

INDEPENDENT ETHICS PANEL

16 DECEMBER 2020

PRESENT: Prof A Macaskill (Interim Chair)
M Lewis (Member)
J Wheatley (Member)
A Raven (Member)
E Smart (Member)
S Wright
DCC M Roberts (SYP)
Det Supt D Waring (SYP)
Ch Supt S Poolman (SYP)
Insp S Mellors (SYP)
A Fletcher (SYP)
E Redfearn (OPCC)
S Parkin (OPCC)
F Topliss (OPCC)
K Wright (OPCC)
S Baldwin (OPCC)

APOLOGIES: M Hood

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting and introductions were made.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF PREVIOUS MEETING HELD ON THE 29 SEPTEMBER 2020

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

A Macaskill asked members to consider moving the minutes and matters arising the end of the agenda. This would improve the efficiency and effectiveness of the meeting.

It was agreed that:

- **The minutes of the last meeting and matters arising be moved to the end of the agenda**

4 MATTERS ARISING

201	The six monthly review of complaints trends should include complaints dealt with by the IOPC.
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INDEPENDENT ETHICS PANEL
16/12/20

	01/05/2020 – D Mahmood highlighted that the IOPC had confirmed that data for quarter 4 would not now be collected until the end of May. The IOPC has also confirmed that the data collection for quarter 1 2020/21 will not take place. Instead, they will collect data for both quarters 1 and 2 in October 2020. 09/12/20 – on agenda for 16 December meeting. Discharged
221	The Panel would consult and engage with the staff associations in relation to the experiences of BME staff 29/09/20 – E Redfearn confirmed that P Bradley had been going to pick this up. This work will continue. It is the OPCC’s intention to continue with the link member scheme and a member will be appointed to the Equality, Diversity and Inclusion theme once new members are in place. 16/12/20 - Ongoing
222	The Panel would capture what BME staff have to say about their experience of being a BME staff member 29/09/20 – as per action 221
223	The actions in the PCC's Discrimination and Disproportionality paper would be progressed by the Panel and OPCC staff 29/09/20 – E Redfearn confirmed this would remain a feature for the IEP and will fit within the priorities of both the office and the Panel. Ongoing
224	The IEP would appointing a Use of Force lead 29/09/20 - Ongoing
225	P Bradley to work with police colleagues to develop some inclusion measures 29/09/20 – as per action 221
226	P Bradley would undertake further work around exit interviews 29/09/20 – as per action 221
231	An update on the engagement work with BME communities become an action on the action schedule and an update be provided at the next meeting. 20/10/20 - Update from S Poolman: I’ve read the section and think that the action was about engagement with all strands, not just BAME, and I was referring to the community cohesion & hate crime workshop I was planning for key individuals, victims of hate crime and community support groups to inform them about what we are doing but also ask for feedback on reporting mechanisms etc. We consulted community support groups in the summer on how best to achieve that and an event was planned for January 2021 at the New York Stadium. However, based on the rise in Covid, the restrictions in place, the likelihood that these will be in place for 6 months and concern about a face-to-face workshop, this has had to be postponed. I did consider conducting it online, but the whole purpose was to bring communities together and we cannot achieve that. So this event is postponed, however, our HCCs are still regularly engaging with all strands and I have today, in light of Friday’s terrorist attack in Paris, again reiterated the need to engage proactively with our Muslim communities to reassure and urge them to report any concerns/ hate crime. Discharged
232	An action be put on the action schedule for an update to be provided at the next meeting on the lower number of Use of Force reports submitted in Rotherham 16/12/20 - Ongoing
233	An action be put on the action schedule for the next Use of Force report to include the use of Tasers

	16/12/20 - Noted and included on work programme. Discharged
234	A Lockley would establish if the minutes and updates from the NPCC Covid-19 Ethics Committee could be provided 16/12/20 – Update requested
235	‘Employees’ should be broken down into officers and staff in the next complaints update 16/12/20 - Noted and included on work. Discharged
236	M Roberts would establish if previous concerns around the online test in the recruitment process was having an impact on the current campaign 22/10/20 - We changed the approach away from online assessments (BSQ/ SJT) to the strengthened eligibility criteria and motivation Qs on the app form as per SCT decision. It’s difficult to compare then to now as we are campaigning for different pathways (PCDA/ DHEP) so it’s not like for like. We have a healthy pipeline and healthy interest so are not struggling with numbers in any way. Whilst much remains to be done, these steps have supported an increase in applications from BAME candidates - from 7.9% in January 2017 to 11.4% in March 2020. In monitoring the attrition between groups throughout the various stages of the recruitment process, we take active steps to ensure that no one element of the process discriminates disproportionately between candidates. The 11.4 % recruit figure is in line with South Yorkshire 11.9% BAME population as of 2011 census. Current figure of 5% BAME and 34% female officers are the highest we have recorded. Current recruits are 8.6%. Female applicants now 41.9%. Discharged
237	M Roberts would establish if the omission of Judaism on page 35 of the agenda pack was a mistake 22/10/20 - The details of the last few reports and can see that people self-identifying as Jewish are now captured in the ‘other’ column. A request has been submitted to ISD to separate the categories but this will take time to process. As soon as the data is available, Simon will record in his reports going forward. Discharged
238	M Roberts would establish if any information on the reasons people are leaving the organisation could be obtained 22/10/20 - Recently had an intern reviewed the Force’s leavers data. The Force intend to design a new process shortly. Only 29% of all exiting employees completed the exit survey. Please note this includes retirees and involuntary resignations. After retirement the most common reason for leaving was ‘better career opportunities’ followed by ‘found better job’. We should take into consideration that more than one reason could be selected. The exit survey found that no BAME or LGBT+ employees highlighted ‘bullying, harassment or discrimination’ as a reason for leaving SYP. Although this extremely positive, the low completion rates do not confirm that such behaviour has not occurred or contributed to an employee’s departure.
239	M Roberts would pick up the allegation of racial profiling and the discharge of AEP round agenda items up with members outside of the meeting 22/10/20 – A meeting has been arranged with A Macaskill. 09/12/20 - Update on agenda for 16 December. Discharged
240	S Parkin would establish what level of vetting is required to view BWV 19/10/20 - There would be no issue with anyone viewing BWV

<p>footage if they hold NPPV2 (abbreviated), NPPV2 (Full) or NPPV3 clearances.</p> <p>Phil Crick, Head of Force Vetting Unit, also highlighted the risks in terms of BWV footage pertaining to ongoing investigations or prosecutions and whether these matters would be sub-judice. If, in the case of an ongoing investigation or prosecution, the BWV viewing prompts comment or written material, this would undoubtedly become 'unused material' under CPIA requiring revelation to CPS and probable disclosure to the defence. I am assuming that C Foster has taken this into account.</p> <p>It was agreed that:</p> <ul style="list-style-type: none">• This would be discussed further outside of the meeting
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5 HATE CRIME UPDATE

Chief Superintendent S Poolman, SYP's Hate Crime Lead, presented a hate crime update.

S Poolman highlighted that the national data was published in October 2020. There was an increase of 8% in the number of hate crimes recorded in 2019/20 compared with 2018/19.

The majority of hate crimes were race hate crimes. Religious hate crimes fell by 5%. This was the first fall in religious hate crimes since 2012/13. Sexual orientation hate crimes increased 19%, disability hate crimes by 9% and transgender identity hate crimes by 16%.

Over half of the hate crimes recorded by the police were for public order offences and a further third were for violence against the person offences. S Poolman highlighted that Home Office figures include stalking and harassment in the violence against a person category. S Poolman confirmed that this correlates with SYP's findings.

Home Office Hate Crime Statistical Bulletin shows an increase in police recorded hate crime every year since 2012/13. The increases seen over the last five years are thought to have been driven by improvements in crime recording by the police. It is also thought that growing awareness of hate crime is likely to have led to improved identification of such offences. Although these improvements are thought to be the main drivers for the increases seen, there appear to have been short-term genuine rises in hate crime following certain trigger events such as the EU Referendum in June 2016 and the terrorist attacks in 2017.

In contrast, the Crime Survey for England and Wales (CSEW) shows a fall in hate crime over the last decade. This suggests that not only is hate crime falling, but also the disparity between the CSEW figures and police recorded hate crime is reducing. This is a real positive as it suggests that there is greater confidence in the police with more hate crime being reported to them.

S Poolman highlighted that in 2018, the government commissioned the Law Commission to review hate crime following a number of concerns raised about parity of treatment between strands. The consultation paper was published in September 2020 and included a number of proposals for reform. The proposal

which has caused the most attention is adding sex or gender to the protected characteristics. The National Police Chiefs Council (NPCC) lead for Hate Crime is collating responses on behalf of policing and SYP have made their submission.

In relation to the local picture S Poolman highlighted the following.

Between October 2019 and September 2020, the total volume of hate crimes and incidents in SYP has increased by 26% when compared to the previous 12 months. Hate crime has increased by 27% and non-crime by 13%.

All districts have seen a rise in hate crime over this period. Hate crime coordinators continue to engage with all communities and community support groups to raise awareness and to work with partners to prevent hate crime.

The overall rise in reported hate crime in the last 12 months is due to the increases in sexual orientation, disability and race related hate crime.

The increase in race hate crime, whilst it is not the highest percentage increase, does represent the largest numerical increase. Analysis shows that 55% of this rise occurred in the last 3 months of this period (quarter 2) and directly correlates with the murder of George Floyd and the rise of the Black Lives Matter movement. Race hate crime rose from an average of 173 crimes per month to 260 in June, 234 in July, 264 in August and 210 in September. What is interesting is that the rise in race hate crime is attributable to an increase in reports from white victims as well as Asian and black victims.

There has been a slight drop in number of religious hate crime and the proportions of perceived religions have changed.

Section 8 highlights the number of hate crimes and incidents linked to Covid-19. Between 1st January 2020 and 30th September 2020, of the 2837 hate crimes and incidents recorded, 101 (3.5%) have a keyword of COVID-19 associated with the investigation. The vast majority are race hate crimes.

Section 9 confirms that both nationally and locally, the majority of hate crime consists of verbal abuse and threatening behaviour, often committed by strangers, with the most frequent crimes recorded being public order offences.

Section 10 provides information on offending by strand. Race hate crimes continue to constitute a significantly higher percentage of public order offences, whereas disability has a higher proportion of stalking/ harassment.

Section 11 provides information requested by the Panel on sex, ethnicity and age of victims and suspects in hate crimes/ incidents. S Poolman confirmed that it was hard to draw conclusions from the data.

Section 12 gives a breakdown of outcomes recorded for hate crimes over the 12 months to the end of quarter 2 (October 2019 – September 2020). Key finding is that overall action taken has increased.

S Poolman highlighted victim satisfaction. Nationally, hate crime victim satisfaction sits approximately 15% below that of all crime victim satisfaction. SYP have undertaken a lot of work around this and since February, there has been consistent improvements. A year-on-year comparison shows a 13% improvement to 77%, which is only 4-5% below the all crime victim satisfaction rate. This is positive but the Force still wants to improve.

S Poolman highlighted the Hate Crime Awareness week; SYP was the second Force in the country to volunteer for and undergo the NPCC audit and the planned workshop for Community Support Groups, third party reporting centres & IAG Members. This will be rearranged when it is safe to do so.

The Chair thanked S Poolman for including the data on victims and suspects. The report is very detailed and gives confidence that the Force knows the data and is monitoring this closely. Outcomes are also being provided for the Force.

J Wheatley acknowledged the excellent report. She raised the increase in hate crimes and incidents across South Yorkshire but enquired why there was not as large an increase in Rotherham. S Poolman highlighted the Rotherham legacy issues seen in 2015/16 and 2017 saw much higher recording. This provided a higher benchmark so has not seen as big an increase.

Members thanked S Poolman for an excellent report and all the work she is doing.

It was agreed that:

- **New Panel members could attend a Hate Crime Working Group or Scrutiny Panel**

6 POLICE COMPLAINTS - STATISTICS FOR ENGLAND AND WALES 2019/2020

Detective Superintendent Delphine Waring, Head of South Yorkshire Police's Professional Standards Department (PSD) reminded the Panel that she had provided a comprehensive update at the last meeting.

D Waring highlighted that the Police Complaints - Statistics for England and Wales 2019/2020 contained data from the old regulations and are not therefore directly comparable with the current figures.

D Waring agreed to contact the Independent Office for Police Complaints to establish if there is any comparison data for the new regulations broken down by region available.

D Waring highlighted the front page of the IOPC document which states that the IOPC handle only the serious and complex complaints. PSD still deal with some of these in Force.

Between 1 April 2020 and 30 September PSD have dealt with 720 complaints internally compared to 78 the previous year. Last year Districts locally resolved 550 complaints. The PSD has tried to absorb the vast majority of complaints within the department. This has improved the quality and timeliness of complaint handling.

M Roberts confirmed this helps districts and provides a better service to the public.

The only complaints which go out to district are the complaints which are entrenched neighbourhood or community issues and require a problem solving approach.

There has been an increase in the number of complaints following regulation changes where all complaints now have to be recorded.

The Chair enquired if the Force had invested more in the department. D Waring confirmed that in February the department had an uplift of two members of support staff to work in the Complaints Resolution Team. This team deal with the high

volume, low level complaints and is currently managed by a Detective Inspector who is undertaking an operational review. A third member of staff has also joined the team from within the department.

M Lewis enquired about the number of complaints received in relation to stop and search. D Waring confirmed that she had looked at these figures for T Forber in the last couple of weeks and figures are exceptionally low. M Lewis highlighted that he had attended a meeting with members of the black community, the PCC and T Forber. Attendees at the meeting had said that people do not trust the police so do not complain. He enquired if there are any strategies to boost confidence in the police. It was agreed this was for future meetings.

D Waring agreed to include a specific slide which covers stop and search complaints in future updates.

It was agreed that:

- **D Waring would contact the IOPC to establish if there is any comparison data since the introduction of the new complaints regulations**
- **D Waring would include a specific slide which covers Stop and Search complaints in future complaints updates**
- **D Waring would provide an update on any strategies being developed to boost confidence in the police to encourage complaint reporting**

7 COMPLAINTS - IEP LEAD

J Wheatley, the IEP's lead member for complaints provided a verbal update.

J Wheatley had become the IEP lead member just prior to the complaints regulations coming into force. This was closely followed by the Covid-19 pandemic which impacted on the work that could be undertaken.

J Wheatley attended the PSD Champions meeting in November. She acknowledged that it was good to meet everyone, even those this was undertaken virtually, and see the impact on districts of PSD dealing with the majority of the complaints. This was very positive.

A catch up meeting had taken place with D Waring and S Parkin, regular meetings will now take place. J Wheatley is also intending to go into PSD and look through some of the complaints, both at the front and back end of the process. She highlighted the increase in staff in PSD and commented that this was not a massive increase compared to the amount of work being undertaken. There had also been a backlog in complaints recording.

J Wheatley acknowledged that the Panel's role in complaints has an ethical dimension and if the Panel want to look at a specific area it should consider if there is an ethical element.

8 EQUALITY, DIVERSION AND INCLUSION - IEP LEAD

8a DIVERSITY INFOGRAPHIC

The Chair informed the Panel that Peter Bradley had been the lead in this area and had begun quite an ambitious programme of work. She has picked up this role in the interim period until lead roles are allocated.

The Chair confirmed she had asked for the infographic to be placed on the agenda. This summarises the Force's approach, the associated activities and the current position in relation to gender and BAME. Especially pleasing are the recent recruitment figures which reflect the attention paid to recruitment.

The Chair confirmed that at present she is familiarising herself with the activities listed in the infographic. She had attended the Diversity, Confidence and Equality Board on 26 November and observed a very committed professional approach to fostering confidence and inclusion with which comes equality. Highlights from the meeting included: improvements in data recording with the Fusion system; ethnicity recording in custody suites which is now 98-99% accurate; and a new category for recording vulnerabilities of those in custody is now in place. Throughout the meeting the underlying theme was to ascertain whether there is any disproportionality by age, ethnicity and gender and if any is identified look at the reason why.

There is a project looking at leadership and how to change the culture to empower people. An external facilitator is being used.

There are concerns around a 30% increase in violence against officers, yet a 6% decrease in SYP's use of force. This equates to 16 officers assaulted each week. The Chair suggested the Panel could look at how officers who have been assaulted feel treated and supported.

M Roberts confirmed that he is worried about the increase in attacks on officers. This ranges from being spat at to being assaulted with a weapon. He highlighted an incident where a police vehicle had been rammed leaving the officers inches away from being killed. The charging decisions and sentences by CPS are poor. On that occasion the offender was charged with dangerous driving. This has been raised nationally.

A discussion took place around social media. M Roberts acknowledged that officers are bated. They are reminded to be professional but they are human. A Raven enquired how officers deal with online videos following an attack

M Roberts confirmed that when an officer is assaulted there is an eight point plan which involves officers not being able to take their own statement, supervisors undertake check-ups and a member of the Senior Command Team contact them. This is taken seriously. He highlighted the impact of media reporting on the police and confirmed there is a role for the Panel to play in getting messages into the public domain, such as the Exception Report to the Public Accountability Board (PAB). The independence is important.

The Chair highlighted the Force's attention to training needs and the fact that this was more evidence of a Force that does not publicise the good work that is taking place. SYP is only the second force to give officers within Neighbourhood Policing Teams the opportunity to obtain Skills for Justice accreditation. This is taking place in spite of the Covid-19 pandemic.

The Chair reiterated P Bradley's ambition and suggested this is something the Panel should look at. Members should attend activities identified in the infographic and establish if this represents what is taking place on the ground.

The Chair highlighted that the infographic does not include exit interviews.

It was agreed that:

- **Members should attend activities identified in the infographic and establish if this represents what is taking place on the ground**

8b IOPC LETTER - LAUNCH OF RACE DISCRIMINATION THEMATIC WORK

For information only.

9 STOP & SEARCH UPDATE - IEP LEAD

M Lewis, the IEP's lead member for Stop and Search, presented a written report that had been submitted following his attendance at a meeting between representatives of the Black Community, the Commissioner, ACC Tim Forber (Local Policing) and staff of the OPCC.

M Lewis observed that in relation to stop and search there needs to be a move beyond the terminology of BME.

M Lewis highlighted the Panel's current programme of scrutiny, which is the Panel's way of testing how the Force operates. This includes attending local stop and search scrutiny panels and during the Covid-19 pandemic viewing Body Worn Video footage. The Chair and M Lewis had attended a meeting in September where they had viewed stop and search Body Worn Video footage. Another meeting is due to take place this Friday with Chief Inspector Chris Foster, the Force lead for Stop and Search. A report will be presented to the next meeting.

M Lewis highlighted that once things are more back to normal consideration needs to be given to a process being put in place where people in the community can be vetted to view Body Worn Video footage. He suggested a protocol needs to be drawn up in relation to ongoing live case.

M Lewis raised the Force's use of Section 60. This is being used frequently by the Metropolitan and Greater Manchester Police but sparingly in South Yorkshire. He highlighted to Panel members that SYP had decided that any use of Section 60 should be reported to the Panel. SYP's use of Section 60 is in contrast to the national picture which shapes people's perception.

M Lewis highlighted that Chief Inspector Foster is moving to another force. A productive and mutually trusting relationship had been developed between M Lewis and Chief Inspector Foster and this will have to be rebuilt with the person who takes over from him.

10 ALLEGATION OF RACIAL PROFILING

The Chair informed the Panel that she had attended Carbrook to view Body Worn Video footage and supporting documentation on behalf of the Panel following a

request from M Roberts. This related to an allegation of racial profiling and a discharge of an attenuating energy projectile (AEP) round.

The allegation of racial profiling footage and documentation related to a well-known footballer who was traced and stopped in Doncaster following reports of a car being driven erratically. The video demonstrated that the report was taken very seriously. A number of patrol cars responded and apprehended the vehicle in a car park. One patrol car and three officers remained one of whom was a trainee who undertook the breathalyser test. The footballer was uncooperative, refusing to leave his car and generally being difficult and verbally quite aggressive. The officer in charge remained very calm and controlled and appeared to take it all in his stride. The footballer raised the issue of his colour before he left and was calmly assured that it was irrelevant to the stop and search; the police were responding to reports of his car being driven erratically.

Post incident the footballer went to the press and claimed that being stopped and searched habitually happened to him when he visited his home in Doncaster, the implication being that SYP were racist. Stop and search records going back six years were reviewed and there was no evidence of any stop and search being undertaken on this individual.

M Roberts highlighted the ethical dilemmas the Force faced around releasing video footage to the media and the hostility towards the police on social media when this is done. On this occasion M Roberts was of the opinion this should have been given to the media and let the public judge.

M Lewis acknowledged the vulnerability of the police as a result of social media. He highlighted that if SYP was going to publish video footage as a matter of principle there may be occasions when this could be difficult for the police.

11 DISCHARGE OF ATTENUATING ENERGY PROJECTILE (AEP) ROUND

The Chair confirmed that this incident related to someone who had committed a robbery in a small shop and fled the scene. He was reported to have a shotgun, a knife and a sports bag in his possession and appeared to be crossing the city quite rapidly. Officers in a patrol car located him in a park on a bench. The Armed Response team were alerted and were quickly on the scene. The man was surrounded and as the individual was uncooperative and believed to be armed, a round of AEP was fired. He was then detained without injury.

The Chair confirmed this was dealt with very quickly and with very little fuss. She highlighted the calmness of the officer in charge and commented that his professional approach was to be commended.

M Roberts highlighted that this was a good example of how the Armed Response Unit responds to reports from members of the public when someone is carrying an offensive weapon.

Following the incident the Force received a query from the IOPC who wanted to know why a mandatory referral had not been made. A mandatory referral must be made to the IOPC if there has been a death or serious injury following police contact. There was no serious injury only minor bruising. M Roberts had informed the IOPC that he would bring this incident to the Panel for them to view.

M Roberts confirmed that he had wanted to bring this to the whole Panel but it had not been possible to do this virtually.

M Lewis enquired if it was unusual for the police to discharge a firearm. M Roberts confirmed that it was.

M Lewis enquired if it would be useful to the Force to inform the Panel when a firearm had been discharged. M Roberts confirmed that he would be happy to do this but he may be restricted in the amount of information he could provide if there is an ongoing IOPC investigation. He confirmed that he could give briefings and written reports but the Body Worn Video footage would have more of an impact and enable the Panel to provide reassurance to the PCC.

It was agreed that:

- **Where possible, the Panel be informed of any firearms discharge**

12 IEP EXCEPTION REPORTING

Increase in assaults on police officers to be included.

13 EXTERNAL COMMUNICATION

F Topliss confirmed she would be drafting a media release to introduce the new members.

M Lewis suggested the progress the Force has made in relation to the recruitment process could be raised. This may bolster numbers. F Topliss agreed to link into the work being undertaken by the Force's Communications Team.

14 WORK PROGRAMME

Noted.

15 ANY OTHER BUSINESS

D Waring informed the Panel that she would be reviewing the Force's Internal Ethics Committee. One of the considerations is to have independent people on the Committee. She enquired if she could explore this with the Panel at the next meeting.

The Chair confirmed that she had worked closely with S Helmsley when the Internal Committee had been established. The Panel had also consulted with the Internal Ethics Committee on the Digital Policing report. The Panel felt it would be beneficial to work more closely with the Committee when it was working on specific projects or pieces of work.

It was agreed that:

- **D Waring would explore her findings on the Internal Ethics Committee with the Panel at the next meeting**

16 DATE AND TIME OF NEXT MEETING - 23 FEBRUARY 2021 AT 2PM

CHAIR