



**MINUTES OF THE JOINT INDEPENDENT AUDIT and ETHICS COMMITTEE
(POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE
AND WEST YORKSHIRE POLICE)
HELD ON 12 OCTOBER 2018**

ETHICS SESSION

MEMBERS PRESENT

Richard Baldwin
Harry Bower
Trevor Lake (Chair)
Ann Liston

OFFICERS PRESENT

Katherine Johnson, Treasurer, OPCC
Oz Khan, C/Supt, PSD, WYP
Jayne Maiden, Sgt, WYP
Julie Reid, Governance Manager, OPCC
Neil Rickwood, Head of Audit & Risk, Shared Services
John Robins, DCC, WYP
Jayne Sykes, Interim Chief Executive, OPCC

1. WELCOME & APOLOGIES

The Chair welcomed all to the meeting. No apologies were received.

2. DECLARATION OF INTEREST

None declared.

3. RECORD OF ATTENDANCE

Details of member and officer attendance at previous meetings of the Committee were circulated for information.

4. MINUTES

The minutes of the meeting held on 20 July 2018 were agreed as an accurate record.

5. MATTERS ARISING

Item 15 Lessons Learned from the former Chief Constable conduct case

Richard Baldwin queried whether a report would be made to the Committee following the private meeting with members on 28 September 2018. Jayne Sykes confirmed that actions from that meeting would be circulated to members outside of the meeting and a formal report prepared.

ACTION: Jayne Sykes to provide a written report to the April 2019 Committee on the lessons learned review from the former Chief Constable conduct matter.

Item 16 Use of Covert Human Intelligence Sources (CHIS)

John Robins provided a verbal report on the use of Covert Human Intelligence Sources and confirmed that this work is regulated by the Investigatory Powers Commissioner's Office, which annually oversees and scrutinises the Force's activity under the Regulation of Investigatory Powers Act (RIPA) 2000.

Neil Rickwood confirmed that the Internal Audit Team have also previously audited the CHIS process.

Members were assured of the processes in place.

Item 5.1 Use of UAV (Drones)

John Robins presented a report to Committee on the use of UAV (drones) in West Yorkshire and confirmed that this was in accordance with Civil Aviation Authority policies. The report outlines work to establish a national strategy for use of drones in policing. Neil Rickwood informed members that this area of work is presently being audited by the Internal Audit Team.

Richard Baldwin queried the extent that information sourced from drones could be used as evidence and also counter-drone capability and was informed that this was being looked at nationally.

Members were reassured by the report and sought an update in six months' time.

ACTION: John Robins to provide an update report on the ethical issues associated with the use of UAV (drones) to the April 2019 Committee.

Item 5.2 Positive Interventions, Custody

John Robins presented a report to Committee on positive interventions in custody.

Trevor Lake queried whether ethical issues were considered following a positive intervention and was advised that these were discussed in the debrief session.

Members discussed the need to have police officers' observation of vulnerable detainees and the consequent impact on resourcing.

Ann Liston queried whether there was a role for Independent Custody Visitors (ICVs) and members requested a report on the operation of the Independent Custody Visiting Scheme, including a report on issues raised by ICVs.

ACTION: Jayne Sykes to report to the next Committee on the operation of the Independent Custody Visiting Scheme and the issues raised by ICVs.

Item 5.3 Positive Interventions, Traffic Policing

Members accepted this report.

Item 5.5 Review of Policies on Ethics and Integrity

Oz Khan presented a report to Committee, which outlines the steps taken by the Force to embed the Code of Ethics; from initial work to introduce the Code in May 2014 through to inclusion of the Code in promotion processes, performance reviews and integration of the national decision making model (NDM) into policies and procedures and training.

Trevor Lake sought reassurance that the Code of Ethics had been embedded and agreed that the relevant section of the HMICFRS Legitimacy Inspection Report should be shared with members.

ACTION: John Robins to provide members with the HMICFRS Legitimacy Inspection comments which relate to embedding the Code of Ethics.

Richard Baldwin asked if the staff survey referenced the Code of Ethics and was informed that a large part of the survey is relevant to the Code.

Richard Baldwin asked about use of the Anonymous Messenger system and was advised that between 18 and 22 reports are made via the system each month, many of which are not specific or not categorised as whistleblowing reports. Oz Khan also reported that there are also confidential reporting lines (internally and externally) and direct intelligence reports can be made to PSD.

Item 5.7 Ethical Decision-making around Training

Members welcomed a report on the ethical decision making issues relating to training.

6. CHAIR'S UPDATE

Trevor Lake noted that this meeting was the last one for the three independent members whose terms of office were due to end on 31st December. Trevor thanked the members on behalf of the Committee and the Office of the Police and Crime Commissioner.

John Robins also thanked all three members for their commitment and support.

Trevor Lake informed the meeting that had an advert had been placed and recruitment was underway for three new independent members.

Trevor Lake notified the meeting that he had attended a Police and Crime Panel meeting in October to present an annual report on the work of the Committee. Questions were raised about the appointment of 'inexperienced detectives' due to staff shortages as a result of the cuts; the performance of the Internal Audit Team and also the number of

limited assurance conclusions provided by Internal Audit over the last six years. Trevor agreed to share the Board Assurance Framework with the Panel.

The Police and Crime Panel had queried the complaint process within the OPCC office and whether an increased effort could be made to resolve more complaints locally to reduce the numbers that progress to the Panel. Trevor agreed to pass this request onto the OPCC.

The Panel had also discussed the ethics of the police pursuits policy.

John Robins advised members that he would be temporarily acting as Chief Constable from January 2019 and ACC Russ Foster will be acting as Deputy Chief Constable and will therefore attend the next Committee meeting in January 2019.

7. ETHICAL ISSUES FROM THE GOOD GOVERNANCE GROUP

Jayne Sykes informed members regarding the Good Governance Group's discussion of the impact of directions from the Independent Office for Police Conduct (IOPC) to institute disciplinary hearings for officers. Members were informed that new legislation is likely to be introduced to allow the IOPC to make representations at disciplinary hearings. Overall, the impact is likely to increase pressure on police officers and may inhibit performance in the Force as officers may become more risk averse.

John Robins explained that whilst the Force is trying to embed a learning culture the effect of IOPC directions to pursue hearings (even when they are unlikely to lead to dismissal), which is intended to increase transparency, is likely to lead to more risk aversion, particularly in relation to missing persons reports and police pursuits.

Oz Khan informed members that there had been a 32% increase in conduct cases, largely attributable to the IOPC requesting that notices be served on officers.

Richard Baldwin queried whether the IOPC have powers of direction and this was confirmed.

Trevor Lake asked that the members' concerns about the rate of IOPC directions is raised with the PCC so that he can make representations at a national level.

ACTION: Jayne Sykes to raise members concerns about the impact of IOPC directions to instigate disciplinary hearings with the PCC.

Jayne Sykes also noted the impact of the closure of some cells in the custody suites in Leeds and Wakefield because of faulty wall-coverings, the impact being managed by use of the cell area in Pudsey and Stainbeck.

Members were also informed of the risk relating to disruption and staff uncertainty arising from the Fusion review of the People Directorate. It was noted that the Audit committee has requested an update on this matter for the April meeting.

Jayne Sykes informed members of a discussion in the Good Governance Group about the use of social media by police officers – the need to balance public information and

accessibility against officer (and other people's) safety. John Robins drew members' attention to the importance of have a digital presence, particularly with young people and the potential to develop this to engage more effectively with certain communities. Members also noted the effectiveness of social media in missing persons cases.

8. INTERNAL ETHICS COMMITTEE

John Robins provided members with an update, reporting that the Internal Ethics Committee was in transition and is presently appointing a new Chair. A Vice-Chair has been appointed, an officer from West Yorkshire Fire and Rescue Service. The terms of reference have been reviewed and the Committee now sits within the People Directorate.

9. ETHICAL USE OF ANPR SYSTEMS

John Robins presented a report to Committee on the ethical use of ANPR systems and confirmed that West Yorkshire have the highest rate of ANPR use outside of the Metropolitan Force area. This work is overseen by the Surveillance Camera Commissioner.

Members were informed that the cameras operate continuously and decisions are made about prioritising crimes/vehicles.

Trevor Lake queried whether the data is shared with other organisations and was informed that the police use the data for crime reduction and prevention, a policing purpose, but may share information with other agencies, for example, the National Crime Agency and Border Agency. Members were informed that data is held for twelve months.

Ann Liston noted that the ethical implications were not fully identified in the report and members requested a further update examining the ethical dilemmas associated with ANPR in view of the large amount of data collection and the required decisions about usage. Members also requested further information about how much of the data collected and stored has pictures attached.

ACTION: John Robins to provide an update report to Committee on the ethical challenges associated with ANPR and the proportion of data collection and storage which includes pictures.

10. UNIFORM STANDARDS POLICY

Oz Khan reported to Committee on the uniform standards policy and advised members that this policy sits within PSD's remit. Members were informed that the uniform in West Yorkshire caters for religious and cultural requirements. Beards are allowed after considering any health and safety concerns and tattoos are allowed on a case-by-case basis, including those on the hands, face or neck provided that they are small and not prominent. Other tattoos must be covered.

Richard Baldwin noted the changing public perception and acceptance of tattoos and was advised that the policy has been reviewed a number of times recently to reflect changes in public opinion.

11. ETHICAL CONSIDERATIONS AROUND POLICE PURSUITS

John Robins presented a report to Committee on the ethical issues around police pursuits and outlined the decision making process for the pursuit driver and pursuit manager. Members were informed that West Yorkshire do not condone motorcycle pursuits in any circumstances.

Ann Liston queried who the decision maker was regarding pursuits and was advised that the driver's request for pursuit is authorised by a supervisor, the interaction being recorded. The driver can terminate the pursuit. Members were also informed that drivers have intensive refresher courses, which include the Code of Ethics and the National Decision-making Model.

12. OPCC STAFF SURVEY

Jayne Sykes informed members that the OPCC staff survey was 'live' and was returning a good response rate so far.

13. PUBLIC COMPLAINTS, GRIEVANCES, DISCIPLINARY, FRAUD AND MISCONDUCT MATTERS

Oz Khan presented the PSD Strategic Threat Assessment report and drew members' attention to the IOPC performance statistics, which showed that West Yorkshire was performing very highly on recording complaints with 61% now being locally resolved, with 60 complaints a month being dealt with as 'there and then'. Members were also informed that changes to police complaint legislation are due to be enacted in late 2019.

Trevor Lake asked what the main threats were and was advised that the threat of inappropriate disclosure of information is still significant and West Yorkshire is the first Force to introduce mandatory E-Learning for this. The Force are presently reviewing the threat of officers and staff using their position for sexual gratification. Neil Rickwood informed members that an Internal Audit review of the Force's actions with respect to these two threats would be reported to the Committee in due course.

Oz Khan also informed members of the Independent Advisory Group (IAG) set up by PSD, which was an opportunity for representatives from all staff associations, and the OPCC, to discuss (anonymous) live cases. John Robins informed members that the IAG had been used to test the proportionality of investigations into BME officers and staff and had come to the same conclusion as PSD.

14. USE OF SOCIAL MEDIA

John Robins reported to Committee on the use of Twitter and social media. Members requested that this be put on the annual workplan for the Committee.

ACTION: Julie Reid to add 'ethical considerations regarding the use of social media' to the annual workplan for the Ethics Committee.

15. ANY OTHER BUSINESS

Trevor Lake congratulated the Chief Constable on the award of CBE in the recent honours list.

Date of the next meeting: 4 January, 13:00, Ploughland House.