

Minutes of a meeting of the Ethics, Integrity and Complaints Committee
Held via Microsoft Teams on 10:00am on Friday 19 June 2020

Present

Members:

Mrs Karen Chouhan (Chair)
Ms Linda James
Dr Steven Cammiss
Ms Lynne Richards
Ms Lois Dugmore
Ms Gail Pringle

Officers:

Mrs Julia Debenham, Assistant Chief Constable
Mr Rich Ward, Superintendent
Mr Andy Elliott, Head of Change
Lord Willy Bach, Police and Crime Commissioner
Mrs Angela Perry, Executive Director, OPCC
Ms Sallie Blair, Communications Advisor, OPCC
Miss Teresa Wilcox, Business Staff Officer, OPCC

*The Chair welcomed new member of the committee
Ms Gail Pringle to her first meeting*

1/20. Apologies

Apologies were received from Mr Mark Peel and DCC Rob Nixon.

2/20. Urgent Business

There were no items of urgent business.

3/20. Declarations of Interest

The Chair invited attendees to make any Declarations of Interest regarding any of the agenda items.

No such declarations were made.

4/20. Minutes of the meeting held on 13 December 2019 and Action Log

The minutes of the meeting held on 13 December 2019 were discussed and confirmed as accurate.

5/20. Annual Report (covering Sept 2018 – March 2020)

The Committee received a report from the Executive Director presenting the Annual report on the work of the Committee for the period December 2019 to March 2020. A copy of the report marked paper 'A' is filed with the minutes.

The Executive Director introduced the report and reminded members that at a previous meeting it was agreed that the Annual Report would be aligned with the financial year so this actual report covered a longer period.

The Executive Director highlighted sections in the report which needed to be updated before publishing the document on the OPCC website and taken to engagement events. A

meeting for the Chair, the Chief Constable and Police and Crime Commissioner would now be arranged to provide feedback on the work carried out over the past year. The Chair agreed to write the Foreword and said she would contact the previous Chair to ask if he would like to contribute.

The Chair, Ms Richards and Miss James said they would like their photographs and bio's updating.

The Committee approved the contents of the report.

6/20. Social Media

The Committee received a report from the Chief Constable informing of the measures that have been and are planned to monitor the use of social media from officers and staff within the workplace. A copy of the report marked paper 'B' is filed with the minutes.

ACC Debenham stated that the ethical dilemma was to look at the balance of on/off duty expectations and the privacy for officers and staff linked with public confidence.

In response to a question regarding a discussion the Committee had had following a dip sampling of complaint files session, regarding a discussion between officers which took place in a private closed group on a social media platform where discriminatory language was used, the Committee acknowledged that training and advice was provided but wanted to highlight that this was a very serious breach. ACC Debenham agreed with the Committee's comments regarding the inappropriate banter.

The Chair said the Committee welcomed the report and the actions the force had taken to address this issue. She added that police staff and officers by virtue of being in employment of the police service needed to uphold standards on all platforms, specifically public ones.

It was noted that more information was required on Equality Impact Assessment implications.

The Committee approved the contents of the report.

7/20. Crimes against Older People and Police approaches

The Committee received a report from the Chief Constable providing a summary of the key findings relating to Crimes against Older People following the HMICFRS inspection report published in 2019 and the force response to the recommendations made. A copy of the report marked paper 'C' is filed with the minutes.

ACC Debenham introduced the report and said the thematic action plan had been updated and that the ethical issue brought to this meeting for the committee to discuss was the definition of older people and it was proposed that the Force adopt that 65 was a threshold definition of older people.

The Committee agreed with the proposal to adopt the threshold of 65 as the definition for older people but recommended that a good phrase would be "at greater risk" as it was not age alone that made someone vulnerable.

8/20. Blueprint 2025 update

The Committee received a report from the Chief Constable providing an update on the Blueprint 2025. A copy of the PowerPoint presentation marked paper 'D' is filed with the minutes.

Mr Elliott presented a PowerPoint document showing the new target operating model for the delivery of policing including neighbourhood changes which came into effect from 11 March

2020. He provided an explanation regarding changes made and about the overall principles and new geographical areas.

The Committee asked if any feedback had been received from the public since going live with the new model. Mr Elliott explained that there would be a public survey with one of the measures of success being measurement of the public's expectations of the services and have they seen a difference. ACC Debenham offered to engage with the Committee to seek ideas of how better to communicate with some harder to reach communities for feedback on the new model and the Chair asked for Committee members to contact her if they were interested in assisting.

It was AGREED to note the contents of the report.

Mr Elliott left the meeting

9/20. Hate Crime

The Committee received a report from the Chief Constable providing an overview of Hate Crime and an insight into the Force's approach. A copy of the report marked paper 'E' is filed with the minutes.

The Committee considered the ethical dilemma of whether it was appropriate to prioritise this type of crime over other similar non-hate crime within the finite resources the force have.

ACC Debenham explained that since the outbreak of Covid-19 there had been a daily intelligence document which assessed every single Covid incident. She explained that since Covid nationally there had been some hate crime directed towards the Chinese community however this had not been experienced in Leicestershire. There was a fear that hate crime towards some communities would spike, but this has not happened.

It was noted that more information was required on Equality Impact Assessment implications.

The Committee felt that the ethical dilemma in relation to providing a premium service for victims of hate crime was supported. The Committee stated their appreciation to the Force for taking this issue seriously.

Superintendent Rich Ward joined the meeting

10/20. Fraud

The Committee received a report from the Chief Constable providing an update on the national and local approach to investigating fraud. A copy of the report marked paper 'F' is filed with the minutes.

The Committee considered the ethical dilemma of whether it was necessary for the Force after carrying out preliminary enquiries to undertake an assessment of all reported fraud to identify and prioritise those reports that are/are not likely to provide good grounds to commence a criminal investigation.

The Committee also considered the ethical dilemma of the viability assessment undertaken by Leicestershire Police to determine what allegations of fraud are investigated.

In response to a question about intelligence sharing and partnership working relating to counter-fraud stakeholders in Leicester, Leicestershire and Rutland and whether there had been an improvement since the inspection, ACC Debenham said she knew that the Force were in a stronger place due to tasking arrangements and there was a regional shared intelligence cell.

In response to a question in relation to how partners worked together to deal with fraud and the percentage of fraud that was preventable, ACC Debenham explained that since the inspection processes had definitely improved both nationally and regionally as processes had become more sophisticated.

ACC Debenham said that the ethical question being asked was about viability assessments linked to enquiries being sent by Action Fraud to ascertain if they would lead to a prosecution.

It was noted that more information was required on Equality Impact Assessment implications.

The Committee advised having a process in place that provided consistency for victims in similar crimes and not to direct resources to cases that would not achieve an outcome. However members also recommended that the force monitor trends and patterns for all cases even those that the force don't take forward.

The Committee AGREED to note the contents of the report.

11/20. Cyber Crime

The Committee received a report from the Chief Constable providing information regarding how the Force address Cyber Crime. A copy of the report marked paper 'G' is filed with the minutes.

The Chair spoke about some of the ethical considerations within the report;

The Committee was asked to address three ethical questions:-

1. Is it ethical that due to funding and key performance indicators linked to this that we investigate 100% of reports where other areas of policing we do not?
2. Is it ethical that when so few offences reach a traditional positive outcome that we put some much training, resourcing and time into investigating offences of a Cyber Dependent nature?
3. Are we doing enough work to identify and divert potential offenders at a young age from becoming criminalised in an area that is still not socially understood as being unlawful?

The Committee felt it was difficult to decide until some monitoring had been done, and because this was a relatively new area of policing it was important for trends and patterns to be picked up so that there could be a judgement. They felt that more attention should be given to cyber-crime until patterns and trends had been identified. Training, resourcing and time was necessary for this to be done in the long run.

It was AGREED to note the contents of the report.

12/20. Recruitment/Diversity and Representation (includes HR Vision)

The Committee received a report from the Chief Constable providing an update on the Force's approach to diversity as it relates to recruitment together with, the current recruitment campaigns and outcomes and the impact on the diversity of the organisation. A copy of the report marked paper 'H' is filed with the minutes.

The Committee were asked to provide a view on the ethical dilemma of what additional steps should be taken to encourage candidates to self-declare and understand the importance of this data to be able to show the diversity of the organisation is changing.

In response to a question regarding additional information in relation to the baseline figures of BAME and diversity breakdown of the force and community for 2009-10 so that 10 years could be compared to the current position, the Committee added that more information around attrition rates throughout the recruitment process for white candidates would be useful so that these could be compared to the diversity breakdown and ethical dilemmas could be scrutinised. ACC Debenham agreed to forward this additional information to members which she has recently received.

The Committee were grateful that the HR Vision was within the report but felt that the Vision Statement itself was too long and the key sentences needed to be amended to say:-

“Leicestershire Police will have people with first-rate capabilities and commitment, we will earn the admiration and respect of our communities, and will be diverse and inclusive at least representing the communities we serve”.

It was AGREED to note the contents of the report.

13/20. Ethical Dilemma for discussion

The Committee received a report from the Deputy Chief Constable for members' consideration of ethical scenarios. A copy of the report marked paper 'I' is filed with the minutes.

The following scenarios were discussed by the Committee:-

Scenario 1

A man is preaching in the City Centre and expressing his views that homosexuals will go to hell and that his religious text documents as such. A member of the local community reports this to you as the local officer and asks that you stop the man from preaching as they believe his comments are homophobic and inciting hatred. You go to the location to listen and while you feel that the beliefs being expressed are extremely strong you have not yet heard an example of him being homophobic or inciting hatred. However, the local resident is getting increasingly upset.

No crime is recorded but the officer considers whether this is a hate incident which is defined, in this case, as any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person's actual or perceived sexual orientation.

- (i) The officer assesses that no crime has taken place under the Public Order Act 1986 so it is not deemed a hate crime. However, is this to be considered a hate incident based on the above definition?*
- (ii) Article 10 of the Human Rights Act provides for freedom of expression – both popular and unpopular and that which might shock others – does the Preacher's behaviour fit within freedom of expression?*
- (iii) With no crime having been assessed as taking place; what is the most appropriate response for the Police?*

Members suggested that in the first instance the man should be spoken to by the officer but that if he continued further action should be taken. Whilst freedom of expression should be allowed this needed to be weighed up by any alarm or distress that the comments would cause.

Scenario 2

You work for the police as a member of staff and your next door neighbour approaches you to ask for advice about reporting historic sex offences. The neighbour speaks to you in confidence and says she was abused by a family member 30 years ago but didn't think anything could be done about it. You explain what can be done to help and encourage her to report the offences. The neighbour is not convinced and begs you not to report anything as she has spoken to you in confidence.

- (i) *The neighbour has asked for advice in confidence but does the member of staff have a duty to report these matters to the Police?*
- (ii) *What is the most appropriate action to take and who, if anyone, should the information be reported to?*

Members felt that safeguarding was paramount and that this overruled confidentiality. This was felt to be particularly important in this case as the matter was historical.

14/20. Dip Sampling of Complaints

The Committee received a report from the Deputy Chief Constable for members' discussion on the findings from the dip sampling of complaints files. A copy of the report marked paper 'J' is filed with the minutes.

The following additional feedback was provided to members:-

- CO 31/19 The Superintendent confirmed he did the final assessment on this particular incident and he viewed two hours of body worn video. The detainee was extremely violent and the use of captor was justified. This was a really difficult incident to manage.
- CO 381/18 This was a short, unplanned journey with a child who was under 3 years old. The Road Traffic Act was adhered to. Officers were aware of road safety, no particular issues.
- CO 45/19 Officer was offered words of advice.
- CO 316/18 There was no evidence that records had been accessed. This complaint did not reach the threshold to go to misconduct and officer was given words of advice.
- MI 230/19 On review found that an address was unknown which caused the delay. Death was not linked with the delay. Satisfied no further action.

It was AGREED to note the contents of the report.

15/20. Covid 19

The Committee received a report from the Chief Constable providing information on Leicestershire Police's operational and organisational response to the COVID19 pandemic. A copy of the report marked paper 'K' is filed with the minutes.

ACC Debenham informed that the national policing response to COVID 19 was Op Talla and that this had its own Independent Ethics Committee chaired by the Bishop of Manchester.

ACC Debenham explained that there had been some huge challenges due to Public Health decisions around restrictions which the Force had dealt with very well. She said the management and balancing of commercial needs and law enforcement needs was huge and that the recent protests around Black Lives Matter brought conflict with Covid legislation. ACC Debenham said she would like to bring back to this Committee at a later date a report on gatherings during the lockdown as it would be interesting to gain the Committee's perspective.

The Committee commended the Force, their strategic aims and objectives in how they worked during the Covid-19 lockdown to keep the communities in Leicester, Leicestershire and Rutland safe.

It was AGREED to receive a future report on any changes to the policing culture as a result of dealing with the COVID 19 outbreak. .

Chair

Friday 19 June 2020

2:00 – 4:10 pm

OFFICE OF POLICE AND CRIME COMMISSIONER
ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

ROLLING ACTION SHEET

ACTION NO.	Meeting Date	Minute No.	Paper	Action	Person Responsible	Target Date	Update
1	21/6/19	8/19		<u>Complaints Against the Police – Performance Data</u> Eastern European staff involved in complaints – to track through future Race, Religion and Belief group meetings.	DCC	20.9.19	Will be included in the new performance framework datasets. Action discharged
2	21/5/19	17/19	B	<u>Ethical Scenarios</u> New fresh ethical dilemmas to be provided for future meetings.	DCC	20.9.19	Process for referrals to the Committee being refreshed. Action discharged
3	20/9/19	24/19	-	<u>Election of Chair</u> Media Release to be prepared	OPCC Comms		Action discharged
4		25/19	-	<u>Election of Deputy Chair</u> Media release to be prepared	OPCC Comms		Action discharged
5	20/9/19	30/19	A	<u>Schedule of Meeting Dates</u> Meeting dates to be forwarded to members as diary appointments.	Business Staff Officer		Completed - 24.9.19 Action discharged.
6	20.9.19	31/19	B	<u>Dip sampling</u> Members to dip sample redacted grievance and misconduct cases at the same time as dip sampling complaint files. Cases for grievances/misconduct to be provided by PSD.	Supt. Ward PSD	March 2020	13.12.19 – will commence when members next visit PSD to review complaints files
7	20.9.19	31/19	B	The Chair to meet with the Executive Director to populate the forward workplan.	Business Staff Officer		Action discharged

8	20.9.19	31/19	B	<u>Stop and Search</u> A member of the Cohersive Powers Group be invited to attend the Committee meeting when Stop and Search is being considered. Include on forward work plan.	Executive Director	TBC	13.12.19 – outstanding, invite to be sent when next on the agenda.
9	20.9.19	32/19	C	Report on how fraud is investigated and the national and local arrangements in place. Including the role of other agencies. To be placed on forward workplan for December 2019 meeting.	Executive Director	December 2019	Action discharged
10	20.9.19	33/19	D	Examples of HR vision on promotion processes to be provided by members.	All members	March 2020	13.12.19 – Force to provide their vision on recruitment/diversity and representation at the next meeting. 19.6.20 – item on agenda. Action discharged
11	20.9.19	33/19	D	The Chair and Dr Peel meet to provide feedback to the Force on the format and content of stats and data provided within the promotion process report.	Mrs Chouhan / Dr Peel		13.12.19 – outstanding.
12	13.12.19	38/19		Correction of date on September 2019 meeting minutes.	Business Staff Officer	December 2019	Action discharged
13	13.12.19	40/19	B	To defer this paper to the next meeting and for amendments to be made so the paper will cover: the ethical dilemmas faced in investigating fraud and the definition of vulnerability within the context of fraud.	DCC		19.6.20 – item on agenda. Action discharged
14	13.12.19	40/19	B	Report template to be revised to include ethical dilemmas on each subject before submitted to the committee.	Business Staff Officer		Action discharged

15	13.12.19	40/19	B	Members to forward their comments on the paper ahead of the meeting.	Executive Director		Comments are to be sent to the Executive Director who will share with the Deputy Chief Constable. Action discharged
16	13.12.19	41/19	C	Report to cover how the law has not kept up to date with technology, the impact of the Human Rights Act, the right to privacy and the rising demand and resource required.	DCC	March 2020	Report to 19.6.20 meeting – Cyber Crime Action discharged
17	13.12.19	42/19	D	People Zones to provide a further updates in 6 months' time			19.6.20 – added to Forward Plan. Action discharged
18	19.06.20	5/20	A	<u>Annual Report</u> A meeting for the Chair, CC, PCC to be arranged to provide feedback on the work carried out over the past year.	Business Staff Officer		
19	19.06.20	6/20	B	<u>Social Media</u> Appendix B Visuals mentioned in Appendix B - (videos shown as graphics only in the appendix) Chair would like to view at a later date.	Business Staff Officer		<i>(Suggestion: arrange for videos to be shown during one of the morning sessions)</i>
20	19.06.20	6/20	B	<u>Social Media</u> Quality Impact Assessment section within the report was missing. Committee would like to know if one had been carried out.	ACC Debenham		
21	19.06.20	8/20	D	<u>Blueprint 2025 update</u> ACC Debenham offered to engage with the committee to seek ideas of how better to communicate with some harder to reach communities for feedback on the new model and the Chair asked for <u>committee members to</u>	All		

				<u>contact her if they were interested in assisting.</u>			
22	19.06.20	9/20	E	<u>Hate Crime</u> Service Specification to be shared with the committee	ACC Debenham		
23	19.06.20	12/20	H	<u>Recruitment/Diversity and Representation (includes HR Vision)</u> Ms Richards said she had requested additional information in relation to the baseline figures of BAME and diversity breakdown of the force and community for 2009-10 so that 10 years could be compared to the current position and that she would also like to know more about the attrition rates throughout the recruitment process for white candidates so that these could be compared to point 15 in the report. <u>ACC Debenham said she had an updated report which would be forwarded.</u>	ACC Debenham via BSO TAW		
24	19.06.20	15/20	K	<u>Covid 19</u> ACC Debenham said she would like to bring back to this committee at a later date a report on gatherings during the lockdown as it would be interesting to gain the committee's perspective.	ACC Debenham		