

## INDEPENDENT ETHICS PANEL

5 NOVEMBER 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)  
A Fletcher (SYP)  
E Redfearn (OPCC)  
F Topliss (OPCC)  
S Parkin (OPCC)  
K Wright (OPCC)  
S Baldwin (OPCC)  
J Grace (Sheffield Hallam University)

APOLOGIES: Insp S Mellors (SYP)  
Temp Chief/Supt S Poolman (SYP)

### 1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting.

### 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3 HATE CRIME UPDATE

M Roberts presented the Hate Crime Update report, which had been prepared by Temp Ch Supt S Poolman.

M Roberts highlighted that the announcement of the General Election was a concern and could create issues around community tensions and cohesion.

M Ismail, IEP Lead for the race and religion strands of hate crime and the corresponding protected characteristics, expressed his thanks for the report. He highlighted that S Poolman had linked into all the anti-hate crime organisations and universities in the city.

M Ismail commented that whilst the report provided detailed information on hate crime in South Yorkshire, relating to race and religion, the other hate crime strands are not as detailed. The period covered October 2018 to September 2019.

Reference was made to the Force's perceived religion breakdown information provided in Figure 4. M Ismail enquired what further work is required on South

Yorkshire's current demographic, in relation to perceived religion. M Roberts suggested that was probably to drill down to obtain more information on the demographics in certain areas but would clarify this with S Poolman.

M Ismail highlighted that the number of successful prosecutions between April 2018 and March 2019, was low in comparison to the number of resolutions. M Roberts confirmed that in a large number of cases the suspect was not identified. This is in turn linked to victim satisfaction.

A Macaskill acknowledged the difficulty if no one is identified and highlighted that the solution was for society to change.

M Roberts acknowledged that the Force needed to improve satisfaction levels and ACC Hartley is looking at this. An update could be provided to the Panel in due course.

A discussion took place around the low number of people surveyed and the low response rates. M Roberts confirmed that hate crime and hate incident numbers are small and this is reflected in the number of people surveyed. He highlighted that there is an ongoing focus on victim satisfaction and the next report would include the steps being taken to address this.

M Ismail mentioned his concern that some third party reporting centres no longer functioned for this purpose, and enquired if he could have a list of the centres which are active.

M Ismail enquired what the Force is doing in relation to anti-Semitic and Islamophobic behaviour. M Roberts confirmed that there is activity at both national and local level. Focused intelligence gathering is undertaken and this is used on the Prevent programme. A number of cases have been brought before the courts.

P Bradley expressed his surprise that religious hate crime had not increased more. His perception is that Muslim and Jewish communities are under more pressure.

P Bradley (as IEP Lead for the non-race, non-religion Strands of Hate Crime and the corresponding Protected Characteristics), confirmed that he had contacted S Poolman before the meeting and conveyed the need for more detail in the report on the other hate crime strands. He enquired how the Force undertook preventative work. M Roberts confirmed that the Force undertake a lot of preventative work, including work with schools. The Panel agreed that disability hate crime is a concern. A Macaskill suggested the Panel could look in more detail at disability stalking and harassment.

M Lewis enquired if more information could be provided about the perpetrators, e.g age, gender, ethnicity. This information could contribute to the preventative work. M Roberts agreed to establish if this information was available.

The Chair thanked S Poolman for the full and informative report.

**IT WAS AGREED THAT:**

- **The next hate crime update report will include more detail on the non-religion, non-race, hate crime strands, including disability stalking and harassment**
- **An update would also be provided on steps taken to improve victim satisfaction**
- **S Poolman would provide more detail on what further work is required on the South Yorkshire current perceived religion demographic**
- **S Poolman to provide M Ismail with a list of all the active third party reporting centres**
- **M Roberts to establish if there is any information on the perpetrators of hate crime.**

4 ETHICAL STANDARDS AND DATA ANALYTICS - SHEFFIELD HALLAM UNIVERSITY

Jamie Grace, Senior Lecturer in Law, Helena Kennedy Centre for International Justice Fellow, Sheffield Institute for Policy Studies, gave a presentation on the Ethical Oversight of Artificial Intelligence in Policing.

J Grace highlighted that a number of forces are currently undertaking research on artificial intelligence (AI):

- EBIT (Evidence Based Investigation Tool) (Kent)
- LFR (Live Facial Recognition) (South Wales and the MPS)
- HART (Harm Assessment Risk Tool) (Durham)
- IOM (Integrated Offender Management) tools (West Midlands and Avon and Somerset)

A discussion took place around the lessons learnt from the MPS Gangs Matrix. If Equality Act concerns had arisen, would the same issues arise (asked M Roberts) in relation to GMP's use of the prioritisation matrix to identify football hooligans? J Grace confirmed that they could, if there was a breach of the obligation to have regard to the Public Sector Equality Duty.

J Grace pointed out that an ethics committee or panel could assist the force in being transparent about its use of data analytics. This was occurring in the West Midlands, where he was a member of such a committee. He highlighted the complexity of the law around AI in policing; it was useful to have three law academics on the West Midlands Ethics Committee. The data lab in the West Midlands had not approved a project yet; there was a need to build legal information into the project briefs.

Both the HART and the ALGO-CARE models follow a series of prompts. A multi-disciplinary team is required to answer the prompts.

A code of practice on AI is due to be published shortly by the Centre for Data Ethics and Innovation (CDEI).

The Home Office is continuing to financially support AI innovation in the criminal justice and immigration areas.

M Ismail acknowledged the amount of information available and suggested it would be useful to have a website which contained all the information. J Grace confirmed that the West Midlands Committee would be publishing its papers every quarter.

J Grace highlighted that the Home Office had asked West Midlands to undertake research into facial recognition.

M Roberts acknowledged that AI would be useful around the demand work the Force is undertaking and confirmed that he would ensure someone from the Force would contact J Grace in relation to this.

M Lewis said that it is reassuring that ethical decisions are at the heart of discussions taking place.

J Grace confirmed that the public have more confidence in non-professionals having a voice in discussions. He highlighted the NHS as good practice in relation to service user groups.

P Bradley confirmed the importance of communicating ethical decisions and how these are reached.

The Panel thanked J Grace for an informative presentation.

**IT WAS AGREED THAT:**

- **The Force would contact J Grace**

**5 DIGITAL POLICING UPDATE**

A Macaskill, as Panel lead on this subject, provided an update on the Panel's Digital Policing project.

A Macaskill and K Wright had attended a workshop at Hallam University in July which had highlighted the complexity of the subject and the need for expert advice.

There is a government sponsored consultative workshop taking place in Newcastle in November, under the auspices of CDEI, to which the Panel had been invited to send a representative. A Macaskill would be attending.

The Home Office will be producing national guidance.

The Panel's project would highlight the importance of early engagement with users and the public. The product will be more of a guidance note and checklist ahead of the national guidance.

M Roberts acknowledged that the Force needs to consider the ethical dilemmas and be sufficiently informed to enable work to be prioritised.

A Macaskill highlighted the importance of current data sets.

The Panel agreed that a separate meeting of the Panel would take place in December to consider the report. The final report would be presented to the Public Accountability Board ('PAB') in January 2020.

It was agreed that A Macaskill and K Wright would meet with the Force's Internal Ethics Committee. D Barraclough confirmed a date was being arranged.

M Roberts confirmed that ACC Tim Forber would have oversight of this work, from the SCT's perspective.

**IT WAS AGREED THAT:**

- **The Panel would hold a separate meeting to consider the digital policing report**
- **The final report would be presented to PAB in January 2020**
- **A Macaskill and K Wright would meet with the Force's Internal Ethics Committee.**

**6**     DEMAND STRATEGY

R Froggatt gave a presentation on the Force Demand Management Strategy, expanding upon a one page info-graphic which had been provided to the Panel.

Demand analysis is undertaken by the Business Change & Innovation (BC&I) department. BC&I maintain a comprehensive understanding of demand to sustain the Force operating model.

The Force aims to deliver an excellent victim-led service. Analysis is being undertaken to understand more about the people the Force provide a service to, in order to deliver a better service.

The Force works with partner agencies to understand and improve service delivery including with local authorities and NHS Trusts.

Current analysis work includes: missing person demand; elderly demand and prediction models.

R Froggatt provided examples of analysis relating to missing persons. This looks at age, month and time of day when people go missing.

M Roberts highlighted that the Force had previously been graded inadequate in relation to predicting demand. Following investment the Force is now seen as operating according to best practice. He confirmed that this work was already guiding decision making.

M Roberts recognised that when looking at information relating to people, consideration needs to be given to how the information is used and ensure this is used ethically.

A Macaskill acknowledged that the strategies depend on partners and enquired if this was difficult. R Froggatt confirmed that some partners are more willing to engage than others but this was an iterative process. There is a good relationship with Sheffield City Council.

A Macaskill enquired about the currency of the data used. R Froggatt confirmed that the majority of the data is SYP data which is updated daily.

J Wheatley highlighted the wealth of information available from the voluntary sector. R Froggatt confirmed that he would like to include the voluntary sector when the Force becomes more sophisticated.

R Froggatt invited the Panel's contribution to the further development of the Demand Strategy. E Redfearn highlighted the links to digital policing, and suggested that A Macaskill should be the Panel lead on this topic also. This was agreed.

## 7 COMPLAINTS REFORM – VERBAL UPDATE

D Barraclough confirmed that implementation of the third stage of the reforms to handling of police complaints, was still due to on 1 February 2020, but this may now get delayed as a result of the General Election.

The Professional Standards Department (PSD) is in the process of briefing the Force on the reforms. Once all the briefings have been undertaken the presentation will be placed on the Force intranet.

PSD have but a bid in for a staff increase of a Detective Inspector, PC and 2 police staff members to support districts with the new reforms.

E Redfearn reminded the Panel that the PCC had chosen Model 1 – which would make him the relevant review body for complaints reviews (currently known as 'appeals'). This work is currently undertaken by an individual in PSD who will be seconded to OPCC for 2½ days per week. The OPCC and Force have sought legal advice in relation to this and a secondment agreement is being drawn up.

E Redfearn confirmed that she will be the decision maker for the reviews and will be working closely with the seconded individual in the coming weeks.

J Wheatley, as Panel lead for police complaints, confirmed she had met with DCI Deborah Mahmood in relation to the reforms and a further meeting with D Barraclough and D Mahmood has been arranged.

J Wheatley highlighted that there was a concern around the collection of data outside of PSD. D Barraclough acknowledged the concern and confirmed that systems are in place at Atlas Court but obtaining data elsewhere may be a problem.

D Barraclough indicated that there are a lot of unknowns but he did not think SYP is any worse than any other Force.

## 8 COMPLAINTS AND DISCIPLINE PERFORMANCE REPORT

D Barraclough presented a complaints and discipline update covering the 12 month period July 2018 to June 2019, and described the figures as unremarkable in the main.

There have been 595 complaints from the public in that period. The number of allegations have increased, and there are a number of reasons for this. These included multiple allegations against the same individual and Districts not getting back to people in a timely manner. These are being dealt with as Local Resolution (LR) instead of Early Service Recovery (ESR). Neither of these categories will feature in the records when the complaints reforms are introduced.

P Bradley enquired how the Force dealt with vexatious complainants. D Barraclough confirmed that it is rare for the Force to treat an individual as vexatious and clear criteria have to be applied. D Barraclough or D Mahmood make the decision to treat an individual as vexatious and will then work with Legal Services to draw up a letter informing the complainant that the Force will no longer be corresponding with them.

This approach is approved by the IOPC and if necessary the Force will liaise with the IOPC before treating someone as vexatious.

M Roberts confirmed that on occasions the Force will also make a mental health referral.

M Lewis enquired if the complaints are broken down. D Barraclough confirmed that the data is broken down and discussed at the PSD Champions meeting. M Roberts confirmed that he has oversight of this and any areas of concern are reviewed at the Force Quarterly Performance Days.

The Chair confirmed he had attended a PSD Champions meeting. J Wheatley will be attending the next meeting.

D Barraclough highlighted that S Mellors periodically reviewed complaints for unconscious bias. His initial assessment had identified areas for improvement. Subsequent assessments have shown improvements. D Barraclough agreed to share the next assessment report with the Panel.

The number of allegations against female officers has increased since the previous period, but so had the number of female officers and staff. It is anticipated that this trend will continue until there is an equal split of male and female officers.

There has been very little change in complaint and conduct allegations in relation to ethnicity during the period, but conduct allegations overall were significantly fewer (by 45%).

M Roberts provided an example of a number of officers who had been complained about, following the detention of a suspect where force had been used. Once footage had been reviewed it had been acknowledged that the force used had been disproportionate. This was dealt with as a development issue and all but one officer accepted the findings. Training plans were put in place. The officer who refused to accept the findings was found to be dishonest and was dismissed.

A Macaskill acknowledged the move away from a blame culture and confirmed the Force should be commended for this.

A discussion took place around spikes in complaints, this can be seasonal or due to specific issues, such as CSE or the trees. D Barraclough confirmed that PSD will

analyse the complaints received if there is a spike. He explained that spikes do impact on Most Similar Force (MSF) comparisons.

The Force is consistent with its MSF in relation to cases recorded within 10 working days and locally resolved.

The figures for the average number of days to finalise allegations by local investigation is inconsistent. D Barraclough confirmed the Force has had a large number of complex investigations, a number of which relate to criminal cases.

The number of days to finalise complaint cases is higher than the MSF. This is being analysed and further information will be provided in the next update report.

The Panel enquired whether the complaints process would be quicker when the new reforms come in. D Barraclough confirmed that this should be the case.

Actions undertaken between April 2019 and June 2019 as a result of lessons learnt, included:

- Officers were reminded, via the intranet, of the legislation in relation to their Powers of Detention and the differences between the Mental Health Act and the Mental Capacity Act.
- Atlas Court management instigated a review of policy in relation to the disabling of reminder prompts. Processes have now been amended.
- All staff have been reminded of the importance of fully familiarising themselves with the content of an operational order. Supervisors overseeing operations must be satisfied that staff are fully compliant with the requirements.

In summary, D Barraclough confirmed that there are currently no areas of concern in relation to complaints and discipline.

The next report will provide the new complaints data following the reform changes.

**IT WAS AGREED THAT:**

- **D Barraclough would share the next assessment report on unconscious bias with the Panel**

9 USE OF FORCE FORMS

M Roberts circulated a completed use of force form in relation to a serious incident, and a discussion took place around members' initial thoughts and perceptions.

10 BODY WORN VIDEO - FOOTAGE

M Roberts then played members of the Panel the Body Worn Video footage which related to the use of force form.

Having viewed the footage the Panel took the view that the use of Taser had been a reasonable decision in the circumstances.

Members noted the good partnership working with the ambulance service.

M Lewis commented on how quickly everything had happened and how little time the officers had to think.

The Panel commented on how well trained officers were and how seamlessly they dealt with the incident.

M Roberts confirmed that each officer would have had to complete a use of force form.

11 MINUTES OF LAST MEETING HELD ON 3 SEPTEMBER 2019

The minutes of the last meeting were agreed as an accurate record, subject to the following amendments:

- F Topliss to be added to the attendance
- on page 9, remove 'using handcuffs' from "M Lewis confirmed he had witnessed someone being detained using handcuffs".

12 MATTERS ARISING

142	The writing of a joint letter to the Home Office about the dearth of a national picture on Hate Crime <b>24/10/19 – Contact made with S Poolman and agreed this is no longer required. DISCHARGED</b>
151	Issues connected with Cyber-Crime could be kept under review. <b>03/09/19 – ongoing</b>
152	OPCC to contact GMP to establish how the work of the GMIEC on cyber-crime is progressing. <b>04/09/19 – S Parkin has spoken to D Byrne and briefing note sent to A Lockley. DISCHARGED</b>
154	Consideration should be given to whether an officer or member should attend the Police Ethics Network conference on Digital Policing. <b>05/04/19 - Ongoing</b>
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. <b>15/10/19 – Induction meeting held with link member, OPCC and PSD. Now business as usual. DISCHARGED</b>
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. <b>15/10/19 – Link member has now been briefed and updates will be reported via the Chair. DISCHARGED</b>
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. <b>11/05/19 – Ongoing</b>

171	Panel members to consider whether they would like Mr Jamie Grace to speak to them about the ethical issues arising from Digital Policing. <b>24/10/19 – J Grace to attend the meeting on 5 November. DISCHARGED</b>
176	S Mellors to meet with P Bradley outside of the meeting to explain what recruitment information is available and P Bradley would provide a verbal update at the next meeting. <b>05/11/19 – meeting being arranged. Ongoing</b>
177	A Macaskill would offer suggestions to the Force about the current processes for assessment of recruits. <b>05/11/19 – Meeting to be arranged with T Wright. Ongoing</b>
178	F Topliss to speak to C Goodwin about an article on use of force. <b>05/11/19 – Not currently appropriate. The Force will consider the appropriate time to promote this work in line with the local and national news agenda. DISCHARGED</b>
179	F Topliss to speak to C Goodwin about a member of press observing use of force training. <b>05/11/19 – See above. DISCHARGED</b>
180	The Force Demand Strategy be brought to a future meeting of the Panel. <b>22/10/19 – On agenda for 5 November. DISCHARGED</b>
181	The Complaints Update reports would focus on the phase 3 implementation. <b>24/10/19 – On agenda for 5 November. DISCHARGED</b>
182	The following amendments to be made to the IEP's Annual Report: <ul style="list-style-type: none"> <li>• the first paragraph under Hate Crime be reworded</li> <li>• the final paragraph under Use of Force to make reference to the HMICFRS letter received by all forces.</li> </ul> <b>03/09/19 – Amendments made. Final version now published on the PCC's website. DISCHARGED</b>
183	F Topliss would consider external communications for use of force, new members of the Panel and the IEP's Annual Report <b>05/11/19 – Ongoing</b>
184	F Topliss would consider incorporating Stop and Search into the Communications Strategy for the Violence Reduction Unit <b>05/11/19 – Ongoing</b>

13 WORK PROGRAMME

The work programme was noted.

14 CHAIR'S REPORT

The Chair had meet with Rachel Staniforth, the Violence Reduction Unit (VRU) Lead, to discuss the acknowledged link between exclusions from schools, and street violence.

15 IEP EXCEPTION REPORTING

The Chair confirmed that he would be reporting by exception to PAB in December on progress made with complaints reform, complaints performance and hate crime.

16 EXTERNAL COMMUNICATION

F Topliss would consider external communications for the use of force case study. This should incorporate previous discussions around Body Worn Video and use of force.

17 ANY OTHER BUSINESS

M Lewis expressed his concern at the number of stop and search forms on which no ethnicity data was recorded. Comparisons with other forces has been undertaken and it appears that other forces are in a similar position.

It is unclear if this will impact on the accuracy of figures which have in the past indicated disproportionality. M Lewis agreed to have a look at this in more detail and bring a report back to a future meeting.

M Lewis highlighted that the recording of ethnicity in custody has also been identified as an area of concern. He suggested the Force may want to consider the recording of ethnicity.

**IT WAS AGREED THAT:**

**M Lewis would bring a report back to a future meeting on whether there is any correlation between the recording of ethnicity and disproportionality.**

17a FINGERPRINT READERS

Item not discussed.

18 DATE AND TIME OF NEXT MEETING - 25 FEBRUARY 2020 AT 10AM

CHAIR