



Independent Ethics Panel 5 Year Report 2015 - 2020

Author: Andrew Lockley

Foreword

This report charts the work of the Independent Ethics Panel (IEP) over its first five years. It also marks the end of the term of office of some of its members, not least the Chair, Andrew Lockley.



We are in a very different place now from when the IEP was first established in 2015 and I believe the panel has been a factor in the progress made.

Five years ago South Yorkshire Police were in a difficult place. Two issues about police conduct, one contemporary and one historic, were making headlines. There was first Professor Alexis Jay's report on child sexual exploitation in Rotherham and this was followed by the verdicts off the jury

at the inquests into the Hillsborough football disaster. South Yorkshire Police received heavy censure and public trust and confidence in the force was damaged.

I never doubted, however, that with the right leadership the force could learn lessons and transform itself. I also believed that a genuinely Independent Ethics Panel could be one way in which I could help this to happen. I wanted to see a group of fair-minded but determined people help the force to identify key ethical issues and make their culture conform to the police Code of Ethics.

The report sets out what the Panel did and I would like to thank them all for the time, energy and commitment they gave us over this period.

Five years on, South Yorkshire is rated a good force by Her Majesty's inspectors and its ethical leadership is seen as 'outstanding'.

Dr Alan Billings
South Yorkshire Police and Crime Commissioner

October 2020

Why This Review Now?

The Panel was established by Dr Alan Billings, the South Yorkshire Police and Crime Commissioner (PCC), at the beginning of 2015, with the support of the then Chief Constable. That support has been maintained by successive senior leaders, including the present Chief Constable. The terms of office of some of the original members of the Panel are coming to an end, and this Review offers reflections on the Panel's work so far.

What Is Our Role?

One of the three priority areas in successive versions of the PCC's Police and Crime Plan has been Treating People Fairly. Work associated with this theme has been the Panel's focus. Thus, the Panel has scrutinised the performance of South Yorkshire Police (SYP) in such areas as Stop and Search, the Use of Force and the handling of Hate Crime.

The PCC also has statutory responsibility for monitoring both equality and diversity in the Force, and the handling of complaints against police. On these subjects too, he has looked to the Panel to lead on scrutiny.

The Panel's 'Ethics' role therefore is not to scrutinise the conduct of individual police officers (though we have received high level reports on that subject), but to work with the Force on sensitive areas of activity in which the police are involved. These are inevitably areas of activity in which forces face criticism – sometimes severe criticism - if they appear to be alienating the communities whom they serve.

In this sense, the need to act ethically is an imperative for a Force which relies on public consent to carry out its function, and the Panel's role is to scrutinise police functions objectively but in a supportive manner. The Panel's role is perhaps a classic example of being a 'critical friend'.

The Origins of the Panel

The historical context is important. In summer 2014, the College of Policing had promulgated the Code of Ethics for policing, which set out for the first time a national set of ethical standards and values. The then Home Secretary (Rt Hon Theresa May) had given it her support, and there was also a view that ethics panels should be established in all forces.

However, only three such panels have had a continuous fully independent membership. The other two are in the Metropolitan Police and Greater Manchester Police areas.

There is much of common interest, and we have maintained good liaison with them throughout - but neither of the other panels has exactly the same remit as ours in South Yorkshire. Creating this panel was challenging as there was no ready model of how it should function.

At the time at which we came into existence, SYP had not shaken off the toxic reputation which it had gained from its perceived roles in the Miners' Strike of 1984/85 and the Hillsborough tragedy in 1989. Along with the local authority, it also came in for serious criticism for not taking child sexual exploitation (CSE) in Rotherham sufficiently seriously over many years, and for its involvement in the publicised raid on the home of Sir Cliff Richard in 2014.

All of this was seen as undermining public trust and confidence in the Force, so having an independent ethics panel was a sign of a commitment that things would be different.

The Way the Panel Works

The Panel's activities are funded by, and its meetings are serviced by, the Office of the PCC.

In accordance with our terms of reference, we consider issues which are referred on behalf of either the PCC or the Chief Constable. Senior officers from SYP provide reports to the Panel on their subject areas. The Chair of the Panel makes decisions on the content of its agendas, after taking advice.

It will be self-evident that a Panel such as ours has to maintain its independence and objectivity if it is to be of value. We appreciate that some might find it difficult to believe that it is possible to maintain either characteristic when a panel is dependent for funding and support on those whom it may criticise, but the Panel's experience has been the opposite.

On occasions, panel members have made robust challenges based on their observations; more

usually, the appropriate approach has been to tease out information, and to scrutinise statistical trends in areas of activity which impact on South Yorkshire communities.

Some might expect SYP (or any police force) to be defensive and obstructive when faced by a Panel such as ours. Whatever the issue under consideration that has not been our experience. Even when we have sensed some hesitation about following up a query which the Panel has raised, we have accepted that the reason has been the careful stewardship of police resources during a period of real pressure on them.

Never have we suspected that SYP senior officers wished to obstruct our access to information or to understanding. In successive annual reports we have praised the willingness of SYP to be transparent and to subject itself to scrutiny.

Our existence as an IEP must be seen as providing an element of openness in SYP that is reassuring to the public. That the force is willing to open itself to scrutiny by an independent panel is admirable. That approach was no doubt a factor in the Force gaining an 'outstanding' rating for ethical and lawful behaviour in the HMICFRS PEEL inspection of 2019.

How Effective Have Our Ways of Working Been?

Police forces are very complex organisations and a significant amount of time was spent on trying to understand how SYP functioned, and how the Panel could be most effective. SYP staff have patiently explained the complexity of matters before us, which has of course been informative, but may at times have drawn discussion away from the core ethical issues. Building trust also took time, but senior officers believe that the Panel has a 'fair' view of the Force.

The Panel has adopted a number of ways of working – in addition to meetings of the full committee – in order to manage its workload.

First, task-oriented sub-groups have worked well. For example, in 2015/16, on a referral from the PCC, the Chair and one other member investigated the impact of far-right protests in Rotherham and made recommendations as to how, in the context of the challenges of public order policing, relations between SYP and local communities (particularly those of Pakistani heritage) might be improved.

Then, from 2017 onwards, three other members 'took the temperature' of officers and staff at various levels in the organisation. Officers ranged from recruits to Inspectors. This involved extensive interviewing and provided a great deal of narrative and anecdotal evidence of an organisation in flux. Some of the messages distilled from those interviews were unpalatable, but others were appreciative of what most people recognise as a change in culture.

Secondly, all members (except the Chair) adopted specific subjects on which to lead, with some support from OPCC staff. Although these roles are still relatively new, and have scope for further development, they have already proved their worth.

Each member is linked to the Force lead on their subject area, which has enabled them to offer a more informed commentary and have a better grasp of the relevant areas to probe. For these link members to be effective, however, does require a substantial investment of time from all parties. One member has led on the production of two detailed reports about the adoption of new policing methods with ethical implications – body-worn videos ('bodycams') and digitally assisted decision-making.

What is the Impact of What We Have Done?

This might be described as the 'so what' factor? Has it all been worth it?

It would be easier to answer this question if we had been working in areas where measurable data could be collected, but in policing generally, impact is much more than the measurement of performance statistics. It might, for example, be in perceived changes of attitude, improved communication with the public or the raising of satisfaction levels.

The Code of Ethics was being embedded across SYP at the start of our term of office, partly through extensive training of officers and staff, who in turn cascaded lessons down in local briefings. This contributed to an ethos in which there was heightened emphasis on ethical decision-making (reinforced by the National Decision-Making Model - NDM - also developed by the College of Policing) and to a re-building of self-confidence within SYP, particularly after the arrival of Stephen Watson as Chief Constable in 2016, and his senior command team (SCT).

The Panel has made a significant contribution to this process in four types of ways:

- Providing assurance to the PCC and Chief Constable on the Force's performance in the areas covered by the PCC's priority area of Treating People Fairly.
- Acting as an independent review group for major current concerns – e.g. Rotherham protests and Covid19 policing.
- Providing external ethical input into the planning of future developments in policing, e.g. in relation to body-worn videos and in relation to the ethical principles which should inform future decision-making in the digital sphere.
- By 'Soft' impact: e.g. by supporting senior officers in thinking critically, and by providing HMICFRS with clear evidence that SYP's journey to improvement has proceeded hand-in-hand with transparency, and openness to challenge.

Providing Assurance

In its first area of impact, the Panel has focused (as it was asked to do) on the PCC's priority Treating People Fairly and been relentless in scrutinising the regular detailed and data-rich reports it receives on:

- Use of force
- Stop & search
- Hate crime
- Equality & diversity in recruitment, retention and promotion
- Complaints handling

Generally speaking, the Panel has been able to provide assurance to the PCC and Chief Constable. However, details of our work can be found in our previous annual reports, and in the minutes of our meetings, which are available on the PCC's website: <https://southyorkshire-pcc.gov.uk/what-we-do/iep/>

However, to illustrate the impact of the Panel in a highly sensitive area of policing, we provide a case study relating to Stop and Search. That area, along with Equality, Diversity and Inclusion, are areas of policing in which there has been longstanding public concern. These subjects have gained a higher profile during summer 2020 and will no doubt continue to be a key focus for the Panel's activities.

CASE STUDY

The Panel's lead on Stop and Search writes:

The context of this work is the high national profile associated with how the police use Stop and Search powers. The Panel has scrutinised the statistics twice a year.

In recent years, although there has been a significant increase in the number of occasions when Stop and Search has been used, the proportion of 'positive outcomes' has remained over time in the range of 20%-30%. This has enabled the Panel to give assurance to the PCC and Chief Constable about SYP's use of the powers.

The categorisation of outcomes as 'positive' or 'negative' is nationally determined. It is however possible for the Force to have to record a negative outcome when there is also a positive result. See the further explanation below*.

I have developed my knowledge of the subject through:

- Observation of initial training of recruits.
- Detailed briefings from the Force Lead.
- Observation of refresher training for experienced officers as part of Street Skills.
- Front-line observation with a response team.
- Attendance at two paper-based scrutiny panels and one using Body Worn Video material, set up to assess a random selection of Stop and Search incidents.
- Attendance as an observer of a force-wide video briefing delivered by the Force Lead.

In parallel to these activities I have been able to scrutinise in depth the Stop and Search statistics, which are reported to the IEP. I have then had the opportunity to discuss the reliability of the figures and the abiding concerns about the over-representation of BAME citizens.

It is now two years since I first questioned the reliability of data which calculated the proportion of current Stop and Search statistics against the outdated baseline of the 2011 national census, rather than up-to-date demographics.

Current school population statistics demonstrate

the rapidly changing demographic in Sheffield, and Stop and Search statistics calculated against those, suggest a possible lower level of disproportionality in relation to the critical age demographic (16-34) of those most subject to Stop and Search. This is work still in its early stages.

The limitations of the data with which we work are now more widely recognised. The substantive issue remains however the undoubted over-representation of BAME citizens subject to Stop and Search, the reasons for which are not fully understood. It is clear that how the disproportionality narrative is shaped and perceived, is crucial for public trust and confidence.

My role also includes receiving reports retrospectively of the use of Section 60, which allows a senior officer to authorise the police to use enhanced Stop and Search powers. Three years ago SYP chose to inform the Panel of these authorisations; there is no legal obligation to do so. The system has worked well so far, helped perhaps by the very sparing use of s60. I see it as a positive measure of SYP's self-confidence and also its trust in IEP that it has chosen to act in this way.

* An example of this is where the stop results in a negative outcome but nonetheless there is also a positive result. Using an actual instance, an ANPR may prompt a stop for driving without insurance, which is not confirmed (negative outcome) but the stop gives rise to a search on grounds of a very strong cannabis smell emanating from the car. This gives rise to suspicion of the offences of driving under the influence of drugs and of possession of drugs in the vehicle (positive outcome in relation to tackling crime). This real example illustrates both the need for some caution in interpreting the data available and the benefit of the opportunity to develop a greater insight.



Michael Lewis
Independent Ethics Panel
Member

Independent Review Role

In the second area of impact, we make brief mention of two reviews which the PCC asked us to carry out with the support of the Chief Constable. The first covered **police engagement with the local community in Rotherham** in the context of ongoing protests from groups seeking to exploit the uncovering of large-scale CSE.

The lowest point was a protest and counter protest on 5 September 2015 involving many hundreds of people, which ended in a mass brawl during dispersal.

Our review, by the Chair and by Sheikh Imam Mohammad Ismail, a member who is widely respected as a senior Muslim cleric, made findings as to what had gone wrong, but also decided to adopt a strategic approach, making recommendations on the future handling of protests, and on community input into police decisions. The most significant recommendation was for the PCC to establish an Advisory Panel on Policing Protests. This was a first for the UK (differing from Northern Ireland's Parades Commission, which has statutory powers of enforcement). Both the Chief Constable and the PCC accepted that and other recommendations. The report can be found here: <https://southyorkshire-pcc.gov.uk/what-we-do/advisory-panel-for-policing-protests/advisory-panel-on-policing-protests-reports/>

The second independent review we cite is recent. It related to **policing during the Covid-19 restrictions**, and dealt with SYP's handling of an unprecedented set of circumstances, up to 30 June, 2020. The report of the review is available at: <https://southyorkshire-pcc.gov.uk/what-we-do/iep/reports-documents-and-correspondence/>

External Input into Policing Development

In the third area of impact, we offer two examples.

First, the Force invited the Panel's involvement in the development of **guidelines for body-worn videos** ahead of their introduction. Ethical concerns included those relating to subjects' privacy. SYP proceeded cautiously at first, but now the cameras have been rolled out widely across the Force, and their benefits are well-recognised. The Panel, which also had access to the academic research literature, worked with a senior officer who was very knowledgeable about operational issues, including some of the potential barriers to their use.

Secondly, in a major piece of work, the Panel worked on principles for what has become known as **'digital policing'**, recognising that it seems inevitable that SYP will be faced with decisions on adoption of such technologies. This is explained in a case study.

CASE STUDY

The Panel's lead on the ethical issues arising from Digital Policing writes:

The Policing Vision 2025 (developed by the Association of Police and Crime Commissioners and the National Police Chiefs' Council) sets out the future of policing up to 2025. On the subject of digital policing, the Vision says:

Digital policing will:

1. Make it easier for the public to make contact with the police wherever they are in the country.
2. Enable us to make better use of digital intelligence and evidence and
3. Transfer all material in a digital format to the criminal justice system.

The Policing Vision statement includes a range of ways in which technology can be used in policing, from facilitating and recording interactions with the public, to transferring and sharing data externally as well as more specialist applications. The focus of our work is on identifying ethical issues related to the use of such technologies and primarily on those which currently appear to be contentious with sections of the public (or have the potential to be so) namely:

1. Artificial Intelligence (AI) technologies which use algorithms in predictive policing, and
2. Cameras and automated Facial Recognition Technology.

The same basic ethical principles however, should apply more widely when considering other types of technology that could come under the digital policing umbrella, including those not yet invented or even contemplated.

The Benefits and Concerns

The use of AI as part of digital policing can be of real benefit to the police and the public. Being able to assess risk quickly, identify wanted suspects or missing persons efficiently and identify and predict potential 'hot-spot' areas of particular types of crime can help the police operate more efficiently and keep the public safe. This is particularly true against a backdrop of changing demand and crime patterns.

Against these benefits, however, there are concerns about data quality (e.g. bias) and data protection, and security and privacy issues. There are also other public concerns too such as:

- Keeping data up to date.
- Ensuring data is used appropriately in line with the General Data Protection Regulations (GDPR).
- Making sure data is stored and retained correctly.

Police officers too may have concerns. Currently, the police use the National Decision Model to guide decision-making. The model systematically uses the knowledge, skills and experience of officers to problem-solve. Utilising data analytics could be perceived by officers as disregarding their knowledge and experience.

Independent commentators have expressed concerns about the inadequacy of national oversight mechanisms for the use of such technology in policing, and about the 'commercial and political pressures to adopt algorithmic techniques for crime prevention and reduction which need to be counterbalanced by clear articulation of requirements, circumspect procurement, ethical scrutiny, and informed debate, particularly on the question of bias' (Independent Digital Ethics Panel for Policing, 2018). If these issues are not recognised and addressed, there is a danger that public scepticism about these digital technologies will erode trust and confidence in the police where these technologies are trialled or introduced operationally.

The purpose of the Panel's review was to identify ethical principles and highlight ethical questions in an open and transparent way, to help SYP in its decision-making about the trialling or operational deployment of digital technologies.

This work identified six key digital ethical principles which then formed the basis for a set of questions against which SYP might test the ethics of a particular digital policing technology. These six principles identified are:

- Legality
- Accuracy
- Openness and Transparency
- Embedded in Good Governance
- Fairness
- Accountability

We were also concerned to ensure that there were opportunities for public consultation wherever possible in the use of these technologies to ensure transparency, as well as procedures for the public to challenge the use or retention of their data.

The full version of our report can be found at: <https://southyorkshire-pcc.gov.uk/what-we-do/iep/reports-documents-and-correspondence/>



SYP have adopted our recommended approach. Our report is intended to be a 'living' document which can be edited and further developed as the Force gains experience in digital policing, and as more legislation or national guidance emerges.

Professor Ann Macaskill
Independent Ethics Panel Member

The 'Soft' Impact

Under this fourth heading should be mentioned the support we gave to the setting up of SYP's Internal Ethics Panel.

The purpose of the internal panel is - necessarily - a focus on operational issues. A group of officers and staff work out together how the Force should respond to ethical dilemmas suggested to them by Force personnel.

One of us worked with the Force Lead on Ethics to develop and deliver a training package over two days, considering ethical models, principles of ethical decision-making and case studies.

Over an extended period in the past five years, members of our Panel took the 'ethical temperature' of the Force, meeting with individuals from new recruit to the rank of Inspector - sometimes in small groups - and in larger focus groups, which included civilian staff.

Extensive observation of initial training for recruits gave an insight into the complexity of modern policing and the high expectations of those destined to be the next generation of police officers. The training on Stop and Search brought the prominence of ethical issues and standards to the forefront from the start.

Observation of training on all aspects of public protection highlighted emotional and moral challenges faced by officers.

Face-to-face interviews with 40 sergeants and inspectors enabled us to offer the PCC a degree of re-assurance about the understanding, acceptance and implementation of ethical standards, but we noted substantial variation in practice and an absence of systematic identification of, and dissemination of, best practice.



However, we were aware that the Senior Command Team had recognised these issues and were grasping these nettles at the same time that we were talking to officers. SYP has been a fast-changing organisation and it was perhaps inevitable that there was a time-lag while the messages pervaded all ranks.

It was clear from our conversations that among both officers and staff, there is a serious commitment to SYP, a determination to overcome the burdens of the past and a willingness to embrace a more confident learning culture. The ethos of serving the public appeared, as many told us, to be 'in our DNA'.

The Future Work of the Panel

Ongoing Themes

The PCC, in consultation with the Chief Constable, may take the view that the refreshed IEP should focus on new areas, e.g. in relation to assurance. That will be for them and our successors.

We believe however that some topics will retain a high public profile for the foreseeable future, particularly topics which reflect concerns about insufficient diversity in the Force, and disproportionality in Stop and Search. It has become clear to us that there is still much to be understood. For example, it is not sufficient to base discussions about disproportionality on the broad ethnic category of 'BAME' in the Stop and Search statistics; a more nuanced understanding can be gained by disaggregating the category into different ethnic groups, and ethnicity needs to be considered with other factors such as the age, gender and criminal history of the subject, together with the location of the encounter.

Although SYP's ethnic diversity is improving, there is inadequate understanding of why recruitment of BAME candidates into the Force has not made more headway. This goes to legitimacy and has the potential to remain a matter of public concern.

Another area which is likely to pervade ethical intercourse for the foreseeable future is the proper place of digitally-assisted policing. We are not the only group which has given time to this, and we hope that the ethical considerations which we have articulated will remain helpful to the Force for some time to come.

We suggested that the Panel should keep its report under review to ensure that it remains relevant in the face of technological developments, particularly in AI. By their very nature, the algorithms of AI result from machine learning based on data which may be biased (in the broadest sense of the word), but yet they may be the basis of decisions which may be life-changing for individuals. Policing is of course by no means alone in grappling with the ethical dimensions of digital activity.

Support

We are grateful to Dr Billings for his support over our terms of office, and for entrusting us with this important task.

We also thank those in his Office - and there have been a number - who have given us unstinting assistance. As they have had to remind us on a number of occasions, however, the Office's resources are limited, for example to scan the horizon for subjects on which the IEP should be consulted.

This is unlikely to change, and our successors must be prepared to keep abreast of policing issues themselves. The system of having a 'Lead Member' for major subject areas may be further developed to ensure that relevant material is spotted and circulated to colleagues.

For budgetary reasons, we have made little use of external resources such as independent researchers. The Panel's reports (and individual members' work) have largely been completed with some support from SYP and the PCC's Office, but if a small budget were to be made available to the Panel, some targeted research could be carried out. This would add authority to the Panel's work in appropriate cases.

Induction

Against this background, a thorough induction of new members is crucial to early effectiveness. In addition to visits to SYP buildings (e.g. a custody suite, the Atlas Court call centre and Professional Standards in Chapeltown) all members would be helped by observing frontline experience (e.g. policing the night-time economy, a neighbourhood policing team, and district management meetings/briefings on changing shift).

We would also recommend observation of initial police recruit training, which could serve as part of members' induction.

Conclusion

We express our gratitude for the opportunity to serve on the Panel, at a time when SYP has been named 'Most Improved Force' three years running by HMICFRS in its State of Policing reports.

Moreover, we were able to share the Force's particular pride in another accolade; the award of an 'outstanding' rating from HMICFRS to SYP for 'ensuring that its workforce behaves ethically and lawfully'.

We have also been able to support the PCC in the early years of the crucial role of holding the Force to account, which was the primary purpose of the 2012 reforms which legislated for the office of PCC.

We wish our successors well.

Independent Ethics Panel Membership



Andrew Lockley
(1 October 2014 – 30
September 2020)



Linda Christon
(1 January 2015 – 31
December 2018)



**(Imam) Sh. Mohammad
Ismail**
(1 January 2015 – 30
September 2020)



Professor Ann Macaskill
(1 January 2016 – 31 May
2021)



Michael Lewis
(1 January 2015 – 31 May
2021)



**Very Reverend Peter
Bradley**
(27 June 2019 – 2
September 2020)



Janet Wheatley
(27 June 2019 – 30
September 2022)

At the time of this document going to print further members were in the process of being appointed.

