

INDEPENDENT ETHICS PANEL

5 APRIL 2019

PRESENT: A Lockley (Chair)
Imam M Ismail, Member
M Lewis, Member
Prof A Macaskill, Member
E Redfearn, OPCC
K Wright, OPCC
Insp S Mellors, SYP
A Fletcher, SYP
Ch Insp C Foster, SYP
Dr A Billings, PCC

Very Revd P Bradley
J Wheatley

APOLOGIES: DCC Roberts, Supt S Hemsley, S Parkin and F Topliss

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting, including Janet Wheatley and Peter Bradley who are the preferred candidates to become members of the IEP.

2 DECLARATION OF INTEREST

There were no declarations of interest.

3 MINUTES OF LAST MEETING HELD ON 12 FEBRUARY 2019

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

4 MATTERS ARISING / ACTIONS

142	<p>The writing of a joint letter to the Home Office about the dearth of a national picture on Hate Crime 12/02 – ongoing. A Lockley confirmed he was meeting with the Independent Chairs from GMP and the Metropolitan Police on 14/02. D Hartley suggested the panel link in with S Poolman around where the gaps are prior to writing to the Home Office. 05/04 – Having met the Independent Chairs for GMP and the Metropolitan Police, A Lockley reported that their panels are not currently looking at Hate Crime so were unclear about the need for a letter on the national picture. A Lockley referred to a letter circulated to members from the APCC which referred to a weekly report from the National Community Tensions Team following the terrorist attack in New Zealand which may</p>
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	provide the information required. E Redfearn suggested the OPCC establish if the Force is now receiving more information on the national view of Hate Crime.
143	<p>The Panel to review academic literature and ethical issues around digital policing and feedback.</p> <p>12/02 – A Lockley enquired if we could have an outside researcher to assist the Panel. S Hemsley confirmed that she was undertaking research into automated facial recognition (AFR) but this had been put on hold until the outcomes of the judicial reviews on the use of AFR in South Wales and the Metropolitan Police were known. She was happy to share her work with the Panel.</p> <p>A Lockley confirmed that the Panel’s interests were wider than AFR, and extend to technology-assisted policing more generally, including the use of algorithms in making decisions. The Panel agreed that its interest in this should be around the ethical principles and the fundamental ethical issues facing the Force in this area. S Hemsley agreed that she could provide information on the ethical dilemmas facing the Force around this before the next meeting.</p> <p>A Lockley agreed to report further on the work taking place on AFR by the Metropolitan Police’s Ethics Panel, once its final report is available. E Redfearn highlighted that there are two areas in relation to technology in policing; investigative tools and decision making tools. S Hemsley confirmed that EBIT was a tool to assist the police in making decisions.</p> <p>M Lewis raised the storage and retention of data. D Hartley confirmed that the Force complied with GDPR.</p> <p>05/04 – E Redfearn highlighted the guidance issued by the Surveillance Commissioner on AFR, which had been circulated by S Hemsley. S Helmsley was interested in following up on AFR / AI but is awaiting the outcomes of the two judicial reviews. E Redfearn suggested this be discussion in the workshop taking place after the meeting.</p>
144	<p>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.</p> <p>05/04 – linked to 143</p>
145	<p>An update report be provided to the Panel on the use of SUA in twelve months' time.</p> <p>20/02/19 - on work programme. DISCHARGE</p>
146	<p>S Hemsley to feedback on the Durham and Cleveland external Ethics panel at the next meeting.</p> <p>05/04 – E Redfearn confirmed that S Hemsley had attended the Durham and Cleveland Ethics Panel at the suggestion of HMICFRS. At the meeting the Panel had agreed to disband. DISCHARGE</p>
147	<p>S Hemsley to raise the inclusion of Independent Ethics Panels within the North East Regional Ethics meetings.</p> <p>05/04 – E Redfearn confirmed that S Hemsley had raised this and it had been suggested that a member of OPCC staff</p>

	should attend in the first instance. E Redfearn would attend and feed back to the Panel.
148	A discussion to take place outside of the meeting to discuss the content of the next Use of Force report. 05/04 – E Redfearn suggested this be discussed in the workshop following the meeting

IT WAS AGREED THAT:

- **The OPCS would establish if the Force was now receiving more information on the national picture of Hate Crime**
- **E Redfearn would attend the North East Regional Ethics meeting and feed back**
- **Use of Force report be discussed in the workshop following the meeting**

5 WORK PROGRAMME

To be discussed in the workshop following the meeting.

The Chair highlighted that the IEP Annual Report needed to be added to the work programme.

IT WAS AGREED THAT:

- **The work programme be discussed in the workshop following the meeting**
- **The IEP Annual Report be added to the work programme**

6 CHAIR'S REPORT - UPDATE ON MEETING WITH INDEPENDENT CHAIRS

The Chair referred to a note he had prepared of his meeting of the Chairs of the Greater Manchester and Metropolitan Independent Policing Ethics Panels.

Greater Manchester's Independent Ethics Committee's (GMIEC) current focus includes:

- Cyber-fraud
- Children in custody
- Duration of police investigations

A discussion took place about press reports which suggest that the police are not prioritising cyber crime.

The Commissioner confirmed that victims of cyber crime and obtaining a better understanding of the causes of cyber crime feature in his renewed Police and Crime Plan.

E Redfearn highlighted that cyber crime also features in the Force's strategic intelligence report.

M Lewis enquired what the ethical issues are in relation to cyber crime and suggested the work of GMIEC be looked at. The Chair confirmed that the Panel would not duplicate the work of the GMIEC but agreed the Panel should include this on a list of areas they wanted to keep under review.

The Panel suggested the OPCC contact GMP in the next few months to see how the work of the GMIEC is progressing.

E Redfearn highlighted that the Planning and Efficiency Group (PEG) and the work being undertaken on the Force Management Statement were enabling the Force to look further into the future. This should identify any ethical issues.

The Chair enquired about children taken into custody. C Foster confirmed that children in South Yorkshire were only taken into custody if there was no alternative. This can depend on the seriousness of the offence.

C Foster confirmed that there was some concerns around the duration of police investigations following the changes to the Bail Act last year. There is no definitive end date for suspects being bailed, this can be a problem in cases where there is a lot of disclosure in particularly where this involves technology.

London Policing Ethics Panel's (LPEP) focus has been on Live Facial recognition (LFR). LPEP published an interim report last summer, which has already been circulated to members of the Panel. The Chair agreed to send the interim report to the two preferred candidates.

The remainder of the report provided information about work on digital policing.

A Macaskill enquired whether anyone from SYP would be attending the Police Ethics Network conference on Digital Policing in the autumn. The Chair agreed that someone should attend. E Redfearn suggested that once further details were known, consideration should be given to whether an officer or member of the Panel should attend.

IT WAS AGREED THAT:

- **Issues connected with Cyber crime would be kept under review**
- **OPCC to contact GMP to establish how the work of the GMIEC on cyber crime is progressing**
- **A Lockley to send LPEP's interim report on LFR to the two preferred candidates**
- **Consideration should be given to whether an officer or member should attend the Police Ethics Network Conference on Digital Policing**

7 STOP AND SEARCH

M Lewis, link member for Stop and Search, informed the Panel that since becoming link member he had met with C Foster, SYP's lead on Stop and Search, on 2 occasions; observed officer training in Stop and Search and met with Superintendent Una Jennings, SYP's lead for knife crime, to discuss the use of Stop and Search as a one of a number of tools for dealing with knife crime.

M Lewis referred to a discussion which had taken place at the last meeting on the subject of statistical analysis of ethnicity, when it was suggested it would be useful to look at the changing shape of demographics in respect of age groups.

M Lewis now provided two sets of statistics; first, Y10 school population cohorts for the years 2004 – 2018 by ethnic origin, and secondly numbers of pupils of statutory school age (i.e Y1 – Y11) as at January 2018, by ethnic origin. These figures related to Sheffield only but would also be available for Doncaster, Rotherham and Barnsley. Whilst there are limitations to the conclusions which can be drawn, the figures showed that the number of young people in Y10 (aged 15) from BAME backgrounds has risen steadily over the period 2004 to 2018, and that the proportion of people from BAME backgrounds is significantly higher in the 15 to 30 age range than in the population of Sheffield as a whole.

C Foster presented an update report on the current use of Stop and Search within South Yorkshire.

C Foster thanked M Lewis for all his support.

SYP has recently had a focus on Stop and Search. There were concerns both locally and nationally about the level of knife crime and the large decrease in numbers of stops and searches undertaken by officers within SYP. There are thought to be a number of contributory factors ranging from demand on officers' time in a proactive sense, to confidence and training issues.

C Foster highlighted that SYP has recently received additional Home Office funding for tackling knife crime. Alongside this, the seven forces who are in receipt of the money will be pilot forces for the relaxation of some of the guidance within the Best use of Stop and Search Scheme (BUSS). This means that officers will rely on what Section 60 (enhanced Stop and Search powers) actually says: i.e. the level of authorisation for a Section 60 order will be that of an Inspector, and that a Section 60 can be authorised in cases where the Inspector suspects that serious violence *may* occur, rather than, as in BUSS, that serious violence *will* occur.

C Foster is looking at the operational accountability around these issues, but it will not have a large impact as in SY even under BUSS previously, an Inspector could utilise s60 as an emergency power as long as an ACC or above was updated as soon as practicably possible. C Foster intends to keep this oversight within policy to ensure the serious nature of the use of this power is appreciated.

C Foster highlighted that Section 60 is used in different ways by different forces. SYP uses this power as a preventative measure, whereas some other forces use it to locate a suspect.

Street skills training has been provided to all frontline staff. This has involved identification of barriers to undertaking Stop and Search, a revision of the powers available to officers, a refresh of scenario-based learning and directions about submitting grounds using the *See, Know, Suspect* principles.

C Foster confirmed that positive outcomes should be something you expect to find and suspects would be arrested if something was found.

A discussion took place around disproportionality. In February 2018, people from the black community were 2.9 times more likely to be searched. C Foster acknowledged that whilst the figures he presented were useful, communities are changing and there were lots of ways to calculate the figures.

Next steps are to extend the Stop and Search scrutiny panels to all districts; establish engagement panels with young offenders; run education sessions within local schools and extend the Guns and Gangs initiative to specific local schools; improvements in intelligence-led Stop and Search provision linked to crime hotspots, and community roadshows to explain further about Stop and Search.

A discussion took place about oversight of the scrutiny panels. He suggested M Lewis work with C Foster to establish how best to develop oversight of the scrutiny panels. A Macaskill suggested that C Foster report into this Panel about how the scrutiny panels are operating and if there are any difficulties this could be discussed further.

It was agreed that M Lewis should continue to work with C Foster to find a way forward on oversight of the scrutiny panels. The Commissioner confirmed he was satisfied with this approach.

P Bradley enquired if the figures on page 2 of C Foster's report were indicative figures and whether the Force recorded whether someone was male and female. C Foster confirmed they were actual figures and they did record whether someone was male or female. He explained stop and searches were recorded on handheld devices and figures could be provided. P Bradley confirmed he was reassured by the information provided.

M Ismail enquired about training and how much awareness of ethnicity and different cultures officers were given. C Foster confirmed that training took place right from recruitment. Officers must have reasonable grounds for a stop and search, and be able to justify and explain to the individual why s/he has been stopped and searched. Stop and search must be done with respect.

M Lewis confirmed he had observed the training.

The Chair enquired how the Panel might take forward a point made, about whether neighbourhood policing teams reflected the population of a particular neighbourhood. E Redfearn highlighted that deployment into neighbourhood teams was a decision for ACC Hartley.

A discussion took place around liaison with schools. C Foster confirmed it was difficult to know who to contact. M Lewis agreed to explore this outside of the meeting,

A discussion took place around S60. The Chair confirmed that currently he gets notified by telephone or email that a S60 authorisation has been made. A report is then brought to the next Panel meeting. This appears to be working.

The Chair thanked M Lewis and C Foster for their reports.

IT WAS AGREED THAT:

- **ACC Hartley's attention would 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**
- **M Lewis to explore outside of the meeting whom to contact in schools to give talks on stop and search.**

8 POLICE AND CRIME PLAN 2017-2021 (RENEWED 2019)

Noted and to be discussed in the workshop following the meeting.

9 ANY OTHER BUSINESS

None.

10 DATE AND TIME OF NEXT MEETING - 27 JUNE 2019

CHAIR