



Cleveland Police Ethics Committee

Minutes

Date: Monday 2 March 2020

Time: 17:00

Venue: Cleveland Rooms 1&2, CSH, Cliffland Way, TS8 9GL

Attendees:

Name	Role
Dave Smith	Committee Chair
Richard Smith	Committee Vice Chair
Abbas Momtazi	Committee Member
Khan Hanif	Committee Member
Craig Marshall	Committee Member
Tresor Bukasa	Committee Member
Jenni Salkeld	EDI Manager – Cleveland OPCC
Satnam Singh	EDI Manager – Cleveland OPCC
Liz Byrne	Acting Assistant Chief Executive – Cleveland OPCC
Ian Arundale	Temporary Deputy Chief Constable – Cleveland Police
Paul Waugh	DSE – Cleveland Police
Roger Whiteley	Service Improvement Team – Cleveland Police
Charlotte Rumins	Community Hub Advisor – Cleveland OPCC (Minutes)

Apologies:

Name	Role
Stuart Green	Committee Member
Cristiana Emsley	Director of Standards & Ethics – Cleveland Police
Georgina Fletcher	Committee Member

No.	Discussed	Outcome/Decision/ Attachment
1	Introduction and Apologies Dave Smith opened the meeting with a round of introductions; apologies for absence were received from Stuart Green, Georgina Fletcher and Cristiana Emsley.	

2	<p>Declarations of Conflicts of Interest (if any)</p> <p>No conflicts of interest were declared.</p>	
3	<p>Minutes of the Previous Meeting</p> <p>The minutes of the previous meeting were approved as an accurate record.</p> <p>Matters arising from the previous meeting were discussed. It was noted that Supt. Sharon Cooney was unable to attend the March meeting and that the use of Tasers will be revisited as a substantive item within the next meeting of the Committee. DCC Arundale noted that he was previously portfolio lead for the implementation of the Taser programme and he would be pleased to assist in the delivery of any training members require.</p> <p>DS noted that members would need to sign up to a confidentiality agreement if they were to receive sensitive information from the PCC or Chief Constable relating to current dilemmas the Force are facing. A copy of a draft agreement was circulated. RS noted that the draft agreement is still limited if the remit of the Committee were to expand to more sensitive matters as the document doesn't guarantee confidentiality. DS noted that the ToR should be amended to reflect that a breach of the confidentiality agreement would lead to a termination of the individual's membership of the committee.</p>	<p>Confidentiality agreement to be signed by members.</p> <p>ToR to be updated to reflect the consequences of a breach of the confidentiality agreement.</p>
4	<p>Terms of Reference</p> <p>The Terms of Reference were discussed and LB queried whether Force roles are to be named within the ToR to confirm who is expected to attend the meeting on a regular basis, DS confirmed that the ToR notes that five Cleveland Police representatives are to attend. IA added that subject matter experts should also be noted as an attendee within the ToR. DS asked that the ToR be amended to note that Communications representatives are to attend 'as appropriate'.</p> <p>Feedback is to be provided to the Committee once the Force have taken back comments in relation to submissions, a rolling log of submissions is to be produced as part of the agenda pack.</p> <p>AM noted that the ToR refers to the Committee providing support to Senior Leaders and he feels this should be widened to supporting all officers. DCC Arundale noted that at present officers are able to bring submissions to the internal Standards & Ethics Board and DS is then able to select matters he feels would be relevant for discussion within the Committee. LB added that due to the current perceived lack of understanding of what is and isn't considered an ethical dilemma, the current route seems appropriate as a change could lead to the Committee being perceived as being unhelpful if they are not responding to all dilemmas. The line in the ToR is to be updated to include 'and others'.</p>	<p>DS to amend the ToR and circulate a final version.</p>

	<p>SS queried whether the members of the SIAG could have a role in attendance of the Committee. LB noted that she would confirm whether there are any limitations in relation to total independence being required for either of the Committees.</p>	<p>LB to action</p>
<p>5</p>	<p>HMICFRS PEEL Report 2019 – Response to Causes for Concern Update</p> <p>DCC Arundale noted that an external Peer Review had been conducted by South Wales Police into the Directorate of Standards and Ethics, the final report outlining the findings of the review have now been delivered to the Force and DSE are working through the recommendations.</p> <p>Devon & Cornwall Police have also conducted a paper based Peer Review into Standards and Ethics and have provided toolkits and action plans as a starting point.</p> <p>A Standards & Ethics Board has now been established within the Force. John Dodsworth has been appointed as the Operational Lead for Ethics to take forward the embedding of the Code of Ethics within the Force to ensure officers and staff are considering the framework in every element of their roles.</p> <p>A framework is now in place in respect of ethics which will evolve, a key consideration to develop going forward is how the Ethics Committee will interlink with the Standards & Ethics Board. DS is invited to attend the Standards & Ethics Board and the Committee therefore receives a wholly transparent view of the ethical dilemmas the Force face.</p> <p>LB noted that the scope of organisational learning which needs to be developed within the Force has been identified through the process. It was noted that the internal Standards & Ethics Board will assist with identifying what is and isn't an ethical dilemma to confirm what should be brought for discussion with external members.</p> <p>IA noted he felt the Cleveland Police Ethics Committee needs the attendance of a Chief Officer to be successful.</p> <p>DS queried how it will be demonstrated that embedding of the Code of Ethics has taken place and asked whether the action plan is in a format which is shareable with Committee Members. RW noted that the action plans are being tidied into documentation that can be shared, IA added that he is happy for the Committee to view the action plans but on the understanding that the documents are subject to change as it is refined. Success measures are to be confirmed as the plans and implementation evolve with assistance from HMICFRS.</p> <p>DS noted that an area of evidence could be the difference in the type of issues that are brought to the Committee. CM noted that a lot of the earlier submissions had not contained an ethical issue but</p>	

a number of the matters dealt with in the Independent Complaints Scrutiny Panel do contain ethical issues, he added that there is sometimes an overlap between whether or not the matters are ethical issues.

RS asked whether Devon & Cornwall are fundamentally different to Cleveland, IA noted that they had been recommended as they have been through a journey similar to that which Cleveland will be facing in relation to setting up systems, refreshing processes and changing ways of thinking. IA added that the Police Code of Ethics is wider than the general consideration of ethics and this could broaden the scope of dilemmas which are brought to the Committee.

LB outlined the thorough process that the HMIC Inspectors had conducted during the inspection, it was noted that the inspection identified that no action had been taken in respect of some of the recommendations from previous HMIC inspections. IA noted that in addition to the outcome of the inspection, the Force is still facing a number of unresolved legacy issues.

LB added that the picture is starting to change and more detailed information is being provided to the PCC through the Scrutiny programme to demonstrate the improvements that are taking place.

AM queried whether the Committee have a responsibility to re-enforce ethical behaviour at an operational ground level and how the Committee can help to demonstrate to the public that the Force is improving ethically. IA noted that the work on-going at present is the groundwork for the future improvements, but that embedding the improvements will be a lengthy process. Police Officer training has previously been outsourced by the Force and the component part of the Code of Ethics for Police decision making is to be embedded into the training for all Cleveland Officers.

LB noted that the Everyone Matters programme has 4 toolkits which have been designed by the NPCC which overlap with Ethics. When change is launched operationally within the organisation, the behavioural element is now also to be considered at the initial point of launch. There has been investment in resources for the delivery of the Everyone Matters programme and the team are currently at the planning stage of understanding the landscape.

CM queried how actively the Force are engaging with the community through various media outlets. LB noted that it currently appears as though the Force hasn't kept up to date with how communities have changed and consideration is now taking place in relation to increasing community engagement (e.g. neighbourhood teams/PCSO social media accounts). DS noted that the Committee is currently publicised on the Cleveland Police and OPCC website but that the page is now outdated and requires refreshing, it was queried whether the site should provide an opportunity for members of the public to raise matters with the Committee. KH

Committee webpage to be updated.

	<p>noted that the perception of Cleveland Police is negative within ethnic minority communities.</p> <p>IA noted that there have been some good news stories around Neighbourhood Policing and Training but promotion is to be increased as the picture improves.</p> <p>RS noted that there is a diverse range of views within the Community and that the changes implemented cannot always please every individual and added that the fundamental changes are of course required.</p> <p>DS queried whether the group are likely to look predominantly at policy issues or operational issues. IA confirmed that he wouldn't exclude either option as it is not always initially clear where the dilemma will lead.</p>	
<p>6</p>	<p>Process for Agenda Setting</p> <p>LB noted that it might be helpful for the presentation to be refreshed as part of the development work to provide training to the internal Ethics Champions, once selected.</p>	<p>DS/LB</p>
<p>7</p>	<p>Submissions</p> <p>The Ethical Issue of Off-duty Police Officers Becoming Involved in Public Order Offences in Support of Colleagues in Their Own or Another Force</p> <p>DS provided an overview of the ethical issue for consideration which had been received as a complaint and had been considered by DS and CM through the Independent Complaints Scrutiny Panel.</p> <p>DS noted that more formal documentation is to be produced going forward to record discussions in relation to submissions.</p> <p>KH queried whether the off-duty officer would be liable to the Code of Ethics and DS confirmed that officers are expected to have regard to the Code of Ethics at all times.</p> <p>DS noted that the considerations are in relation to proportionality and whether it had been appropriate to act whilst off-duty.</p> <p>IA noted that officers are effectively on duty 24 hours of the day and are required to either take a form of action or consider taking a form of action, further consideration is also to be made if the off-duty officer is intoxicated. The position of the other officers acting is also to be considered as they may not be aware the person is an off-duty officer and may think they are obstructing the arrest. He added that any action taken must always have a positive impact and that scenario planning is required before acting.</p> <p>CM added that the balance of harm is to be considered and the</p>	

	<p>action which is considered to be the least harmful in the situation is to be followed through.</p> <p>RS noted that rather than being overly concerned about the detail, he felt that there has to be the presumption that anyone would assist officers, without bringing themselves to harm. He added that the officer would not be obliged to become involved but there would be a presumption that they would.</p> <p>DS added that in his opinion officers do have an obligation to become involved but the question falls to proportionality, for example they could call for back up as opposed to becoming physically involved.</p> <p>LB added that there are differing opinions in relation to providing support to officers due to personal circumstances. RS agreed but noted that he felt the fundamental point remained that there is a presumption that people would assist to the best of their abilities in the circumstance.</p> <p>The Committee confirmed that they agreed it is appropriate for officers to assist whether they are on or off-duty in some way but the proportionality would be required to be appropriate.</p> <p>Facial Recognition Software in Cleveland</p> <p>DS queried whether there are any proposals in Cleveland for the software to be used within Cleveland. IA noted that a review has been conducted by the former DCC of South Wales Police into the use within Cleveland and it has been recommended that the Niche records management system and custody photographs be used as a route into facial recognition which is wholly different to the use of cameras on the streets actively using facial recognition. This remains a consideration for the Force at this stage based on the recommendation.</p>	
<p>8</p>	<p>Any Other Business</p> <p>DS noted that the Committee meet quarterly at present and queried whether this is considered appropriate. LB noted that meeting more frequently would be of benefit, to allow for timely feedback to be received in relation to submissions from the internal Standards & Ethics Board. It was confirmed that the Committee would now meet every two months (8 weeks) as opposed to quarterly.</p> <p>Discussions took place in relation to recruitment of external lay members for the Committee. It was confirmed that the OPCC would facilitate the recruitment process along with the Chair and Vice Chair. Opportunities for further engagement is to be considered and taken forward. AM suggested that recruitment be discussed under the agenda for each meeting and updates be provided.</p>	
<p>9</p>	<p>Time and Date of Next Meeting</p>	

	<p>The next meeting of the Cleveland Police Ethics Committee will be held on Thursday 23 April 2020 – 17:00 within Cleveland Rooms 1&2.</p>	
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