disseminate this.

5 USE OF FORCE

5a SYP USE OF FORCE UPDATE

Members noted the content of the report.

A discussion took place around the use of spit guards; a table showing comparative use was at Appendix A of the report. Spit guards were initially issued to custody staff only but are now personal issue to all frontline district officers.

C Calder confirmed that the transition to all frontline officers had not increased usage. Usage is comparatively the same in the period April to end of July 2019 as it was April to end of July 2018 which was reassuring.

P Bradley enquired whether spit guards are being under used. S Wanless confirmed that officers do and will use spit guards but they can only be used if someone is actually spitting at them.

5b SYP ANALYSIS OVERVIEW

Superintendent S Wanless, SYP's Use of Force lead, presented a detailed overview of the use of force.

Key headlines included:

- 1609 Use of Force Forms completed between 01/01/19 and 31/03/19
(Down 7% / -122 in comparison with the previous quarter)
- 4975 Use of Force tactics recorded
(Down 7% / -332 in comparison with the previous quarter)
- 931 named individuals subject of 'Use of Force' tactics
(Down 7% / -66 in comparison with the previous quarter)
- 5966 individuals detained with an SYP custody suite
(Up 2% / +105 in comparison with the previous quarter)
- 16% individuals detained subject to 'Use of Force' tactics*
(Down 1% in comparison with the previous quarter)
- Mental Health was an impact factor in 398 'Use of Force' incidents (25%)
(Down 10% / -43 in comparison with the previous quarter)

S Wanless highlighted that there would be four articles on the Force intranet over the next four weeks to address the most common faults in completion of use of force forms. He is also attending district briefings.

A discussion took place around the use of 'tactical communication'. M Roberts commented that tactical communication can be quite robust but this is better than being Taser-ed.

S Wanless highlighted that the use of Taser accounts for 2.5% of all 'Use of Force' tactics. Members of the Panel queried why 3am was the time of the highest use of taser tactics. S Wanless confirmed this was the middle to end of the night time economy and numbers of people are intoxicated, or under the influence of drugs. The discharge of a Taser is rare and the most effective use of a Taser is the warning and the red dot, without a discharge.

S Wanless highlighted that handcuffing is used most frequently by single crewed officers.

Ethnicity does not appear to be a factor in the use of force with BAME subjects down by 1% and this is consistent across the Force.

The youngest individual on whom the use of force is recorded during this period, was 8 years old and the oldest 85 years old.

The Panel noted that in approximately one third of subjects, officers recorded that mental health is an 'impact factor'. S Wanless confirmed that frontline staff are far more aware of the impact of mental health issues than a few years ago.

S Parkin raised the recent HMICFRS and HM Inspectorate of Prisons visit to police custody suites in South Yorkshire. The draft report identified that data on incidents where force had been used in custody were unreliable and staff did not always submit individual use of force forms. S Wanless confirmed that custody staff did require further educating around completing the forms. However, custody is covered by CCTV, which offers an additional safeguard.

5c OBSERVATIONS OF USE OF FORCE (PERSONAL SAFETY) TRAINING

S Parkin presented the report prepared by L Crowley of the OPCC on the Observations of Use of Force (Personal Safety) Training on 14 June 2019 and 8 July 2019.

The panel thanked L Crowley for the informative report.

A discussion took place around whether there is scope and an appetite to further educate the public about the use of force. Panel members agreed that it would be useful to inform members of the public about the level of scrutiny and the internal processes in place around use of force.

Members of the Panel also thought it would be beneficial for a member of the press to observe elements of the use of force training and then link into members of the IEP.

A discussion took place round the procurement of equipment for use of force.

IT WAS AGREED THAT:

- **F Topliss would speak to C Goodwin about an article on use of force**
- **F Topliss to speak to C Goodwin about a member of the press observing use of force training**

5d SPIT GUARDS

See item 5a.

6 MINUTES OF LAST MEETING HELD ON 27 JUNE 2019

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

7 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>03/09/2019 – M Ismail confirmed S Poolman was in touch with the national lead. S Parkin agreed to contact S Poolman and establish whether a letter from the Panel would still be appropriate.</p> <p>M Ismail informed the Panel that he had received Tell Mama’s Annual Report which contained South Yorkshire figures. M Ismail agreed to send the report to S Parkin for circulating to members.</p>
151	<p>Issues connected with Cyber-Crime could be kept under review.</p> <p>27/06 – ongoing</p>
152	<p>OPCC to contact GMP to establish how the work of the GMIEC on cyber-crime is progressing.</p> <p>3/09/2019 – S Parkin confirmed she had made contact with an officer from GMIEC and a telephone call was scheduled to take place in the next couple of weeks.</p>
154	<p>Consideration should be given to whether an officer or member should attend the Police Ethics Network conference on Digital Policing.</p> <p>27/06/2019 – OPCC to establish the date of the event</p> <p>03/09/2019 – S Parkin confirmed she had been unable to establish any information about the event. A Lockley agreed to send S Parkin the details he had received. Kevin Wright and Ann Macaskill attended “Exploring ethical standards in the use of data analytics in policing” workshop at Sheffield Hallam University on 17th July 2019.</p>
156	<p>M Lewis to explore outside of the meeting whom to contact in schools to give talks on stop and search.</p> <p>27/06/2019 – To be discussed later on the agenda. Ongoing</p> <p>03/09/2019 – M Lewis and S Parkin to discuss outside of the meeting. DISCHARGED</p>
158	<p>An OPCC report on the use of force to be presented at a future meeting.</p> <p>03/09/2019 – On work programme for the September meeting. DISCHARGED</p>
159	<p>D Barraclough to show the cartoons on the expected standards of behaviour at the next meeting.</p> <p>03/09/2019 – On work programme for the September meeting. DISCHARGED</p>
160	<p>S Parkin to send members of the Panel a link to details of the Force’s misconduct hearings and findings on SYP’s website.</p> <p>24/07/2019 – Link sent. DISCHARGED</p>
161	<p>The pros and cons of each model relating to complaints handling to be brought back to a future meeting.</p> <p>19/08/2019 – Paper sent to A Lockley</p>

	20/08/2019 – Paper presented to PCC, model A agreed 03/09/2019 – Discussions to take place with Link Member. DISCHARGED
162	The Link Member for complaints (J Wheatley) to work with the OPCC and PSD to progress the work around preparing for changes to complaint handling. 03/09/2019 – ongoing
163	The Chair and E Redfearn to meet outside of the meeting to discuss how the Panel can be of most benefit in relation to the changes to complaints handling. 03/09/2019 – Ongoing
164	D Barraclough to provide members of the Panel with details of any training being provided on the changes to the complaint handling once known. 03/09/2019 – Training taking place on 18 September, E Redfearn and M Buttery attending. DISCHARGED
165	The link member for organisational development would continue to keep abreast of the work being undertaken in relation to Organisational Development. 27/08/2019 – This has been incorporated into all Link Member role profiles. DISCHARGED
166	K Wright to contact M Lewis in relation to the analysis of stop and search. 03/09/2019 – Discussions are taking place outside of the meeting. DISCHARGED
167	M Lewis to liaise with F Topliss about the possibility of incorporating stop and search into the new YOYO project and the funding bid for the Violence Reduction Unit. 03/09/2019 – Ongoing
168	E&D to be first on the agenda at the September meeting 03/09/2019 – On agenda. DISCHARGED
169	The E&D report to be updated to include recruitment for the September meeting. 03/09/2019 – Complete. DISCHARGED
170	The overall aim of the project should be amended to refer to ethical questions which may be raised when considering the introduction of new digital technology to support Digital Policing. 03/09/2019 – Complete. DISCHARGED
171	Panel members to consider whether they would like Mr Jamie Grace to speak to them about the ethical issues arising from Digital Policing. 03/09/2019 – Members agreed it would be useful to invite Mr Grace to attend the next IEP meeting
172	The ToR for the Digital Policing project need to be clearer around the product and its intended audience. 03/09/2019 – Complete. DISCHARGED
173	Digital Policing - 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.

	03/09/2019 – Complete. DISCHARGED
174	A Digital Policing update to be provided at the September meeting. 03/09/2019 – Complete. DISCHARGED
175	P Bradley to give consideration to a working definition of ethics. 29/06/2019 – P Bradley submitted a think piece on professional ethics. This has now been attached to the agenda pack to assist members. DISCHARGED

IT WAS AGREED THAT:

- **S Parkin to contact S Poolman and establish whether a letter from the Panel to the Hate Crime lead would be appropriate**
- **M Ismail to send the Tell Mama Annual Report to S Parkin and S Parkin to circulate to Members of the Panel**
- **A Lockley to send S Parkin contact details of the Ethics Network conference on Digital Policing**
- **S Parkin to invite Mr Jamie Grace to the next IEP meeting**

8 **WORK PROGRAMME**

A Lockley highlighted that E Redfearn had re-worked the work programme to take into account the link member roles and this may result in a different type of discussion at meetings of the full Panel.

S Parkin highlighted that at the Force Tactical Change Board a report had been presented on the Force Demand Strategy. The Force is now looking at the predictive element of demand and the ethical dilemmas surround this. ACC L Poultney agreed that the Independent Advisory Groups could be used to assist with shaping this activity.

D Barraclough highlighted that the IOPC have now stopped producing data until phase 3 of the complaints reform has been implemented. He suggested that the Complaints update reports should focus on the updates in relation to phase 3 until new data is produced.

IT WAS AGREED THAT:

- **The Force Demand Strategy be brought to a future meeting of the Panel**
- **The Complaints Update reports would focus on the phase 3 implementation**

9 **STOP AND SEARCH**

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

He has a number of areas he is progressing including:

- observing the Force stop and search scrutiny panels;
- observing stop and search being undertaken in real time;
- working with F Topliss to establish if stop and search can be incorporated into the YOYO initiative; and
- establishing if there is any work that can be undertaken with schools.

M Lewis confirmed he had attended Rotherham Police Station and been attached to a response team in Rotherham the previous evening. He highlighted that public perception is that officers are waiting around for calls to come in where in reality officers were going from incident to incident.

No stop and search had been undertaken during the 5 hours in which he had accompanied the response team. His observation was that stop and search was not easily undertaken because of officer workload.

M Lewis confirmed he had witnessed someone being detained.

M Roberts reported on a s60 authorisation on 27 June 2019 in Edlington in Doncaster.

An authorisation under s60 Criminal Justice and Public Order Act 1994 (s60) gives police officers the right to search people in a defined area during a specific time period when they believe, with good reason, that: serious violence will take place and it is necessary to use this power to prevent such violence; or that a person is carrying a dangerous object or offensive weapon; or that an incident involving serious violence has taken place and a dangerous instrument or offensive weapon used in the incident is being carried in the locality.

A discussion took place around the level of authorisation required for s60. M Roberts confirmed s60 can be authorised by an Inspector, but authorisation will remain at ACC level in SY unless there is operational necessity for a more immediate authorisation.

10 IEP ANNUAL REPORT

The Chair presented a draft of the Panel's Annual Report for 2018/19. Panel members had been consulted on a previous draft by email, and the OPCC was checking for accuracy.

M Lewis highlighted a remark under the Hate Crime section of the Report. he suggested this was quite negative and should be reworded.

The Chair asked for views on whether reference should be made to the letter sent to all Forces and PCCs during the year by HMICFRS, about the use of force in custody.

IT WAS AGREED THAT:

- **The following amendments be made to the IEP's Annual Report**
 - **the first paragraph under Hate Crime be reworded**
 - **the final paragraph under Use of Force make reference to the HMICFRS letter received by all forces**

11 DIGITAL POLICING UPDATE

A Macaskill provided an update on the Digital Policing project.

All the reports and academic literature have been collected; she highlighted its complexity.

A Macaskill and K Wright had attended a very useful workshop on 17 July 2019 where Chief Superintendent Chris Todd of WMP was speaking. The workshop identified a number of legal and ethical challenges to digital policing and it was recognised that what is permitted legally is not always ethical, and when ethical considerations are taken into account, the result is not always lawful.

A Macaskill confirmed that she had come to the conclusion that digital policing is incredibly complex and the Panel is not able to give advice on specific areas. Any specifics need to go to the appropriate experts and this will be covered in the guidance to be produced.

Specific principles around the quality of equipment being procured, and the quality of the data used to aid decision-making, are emerging. A Macaskill was confident that formulating a set of principles is the right way forward for the Panel.

It was also acknowledged that young people are more tolerant of the intrusiveness of new technology. A Macaskill enquired if there are any people within the Force the team should be speaking with. D Barraclough confirmed that membership of the Internal Ethics Committee was just being decided but items such as this should be taken there.

M Buttery asked for confirmation that the principles being produced would build on the existing National Decision-making Framework. A Macaskill confirmed that it would. M Roberts confirmed that a set of principles would be very useful.

The Panel was also provided by M Roberts with a comprehensive briefing on the Force's involvement in the Automatic Facial Recognition ('AFR') pilot which had been run by the Meadowhall shopping centre last year, which had been the subject of recent media reporting. The involvement had been limited in time and purpose and did not indicate that the Force was adopting or using AFR.

12 CARTOONS ON EXPECTED STANDARDS OF BEHAVIOUR

D Barraclough played two 60 second cartoon audio clips on standards.

The following audit clips are available on SYP's intranet:

- Abuse of position for sexual gains
- Business interests
- Drug and Alcohol Misuse
- Inappropriate associations
- Sexual harassment in the workplace
- Welfare support officers

D Barraclough confirmed these had been well received by staff. Following a recent HMICFRS inspection the vast majority of staff were aware of the standards expected as a result of the cartoons. The Panel commended this method of communicating these important messages.

13 CHAIR'S REPORT

The Chair reported that he would make arrangements to meet Marion Oswald, the Chair of the new West Midlands Police Ethics Committee.

14 IEP EXCEPTION REPORTING

The Chair confirmed that he would be reporting by exception into the PCC's Public Accountability Board.

M Buttery highlighted that this would be around big issues only and there may be occasions when no report was required.

15 EXTERNAL COMMUNICATION

F Topliss would consider external communications for Use of Force and the appointment of new members of the Panel, and also the IEP's Annual Report once this had been taken to the PCC's Public Accountability Board.

F Topliss would also consider incorporating Stop and Search into the Communications Strategy for the Violence Reduction Unit.

IT WAS AGREED THAT:

- **F Topliss would consider external communications for Use of Force, new members of the Panel and the IEP's Annual Report**
- **F Topliss would consider incorporating Stop and Search into the Communications Strategy for the Violence Reduction Unit**

16 ANY OTHER BUSINESS

None.

17 DATE AND TIME OF NEXT MEETING - 5 NOVEMBER 2019 AT 10AM

CHAIR