

**Minutes of a meeting of the Ethics and Transparency Panel held at FHQ on
Wednesday 28 June 2023**

Present

Mr Vipal Karavadra (CHAIR)

Dr Louise Bradley

Mr Matthew Youngs

Also in attendance

Office of the Police and Crime Commissioner (OPCC)

Mrs R Mahal, (Deputy Police and Crime Commissioner)

Ms L Boulton, (Communications and PR, OPCC)

Mrs S Pattani, (Head of Performance & Operations, OPCC)

Mrs Lizzie Star (Director of Performance and Governance)

Mr Chris Deane (Performance Analyst, OPCC)

Mrs Laura Summers (Lead for Trauma Informed LLR)

Office of the Chief Constable (OCC)

Mr D Sandall, (Deputy Chief Constable)

Mr R Randall (Head of Custody)

Mr C Kealey, (Head of Strategic Communications & Engagement)

Mr R Ward, (Head of Professional Standards)

Mr C Baker, (Head of Adult Safeguarding and Lead Violence Against Women and Girls)

Mr Chris Day (Inspector, Body Worn Videos)

Apologies

Apologies were noted for Mr Andy Champness, Chief Executive Officer, OPCC and Ms Jawaahir Daahir

Urgent Business/Chair's Updates

None

Declarations of Interest

No declarations of interest raised.

Minutes of meetings of the Ethics and Transparency Panel held on 28 March 2023

No comments on the minutes from the Ethics and Transparency Panel that was held on the 28 March 2023.

Emerging National and Local Issues

Strip Search of Children

Mr Sandall and Mr Ward addressed this item and explained where strip searches take place, where they are being recorded and ages of the children being searched. The discussions identified that strip searches undertaken by the force take place either in custody or within the home and the Panel was reassured that they do not take place out in the public where it is witnessed.

The ages of the children being proportionate to the threat and harm of the criminality, such as cases of organised crime groups and drug dealing were detailed. The Panel was reassured that strip searches are undertaken where there is a genuine and proportionate reason to do so but the force recognises that improvements can be made to data accuracy.

The Chair questioned why the location of the strip Search is not being recorded despite it being a simple thing to note down and the reason behind why this isn't being completed.

Mr Sandall explained that it's not something that has been emphasised before and ensured that other information required is recorded accurately. The strip searches undertaken when there is a warrant and other places fall under a grey area but the force will push back asking for that data to be provided. Mr Sandall explained that although data accuracy seems simple, often is due to the volume of paperwork officers have and although this is not an excuse for data inaccuracy, it's extremely important that the correct data is being captured to show why searches keep taking place in certain areas within Leicester, Leicestershire, and Rutland. Mr Sandall reassured the Panel that this will be a matter the force will look into with a greater push for data accuracy

Dr Bradley queried if a child was to be searched in public, not within the home or custody, where would it take place. Mr Sandall explained that if it is a normal clothed stop and search it can be done on the street or in the back of a police van. If it is a strip search, the child should be taken to custody as it's more dignified and there is legal protection. Mr Sandall explained that there should be no reason for a child not to be taken to custody for the search to take place if it is outside the home as it isn't a pleasant experience for all parties involved.

Mr Ward elaborated that the force receives very few complaints with regard to strip searches. The current live complaints that have been received by force relate to unlawful strip searches. However, it was confirmed that none of the complaints have been upheld and the searches undertaken were completed lawfully. Mr Ward reassured that any complaints that come through regarding strip searches are thoroughly investigated and there is an outcome. The figures show that there have only been eight complaints in a four-year period, none of which have been upheld.

Dr Bradley queried why the recommendations from the Home Office and the Force do not always correlate and how the recommendations are implemented. Informing parents is on the Home Office recommendation but not one for the Force.

Mr Sandall explained that it was not considered a mass issue as parents should be informed for children under the age of 18 and there is an expectation for that to be done. He explained

that the recommendations should align and that the Force would usually have more recommendations as it continually strives to improve and not just do what is necessary. The Force will investigate their performance against a recommendation and look at where and how they can strengthen the area. The expectation is that the appropriate adult of the child will be informed about the search.

Dr Bradley asked about how recommendations are filtered down to the officers. Mr Sandall explained that this is done through online e-learning via Team Academy and through training days within their shift pattern which occur approximately once every ten weeks. Mr Sandall explained that stop and searches are reviewed and from the audit, the Officer conducting the search will be provided with both positive and constructive feedback. Additionally, from the audit training, areas for development are identified and included within training days.

Mr Youngs questioned when an appropriate adult can be requested whilst detained within custody and there being a need to strip search and how it is documented. It was acknowledged that the same notion is not there specifically for when a strip search is being conducted for a stop and search. There was a discussion around how there is more time to make appropriate adult arrangements when in custody and how an appropriate adult is determined when in a stop and search situation. Mr Ward explained that parents are called and often don't wish to attend, so social care, youth workers, if they have a worker and Grandparents are often contacted to attend as an appropriate adult. Often the detainee will say I have nothing on me and ask if this can be over and done with. However, if an appropriate adult is not deemed suitable there will be provisions in place to look at having someone from Social Care or a Youth Worker etc.

The Chair explained where there are competing challenges, best practice would be to use a parent/carer or guardian to be the appropriate adult however, this won't always be suitable due to the nature of events. Mr Ward advised that if unable to get parent/carer or guardian then the next step would be to use the appropriate adult service with which the force has a good working relationship with in Leicestershire.

Force Familiarisation Visits

The Chair extended his thanks to all departments for making the panel feel welcome, being transparent and being prepared with documents that were needed. He expressed that seeing first-hand the level of work that goes into various departments was somewhat eye opening, including the multi-agency interaction and desire to see change and in process management. Mr Youngs explained how refreshing it was to see the desire to change things within to Contact Management despite seeing how hands are tied and everything that can be possibly done is being done.

Mr Sandall questioned how the Ethics and Transparency Panel felt that they could aid voicing the reality and perplexities of the Force to communities and the public. The Chair explained that people that are part of the public within Leicester, Leicestershire and Rutland can pass on the positive things that have been seen. It was noted that it is difficult to articulate all the work that is being done that sometimes it doesn't fall under the Police.

Mrs Starr explained that this discussion had already taken place about a letter being written to the Chief Constable about the Force Familiarisation Visits, summarising areas visited by the panel which is part of a bigger report already being curated. There was a suggestion around the report being published on the website for the public to view could be explored which highlights the complexities, but also acknowledges the positive work being undertaken by the Force.

Dr Bradley expressed her thoughts on how the panel can have more of an impact within the community with regard to the work that is being done. She explained the great work being undertaken by the Domestic Abuse Resolution Team (DART) and that if the visit hadn't been organised, many would have been unaware of their existence. It was explained that a survey carried out by the team had a 98% satisfied rating with the service and support received and if confidence can be built in areas where confidence is low like Domestic Abuse, Rape and Stop and Search using the same approach, it can help build trust and confidence in the Force, especially in hotspots where confidence may be lower than other areas.

Mr Sandall explained how the Force is wanting to bring the same approach to Contact Management Department (CMD) in the next 6-7 months. The intention is that this will aid with the demand, prove more successful with the public and allow risk to be managed more effectively as well as having a better monitoring system. There was a discussion around the successful aspects of digital contact across the different areas within the Force and that it is good to have face to face contact as it humanises the experience.

Mr Sandall explained that calls that come through are often non-policing matters and this is something nationally recognised and trying to be pushed back on. Officers are frequently not out in the public because they are usually dealing with matters relating to mental health and vulnerability and the force deals more with non-crime incidences than crime which impacts the effectiveness of catching criminals. Mr Sandall confirmed that there was a total of 35,000 extra 999 calls in the last year, the 101 demand has remained and the force have recognised the public impact with regards to their contact centre performance, with an appropriate Gold structure led by an Assistant Chief Constable leading on addressing this.

Mr Sandall explained through examples from the previous weekend that had impacted on resourcing overall as officers are at hospitals for prolonged periods aiding other emergency service workers. Mr Sandall explained that children removed from a family environment have ended up sleeping on the floors of police stations, due to the response and engagement from social care, which has resulted in a delay in responding and officers fulfilling the role of social care. It was acknowledged that domestic violence victims are seen as a priority over other incidents.

Dr Bradley queried how these resources would be brought back to policing and how they will be managed moving forward. Mr Sandall explained that the Chief Constable is writing to the other agencies involved advising that there will be a return to a core policing role but that the force want to work with partners to address the issues. There is a national push in directing to the right agency and setting out the requirements that outline when the Police can be involved and when not.

Mr Sandall explained that the force needs to work closely with strategic partners and work on understanding what the core role of the police is and then communicating this to the public. At the moment the force does not have the resource to attend to incidents that other agencies should be responding to. It was suggested that although this will initially impact the trust and confidence in the police, there is a need to educate the public that Leicestershire Police is an emergency service and that is there to keep the peace, prevent crime, maintain order and catch criminals.

Dr Bradley questioned the responsibility of the police where there is a 999 call from an individual with mental health issues. Mr Sandall confirmed that it would be the responsibility of the police if there is a risk to life or a crime has been committed. The Chair felt that the police are here to deliver but they are not necessarily the appropriate emergency service that should be used for that specific situation.

Mr Sandall explained there are 100 less officers than there were 10 years ago. Dr Bradley expressed that it may be cost effective to reinstate the services that have been removed, and for that initial period there will be an increase in complaints, but it may be that there is a need to test the language on the panel to see how they feel it will land.

A question was raised around Leicester City Football Club (LCFC) having a contract with the police and paying for their services, similarly with nightclubs and airports etc where there are national agreements in place. Mr Sandall explained the reasons for additional services that third-party organisations pay for, such as nightclubs and LCFC, mainly to provide safety for the players and airports paying for service section in accordance with a national agreement.

Policies and Procedures

Domestic Abuse and Rape and Serious Sexual Offences Investigation

Mr Baker emphasised that it is important to have transparency with these policies. He explained that in the last 12 months, the force is still pursuing prosecutions with the CPS and there are more cases now with understanding that the victim can't always support but there is advances with Body Worn Video (BWV) cameras and video doorbells.

It was noted that in relation to Appendix A, the police perpetrated part of the main domestic policy would apply.

Rape Outcome 16s Report

Mr Baker described that there are those victims that don't want to engage with the police and highlighted the reasons for not engaging. The police understood the dropout rate and officers have received training to enable them to better support victims. It was noted that often, victims of these offences do not want the police to know, it was made by a third party or they could be afraid of engaging with the police due to repercussions through the criminal justice system and sometimes can be social influenced. It was acknowledged that if trained officers can build a rapport are available, it may encourage victims to stay with the process.

Mr Baker explained that an internal review has been done as part of Op Soteria to enhance our service and check compliance and to have dedicated Rape Response Officers (RROs) to have coverage over the majority of the day. It was highlighted that RROs are required overnight and were modelled to when the highest calls of rape are received and the intention being that victims are encouraged to tell the police so that perpetrators can be prosecuted using outcome 16s so that people that commit offences of rape can be convicted.

Mr Baker described that transparency is an important element of the report, especially around understanding why victims withdraw and when trying to get some meaningful data. It was explained that HMICFRS recommendation is data is captured from victims and that an auditable record of the retraction is kept with a form/template being created to select reasons so that force can search and filter them out. The length of time it takes from report to conviction, with one example taking 5 years due to the Criminal Justice system backlogs and the significant time put in by officer was discussed by the Panel

Chair questioned how victims report a rape, as there is not enough information given and when they are later contacted and they no longer want to engage what happens.

Mr Baker explained that this will be recorded as an undetected rape. There was discussion around the circumstances where incidents don't count as a rape or where no location is given and the importance of an accurate picture being needed by the Police. Mr Baker emphasised

that even if a victim does not want to provide information, there is still a duty to report with a suspect name and reasonable grounds required for investigation. It was acknowledged that more emphasis is put on the victim rather than the suspect and once the suspect name is identified it will be used as part of the risk system.

Dr Bradley suggested that the numbers are heavily weighted to the victim and where a third-party referral is made by the Sexual Assault Referral Centre (SARC). Dr Bradley provided an example of when victims report rape to SARC with the understanding that their report will be kept confidential and not reported to the police but then SARC has told the police and reported it without consent. Mr Baker explained that SARC gives confidence to victim and that this should not be happening with the numbers that get reported being quite small. It was noted that a large number of referrals come through doctors and counselling sessions.

Mrs Starr questioned the process around underage rape and where these can more be done educationally. It was noted that a lot of this is due to the lack of victim engagement and the inability to force victims to come forward, not due to lack of police action.

Dr Bradley expressed the lack of confidence in the police which is contributing to victims not engaging with the criminal justice system. It was noted that the complexity of the system is an important contributor if the prosecution goes forward, the victim is not entitled to counselling due to data protection requirements.

Mr Baker explained that with underage rape, the process is the same and that there is a bespoke medical centre for children but due to the numbers of cases and experts this is a regional centre and that the Child Abuse Unit as experts in child related investigations would investigate offences. The Panel discussed that rape reports were historically rare but now there are between 3 to 4 reports per day, leading to a higher caseload for officers. It was noted that the lack of trust and confidence in the Police and CJS also causes victims to not want to engage.

Mr Baker highlighted that there is a Lived Experience Group established to feedback what the force is getting right and wrong i.e. images and language used. Dr Bradley raised that the language used in the report is an example of this with it being very blaming i.e. 'refused' and 'not willing' which contributes to the barriers in preventing victims from coming forward and engaging.

ACTION – Wording to be changed in the Rape Outcome 16s Report to be amended.

Dip-Sampling

Custody Detention Scrutiny Panels (CDSPs)

Mr Randell discussed a circular received from joint APCC & NPCC for independent panel members, to provide transparency, scrutiny and the performance of police custody cases and to build on the work of the ICV's. The Panel's views were sought on the proposal for this to be embedded into the work of the Panel and that the PCC and Chief Officers work together to deliver.

Mr Randall explained that Independent Custody Visitors (ICVs) review a snapshot of time and that it doesn't follow the entire journey of the detainee. It is proposed that the Panel would conduct a deep dive into the entire detainee journey with the numbers to be reviewed by individual cases by local areas. It was emphasised that the intention would not be to replace ICV's but to build on their work and go into more detail with a report to be publicly available. Mr Randall noted that this would build on the perceived disparity and disproportionality in the criminal justice system and the development around the care of detainees.

Mr Randall explained that he has liaised with Mrs Pattani and there is an opportunity to utilise the existing infrastructure in place as the knowledge, expertise and diversity is already available. He explained that the core aim is to build trust and confidence and that this would be great to incorporate on a national level. The process would involve selecting cases to look review and that access to custody record data would be provided by taking a random selection, but not medical records. Mr Randall highlighted that the NPCC are asking forces to trial this and that this may be an opportunity for Leicestershire to take the lead with the potential for it to be combined with the ICV scheme. It was noted that Leicestershire was previously part of a pilot scheme to review custody records.

Dr Bradley questioned whether this is one of the panels that the members are required to attend. Mr Randall clarified that it will not have to be done in custody, as a number of cases would be assigned to the panel, member will be given access to the custody records, but not medical records. Mrs Pattani explained that the process would be similar to the current dip-sampling section of the Panel meeting and would essentially slot into there.

Mrs Starr mentioned that the ICVs record reviews during their visits, this was something that Leicester did a pilot scheme on, but other counties couldn't find enough volunteers to do this so there must be a need for this. Mr Randall explained that the ICVs work in pairs and visit the suites unannounced to carry out their visits to speak to detainees, with details of the detainee not being disclosed.

ACTION: OPCC to arrange visits for Panel Members to visit Custody Suite, possibly with ICVs along with other departments of interest.

Body-Worn Video (BWV) Footage

Mr Day introduced himself and read out Data Protection Regulations and asked all attendees to maintain confidentiality outside the meeting and to declare any conflicts of interest at the earliest opportunity. He confirmed that Niche occurrences can be picked by the panel for future meetings and that two videos would be shown at the meeting today.

BWV Footage 1

This was a video shown of actual footage of an individual on stop & search. The incident was called in and the suspect had a knife and was subsequently detained by officers. The footage showed the suspect being arrested for possession of dangerous weapon.

Mr C Day explained that when attending an incident, officers must have BWV on and noted that for Stop and Search this is a requirement. The Panel discussed the physical presence of taser giving the suspect a sense to surrender and the complexities around decision-making, with it also helping to reduce the number of assaults on officers. There was a further discussion around the use of force and the need to justify any use of force and make sure it is completely necessary. The Panel felt that the situation was de-escalated very well and that the officers were respectful.

Mr Day explained that a 30 second pre-record is important to have as this will provide further context and show the communication between officers around how they are going to approach the situation, providing context and transparency of situation. Mr Day highlighted that the new cameras are 64GB and that recording is constantly on a loop. The pre-record will capture everything in case officer forgets to turn camera on and does not affect the storage capacity. It was also noted that BWV footage is also shown for training purposes.

BWV Footage 2

Mr Day presented the second video of a spontaneous incident at night, where officers attempted to detain a suspect where taser is drawn following a vehicle Road Traffic Collision (RTC). The officer read out the rights and the suspect was then searched, arrested and taken to custody.

The Panel discussed the video around how the situation was handled by the officers. The Panel felt it was again positive, it was noted that a caution was given and they were told that the situation was being recorded. The Panel discussed how the process could be more streamlined, the possibility of not having to use and complete paper forms and whether the videos be used instead. It was acknowledged that each individual force has their own way of completing this process.

Forward Plan

Chair asked the Panel for any future agenda items to be raised to the next meeting. A topic of interest raised for the next meeting is Stop and Search.

It was noted that recruitment to the Panel is ongoing and that the Panel would be kept updated with the progress.

Mr Sandall raised that the Panel may want a briefing on the recent protests and challenges at Meridian Park at the next meeting as the case reviewing is still in progress.

Future Meeting Dates have been scheduled and calendar invited have been sent.

ACTION – Paper on Stop and Search to be brought to next meeting.

ACTION – Briefing on Meridian Park Protests to be brought to the next meeting.

Any Other Business

Mrs Mahal extended her thanks to every member of the Panel for the time and dedication invested in the meetings. She expressed that their hard work, commitment, constructive comments and time invested were invaluable. Mrs Mahal noted that she was pleased to see the Panel coming on so well.

Date of Next Meeting

Tuesday 19th September 2023

10:00 – 12:00, Main Conference Room, Force Headquarters.